



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 2 February 2016

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 Finance, 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

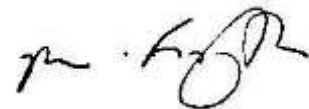
27 January 2016

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 2 February 2016** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully



Michael Forsyth
General Manager

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	APOLOGIES	6
2	ACKNOWLEDGEMENT OF TRADITIONAL OWNERS	6
3	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	6
	Nil	
4	BUSINESS ARISING FROM THE MINUTES	6
5	PUBLIC ACCESS SUMMARY	6
6	MAYORAL MINUTE	7
	6.1 Australia Day Award Ceremony and Australia Day Events	7
7	MINUTES OF COMMITTEES	9
	Nil	
8	PUBLIC ACCESS REPORTS	9
	Committee Of The Whole	9
9	REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES	10
	9.1 Modification – Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units – Lot 781 DP1179947 No 128 Belinda Street Gerringong (10.2014.241.2).....	10
	9.2 Review of Determination - DA 10.2015.128.1 – Demolition of Existing Building, Construction of 4 Units & Strata Subdivision – Part Lot 19 DP 156143 No 139 Manning Street, Kiama	76
	9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1)	137
	9.4 Coastal Management Reforms Submission by Kiama Council	162
	9.5 NSW Container Deposit Scheme Discussion Paper - consultation forums	170
10	REPORT OF THE GENERAL MANAGER	177
	10.1 105 Shoalhaven Street, Kiama - Kiama Lions Club	177

10.2	Proposed Merger of Kiama and Shoalhaven Councils.....	179
10.3	Music Event at Black Beach.....	206
11	REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES.....	208
11.1	Economic Development Committee - Review of Membership .	208
12	REPORT OF THE MANAGER CORPORATE SERVICES	210
12.1	Statement of Investments	210
12.2	Financial Report for the period ending 31 December 2015.....	214
13	REPORT OF THE DIRECTOR ENGINEERING AND WORKS	226
13.1	Flood Study Grant Acceptance - Ooaree Creek/Werri Lagoon Catchment.....	226
13.2	New Lease - Farbreburn P/L (Barney Street quarry Kiama)	228
14	REPORT OF THE DIRECTOR COMMUNITY SERVICES.....	232
14.1	Public Art Policy	232
14.2	Expression of Interest for Art Centre Plans Development	234
14.3	Music in the Park	236
14.4	2016 Mardi Gras Regional Art Prize.....	238
14.5	Access Committee minutes Adult Change Facilities	244
15	REPORTS FOR INFORMATION	246
15.1	Jamberoo Village Ratepayers & Residents Association Minutes	246
15.2	Parking Statistics - December 2015.....	247
15.3	Illegal Posters - Bombo Beach.....	248
15.4	Accessible carparking - Kiama CBD	249
15.5	Jones Beach Amenities Building.....	250
15.6	Black Beach Playground extension.....	251
15.7	Blue Haven Redevelopment	252
15.8	Section 94 Development Funds	253
15.9	NSW Health and Arts Framework Taskforce - Response to Question Without Notice	254
15.10	Bombo Hill Reserve Amenities Building	255
15.11	Kiama Liquor Accord - minutes	256
15.12	Endeavour Energy - Donation of used power poles.....	262
15.13	Resignation of Council's Aboriginal Liaison Officer	263
15.14	Local Government NSW Tourism Conference 2016	264
15.15	Certificate of Appreciation - Jamberoo Public School	270

	15.16 Questions Without Notice Register	272
	15.17 Regional Illegal Dumping Compliance Officer - Quarterly Return – 1 October to 31 December 2015	280
16	ADDENDUM TO REPORTS	281
17	NOTICE OF MOTION.....	281
	Nil	
18	QUESTIONS WITHOUT NOTICE	281
19	CONFIDENTIAL SUMMARY	281
20	CONFIDENTIAL REPORTS.....	281
	Nil	
21	CLOSURE	281

**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 2 FEBRUARY 2016**

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

Nil

4 BUSINESS ARISING FROM THE MINUTES

5 PUBLIC ACCESS SUMMARY

6 MAYORAL MINUTE

6.1 Australia Day Award Ceremony and Australia Day Events

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council:

1. Extend congratulations to the 2016 Australia Day Awardees;
2. Thank Susan Ang-Ngo for her Australia Day Address and for undertaking the role of Australia Day Ambassador at short notice;
3. Thank the Kiama Men's Probus Choir and the PlaySpace Vocal Ensemble for their performances;
4. Congratulate Kerrielyn Clark on her significant role in organising the event;
5. Thank Councillors Reilly, McClure, Rice, Way and Honey along with the General Manager, Kirrilee McManus, Jackie Hall and Kate Sutton for their assistance in the organising of the successful Australia Day events.

REPORT

On 14 January 2016 the winners of Kiama Council's Australia Day & Achievement Awards 2016 were officially announced at a special function held in the Pavilion. Councillor Reilly as the chair of the Australia Day Committee was the Master of Ceremonies.

Kiama's Australia Day 2016 Award winners were:

- | | |
|---|------------------|
| • Australia Day Citizen of the Year | Geoffrey Boxell |
| • Australia Day Young Citizen of the Year | Hannah McInerney |
| • Australia Day Sports Award | Brandon Sosoli |
| • Australia Day Community Arts Award | Merelyn Pearce |

Kiama Council's Achievement Award 2016 winners were:

- | | |
|------------------------------|-----------------------------------|
| • Community Achievement | Kiama SES Rescue Competition Team |
| • Service to the Environment | Debra Moore |
| • Youth Achievement | Imogen Bakewell |

The attendees were entertained by the Kiama Men's Probus Choir and the PlaySpace Vocal Ensemble.

Mayoral Minute

6.1 Australia Day Award Ceremony and Australia Day Events (cont)

The Australia Day Address was given by Susan Ang-Ngo, local business woman whose parents both travelled from Cambodia to Australia. Susan reflected on the life of her parents and their horrific life under the Khmer Rouge regime in Cambodia. She spoke of their journeys to Australia and of the life they have built in their adopted country.

On the Monday night before Australia Day the movie 'Australia' was to be shown in Hindmarsh Park, but unfortunately had to be cancelled due to heavy rain.

The Australia Day Citizenship Ceremony was held on Tuesday 26 January at the Community Centre in Hindmarsh Park welcoming six new Australian Citizens to our community.

Due to unforeseen circumstances Council's assigned Australia Day Ambassador Afghan refugee, writer and 2013 NSW Woman of the Year finalist, Najeeba Wazefadost was unable to attend. However, Council was extremely fortunate that Susan Ang-Ngo was able to step in to that role at short notice and again gave moving addresses at both the Jamberoo Breakfast and the Citizenship Ceremony.

Despite the rain breakfasts were held at Kiama, Kiama Downs, Jamberoo and Gerringong.

Unfortunately, the concert in Hindmarsh Park was called off. Although disappointing it was determined this was the safer option given the unpredictability of the weather.

The principal organiser of the Australia Day events was Kerrielyn Clark. In her first experience in organising events of this type Kerrielyn did an excellent job ensuring all of the events ran very smoothly and at a high standard. She deserves a significant commendation.

7 MINUTES OF COMMITTEES

Nil

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

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

- Report of the Director Environmental Services
- Report of the General Manager
- Report of the Director Finance, 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 Modification – Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units – Lot 781 DP1179947 No 128 Belinda Street Gerringong (10.2014.241.2)

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 considers a request by the applicant to modify the approved development by raising the finished height of the Belinda Street component of the building by 550mm, resulting in additional breach of Council's 11m building height development standard.

Finance

N/A

Policy

N/A

Attachments

- 1 10.2014.241.1 - Council Report - 17 March 2015
- 2 10.2014.241.2 - plans
- 3 10.2014.241.2 - original height breach page from approved plans

Enclosures

Nil

RECOMMENDATION THAT:

1. Council approve the variation to maximum building under clause 4.6 of Kiama LEP 2011 to allow for the maximum height of up to 11.9 metres as outlined in the following report, and
2. Council approve the proposed modified development under Section 96(1a) of the Environmental Planning and Assessment Act.

Report of the Director Environmental Services

- 9.1 Modification – Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units – Lot 781 DP1179947 No 128 Belinda Street Gerringong (10.2014.241.2) (cont)
-

BACKGROUND

On 16 June 2015 Council approved the subject mixed use development, which involved a height breach of up to 350mm above the 11 metre maximum height limit. This height variation is central to the site and not impacting on street elevations.

The approved building has two principal components:

- a) the front component on the corner of Noble and Belinda Streets; and
- b) the eastern component which extends along Belinda Street toward the rear boundary. The Section 96 proposal seeks to modify the eastern component by increasing its height by 550mm to RL 62.3, to match the Noble/Belinda Street *component*. This also corresponds to each finished floor level of the eastern component and the finished floor level of the two basement levels of the building, being raised by 500mm.

Section 79C Assessment

As described above, the proposed modification is to raise the finished levels of the building component that extends along Belinda Street as well as the two basement levels. The development otherwise remains as approved. Assessment of the modification therefore focuses on building height and subsidiary matters including streetscape and overshadowing etc.

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

- Kiama LEP 2011

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 approved building is 11.35m at the roofline above proposed units 27 & 28. The proposed modified development increases the finished building height by 550mm to reach a maximum height of 11.9m at this point. The extent of variation decreases over the remainder of the impacted area.

As with the original application, the applicant has sought a variation to the building height development standard pursuant to Clause 4.6 of the LEP.

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

- the applicant's written request has adequately addressed the matters required to be demonstrated by sub clause (3) (ie 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

Report of the Director Environmental Services

9.1 Modification – Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units – Lot 781 DP1179947 No 128 Belinda Street Gerringong (10.2014.241.2) (cont)

- 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.

The proposed building height breach represents a variation of up to 8.1% of the 11m building height limit development standard. In terms of roof area, however, that part of the building which is proposed to exceed the 11m limit corresponds to approximately 92% of the upper top storey roof area of the approved development. This is illustrated on the Roof Plan & Height Plane Plan attached to this report.

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

Applicant's Submission

In addressing Clause 4.6 and seeking exception to Clause 4.3, the applicant has submitted the following in support of the proposal:

“Compliance with the development standard is not considered unnecessary however when assessing the additional impact of the additional non-compliance the building outcome will not adversely affect the surrounding locality and aims to provide an enhanced amenity for occupiers of the eastern component of the building. Although numerically the proposal does not comply the additional increase in height allows for consistency between both building components and the only change to the building would be seen from the roof plan and the eastern and southern elevation mostly. The proposal lifts the eastern component of the building but maintains the same bulk, scale, façade treatment, building design and gross floor area. This in turn will allow for increased views for occupiers of the first and second floor from both their bedrooms and private open space without having a significant impact on the eastern single storey dwelling which sits below the natural ground level of the subject site due to the natural slope of the land and will not impact the privacy or solar access of the northern adjoining units.

Furthermore, raising the building 550mm will increase the ground level of the professional suites on the Belinda Street frontage to allow for increased visibility and surveillance for pedestrians and occupiers of the suites. Raising the building will improve the southern façade on Belinda Street and create an overall enhanced amenity for the building. Therefore although there is a numerical non-compliance the building form and façade treatments remain the same maintaining the privacy and solar access for the surrounding locality and enhancing the overall amenity of the building. The non-compliance should be assessed on merit and is appropriate having regard to the context of the site, the approved building, the impact of the additional height non-compliance and the negligible change it has to the scale of the building from the streetscape.”

Response

The applicant makes the point that the proposed additional height limit breach brought about by the modified proposal, whilst representing a numeric variation of

Report of the Director Environmental Services

9.1 Modification – Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units – Lot 781 DP1179947 No 128 Belinda Street Gerringong (10.2014.241.2) (cont)

8.1% of the 11m building height limit development standard, does not transpire to any significant additional impact in terms of streetscape, overshadowing, privacy loss, view loss and the like, beyond that of the approved development.

In relation to streetscape/townscape, the raising of the eastern portion of the building to match the approved height of the western building portion is unlikely to result in any obvious streetscape implication. The differential height between the two building components may contribute, from a short - medium range distance, to articulation of the overall building form; however in reality this is likely to be difficult to perceive from street level as the top storey is recessed from the main building façade and, from a longer distance (eg from Werri Beach, or Omega overpass) the 550mm height differential of the approved development is likely to be imperceptible. In effect, as the subject site is amongst the most elevated land in Gerringong, it is generally only overlooked, in the shorter range, by the motel diagonally opposite in Belinda Street and the 550mm differential in roof height would likely be perceptible from this perspective. Adjoining development to the east through to the north is on less elevated land and would be largely oblivious to the roof form of the development. The levelling off of the roof form as proposed and the associated building height increase is, on balance, not expected to create any unreasonable additional impact in terms of streetscape/townscape/visual impact.

For similar reasons outlined above, the modified proposal is not expected to result in any unreasonable additional impediment on views beyond that of the approved development.

In relation to privacy loss, the approved development is, by local standards, a relatively large mixed use development with design measures incorporated to reduce privacy loss implications (such as solid and opaque balcony balustrades). Raising the floor levels and the associated building height of the eastern component of the building is not expected to result in any unreasonable additional impact in terms of privacy loss for neighbours.

In regard to overshadowing impacts, the only private property overshadowed by the proposed development between 9am and 3pm on 21 June is the dwelling to the immediate east, meaning the development will begin to overshadow that neighbour in the afternoon from approximately 1pm onwards. Shadow diagrams have been supplied with the modified development application (attached to the report), which indicate that the overshadowing impacts of the proposed development remain reasonable and will not breach Council's controls.

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

- The proposed additional building height breach does not create additional floor space or trigger a breach of the FSR development standard, nor enable additional development opportunities.
- As discussed above, the modified proposal is not expected to result in any unreasonable additional amenity impacts beyond that of the approved development.

Report of the Director Environmental Services

9.1 Modification – Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units – Lot 781 DP1179947 No 128 Belinda Street Gerringong (10.2014.241.2) (cont)

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

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

- The modified proposal is consistent with the B2 zone objectives
- Despite non-compliance with the building height development standard, the modified proposal is consistent with the objectives of Clause 4.3 and 4.6
- The raising of the business premises floor level 500mm to be closer to the footpath level improves the street level presentation of the building, improves the amenity of the premises and promotes activation of the business premises with the street.
- The proposed modified building is consistent with the progressive character of the Noble Street area.
- The additional building height breach does not create any unreasonable additional impact in terms of overshadowing, privacy loss, view impact or the like, as discussed above.

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

It is highlighted that exception was granted to the building height limit when the development was approved. As this breach is being increased with the proposed modification, there is general concern that the development further erodes Council's building height development standard. However notwithstanding this, if the implications associated with the height breach are reasonable (as discussed above) and as the increase in height results in improvements to the development (by raising the floor level of the business premises to be closer to street level) then the development should not be unreasonably constrained by the numeric development standard.

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

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

The Likely Impacts of the Proposed Development

- Streetscape/Townscape

As discussed above, the proposed modified development is not expected to result in any unreasonable additional impact.

- Privacy and Overlooking

Report of the Director Environmental Services

- 9.1 Modification – Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units – Lot 781 DP1179947 No 128 Belinda Street Gerringong (10.2014.241.2) (cont)
-

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

- Overshadowing

Shadow diagrams have been supplied with the modified development application (attached to the report), which indicate that the overshadowing impacts of the proposed development remain reasonable and will not breach Council's controls.

- Views

The subject land is amongst the most elevated in Gerringong and therefore is not overlooked (at ground level) by neighbours on more elevated land, meaning an increase in building height does not result in additional view loss impact for neighbours.

In terms of views from a public place, the site is overlooked by Old School Park opposite; however the proposed increase in building height only involves the eastern portion of the building and as such will not be seen from Old School Park because of the Noble Street component of the building (the height of which is not changing).

The modified proposal is not likely to create any additional impediment on views beyond that of the approved development.

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners and South Precinct 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.

Final Comments and Conclusions

The proposed modified development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is generally consistent with Kiama LEP and relevant DCP 2012 Chapters. The proposed development is consistent with the objectives of the B2 Local Centre zone. The additional height limit breach has been assessed and it is considered that there are sufficient environmental planning grounds to justify further contravention of the development standard under the circumstances.

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews the development application seeking consent for a mixed use development comprising of five (5) shops, eight (8) professional suites and twenty nine (29) residential units (mixed use development).

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

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

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

Finance

N/A

Policy

N/A

Reason for the Report

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

Attachments

1 10.2014.241.1 - Site plans, elevations, 3D views

Enclosures

1 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong

RECOMMENDATION

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

BACKGROUND

Owner/Applicant - Surrend8 Developments Pty Ltd

Development Site

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

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

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

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

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

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

The site is subject to the following constraints:

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

Description of the Proposed Development

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

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

The overall residential component of the proposal consists of:

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

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

The 5 retail premises are made up of:

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

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

The 8 business premises are made up of:

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

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

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

Section 79C Assessment

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

Relevant Environmental Planning Instruments

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

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

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

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

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

- State Environmental Planning Policy No 55 - Remediation of Land

The land is suitable for the proposed use.

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

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

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

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

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

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

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

The proposed development is consistent with these objectives. Clause 79 refers to residential uses in business zones and states:

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

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

- Kiama LEP 2011

The subject land is zoned B2 Local Centre pursuant to Kiama LEP 2011. The proposal (*mixed use development – in this instance retail, business and shop-top housing*) is permitted with consent in the zone and is considered to be consistent with the zone objectives.

Specific clauses requiring consideration:-

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map (being 11 metres in this instance – measured vertically from the highest point of the building to the existing ground level below). The maximum overall height of the proposed building is 11.35m at the roofline above proposed units 27 & 28.

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

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio (FSR) map. In this instance the LEP permits an FSR of 1.5:1. The FSR of the proposed development is 1.42:1, being compliant with the development standard.

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

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

Applicant's Submission

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

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

Response

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

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

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

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

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

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

- The proposal is consistent with the B2 zone objectives

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

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

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

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

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

Clause 6.1 lists requirements for land affected by Acid Sulfate Soils. The Acid Sulphate Soils map attached to Kiama LEP 2011 identifies the site as containing potential Class 5 acid sulphate soils. It is not expected that the proposed works are likely to lower the watertable and therefore an acid sulphate soils management plan is not required.

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

Clause 6.8 requires the proposal to have an active street frontage in B1 & B2 zones. The Clause states that "*a building has an active street frontage if all premises on the ground floor facing the street are used for the purposes of business premises or retail premises.*"

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

Any draft Environmental Planning Instruments

Nil.

Kiama Development Control Plan (DCP) 2012

Chapter 5 – Medium density development

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

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

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

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

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

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

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

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

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

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

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

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

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

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

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

- Minimum dimension in one direction of 5m

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

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

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

Chapter 9 – Car parking requirements

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

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

Business/commercial component

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

Residential component

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

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

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

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

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

Chapter 27 – Gerringong Town Centre

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

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

Objectives

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

Section 1 – Land Use

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

Section 2 – Environmental Design Elements

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

Section 3 – General Design Elements

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

Section 4 – Design Elements - Precinct 1D

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

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

Two and a half storey limit

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

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

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

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

Public rear laneway through the site

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

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

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

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

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

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

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

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

Any Planning Agreement

Nil

Any Matters Prescribed by the Regulations

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

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

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

- Streetscape

The design of the proposed development is considered to be reasonable when considered in relation to the context of the site. The bulk, scale and design of the

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

- Noise

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

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

- Privacy and Overlooking

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

- Overshadowing

Shadow diagrams have been supplied with the development application, which indicate that the overshadowing impacts of the proposed development will be reasonable and will not breach Council's controls.

- Views

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

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

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is proposed.

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

- Stormwater Management

A satisfactory drainage design has been provided with the application.

All stormwater will drain to the street.

- Environmental Impacts

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

- Social and Economic Impacts

The proposed development will likely have minimal adverse social or economic impacts. The amenity impacts of the proposed development have been considered in detail and concerns raised in submissions are not considered to warrant refusal of the application.

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

The Suitability of the Site for the Development

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

- Contamination from Previous Land Uses

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

- Effect on Public Domain

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

- Utility Needs and Supply

The proposal is serviced by all essential services.

- Safety, Security and Crime Prevention

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

- Operational Waste

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

- Operational Noise

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

- Risks to People and Property from Natural and Technological Hazards

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

- BCA Compliance

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

- Construction Impacts

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

The Suitability of the Site for the Development

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

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, three (3) submissions were received which raised the following (summarised) matters of concern:-

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

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

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

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

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

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

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

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

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

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

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

Item 3 - Potential traffic congestion and parking

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

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

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

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

External Referrals

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

Internal Referrals

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

- Development Assessment Officer - Building

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

- Subdivision & Development Engineer

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

- Landscape Design Officer

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

- Environmental Health Officer (Waste Services)

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

The Public Interest

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

for the site and therefore, on balance, is considered to be consistent with the public interest.

Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is generally consistent with Kiama Local LEP and relevant DCP 2012 Chapters. The proposed development is consistent with the objectives of the B2 Local Centre zone.

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

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

Draft Conditions of Consent

General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2014.241.1 dated 17/03/2015 and on the application form except as amended by the following conditions:
- (2) The development shall be completed in accordance with the approved colour schedule.
- (3) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate.
- (4) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority.
- (5) This approval is in respect of the plans submitted with the development application and as modified by the terms of this consent. If for any reason, including the making of alterations necessary to meet the requirements of another Authority, changes to the approved building design layout are proposed, then the approval of Council shall be obtained prior to commencement of any works on site.
- (6) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual.

The traffic control management plan must be designed by an RTA accredited designer and must be provided to Council prior to the commencement of any construction work.
- (7) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Belinda

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

Contributions

- (1) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 3 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$177,507.30**.

Prior to Commencement of Works

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

-
- (2) The developer shall lodge with Council a bond of \$7,000 in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

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

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

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

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

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

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

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

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

- (8) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel.
- (9) A project arborist is to be appointed prior to issue of the Construction Certificate.

Civil Engineering Design

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

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

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);

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

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

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

Stormwater Management

- (1) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate.
- (2) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the Principal Certifying Authority for assessment and approval prior to the issue of the Construction Certificate.

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

-
- (3) The developer shall provide Chartered Professional Engineer's certification for the structural design and construction of detention tanks to the Principal Certifying Authority prior to the release of any Occupation Certificate.
 - (4) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the release of any Occupation Certificate.
 - (5) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Principal Certifying Authority for assessment and approval prior to the release of the Construction Certificate.
 - (6) The developer shall comply with the design requirements of Council's "Water Sensitive Urban Design" policy in association with the design requirements of "Section D5 Stormwater Drainage" of the Kiama Development Code as appended to Kiama Development Control Plan 2012.

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

Erosion and Sedimentation Controls/Soil and Water Management

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

All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development.
- (2) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

Site Facilities

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

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

Access Construction

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

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

Vehicular Access, Car Parking & Manoeuvring

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

Civil Engineering Construction

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

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

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

Inspections

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

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

Building Construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

-
- (3) All workers related to the construction process, before entering the site, must be briefed about the requirements/conditions outlined within the arborists report (Allied Tree Consultancy, Report Ref. No.: D2291 dated 20/09/14) relative to the zone of protection, measures and specifications before the initiation of work. This is required as part of the site induction process.
 - (4) All excavations and backfilling must be executed safely in accordance with appropriate professional standards.
 - (5) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
 - (6) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level.
 - (7) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage.
 - (8) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
Monday to Friday - 7.00 am to 6.00 pm
Saturdays - 8.00 am to 1.00 pm
No construction work is to take place on Sundays or Public Holidays.
 - (9) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled.

Landscaping Works

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

- approved permeable material or permanent aeration system or other approved means of alleviation be utilised.
- Excavation cannot exceed a depth of more than 80mm from the natural grade. Any excavation exceeding 80mm shall incorporate retaining walls or other approved transitional means.
 - (a) All excavation work within the TPZ will utilise methods to preserve root systems intact and undamaged. Methods permitted are by hand digging, hydraulic, or pneumatic air excavation technology.
 - (b) Roots less than 50mm in diameter must be cleanly cut and dusted with a fungicide, and not allowed to dry out, with minimum exposure to the air as possible.
 - (c) Roots greater than 50mm in diameter must be located in regard to their directional spread and potential impact. The project arborist will be required to assess the situation and determine future action in regard to retaining the tree in a healthy state.
- (3) The following stages require assessment/certification by the project arborist:
 - 1. Installation of the protective fence.
 - 2. Any crown modification.
 - 3. Any further works required within the area of the Tree Protection Zone.
 - 4. Assessment the tree after completion of the developmentRelated documentation/certification is to be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- (4) All landscape areas shown on the approved landscape plans (drawing numbers LA01.01 - LA01.04 amended 19/01/2015) or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions.
- (5) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate.
- (6) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent.
- (7) Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent.

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

-
- (8) The proposed footpath within the frontage road, Belinda Street and Noble Street, and immediately adjoining the development site shall be prepared and paved using the paving bricks complying with Kiama Municipal Council's Gerringong Town Centre Strategy and shall be constructed in compliance with the Kiama Development Code as appended to Kiama Development Control Plan 2012.

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

Utility Servicing

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to issue of the final Occupation Certificate.
- (2) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document "A Model Agreement for Local Councils and Utility/Service Providers" prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area.
- (3) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access.
- (4) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Noble Street and Belinda Street and, if necessary, the developer will be responsible for the under boring of water services/conduits beneath the road to ensure that the proposed allotments are serviced with a connection to the existing water main.

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

Waste Services

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

Residential (29 units)

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

Commercial (13 units)

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

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

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

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

Prior to Occupation

- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to Council prior to release of the Final Occupation Certificate.
Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet.
- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed.
- (3) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.
NOTE: A Fire Safety Certificate must be provided in accordance with the Environmental Planning and Assessment Regulations 2000 prior to the issue of an Occupation Certificate excepting Class 1(a), 10(a) & 10(b) structures.
- (4) The developer shall complete all civil engineering works prior to the issue of any Occupation Certificate.
- (5) Prior to the issue of an Occupation Certificate the applicant shall obtain accurate street numbering for the development from Council's Geographical Information Services section.

Advertising Signage

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

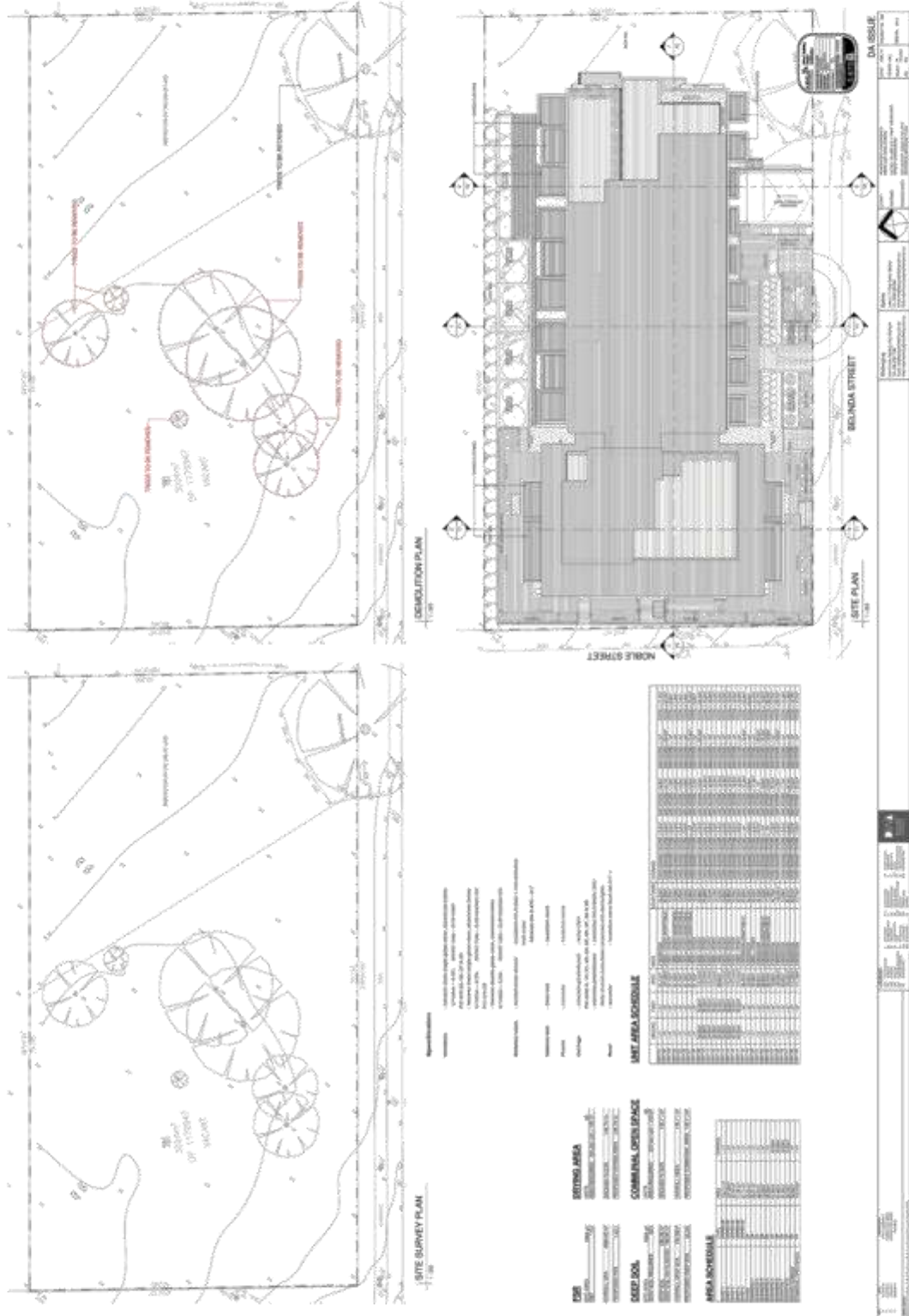
Conveyancing Requirements

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

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

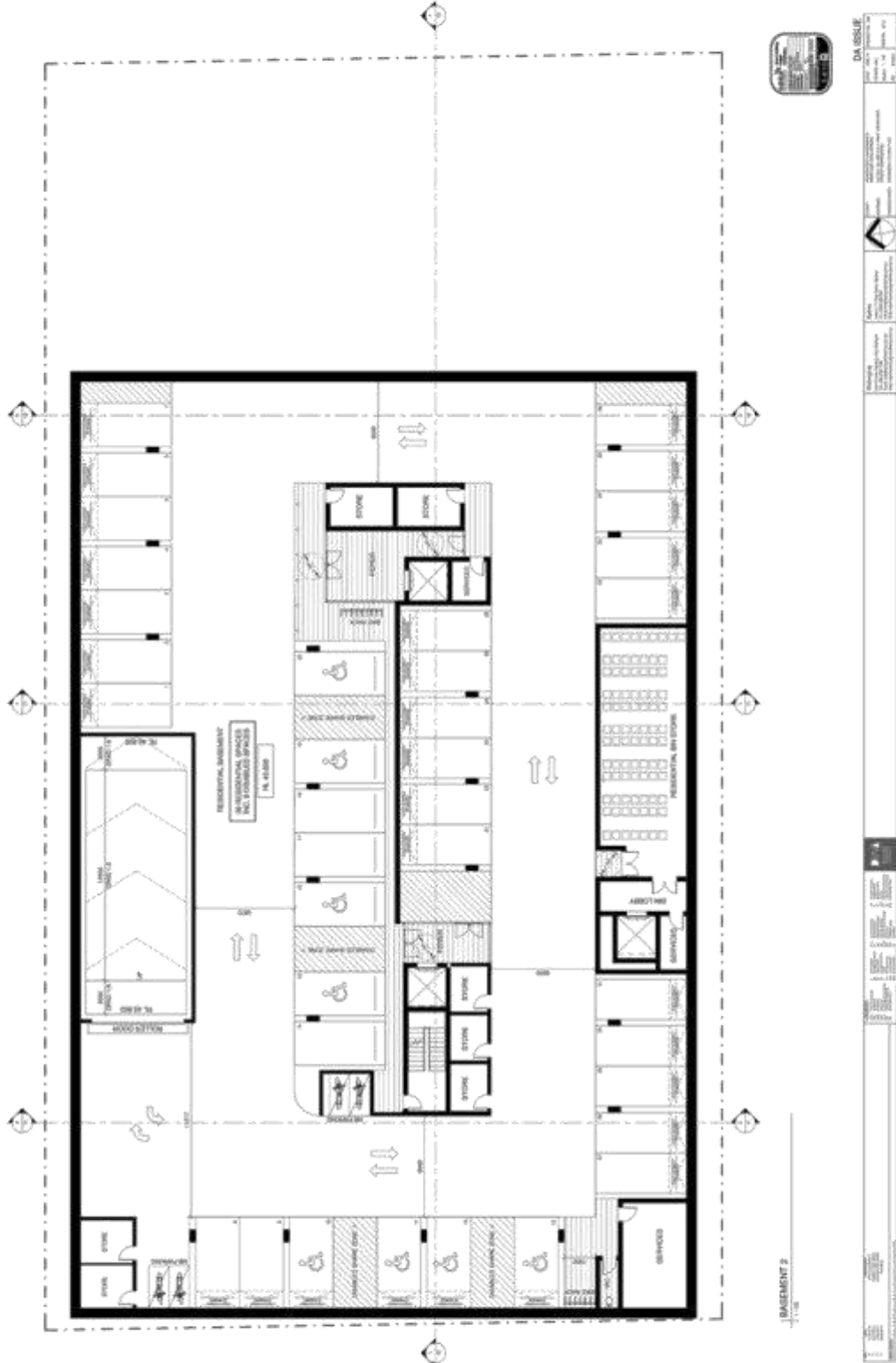
Item 9.5 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1)

1 - 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong



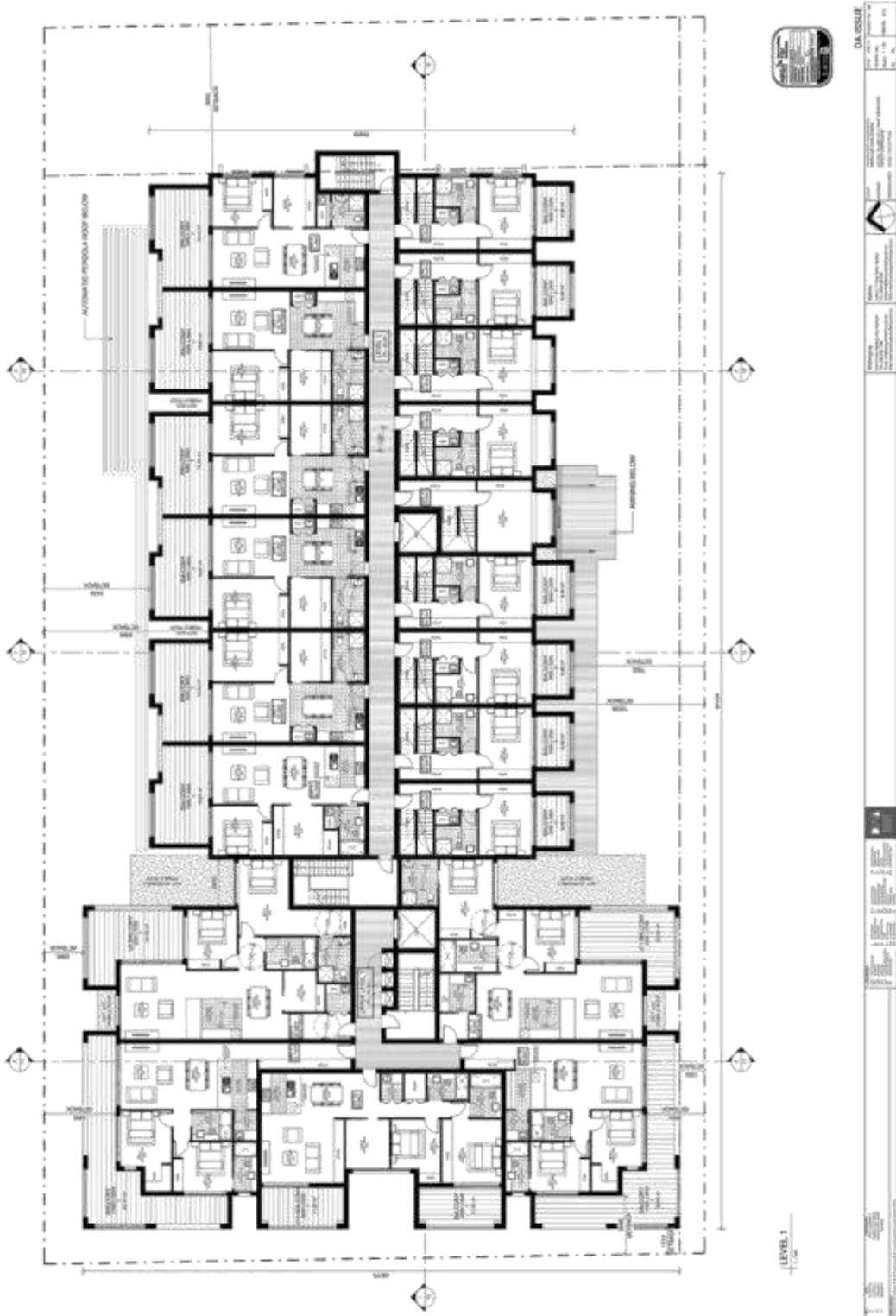
Item 9.5 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1)

1 - 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong



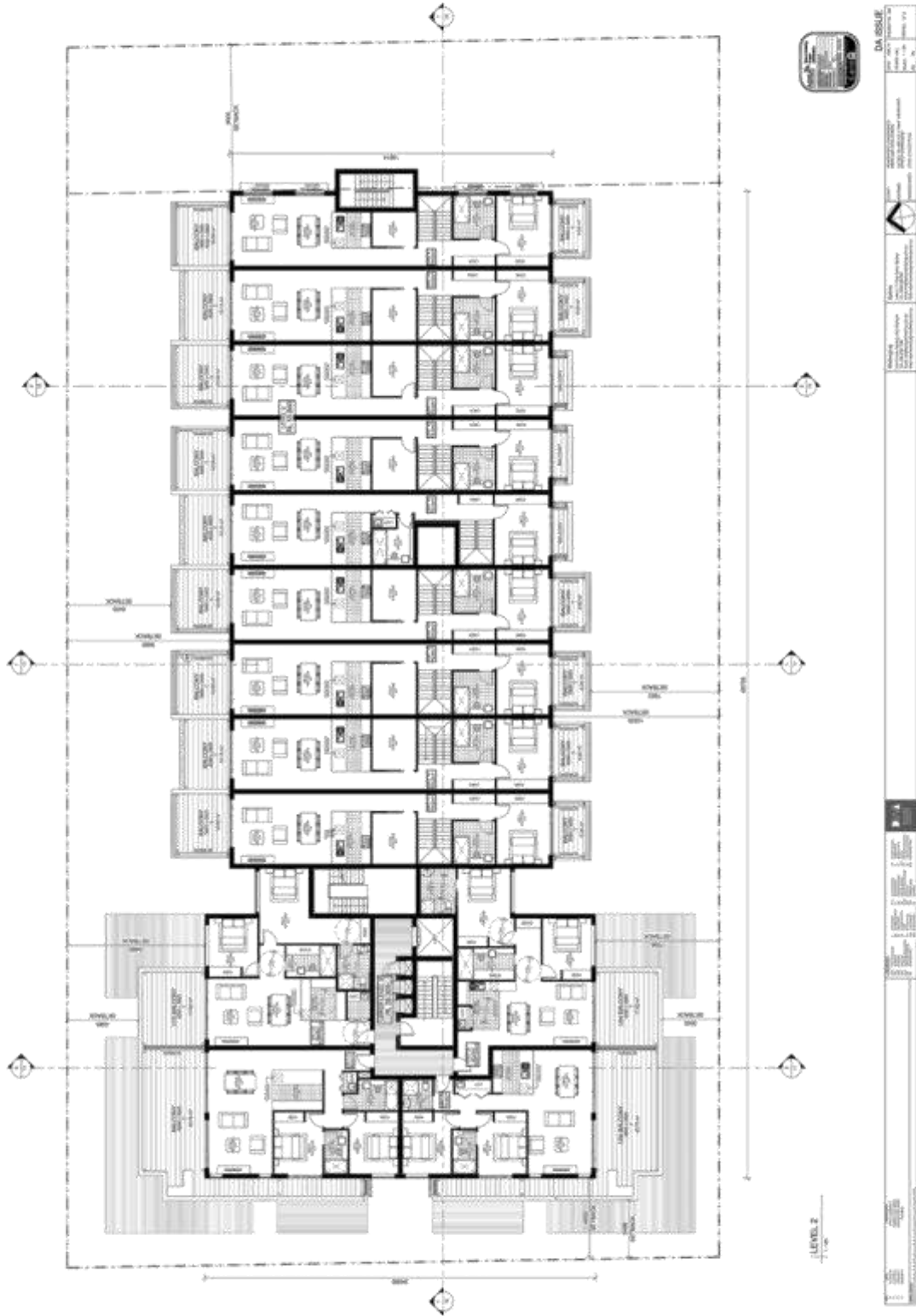
Item 9.5 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1)

1 - 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong



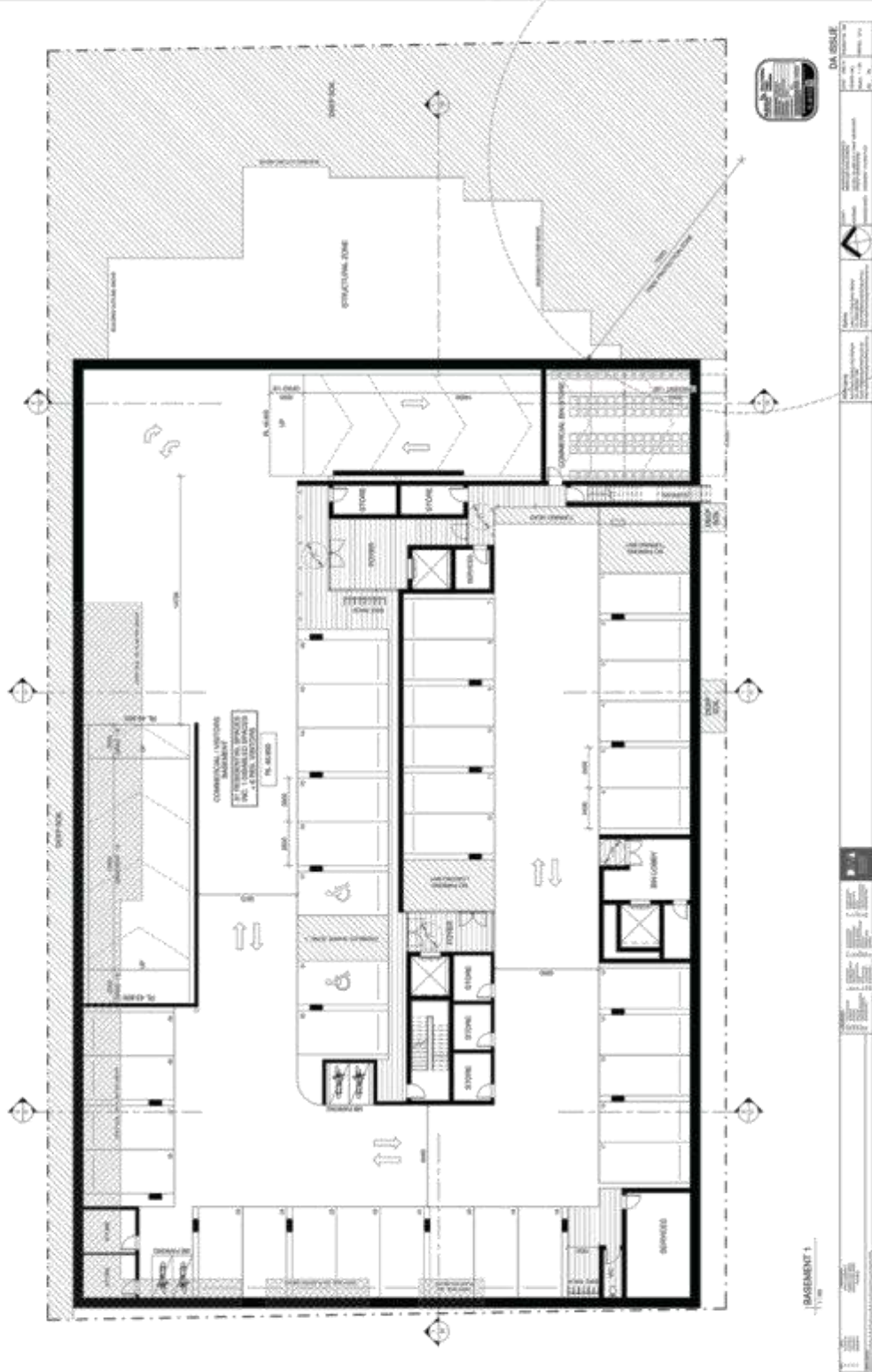
Item 9.5 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1)

1 - 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong



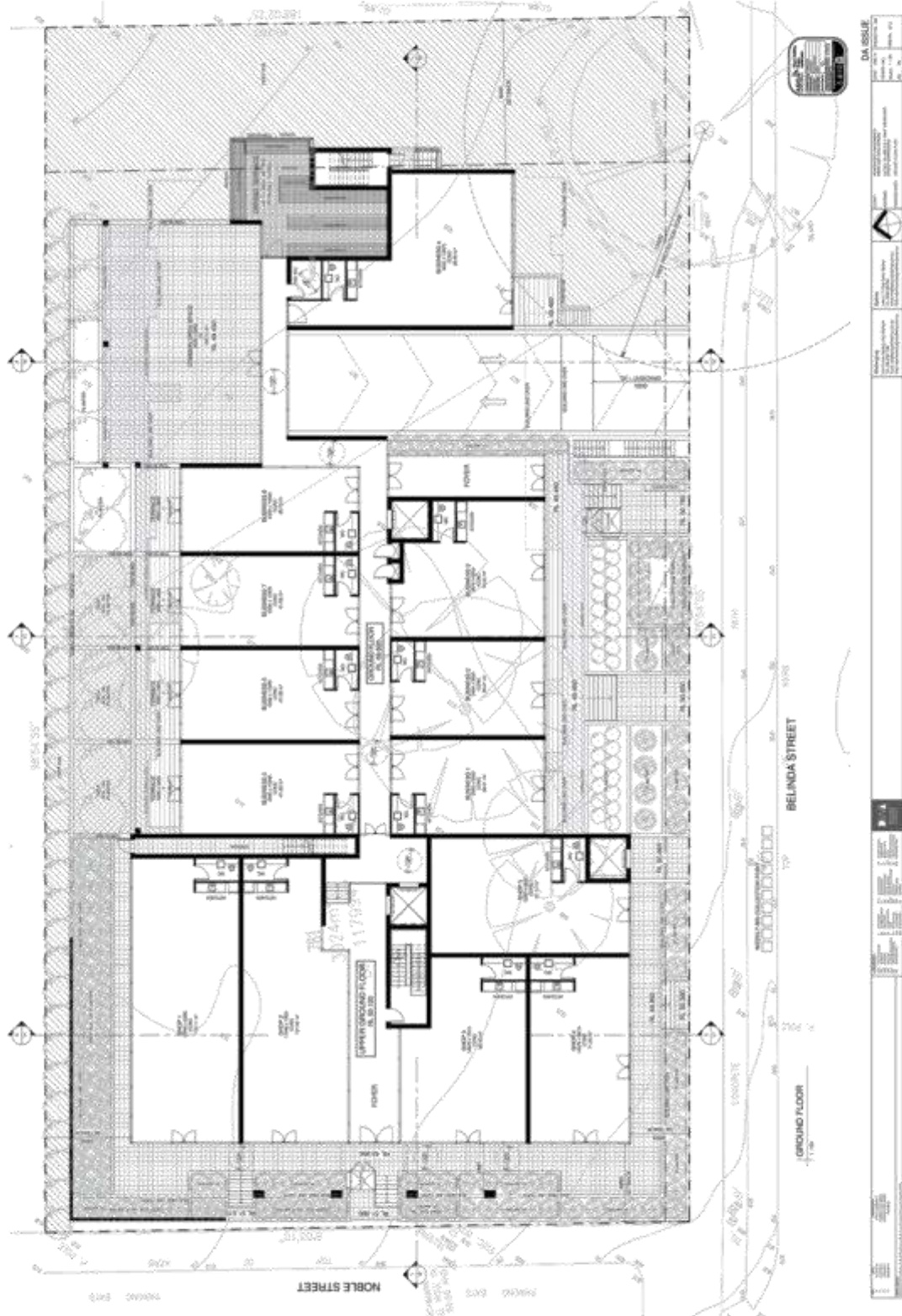
Item 9.5 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1)

1 - 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong



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

1 - 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong



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

1 - 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong



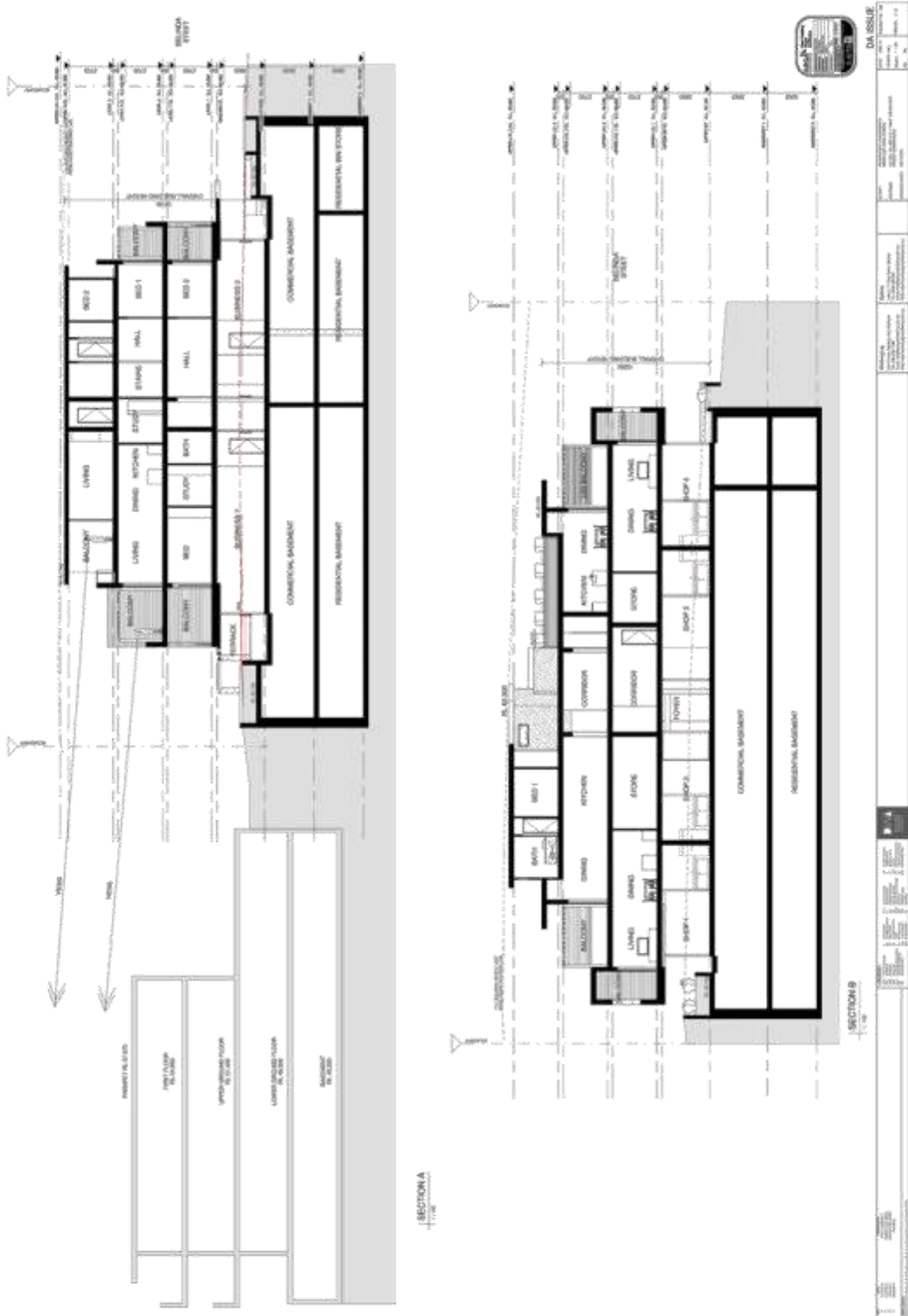
Item 9.5 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1)

1 - 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong



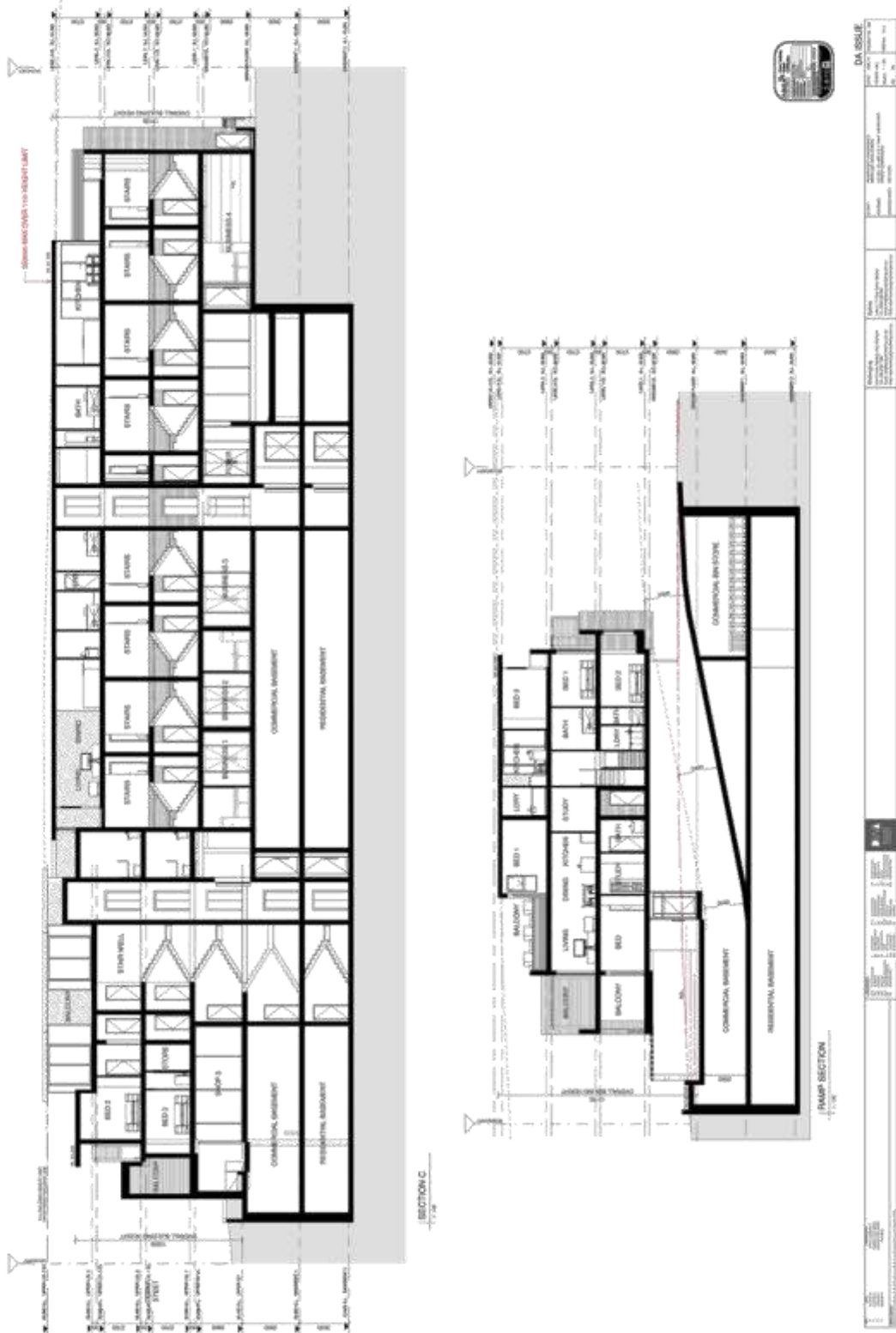
Item 9.5 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1)

1 - 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong



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

1 - 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong



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

1 - 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong



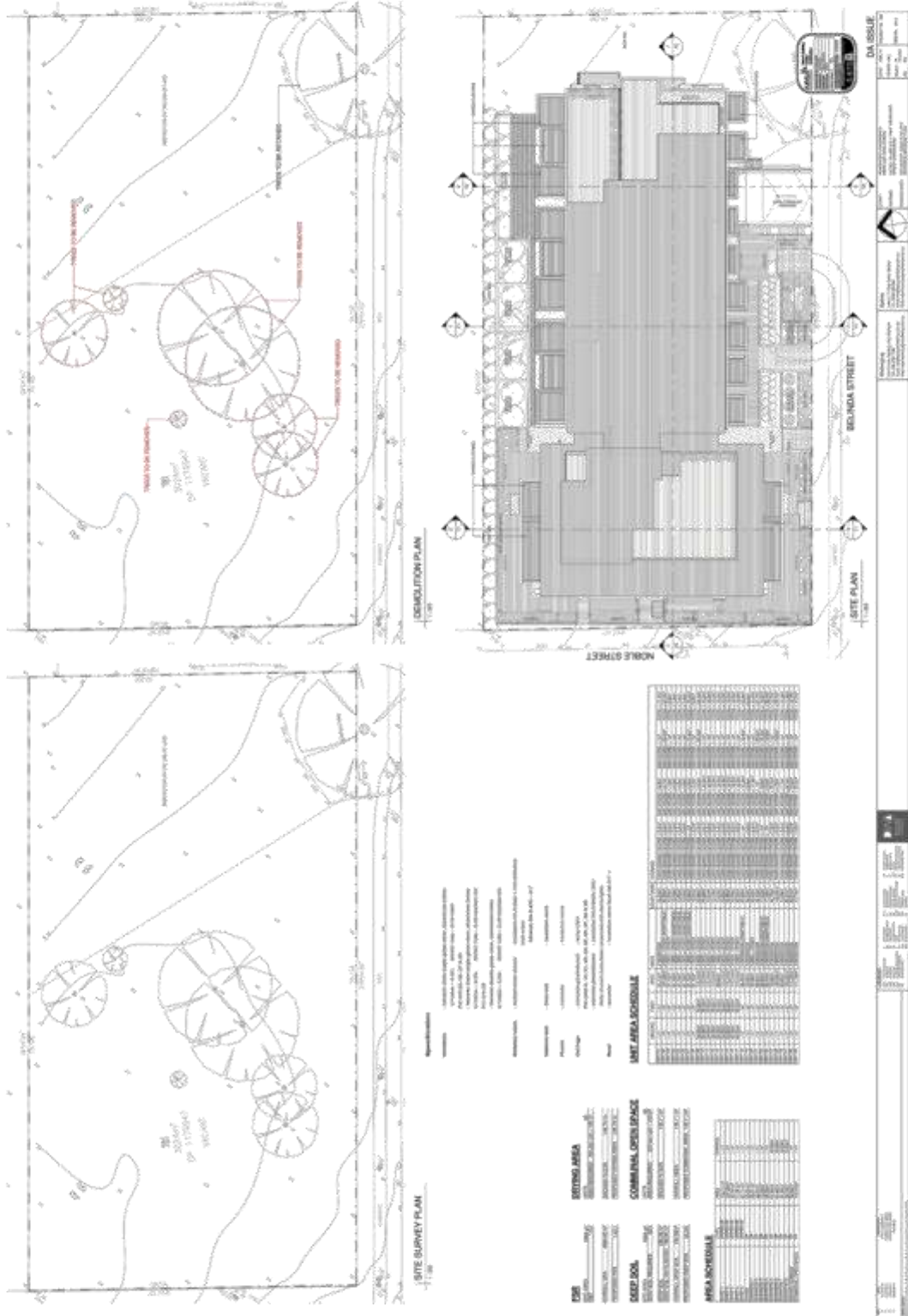
Item 9.5 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1)

1 - 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong



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

2 - 10.2014.241.1 - Site plans, elevations, 3D views



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

2 - 10.2014.241.1 - Site plans, elevations, 3D views



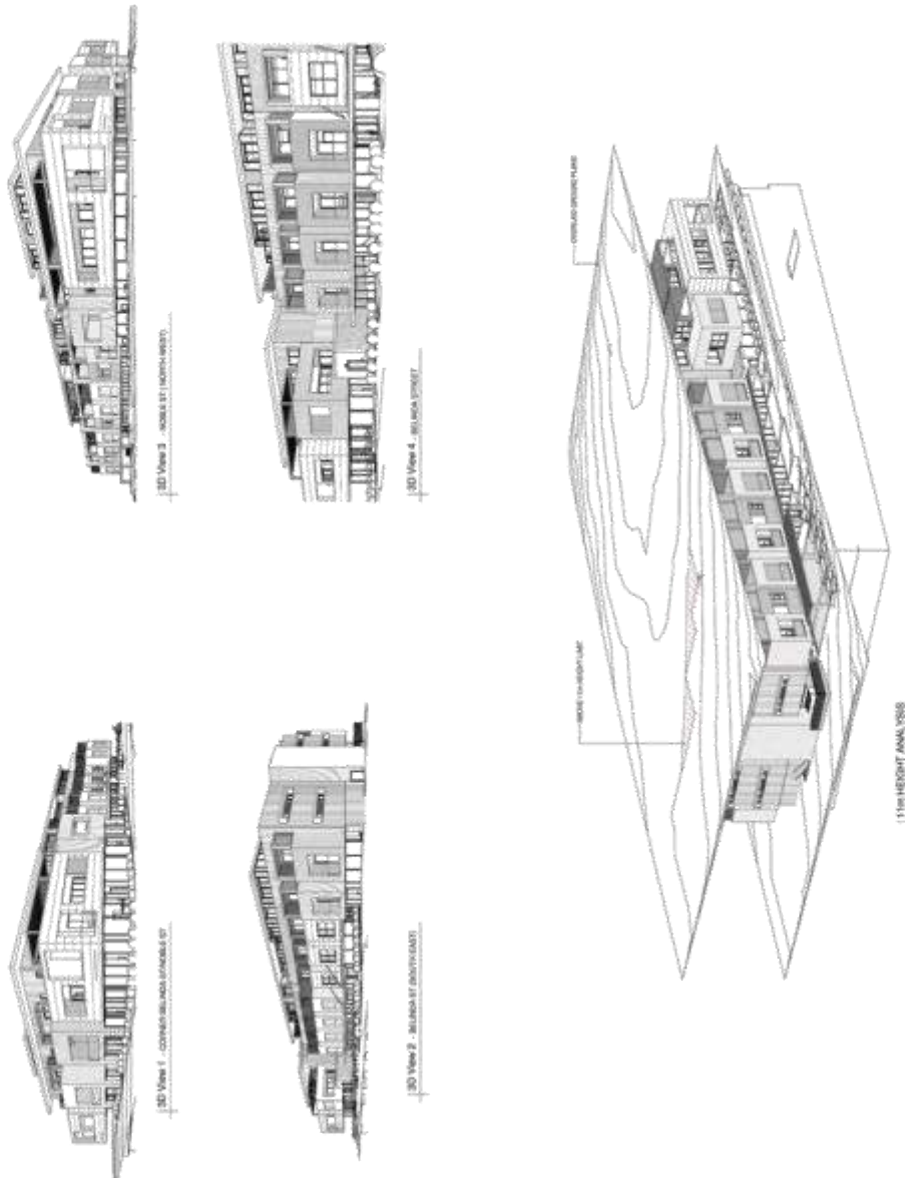
Item 9.5 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1)

2 - 10.2014.241.1 - Site plans, elevations, 3D views



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

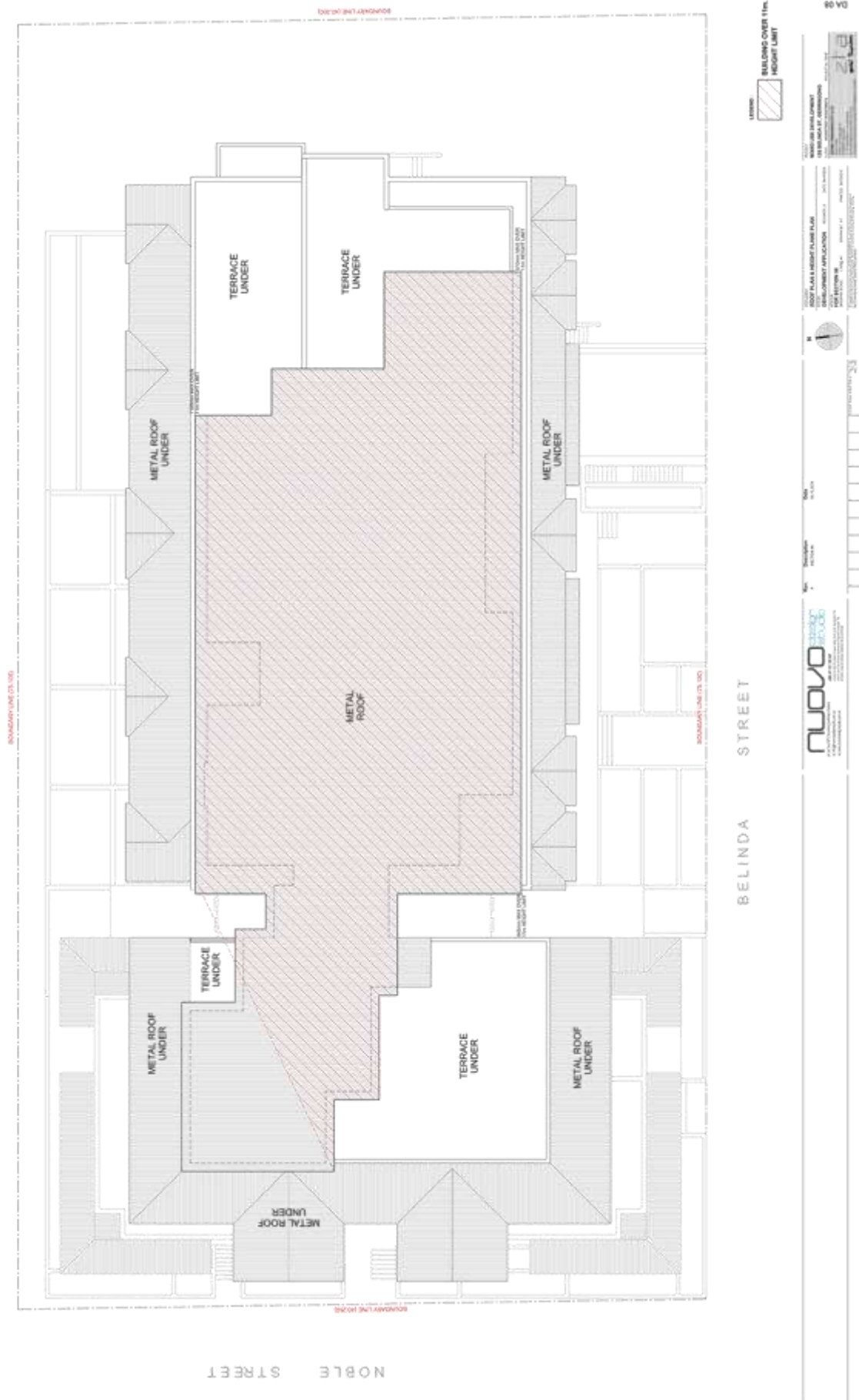
2 - 10.2014.241.1 - Site plans, elevations, 3D views

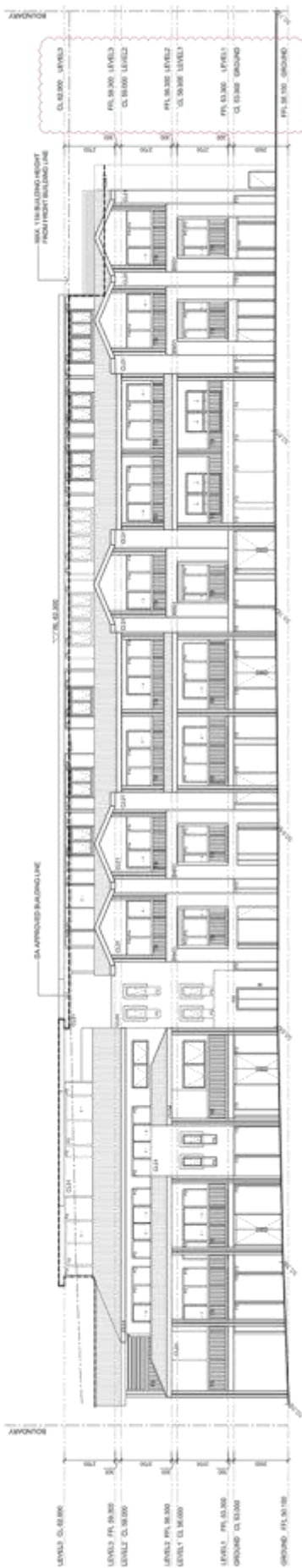


		DA ISSUE Issue No: 1 Issue Date: 17/03/2015 Issue By: [Signature] Issue For: [Signature]	
Project Name: [Project Name] Project No: [Project No] Site No: [Site No]	Date: [Date] Time: [Time]	Location: [Location] Scale: [Scale]	Drawing No: [Drawing No]

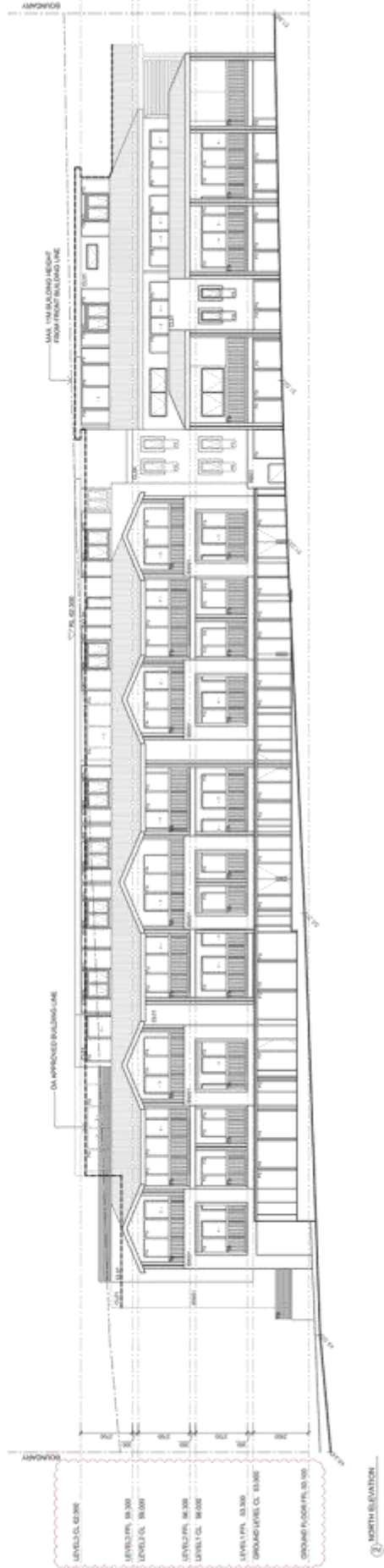
Attachment 1

Item 9.1





1 SOUTH ELEVATION

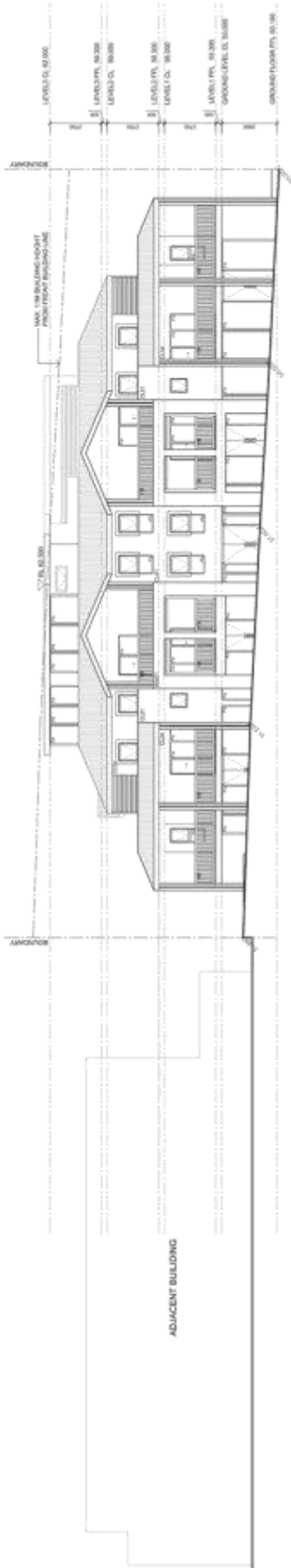


2 NORTH ELEVATION

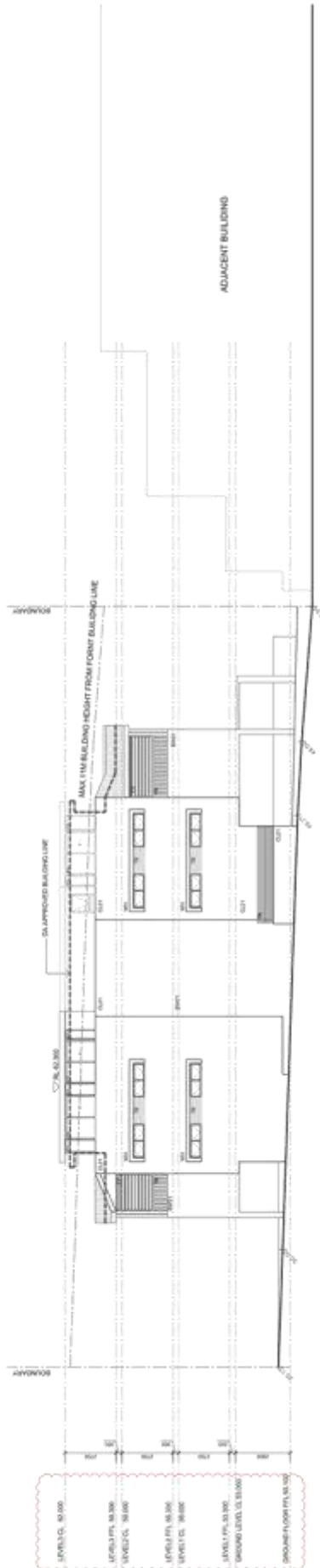
NOVO ARCHITECTURE & INTERIOR DESIGN

NOVO ARCHITECTURE & INTERIOR DESIGN
 10/100 BELINDA STREET GERRINGONG NSW 2538
 TEL: 02 4422 1111 FAX: 02 4422 1112
 WWW.NOVOARCHITECTURE.COM.AU

NOVO ARCHITECTURE & INTERIOR DESIGN
 10/100 BELINDA STREET GERRINGONG NSW 2538
 TEL: 02 4422 1111 FAX: 02 4422 1112
 WWW.NOVOARCHITECTURE.COM.AU



① WEST ELEVATION

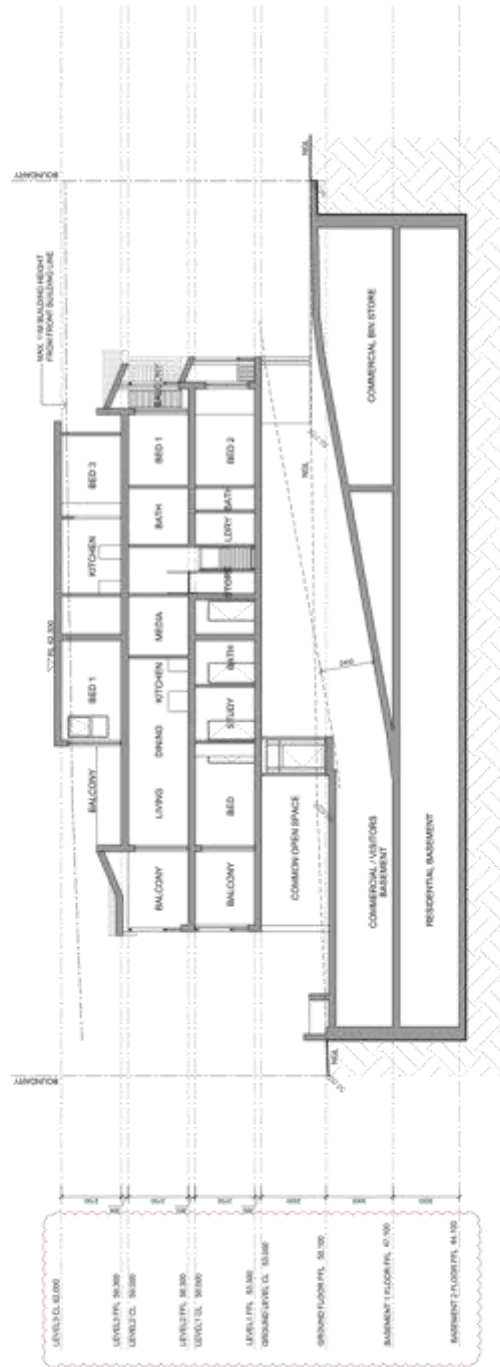


② EAST ELEVATION

NOVO ARCHITECTURE
 10/100 BELINDA STREET GERRINGONG NSW 2538
 TEL: 02 4422 1111 FAX: 02 4422 1112
 WWW.NOVOARCHITECTURE.COM.AU

NOVO ARCHITECTURE
 10/100 BELINDA STREET GERRINGONG NSW 2538
 TEL: 02 4422 1111 FAX: 02 4422 1112
 WWW.NOVOARCHITECTURE.COM.AU

NOVO ARCHITECTURE
 10/100 BELINDA STREET GERRINGONG NSW 2538
 TEL: 02 4422 1111 FAX: 02 4422 1112
 WWW.NOVOARCHITECTURE.COM.AU



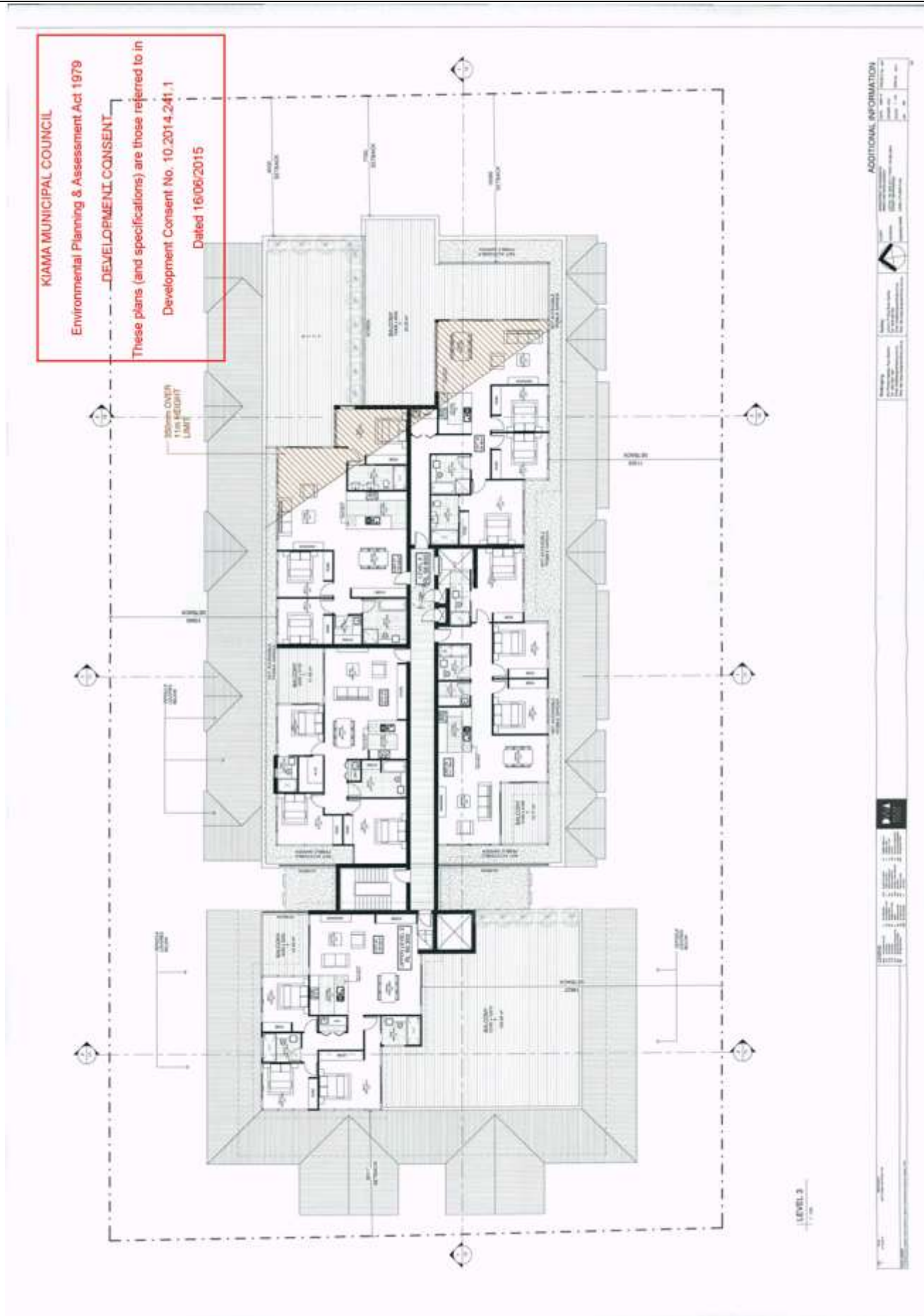
NOVO ARCHITECTURE
 ARCHITECTS
 128 BELINDA STREET GERRINGONG NSW 2538
 TEL: 02 4422 1111
 WWW.NOVOARCHITECTURE.COM.AU

DATE: 10/10/14
 DRAWING NO: 10.2014.241.2-01
 PROJECT: 10.2014.241.2-01

SCALE: 1:500

SECTION





9.2 Review of Determination - DA 10.2015.128.1 – Demolition of Existing Building, Construction of 4 Units & Strata Subdivision – Part Lot 19 DP 156143 No 139 Manning Street, Kiama

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

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

Finance

N/A

Policy

N/A

Attachments

- 1 10.2015.128.1 - Council Report - 18 August 2015
- 2 10.2015.128.1 - request for review of determination letter
- 3 10.2015.128.1 - plans
- 4 10.2015.128.1 - SEPP 65 Design Verification Statement

Enclosures

Nil

RECOMMENDATION

That Council confirm its original determination of development application 10.2015.128.1 by way of refusal.

BACKGROUND

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

“The development fails to provide sufficient separation to ensure reasonable visual and acoustic privacy for future residents, and those in likely future neighbouring medium density developments, as required by Chapter 5 of the Kiama DCP and the primary building controls as specified in the SEPP 65 Residential Flat Design Code.”

The original report to Council is attached to this report.

Report of the Director Environmental Services

9.2 Review of Determination - DA 10.2015.128.1 – Demolition of Existing Building, Construction of 4 Units & Strata Subdivision – Part Lot 19 DP 156143 No 139 Manning Street, Kiama (cont)

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

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

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

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

History

In August 2015 Council considered a report which recommended conditional development consent be granted for a residential flat development comprising of 4 residential units with associated car parking and strata subdivision on the subject land.

The proposed development sought exception to Council’s building height development standard as well as variation to the 6m rear setback requirement of Development Control Plan (DCP) 2012 Chapter 5 – Medium Density Development.

The report to Council discussed in detail the proposed building height breach and the DCP rear setback variation, which were supported by Council’s assessment officers under the circumstances as outlined within the report.

Councillors expressed concern however, about the potential impact of visual and acoustic privacy loss to existing and potential future neighbours in the event the neighbouring land is redeveloped for medium density residential purposes. Development consent was subsequently refused for the reasons quoted above.

Report

The applicant has considered the reason for refusal and has amended the proposal. An amended SEPP 65 Design Verification Statement from BHI accompanies the amended proposal.

Response to Reason for Refusal

In response to the reason for refusal, the applicant has amended the proposed building as follows:

- Balconies have been cut back by 1m in width to be set back a minimum of 3m from the northern boundary, flush with the side of the building, with timber horizontal screening incorporated on the balcony parallel to the side boundary. Whilst there have been no specific details provided with respect to the timber screening it must be assumed that, if it provides a high level of visual privacy, it will also have a significant reduction in regard to solar access.
- Juliet balconies along the sides of the building have been removed;

Report of the Director Environmental Services

9.2 Review of Determination - DA 10.2015.128.1 – Demolition of Existing Building, Construction of 4 Units & Strata Subdivision – Part Lot 19 DP 156143 No 139 Manning Street, Kiama (cont)

-
- All windows to habitable rooms facing and within 6m of the side boundary have been removed. The only windows to habitable rooms facing the boundary are setback a minimum of 6m;
 - Introduction of recessed landscaped 'courtyards' along the sides of the building (2 on the northern side and 1 on the southern side). All habitable rooms have windows only facing into the landscaped 'courtyards' or the east/west boundaries towards to the railway line or street;
 - Windows to non-habitable rooms facing and within 6m of the side boundary incorporate highlight windows and/or obscured glass to prevent overlooking.

The changes described above have been made to the proposed building in an effort to address reasons for refusal of the original proposal. Although the amended proposal does address the reasons for refusal, in doing so, further issues are created which result in poorer outcomes in regard to liveability, amenity and in terms of its presentation.

The requirements of SEPP 65 and the Residential Flat Design Code (RFDC) are applicable to this proposal. The later document was subsequently replaced by the Apartment Design Guide (ADG) on 19 June 2015. Whilst the RFDC is the legally binding document for this application, it is reasonable to have regard to the requirements contained in both documents.

In regard to building separation and side boundary setback, both documents have basically the same criteria i.e. building separation should be a minimum of 9 metres between habitable rooms and balconies in one building and non-habitable rooms in an adjoining building and 12 metres in the case of habitable rooms/balconies to adjoining habitable rooms/balconies. If on adjoining allotments of land, the separation distance should be shared evenly on each allotment. A proposed 3 metre setback would not achieve this outcome.

DCP 2012 Chapter 5 – Medium Density Development, control C23, requires that “a minimum 70% of apartments receive a minimum of three hours direct sunlight between 9am and 3pm on 22 June to living rooms and private open spaces” (POS). This control is consistent with the design guidelines for daylight access under SEPP 65 Residential Flat Design Code and Apartment Design Guide. In an effort to address the privacy concerns, horizontal timber screening is proposed along the northern edge of each unit’s northern balcony (each of which is setback 3m from the side boundary), resulting in non-compliance in required level of solar access to POS areas and connected living rooms. The reduced solar access brought about by the privacy screens along the northern edge of the balconies diminishes the amenity and liveability of the internal living and external recreation space of the units. Whilst the timber screens do serve to reduce the privacy impacts for neighbour(s) to the north, this is achieved at the expense of solar access to the living room and POS areas of the units.

The balconies adjacent the northern property boundary have been cut back by 1m to be setback 3m (rather than 2m) from the northern boundary and flush with the side of the building. As a consequence, the corresponding size of these balconies is reduced from 24m² to 18m², meaning proposed units 2 & 3 do not satisfy either

Report of the Director Environmental Services

9.2 Review of Determination - DA 10.2015.128.1 – Demolition of Existing Building, Construction of 4 Units & Strata Subdivision – Part Lot 19 DP 156143 No 139 Manning Street, Kiama (cont)

Council's DCP 2012 (Chapter 5 control C32 – 25m² POS) or SEPP 65 Residential Flat Design Code, which recommends a minimum 24m² POS area for 3 bedroom units (which units 2 & 3 are). Notwithstanding this, the new SEPP 65 Apartment Design Guide prescribes a minimum balcony area of 12m² for 3+ bedroom apartments. It is reasonable to apply this new standard as it would be applicable to any new application and as such, the size of the amended balconies is considered to be acceptable having regard to the SEPP 65 requirements.

In relation to the presentation of the building, the deletion of the Juliet balconies and elimination of openings along the sides of the building (within 3m of the boundary) means the resulting building elevation to the north and south loses some architectural features in comparison to the original proposal. The side elevations essentially become a continuous plane, where previously the wall was punctuated and articulated by openings that added variation to the side facades. The removal of these openings results in an arguably more bulky building façade compared to the original proposal.

Some articulation to the side facades has been introduced in the amended proposal by way of recessed 'courtyard' landscape areas. These recesses in the wall provide for natural light and ventilation to bedrooms without the openings facing the neighbouring land. Although these recesses do articulate the northern and southern wall expanses, they do not compensate for the openings in the wall (and resulting punctuation/articulation) of the original proposal and significantly reduce the amenity of the interior spaces as they now open toward each other rather than to the north where they would receive solar exposure and views.

In relation to building height, although the building height breach initially proposed did not form part of Council's reason for refusal, the amended proposal has reduced the minor extent of building height breach previously proposed. The breach previously brought about by the Unit 4 Juliet balcony has been eliminated with the removal of the Juliet balconies and similarly the re-design of the Unit 4 and the resulting change in roof line has substantially reduced building height breach at the north western corner of the building.

Public Submissions

Notification letters were sent to neighbouring property owners, who were provided with fourteen (14) days in which to comment on the amended proposal. At the conclusion of the notification period, nil (0) submissions were received.

Conclusion

As outlined in this report, the applicant has sought to address the concerns raised by Council which led to refusal of the development proposal at the August 2015 Council meeting.

Whilst changes have been made to the proposal, this has in turn created different areas of noncompliance with nominated standards. Overall, the outcome of the amended proposal is a diminished standard of liveability, functionality, amenity and building presentation. This highlights the complex nature of achieving strict numeric compliance with standards for medium density development on infill allotments.

Report of the Director Environmental Services

- 9.2 Review of Determination - DA 10.2015.128.1 – Demolition of Existing Building, Construction of 4 Units & Strata Subdivision – Part Lot 19 DP 156143 No 139 Manning Street, Kiama (cont)
-

The Apartment Design Guide referenced above provides benchmarks for achieving the design principles put forward in SEPP 65, and, being a relatively recent document, represents contemporary expectations in regard to residential flat buildings. It is considered that the solar access and separation provisions contained therein are relevant and significant for the ongoing amenity of residents, as such it is considered that the original determination of refusal should be confirmed.

ORDINARY MEETING

18 AUGUST 2015

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**

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

ORDINARY MEETING

18 AUGUST 2015

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

ORDINARY MEETING

18 AUGUST 2015

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.

ORDINARY MEETING

18 AUGUST 2015

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)

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 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.

ORDINARY MEETING

18 AUGUST 2015

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)

- 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:

- (i) 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
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

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)),

ORDINARY MEETING

18 AUGUST 2015

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)

thereby breaching the 11m building height development standard of Clause 4.3. A 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.

ORDINARY MEETING

18 AUGUST 2015

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 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.

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

ORDINARY MEETING

18 AUGUST 2015

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)

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.

- (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).

ORDINARY MEETING

18 AUGUST 2015

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)

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 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:

ORDINARY MEETING

18 AUGUST 2015

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)

-
- 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**).

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

ORDINARY MEETING

18 AUGUST 2015

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)

*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 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

ORDINARY MEETING

18 AUGUST 2015

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)

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

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

ORDINARY MEETING

18 AUGUST 2015

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 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.

- 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

ORDINARY MEETING

18 AUGUST 2015

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)

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.

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

ORDINARY MEETING

18 AUGUST 2015

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)

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.

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

ORDINARY MEETING

18 AUGUST 2015

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)

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.

- (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

ORDINARY MEETING

18 AUGUST 2015

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)
-

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 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**.

ORDINARY MEETING

18 AUGUST 2015

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)

Prior to Commencement of Works

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

ORDINARY MEETING

18 AUGUST 2015

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)

-
- 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 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.

ORDINARY MEETING

18 AUGUST 2015

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)

(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);
- 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

ORDINARY MEETING

18 AUGUST 2015

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)

-
- 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.
 - 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

ORDINARY MEETING

18 AUGUST 2015

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)
-

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 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".

ORDINARY MEETING

18 AUGUST 2015

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)

-
- (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 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.

ORDINARY MEETING

18 AUGUST 2015

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)

-
- (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 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.

ORDINARY MEETING

18 AUGUST 2015

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)

-
- (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.

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

ORDINARY MEETING

18 AUGUST 2015

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)

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 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.

ORDINARY MEETING

18 AUGUST 2015

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)

-
- (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.
- (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.

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.

ORDINARY MEETING

18 AUGUST 2015

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)

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.
 - 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.

ORDINARY MEETING

18 AUGUST 2015

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)

-
- (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.

Item 9.2

Attachment 1

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

1 - Site Plan, Plans and Elevations

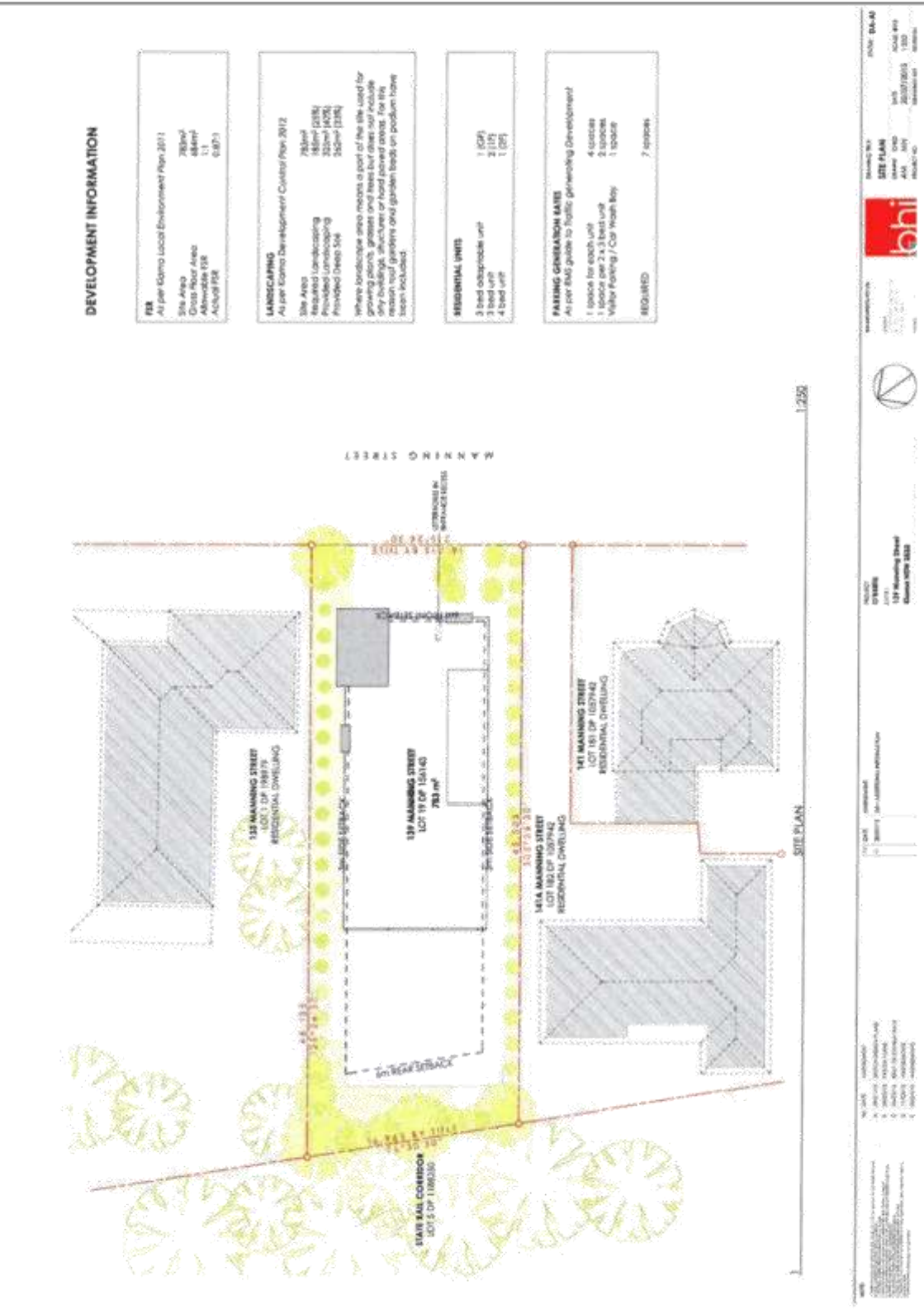


Item 9.2

Attachment 1

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

1 - Site Plan, Plans and Elevations



DEVELOPMENT INFORMATION

<p>FIR As per Kiama Local Environment Plan 2011</p> <p>Site Area 282m²</p> <p>Covered Area 11</p> <p>Allowable FSR 0.873</p>	<p>LANDSCAPING As per Kiama Development Control Plan 2012</p> <p>Site Area 783m²</p> <p>Required Landscaping 185m² (23%)</p> <p>Proposed Landscaping 220m² (28%)</p> <p>Provided Trees 10</p> <p>Where landscaping area needs 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 base can be included.</p>	<p>RESIDENTIAL UNITS</p> <p>3 bed detachable unit 1 (CP)</p> <p>3 bed unit 2 (CP)</p> <p>4 bed unit 1 (CP)</p>	<p>PARKING GARAGEWAYS As per R45 guide to Public governing Development</p> <p>1 space for each unit 4 spaces</p> <p>1 space per 2 x 3 bed unit 2 spaces</p> <p>Major Parking / CP north way 1 space</p> <p>REQUIRED 7 spaces</p>
--	--	--	---

DRAWING NO: DA-10
 SITE PLAN
 DATE: 18 AUG 2015
 PROJECT: 139 Manning Street
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1:250
 PROJECT NO: 10.2015.128.1

1:250
 NORTH

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

1 - Site Plan, Plans and Elevations

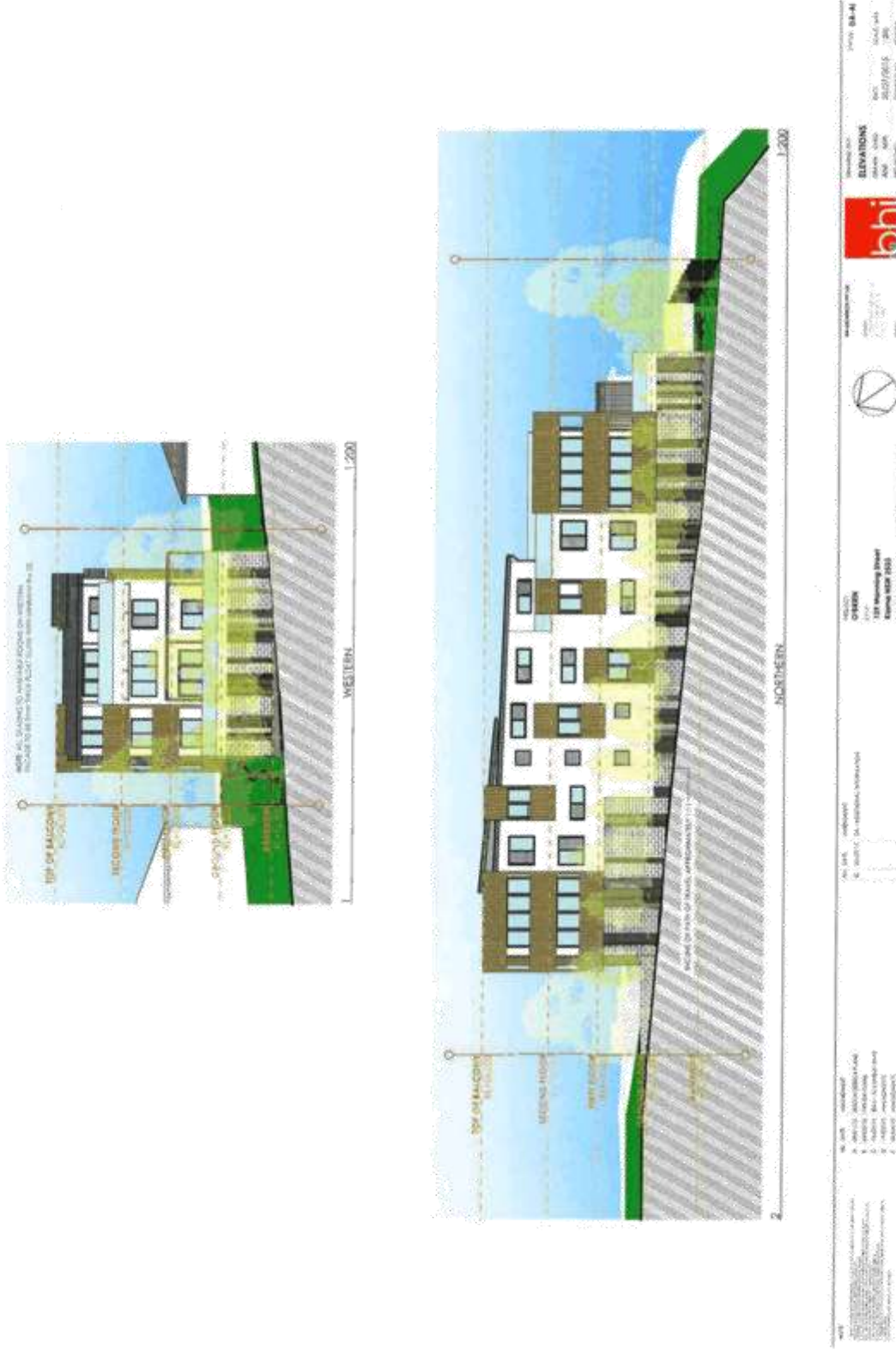


Item 9.2

Attachment 1

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

1 - Site Plan, Plans and Elevations



Attachment 1

Item 9.2

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

1 - Site Plan, Plans and Elevations



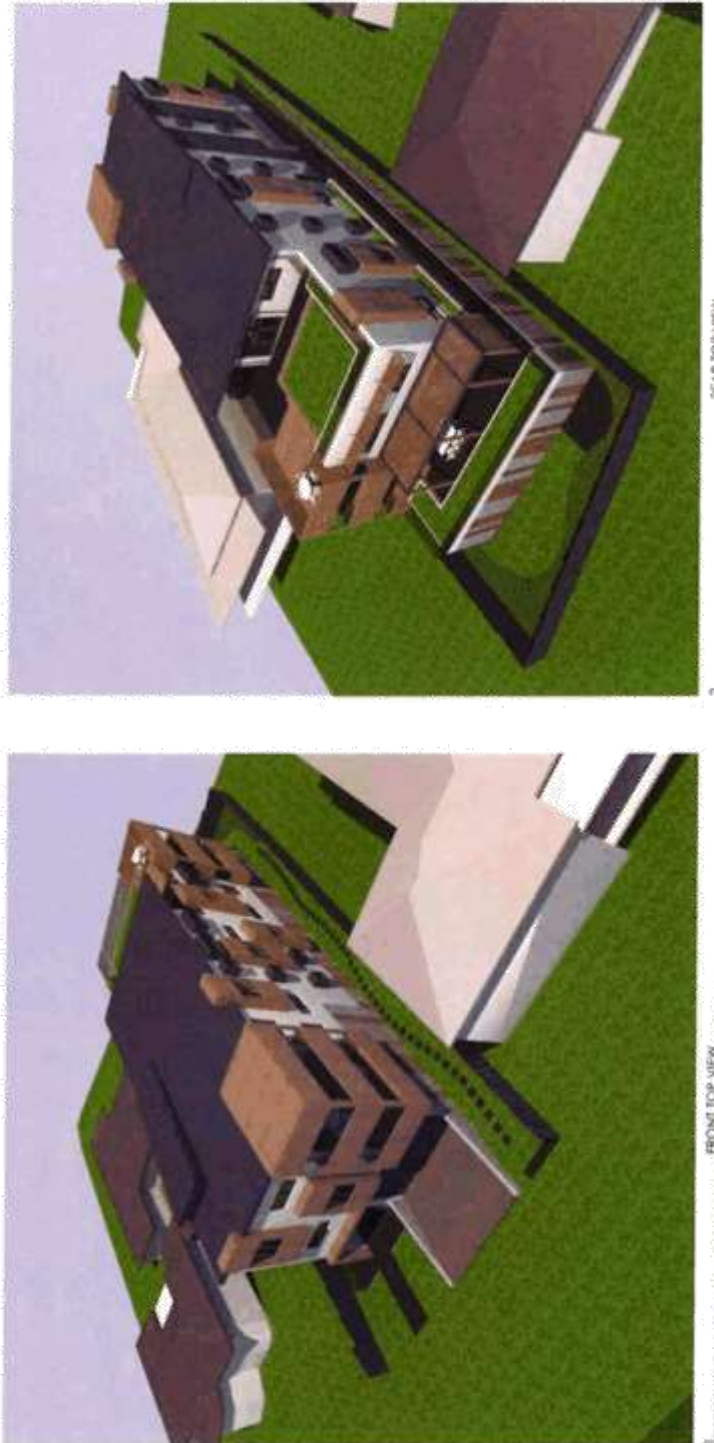
Architectural details and logos including 'lohi' and project information.

PROJECT: 139 Manning Street, Kiama NSW 2533
 DRAWING NO: DA-01
 DATE: 2014-04-15
 DRAWN BY: J. BROWN
 CHECKED BY: J. BROWN
 APPROVED BY: J. BROWN

ARCHITECT: lohi
 139 Manning Street, Kiama NSW 2533
 PH: (02) 4422 1111
 WWW.LOHIAUSTRALIA.COM.AU

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

1 - Site Plan, Plans and Elevations



Architectural drawing details including:
- Project Name: 139 Manning Street, Kiama NSW 2533
- Client: PERSPECTIVS
- Architect: PERSPECTIVS
- Scale: 1:100
- Date: 18/08/2015
- Drawing No: 1/10
- Includes a north arrow and a scale bar.

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

1 - Site Plan, Plans and Elevations



Item 9.2
 Attachment 1

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

2 - Height departure diagram

3

Figure 1 – Height Departure – Unit 4 Roof

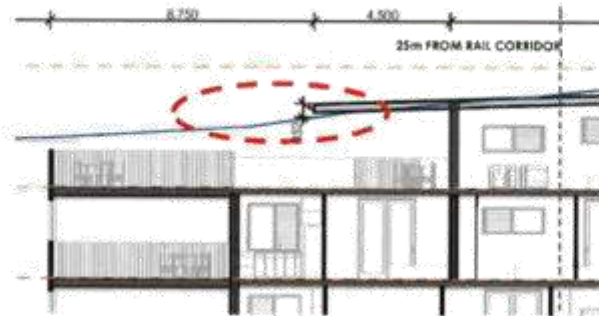


Figure 2 – Height Departure – Unit 4 Juliette Balcony



ARCHITECTURE URBAN DESIGN INTERIORS RESEARCH + PLANNING



REF: 8420

18 November 2015

Attn: Mr Michael Forsyth, General Manger
Development Assessment Officer - Planning
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Dear Mr Forsyth,

Re: Development Application 10.2015.128.1
Application for Section 82A Review of Determination

Following the refusal of the development Application outlined above at 139 Manning Street, Kiama, on 18 August 2015, we request that council review the determination.

The development application was refused on the ground that the development failed 'to provide sufficient separation to ensure reasonable visual and acoustic privacy for future residents, and those in likely future neighbouring medium density developments'. Instead we submit drawings with the following amendments:

- All balconies are set back a minimum of 3m from the boundary, with screening to the boundary and long views only to the east and west
- All windows to habitable rooms facing the boundary within the 6m setback have been removed and the only windows to habitable rooms facing the boundary are setback a minimum of 6m
- All habitable rooms have windows only facing landscaped 'courtyards' or the east/west boundaries towards to the train line or street
- Any windows to non-habitable rooms within the 6m setback facing the boundary incorporate obscured glass to prevent overlooking

This design fits within the prescribed privacy measures of Chapter 5 of the Kiama DCP and the SEPP65 Apartment Design Guide.

We have also included hard copies of the original Development Application as submitted to council for your consideration outlining the refused design. It is in our opinion that though this original design does not specifically comply with privacy measures, it provides a better design outcome for the development and neighbouring properties.

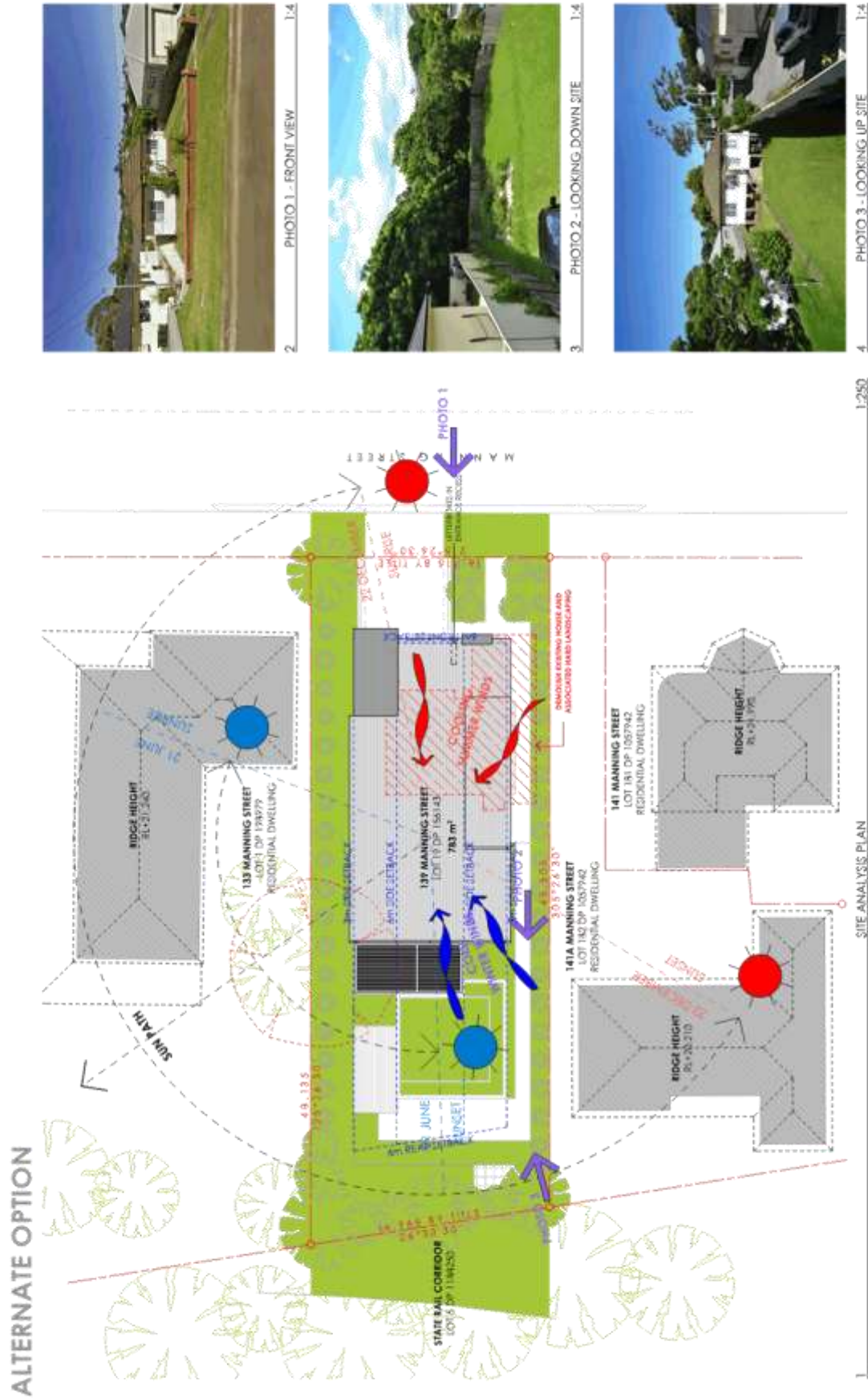
If you require any further clarification, regarding any of these issues please do not hesitate to contact our office on 02 9313 7800.

Yours Sincerely,

Mark Hitchcock

Mark Hitchcock | Director
BHI ARCHITECTS
Registered Architect NSW 4763
Member AIA, PIA, GSAP





NOTE:

- A. EXISTING SITE CONDITIONS
- B. PROPOSED DEVELOPMENT
- C. EXISTING LAND USES
- D. EXISTING BUILDINGS
- E. EXISTING UTILITIES
- F. EXISTING VEGETATION
- G. EXISTING SOILS
- H. EXISTING SERVICES
- I. EXISTING SERVICES
- J. EXISTING SERVICES
- K. EXISTING SERVICES
- L. EXISTING SERVICES
- M. EXISTING SERVICES
- N. EXISTING SERVICES
- O. EXISTING SERVICES
- P. EXISTING SERVICES
- Q. EXISTING SERVICES
- R. EXISTING SERVICES
- S. EXISTING SERVICES
- T. EXISTING SERVICES
- U. EXISTING SERVICES
- V. EXISTING SERVICES
- W. EXISTING SERVICES
- X. EXISTING SERVICES
- Y. EXISTING SERVICES
- Z. EXISTING SERVICES

PROJECT: O'BRIEN
 137 Manning Street
 Kiama NSW 2533
 CLIENT: Daniel O'Brien

DATE: 10/05/2015
 DRAWN BY: M. WOODWARD
 CHECKED BY: M. WOODWARD

SCALE: 1:250

PROJECT NO: 9420

DATE: 10/05/2015

PROJECT NO: 9420

SCALE: A. 1002 H

CLIENT: bhi

PROJECT NO: 9420

DATE: 10/05/2015

SCALE: A. 1002 H

ALTERNATE OPTION



NOTE: ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

NO	DATE	DESCRIPTION
A	10/02/15	DATE SUBMITTED
B	10/02/15	DATE FOR APPROVAL
C	10/02/15	DATE FOR APPROVAL
D	10/02/15	DATE FOR APPROVAL
E	10/02/15	DATE FOR APPROVAL
F	10/02/15	DATE FOR APPROVAL

PROJECT: O'BRIEN
 139 Manning Street
 Kiama NSW 2533
 CLIENT: Daniel O'Brien

SCALE: 1:250
 DATE: 20/01/2015
 DRAWN BY: A.M.
 CHECKED BY: A.M.
 PROJECT NO: 9420
 A-7002 H

SEARCHED TITLE: PERSPECTIVES
 DRAWING NO: 9420
 PROJECT NO: 9420
 DATE: 20/01/2015
 DRAWN BY: A.M.
 CHECKED BY: A.M.
 PROJECT NO: 9420
 A-7002 H

bhi
 bhi architects
 1/250



SEPP65 DESIGN VERIFICATION STATEMENT
ISSUE B

For

RESIDENTIAL FLAT DEVELOPMENT
139 MANNING STREET
KIAMA NSW 2533
LOT 19 DP 156143

For Daniel O'Brien

Prepared by
BHI ARCHITECTS 14 January 2016





INTRODUCTION

The documents prepared describe a revised design for a residential apartment development which aims to address the concerns raised by councillors.

The proposed development aims to address Manning Street in a way that is consistent with the changing and future character in terms of bulk, scale and landscaping, whilst mandating privacy to neighbouring properties.

Residential apartments are located over three storeys, which are designed to create a terraced effect with landscaped roof gardens and landscaping, reflecting the sloping nature of the site and its setting.

Residential apartments 1, 2 and 3 are all tri aspect, while apartment 4 enjoys outlook in all four directions. All apartments enjoy a northern aspect as well as privacy, solar access and cross and natural ventilation.

Using a broad range of ecologically sustainable design principles, the architecture and urban design language express a contemporary residential apartment development with simplicity and elegance, that respects the privacy of neighbouring properties.

The residential component has been designed to meet the quality design principles of the Apartment Design Guide and SEPP 65.



ARCHITECTURE INTERIORS URBAN DESIGN HERITAGE SUSTAINABILITY

DESIGN QUALITY PRINCIPLES

1. CONTEXT AND NEIGHBOURHOOD CHARACTER

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

The apartment development is located in the context of a residential street, with a motel located directly opposite. Manning Street is one of the main streets in Kiama, and is currently undergoing transformation to a higher density street with a number of other townhouse and residential apartments approved, including a submission for a large scale townhouse development at the neighbouring property, 133 Manning Street. The proposal at 139 Manning Street adds to the variety of housing in the locality and promotes increased residential density.

The development contains four residential apartments, and is three storeys with basement car parking.

Directly to the North of the site is a boating business which has been slated for redevelopment into 7 townhouses. This development is of a larger scale than the proposed residential apartment building, which comes within 1500mm of the boundary. Further North are a furniture retailer and funeral home, and further medium density developments are located beyond this.

To the East of the site is low density detached residential housing, with a motel directly opposite.

Located to the South are single storey residential dwellings, with small commercial and retail spaces located further South along Manning Street. In addition, another large scale modern



ARCHITECTURE INTERIORS URBAN DESIGN HERITAGE SUSTAINABILITY

townhouse development proposed at 178 Manning Street, which is typical of the future characteristics of the area.

To the West of the site is a rail corridor and railway line utilised by both passenger and cargo trains. This is raised and vegetated, providing visual separation.

The proposed residential apartment building reflects the changing character of Manning Street, its R3 Medium Density Residential zoning, and the future desired character of the area.

2. BUILT FORM AND SCALE

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The proposed development is situated along Manning Street, Kiama which is currently undergoing transition to a higher density.

The proposed bulk and height suits the Medium Density Residential zoning requirements which guide the future character of the area.

The four apartments create a terraced effect in section down the site, with the composition of the proposed building reflecting the sloping nature of the site. This reduces the scale of the proposed development, while roof gardens, terraces, balconies and the roof line enable increased articulation.

The form of the proposed residential apartments responds to the bulk and scale of the street character, both existing and future desired, as well as the sloping nature of the site. This is also expressed through the façade, landscaping, and privacy/screening elements. The proposed



ARCHITECTURE INTERIORS URBAN DESIGN HERITAGE SUSTAINABILITY

development provides a visually simpler and smaller frontage to the street than other proposed over-developed townhouses in the area.

The residential form of the development is expressed to the street by the main entry and landscape treatment, similar to the garage and front door presentation to the street of traditional houses.

All residential apartments enjoy a Northerly aspect, having at least a tri-directional aspect, with Unit 4 addressing all four sides of the development. This ensures a high internal amenity and multiple points of outlook. Landscaping on site contributes to the amenity and outlook of the Units, as well as providing visual and acoustic separation to the railway line.

Unit 1 is located on Ground Floor, behind the main entry, main circulation and services, providing separation between the street and ensuring visual and acoustic privacy to the occupants. A main balcony, large outdoor area, and small courtyards create a landscaped and private face to the exterior.

Units 2 and 3 are located on the First Floor, each featuring a 18sqm balcony, with Unit 3 also having a small juliet balcony to the streetscape.

Unit 4 is located on the Second Floor, and enjoys both tiled and decked areas as well as a generous landscaped roof garden.

3. DENSITY

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

The proposed development has a density consistent with the density of the changing streetscape of Manning Street.

The overall FSR for the site is below the maximum permissible and is therefore appropriate in terms of the local context.



ARCHITECTURE INTERIORS URBAN DESIGN HERITAGE SUSTAINABILITY

The site on Manning Street has good access to bus transport systems and is within walking distance of rail transport. It is also located nearby community and retail facilities which are accessible by foot or public transport.

High environmental quality is maintained by the setbacks to all boundaries, particularly to the rear facing the rail line, as well as by privacy from Manning Street and separation between units.

4. SUSTAINABILITY

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

The proposal aims to make efficient use of natural resources, energy and water.

The built form is orientated to minimize energy usage through passive solar design. All living areas enjoy a Northerly aspect for maximum solar gain. The proposed privacy screens, designed to minimise overlooking to neighbouring properties, are angled horizontally to prevent harsh summer sun, but allow the low winter sun filter through into the living areas. All apartments are tri-aspect allowing for cross and natural ventilation.

A combination of passive design and active sustainable systems are proposed to minimise the environmental impact of the building, while maximizing the amenity of the occupants.

5. LANDSCAPE

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.



ARCHITECTURE INTERIORS URBAN DESIGN HERITAGE SUSTAINABILITY

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

The landscape treatments for the proposed development enhance the visual and environmental amenity of the local area. The landscape responds to and reflects the local coastal character, and is consistent with the existing landscape character of Manning Street.

The proposed landscaping is utilised to soften the development at boundaries, increasing amenity to both the proposed development and neighbouring properties.

The combination of landscape, courtyards and the façade treatments and architectural features located within the 1m articulation zone serve to soften the appearance of the development.

Shared and private lawn, balconies, shared and gardens, paving and decked areas contribute to the visual character of the whole site development as well as benefitting individual residential units. These areas create an attractive setting for each residential dwelling.

6. AMENITY

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

The proposal allows for a high standard of outlook, natural ventilation, sunlight, visual and acoustic privacy, storage, indoor and outdoor space, and ease of access. All apartments are single level with 3 or 4 bedrooms and have individual configurations.

Each residential apartment has the opportunity for outlook in at least three directions, including to the North, the vegetated rail corridor and to Manning Street. This provision of



ARCHITECTURE INTERIORS URBAN DESIGN HERITAGE SUSTAINABILITY

outlook allows for natural and cross ventilation, maximizing amenity. All apartments have a Northern aspect, maximizing solar access. The proposed screening allows warm winter sun into the units, whilst protecting the outdoor areas and apartments from harsh summer suns.

Separation between apartments by floor allows for both visual and acoustic separation, while Units 2 and 3 are visually and acoustically separated via choice in building material and share only 2 common walls. A number of measures have been implemented to ensure privacy between neighbouring properties and the proposed development. The include:

- All balconies are set back a minimum of 3m from the boundary, with screening to the boundary and long views only to the east and west
- All windows to habitable rooms facing the boundary within the 6m setback have been removed and the only windows to habitable rooms facing the boundary are setback a minimum of 6m
- All habitable rooms have windows only facing landscaped 'courtyards' or the east/west boundaries towards to the train line and street
- Any windows to non-habitable rooms within the 6m setback facing the boundary incorporate obscured glass to prevent overlooking

Each apartment has adequate storage located to both the interior and basement parking area. Waste and recycling facilities are located in the basement.

The proposal allows for good access to both indoor and outdoor private and shared spaces.

Access to and from the development is provided both via car and by foot. Basement carparking with lift and stair access is provided, as well as a main double door entrance on street level. Lift and stair access is provided all levels of the development, with Unit 1 on the Ground Floor able to be adapted to meet accessible housing requirements.

Each apartment is well above the minimum dimensions as outlined in SEPP65 and all balconies are a minimum of 18sqm, which is 1.5 times the required size.

7. SAFETY

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.



ARCHITECTURE INTERIORS URBAN DESIGN HERITAGE SUSTAINABILITY

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

The proposed development employs all necessary techniques of passive surveillance to optimise safety and security both internal to the development and for the public domain.

Passive surveillance of the public domain to Manning Street and to communal areas on site is maximised by clear sight lines to these areas and appropriate levels of lighting.

Physical barriers provide a clear demarcation of access points to the development, and each individual unit, with easy and secure access to storage areas and internal building circulation.

The location of the site along Manning Street ensures regular pedestrian activity past the residential units.

8. HOUSING DIVERSITY AND SOCIAL INTERACTION

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

The proposed development responds to the social context and needs of the local community through its medium density design and scale to suit both the current needs of the neighbourhood and the desired future community. The oversized apartments also cater to a community with high numbers of ageing residents. The apartment development allows older families to have a single floor plate that caters for visiting family and guests. The apartments also suit the large number of young families in Kiama, allowing the option of a low maintenance family home.



ARCHITECTURE INTERIORS URBAN DESIGN HERITAGE SUSTAINABILITY

9. AESTHETICS

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

The selected and compositional elements inclusive of materials, colour, texture and form employed for this proposed development will achieve a high standard of aesthetic quality and a responsive design solution. Both the use and aesthetic fit of the built and natural environment will allow for the desired future community.

The northern facade is articulated through the wooden balconies at the eastern and western corners, with a timber clad courtyard between the two. The southern facade incorporates a few smaller windows to non-habitable rooms as well as a timber clad indented courtyard and Colorbond feature to the eastern end. The front and rear facades are articulated through a number of balconies, awnings and pergolas.

The choice of materials will be from a limited palette, with the architectural expression carefully modulated to achieve harmony and reflect the coastal setting.

9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1)

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews the development application seeking consent for a re-subdivision of Lot 10 DP 581766 and Lot 1A DP: 38751 to create proposed Lots 1 & 2, with Right of Way over proposed Lot 2 to benefit proposed Lot 1 and adjoining (existing) Lot 11 DP 581766 (Stage 1) and construction of a two storey dwelling house on each of the three (3) lots (Stage 2).

The proposed development is sited within the R2 Low Density Residential zone pursuant to Kiama LEP 2011 and is permissible with consent.

Three (3) submissions were received in response to Council's neighbour notification of the proposal. The concerns raised in submissions relate to view loss likely to result from the proposed development. These concerns are considered to be valid and warrant refusal of the proposal.

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

Finance

N/A

Policy

N/A

Reason for the Report

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

Attachments

- 1 10.2015.224.1 - location map
- 2 10.2015.224.1 - plans

Enclosures

Nil

RECOMMENDATION

That Council refuse development application 10.2015.224.1 pursuant the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, for the

Report of the Director Environmental Services

- 9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1) (cont)
-

following reasons:

1. It is considered that the proposed development results in unacceptable view loss impacts.
2. It is considered that the proposed development results in an unjustified breach of the front 6m building line.
3. Submissions have been received making valid objections to the development on the grounds of view loss.
4. For the reasons outlined, the proposed development is not considered to be within the public interest.

BACKGROUND

Applicant: LandTeam Australia Pty Limited
Owner: Aust International Properties Pty Ltd
Site Zoning: R2 Low Density Residential

Development Site

The property is described as Lot 11 DP 581766, Lot 10 DP 581766 & Lot 1A DP 38751, which is located at 10 Riverside Drive Bombo.

The overall site measures some 1865m² in size and is irregular in shape. The site is currently vacant and is bounded by residential land to the north, east and south and Riverside Drive to the west.

The site is zoned R2 Low Density Residential pursuant to Kiama LEP 2011.

The site is cleared and slopes moderately from northwest downward to the southeast.

The land drains to Northpoint Place via a drainage easement, although existing Lot 1A is not benefited by the easement.

Access to the property is obtained from Riverside Drive.

The site is serviced by water/sewer/electricity/telecommunications.

Description of the Proposed Development

The proposal involves development in two (2) parts, as follows:

- Stage 1 – re-subdivision of Lot 10 DP 581766 and Lot 1A DP: 38751 to create proposed Lots 1 & 2, with Right of Way over proposed Lot 2 to benefit proposed Lot 1 and adjoining (existing) Lot 11 DP 581766;
- Stage 2 – construction of a two storey dwelling house on each of the three (3) lots and construction of shared access driveway.

Proposed Lot 1 fronts Riverside Drive and has an area of 577.3m² in size and is irregular in shape.

Report of the Director Environmental Services

- 9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1) (cont)
-

Proposed Lot 2 is a battle-axe shaped lot with the access handle forming the southern boundary of proposed Lot 1. Proposed Lot 2 measures 543.5m² in size (and 491.4m² excluding the handle).

Dwelling 1 is proposed to be constructed on Lot 1. The dwelling consists of 3 bedrooms and has a floor area of 247.91m² (including the double lock-up garage).

Dwelling 2 is proposed to be constructed on Lot 2. The dwelling is identical in floor layout and design to Dwelling 1.

Dwelling 3 is proposed to be constructed on Lot 11. Dwelling 3 also consists of 3 bedrooms and has a floor area of 260.8m² (including the double lock-up garage).

Common access to the proposed development is to be obtained from Riverside Drive via the Lot 2 access handle and associated reciprocal Right of Way benefitting Lot 1 and Lot 11.

Waste storage is provided for within each lot and kerbside collection will occur from Riverside Drive.

Section 79C Assessment

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

Relevant Environmental Planning Instruments

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

The site is located within the coastal zone, as defined by SEPP 71. The site is not located within a 'sensitive coastal location' 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.

- Illawarra Regional Environmental Plan No 1 (IREP 1)

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

- Kiama LEP 2011

The subject land is zoned R2 Low Density Residential pursuant to Kiama LEP 2011. The proposal is permitted with consent in the zone.

Specific clauses requiring consideration:

Report of the Director Environmental Services

- 9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1) (cont)
-

Clause 4.1 requires that the minimum subdivision lot size is not less than the minimum size shown on the Lot Size Map (450m² in this instance). The proposal complies with the minimum lot size requirement indicated on the Lot Size Map.

It should be noted that the proposed configuration of proposed Lots 1 & 2 is largely brought about by safety and sight line distance requirements for access onto Riverside Drive, which has resulted in the proposal for a single, common access point to Riverside Drive for the overall development. To achieve this, as described in the proposal, proposed Lot 2 is a battle axe shaped allotment providing access for proposed Lot 1 and existing Lot 11 in a reciprocal right of way arrangement. Having regard to the need to provide safe access onto Riverside Drive for the development, the proposed re-subdivision configuration for proposed Lots 1 & 2 is considered to be a reasonable response. A side-by-side lot arrangement with individual frontage and access to Riverside Drive would create concerns regarding access/egress and sight line concerns.

This battle axe configuration does however raise the issue of what is an appropriate development standard for the newly created allotment, particularly having regard to impact on adjoining properties.

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map (8.5m in this instance). The proposal does not exceed the height shown on the Height of Buildings Map (8.5m – Dwelling 3).

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 (0.45:1 in this instance). The proposal (including post subdivision) does not exceed the floor space ratio development standard.

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

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

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The proposed development is generally consistent with Kiama DCP 2012, with the exception of the following controls:

Chapter 2 – Overall Controls

Report of the Director Environmental Services

- 9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1) (cont)

- Section 2 contains objectives and controls relating to maintenance of views and vistas. View sharing principles are identified, which are required to be incorporated into the design and siting of development, to ensure that where possible existing view lines are not detrimentally impacted.

Although it is acknowledged that the proposed development does incorporate view sharing principles, the extent to which the view sharing measures implemented preserve views for neighbours becomes the overriding issue.

The issue of views and view loss is discussed in detail below under 'Public Submissions'.

Chapter 4 – Low Density Development

- Control C2 states that, generally, where development greater than single storey is proposed, that component greater than one storey shall be located within 12.0 metres of the applicable front building line. Development in excess of one storey beyond this point will be more critically analysed in respect to the amenity impacts on adjoining properties.

Comment: In this instance proposed dwelling 2 is sited beyond 12m of the front building line as is the eastern quarter (approximately) of proposed dwelling 3.

In relation to dwelling 3, the portion of the building two storeys in height beyond 12m of the front building line is setback in excess of 6.5m from the southern boundary and some 8.6m from the eastern property boundary. This dwelling is sited on less elevated land than proposed Dwellings 1 & 2, with the two storey component brought about by the steeper fall of the land in that area and a corresponding lower floor level below the ground floor level. No significant concern is raised in relation to control C2 as it relates to proposed dwelling 3.

Proposed dwelling 2 is considered to raise more significant amenity impacts for neighbours, particularly in relation to the loss of views from neighbours to the north as a result of the proposed second storey. The issue of view loss is discussed in detail below under 'Public Submissions'. It is considered that the view loss implications of the proposed development are significant, which warrants strict enforcement of control C2 in relation to proposed Dwelling 2.

The proposed variation to control C2 is therefore not supported in relation to proposed Dwelling 2.

- Control C17 requires proposed development to observe building lines stipulated in Chapter 2 of the DCP. The building lines applying to the land include a 6m front building line and a 6m rear building line.

Comment: *Front building line:* Proposed Dwelling 1, in an effort to reduce the view loss impact for neighbours to the north, has been repositioned with amended plans toward the west to widen the view corridor between it and proposed Dwelling 2. In doing this; however, proposed dwelling 1 breaches the 6m front building line, having a proposed setback of 5.5m to Riverside Drive (the front boundary).

Report of the Director Environmental Services

- 9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1) (cont)
-

Whilst the view corridor is improved as a result of the proposed increased separation between the dwellings, it is considered that this should not come at the expense of a resultant front building line breach. Rather than alter the design of proposed Dwelling 1 to better respond to the building envelope (setbacks) and view loss concerns of neighbours, the building has merely been repositioned westward, introducing the breach of the front building line. The applicant has not adequately demonstrated why compliance with the front building line cannot or should not be observed in this instance and as such variation is not supported.

Rear building line: The applicant has nominated the northern property boundary of proposed Lots 1 & 2 as the rear boundary, with Dwelling 1 setback 5.51m and Dwelling 2 setback 4.185m from this boundary.

Proposed Lot 1 is a 'diamond' shaped lot. The point of the diamond is the acute angle formed from the northern boundary of the subject land intersecting with Riverside Drive. Accordingly, the proposed northern boundary and western boundary (Riverside Drive boundary) of proposed Lot 1 are the longest boundary lengths. The proposed southern boundary is the shortest boundary length, meaning the proposed allotment is shallow in its depth from Riverside Drive.

By definition, Riverside Drive forms the front boundary of proposed Lot 1 and the rear boundary is the boundary opposite. When applied to the subject land, this means that the rear boundary for proposed Lot 1 nominated by the applicant, is actually the defined side boundary.

Given the configuration and constraints of the subject land it is generally accepted that the proposed boundary adjustment to create Lots 1 & 2 is a rational response to the proportions and topography of the land. In turn, given the short length of the proposed southern boundary of proposed Lot 1, coupled with the DCP requirement for a 6m setback to both the front and rear boundary, it makes development of proposed Lot 1 challenging. It is understandable therefore that the applicant has sought to reorientate the application of rear setback to the northern boundary, as proposed. It is also acknowledged that the increased setback to the north results in increased separation between the proposed dwellings and the existing neighbouring dwellings in Darien Avenue (which themselves do not observe a 6m rear setback) and also means the open space in this area of proposed Lots 1 & 2 achieves fuller northern solar exposure (refer to attached Site Plan).

Proposed dwellings 1 & 2 are not dissimilar in their configuration to a dual occupancy development (i.e. sited one behind the other with the same design and finish materials/colours). In that scenario, the rear building line for a dual occupancy development would be taken to be the existing eastern property boundary. Proposed dwelling 2 is setback 7.05m from this boundary, with the exception of the dog leg associated with existing Lot 1A, whereby dwelling 2 is setback 4.092m at its north-eastern corner. Such an arrangement would likely be satisfactory should a dual occupancy development have been proposed, so

Report of the Director Environmental Services

- 9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1) (cont)

it would be reasonable to carry the same approach through to the development as proposed (being development involving both subdivision and dwelling construction), particularly in terms of the relationship between proposed dwelling 1 and the proposed Lot 1 eastern boundary.

Under the circumstances as discussed, the setback of proposed Dwellings 1 & 2 to the northern and eastern boundaries of respective proposed Lots 1 & 2 is considered to be a reasonable design response and not out of keeping with what could be expected from a dual occupancy proposal.

It is reiterated however that the proposed front building line breach of proposed Dwelling 1 is not supported in this instance, as discussed above.

- Control C25 requires that the maximum finish gradient of private open space (POS) is 1:4 and, in combination with this, control C29 requires that a deck balcony may only count as part but not all of a dwellings POS, subject to, in the case of a deck, the dimensions and location of the deck would provide for useful, practical, multipurpose open space.

Comment: The POS of proposed Dwelling 3 is in the form of a 38.29m² deck extending off of and around the lower level rumpus as well as a balcony above, being 38.32m², extending off of and around the dining room/kitchen. The land beyond the deck at this point is of a slope exceeding that limited by control C25.

The applicant has sought a variation to this control on the grounds that the deck and balcony significantly exceed the minimum 24m² POS area requirement of the DCP (control C23). The applicant makes the point that the design of the dwelling has responded to the topography of the site, with a ground floor level/lower ground floor level layout and resulting deck/balcony arrangement (which also enable enjoyment of views toward the south through east). The point is also made that a ground level POS area could be provided, however this would require substantial earthworks and retaining wall construction. The backyard area as proposed still provides for POS and recreational opportunity (beyond that of the large deck & balcony) despite the grade exceeding that of the DCP and is accessible directly from the lower level deck.

Under the circumstances, the reliance upon the deck/balcony as the primary POS area is considered to be reasonable and acceptable in this instance.

Chapter 7 - Subdivision

- Control C20 restricts the number of battle-axe lots to two that may share an access corridor.

Comment: The proposed development involves only one battle-axe lot (proposed Lot 2); however proposed Lot 1 and existing Lot 11 (with proposed dwellings 1, 2 & 3) are proposed to share a common access, resulting in a technical breach of control C20.

Report of the Director Environmental Services

- 9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1) (cont)

Council's Engineers have raised no concern with the proposed access arrangement. It is accepted that satisfactory sight line distances are available onto Riverside Drive at the proposed shared access point and, similarly, the access proposed will satisfactorily cater for safe vehicle and pedestrian access.

The variation to this control, as proposed, is supported in this instance.

- Control C23 requires driveway to be of a full concrete or asphalt construction.

Comment: The applicant has requested that the access construction occur prior to issue of the Occupation Certificate associated with Stage 2 of the proposal and that only a gravel drive be provided for the issue of the Stage 1 Subdivision Certificate.

The reason for the request is due to the additional expense to the applicant at Stage 1 and because of concerns about damage to a concrete/asphalt constructed driveway during construction of the dwellings (Stage 2).

This request has been considered by Council's Engineers who do not support the proposal to defer construction of the access. It is mandatory that access be fully constructed at subdivision stage, to secure formalised access to the lots and also protect the interests of future owners, should the current developer not proceed with Stage 2. Furthermore, the argument that the concrete/asphalt constructed driveway may be damaged during construction of the dwellings is not accepted.

Should the development be approved, the access driveway will be required to be fully constructed at subdivision stage.

Any Planning Agreement

Nil

Any Matters Prescribed by the Regulations

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

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

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

- Streetscape

With the exception of the front building line encroachment, which has not been adequately justified by the applicant, the design and configuration of the proposed development is generally considered to be reasonable when considered in relation to the context of the site. The bulk and scale of the proposal is consistent with relevant planning instruments and is not inconsistent with the streetscape.

Report of the Director Environmental Services

- 9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1) (cont)
-

- Noise

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

- Privacy and Overlooking

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

In terms of the impact from existing development on proposed dwellings 1 & 2, these dwellings are setback 5.51m & 4.185m respectively from the northern boundary which is shared with existing dwellings along Darien Avenue. The dwellings in Darien Avenue do not observe a 6m rear setback. The rear balconies of these neighbouring dwellings, due largely to their reduced rear setbacks, will have clear view of the proposed private open space (POS) areas of proposed Dwellings 1 & 2. Notwithstanding this, the proposed location of the dwelling 1 & 2 POS areas is consistent with Council's DCP provision (Chapter 4 Section 4) in relation to the siting, size etc. of POS. Relocation of the POS for the purpose of increasing their separation from development in Darien Avenue, would likely result in breaches of the controls under Section 4.

- Overshadowing

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

- Views

Height profiles were erected on site with the original proposal and it was considered that the view loss impact associated with the proposed development was excessive. The applicant was requested to revise the proposal with the intention of reducing the view loss impact on adjoining neighbours to the north and amended plans were subsequently submitted.

Whilst it is acknowledged that the amended plans reduce the impact of view loss for neighbours, the changes are generally considered to be insufficient, particularly in relation to proposed Dwelling 2. The issue of view loss is the subject of objections from neighbours and is discussed in detail below under Public Submissions.

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is proposed.

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

- Stormwater Management

A satisfactory drainage design has been provided with the application.

Report of the Director Environmental Services

- 9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1) (cont)
-

All stormwater will drain to the drainage easement.

- Environmental Impacts

Vegetation Removal – No vegetation is to be removed.

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

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

Impact on Water Resources – A rainwater tank will be provided for each dwelling, as required by BASIX. Stormwater will be conveyed to the drainage easement. 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 view loss concerns raised in submissions are considered to be significant (as discussed below).

The Suitability of the Site for the Development

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

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, three (3) submissions were received which objected to the proposal on the grounds of view loss toward the south. The objectors contend that the proposed development will result in excessive loss of view.

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

Step 1 – Assessment of views to be affected

The dwellings at 24, 26 & 28 Darien Avenue currently have uninterrupted views over the subject land toward Bombo Beach, the ocean and Blowhole Point/Kiama Lighthouse to the south. These views are private views.

The proposed development will have no unreasonable impact on public views.

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

Report of the Director Environmental Services

- 9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1) (cont)
-

In each case the primary views are from the living area and rear balcony of the dwellings.

Views are currently available from seated positions at these locations, as the subject land is vacant and the views over the land to the south are unimpeded owing to removal of vegetation and demolition of the dwelling on the land in 2015.

Step 3 – Assessment of the extent of the impact

View loss concerns were raised with the developer following the erection of height profiles on the land associated with the original proposal. Following this the applicant was requested to amend the proposal, with the view to reducing the impact of view loss. Amended plans were subsequently submitted, which made the following changes:

Dwelling 1

- Shifted 700mm to the west.
- Floor level has been reduced by 500mm.
- Upper roof pitches have been reduced by 20% (15 degrees to 12 degrees).
- Lower roof pitches have been reduced by 20% (10 degrees to 8 degrees).

Dwelling 2

- Shifted 500mm to the east.
- Floor level has been reduced by 500mm.
- Upper roof pitches have been reduced by 20% (15 degrees to 12 degrees).
- Lower roof pitches have been reduced by 20% (10 degrees to 8 degrees).

Of the adjoining dwellings to the north (24, 26 & 28 Darien Avenue) it is considered that the proposed development does not unreasonably impact the views available from the living area and rear deck of 24 Darien Avenue, as water, beach and headland views will be available over and eastward of the adjacent proposed Dwelling 2.

The views from 26 & 28 Darien Avenue are those most significantly impacted by the proposal.

From 26 Darien Avenue a view corridor has been made available between proposed Dwellings 1 & 2 which provides for water views and view of the Kiama lighthouse beyond. The eastern extreme of Blowhole Point is blocked by proposed Dwelling 2 and views of Bombo Beach will be lost as a result of the proposal (including proposed Dwelling 3, which is not shown on the photomontage attached to this report). Ocean views will be available in an easterly/south-easterly direction eastward of proposed Dwelling 2, pending future development at 11 Northpoint Place.

From 28 Darien Avenue a partial view of the northern end of Bombo Beach is expected to be available from the eastern end of the rear balcony and a partial view of the beach is also expected to be retained from the centre to the western end of the balcony (the balcony extends along the entire rear elevation of the dwelling).

Report of the Director Environmental Services

- 9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1) (cont)
-

Views of the lighthouse are expected to be retained from the centre through to western end of the balcony and intermittent water views will be retained. Of the three neighbouring dwellings it is generally considered that 28 Darien Avenue is most heavily affected by view loss from the development proposed.

As described, although some views will be retained from 26 & 28 Darien Avenue, it is generally considered that the extent of view loss on these dwellings as a result of the proposed development is substantial.

Step 4 – Assessment of the reasonableness of the proposal

Whilst the existing residents have a reasonable expectation to retain views from their properties, it is necessary for this to be balanced by an acknowledgement that applicant/owners, by the same token, also have a reasonable expectation to build to capture views available, even if such development interferes with views currently available from neighbours. This is central to the principle of ‘view sharing’.

The applicant has considered view sharing principles and has designed and sited the proposed dwellings in an effort to retain views for adjoining properties, e.g. by providing a view corridor between proposed Dwellings 1 & 2 immediately opposite the rear balcony of 26 Darien Avenue.

It is established therefore that the proposed development does not totally block views of the water and the lighthouse from neighbouring dwellings. The current views are however heavily reduced as a consequence of the proposed development and, as such, the reasonableness of the extent of the view loss is the overriding issue.

Current views over subject site are of the ocean, Bombo Beach and Blowhole Point/Kiama Lighthouse. Of these views, it is arguable that the view of the Kiama Lighthouse is an iconic view. Views of Bombo Beach will likely be mostly lost, not just as a result of the proposed development, but likely as a result of any development of the subject land for two main reasons:

- 1) View of Bombo Beach is over side boundaries of the subject land and downward, making it more difficult to mitigate view loss impacts because it is over the broadside of any buildings on the land; and
- 2) With point 1 in mind, even single storey development on the land would generally heavily restrict, if not prevent, views from neighbours to Bombo Beach.

It is therefore not considered reasonable for full views of the beach to be retained from neighbouring dwellings to the north. Conversely, it is reasonable to expect views of Kiama lighthouse and ocean views to be retained by these neighbours.

Proposed Dwelling 1 is consistent with DCP 2012 control C2 (two storeys within 12m of the front building line) and will reasonably need a second storey to obtain views, as they will otherwise be impeded by proposed Dwelling 3. With the exception of the 6m front building line, dwelling 2 has otherwise been designed with view sharing in mind by having its narrowest edge facing the adjoining dwelling at 28 Darien

Report of the Director Environmental Services

- 9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1) (cont)
-

Avenue. Bearing in mind a reasonable expectation of a developer to build to obtain views, proposed Dwelling 1 will need a second storey to achieve this.

Dwelling 2 on the other hand is inconsistent with DCP control C2, as discussed above under DCP 2012. It is also anticipated that Dwelling 2 does not necessarily need a second storey to obtain southern views, as view lines to the south/south-east are not impeded by proposed Dwelling 3 and it is also envisaged that view lines will be available pending future development in Northpoint Drive. Furthermore, the topography of the land to the south of dwelling 2 falls steeply away. The Ground Level RL of dwelling 2 is 33.8m and the RL at the south eastern corner of adjoining Lot 11 is 26.84m.

Dwelling 2 is the proposed dwelling that most heavily restricts ocean views from 26 & 28 Darien Avenue. Having regard to this, to the non-compliance of this dwelling with DCP 2012 Chapter 4 control C2 and to the contention that a second storey is not critical to obtain views to the south, it is deduced that the likely view loss impact to dwellings at 26 & 28 Darien Avenue as a result of proposed dwelling 2, are excessive and unreasonable. Whilst intermittent views of the water and the lighthouse will be retained from 26 & 28 Darien Avenue, the extent of those retained views is not considered to be sufficient.

External Referrals

Nil

Internal Referrals

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

- Senior Development Assessment Officer - Building

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

- 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 not likely to cause significant adverse impacts to the natural environment and is not likely to cause significant adverse social and economic impacts. The proposal is considered to be consistent with all relevant Environmental Planning Instruments and DCP 2012, with the exception of the proposed front

Report of the Director Environmental Services

- 9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1) (cont)
-

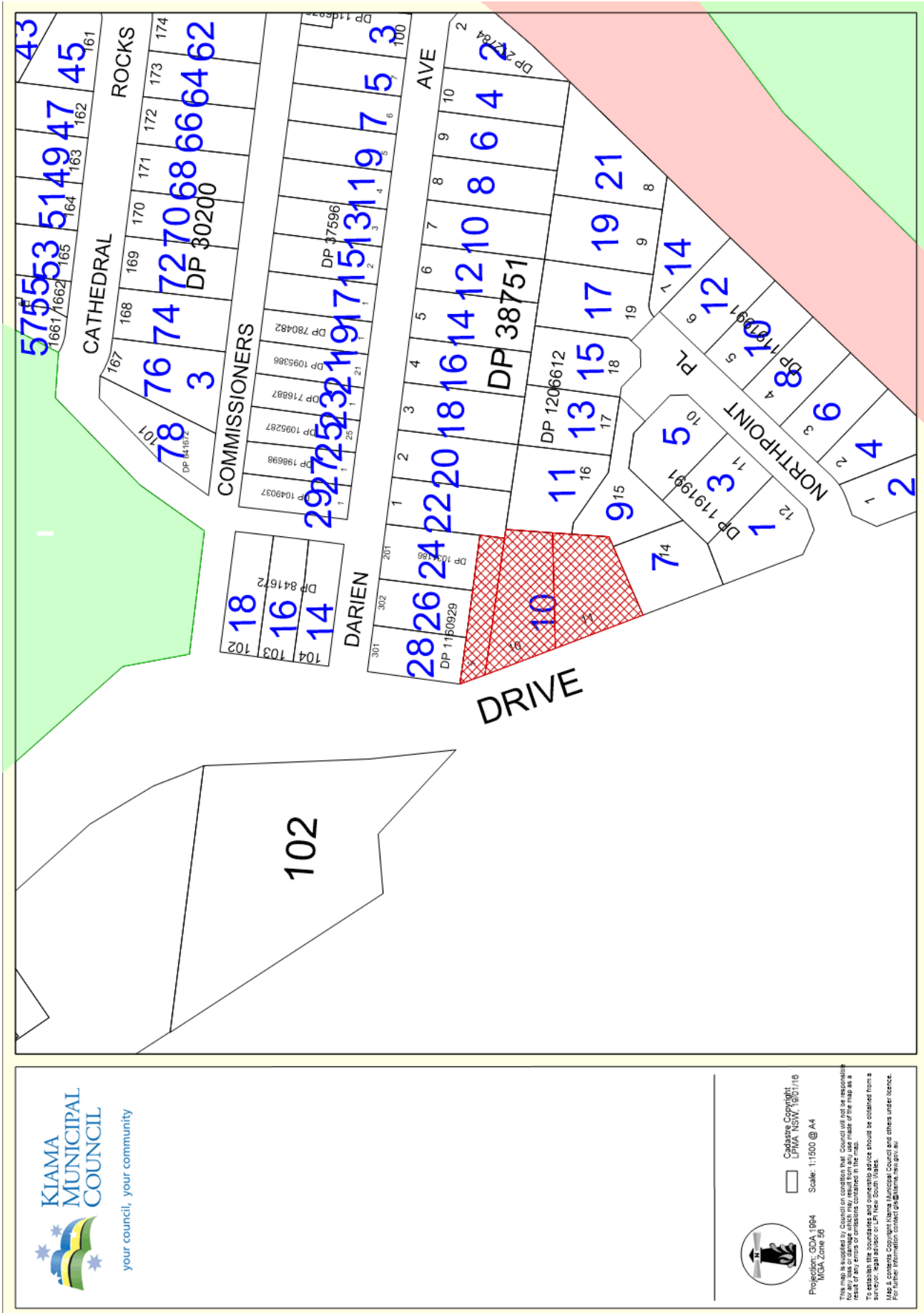
building line encroachment and the excessive view loss implications to neighbours as a consequence of the second storey of proposed dwelling 2. On this basis it is considered that the proposed development is not consistent with the public interest.

Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama Local Environmental Plan 2011 and generally consistent with Development Control Plan with the notable exception of the front building line encroachment proposed, which is not accepted in this instance. The proposed development is consistent with the objectives of the R2 Low Density Residential zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development and concerns are raised in relation to the view loss implications of the proposal to neighbours to the north, particularly associated with proposed Dwelling 2. Concerns raised in submissions have been evaluated and are considered to warrant refusal of the application.


The proposed development is considered to be unacceptable and refusal is recommended.




Item 9.3

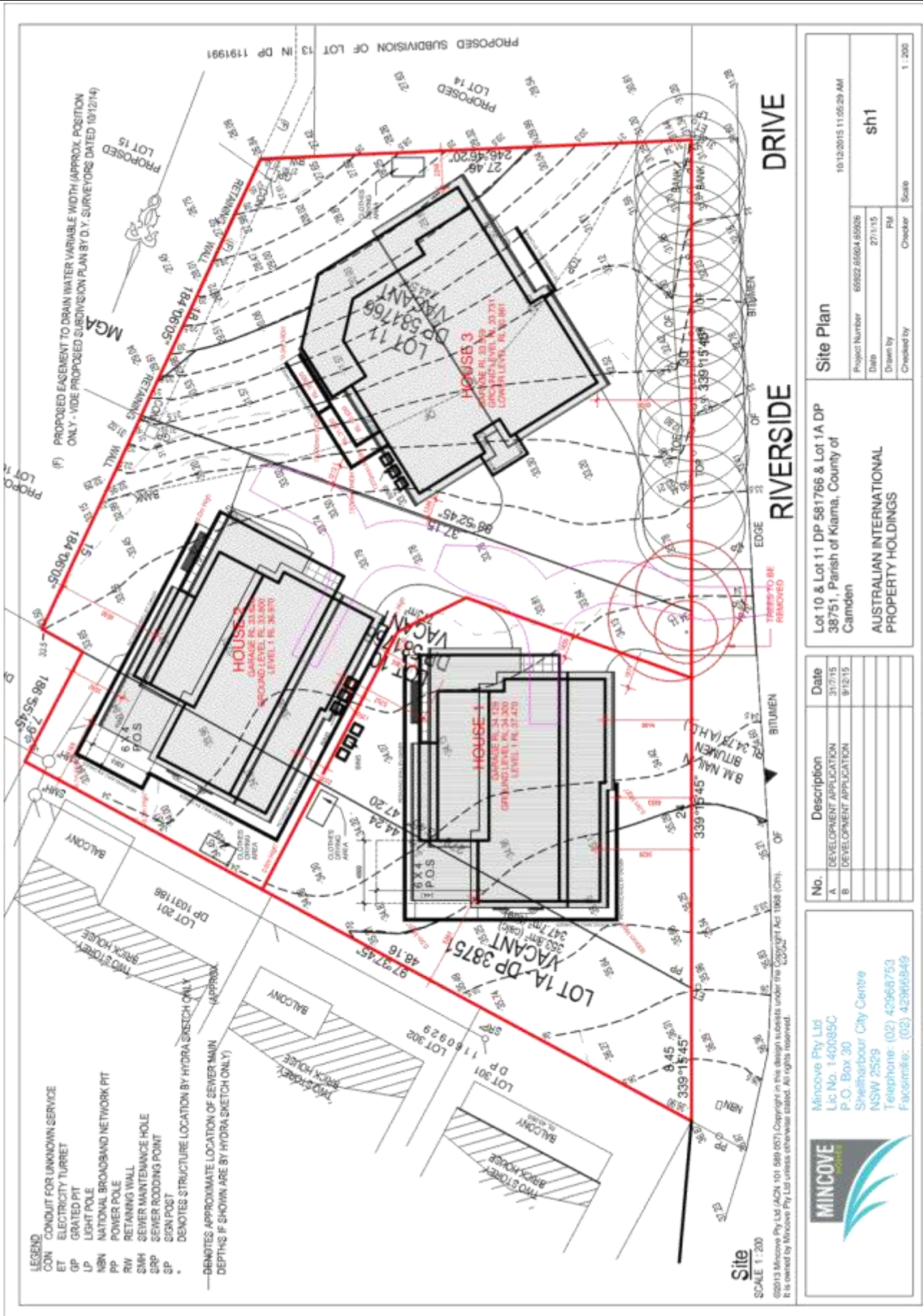
Attachment 1

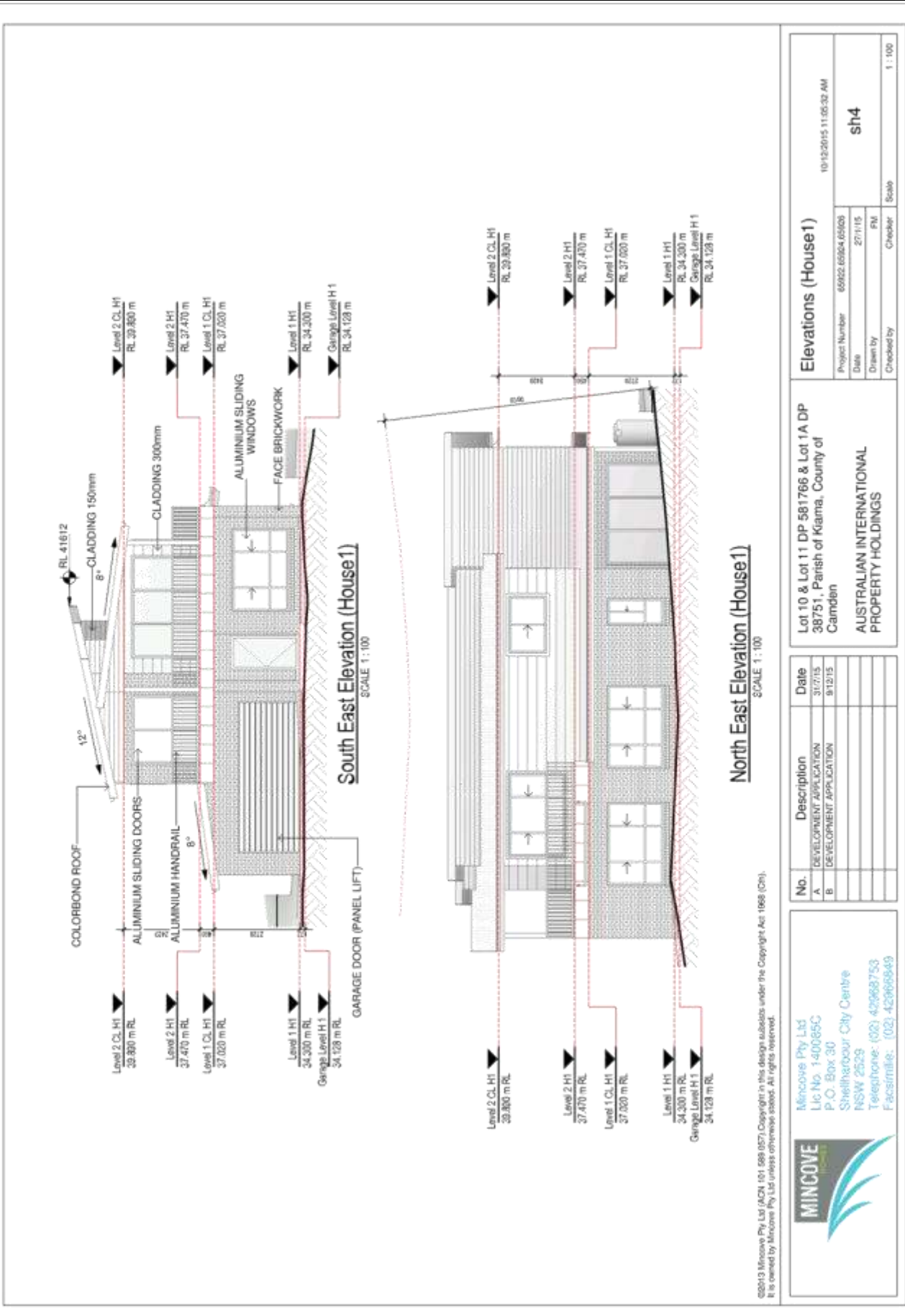


 Projection: GDA 1964
MGA Zone 58

 Cadastral Copyright
LPIWA NSW, 16/01/16
Scale: 1:1500 @ A4

This map is supplied by Council on condition that Council will not be responsible for any errors or omissions contained in the map. To establish the boundaries and ownership advice should be obtained from a surveyor, legal advisor or LPI New South Wales. Map & content Copyright Kiama Municipal Council and others under licence. For further information contact planning@kiama.nsw.gov.au



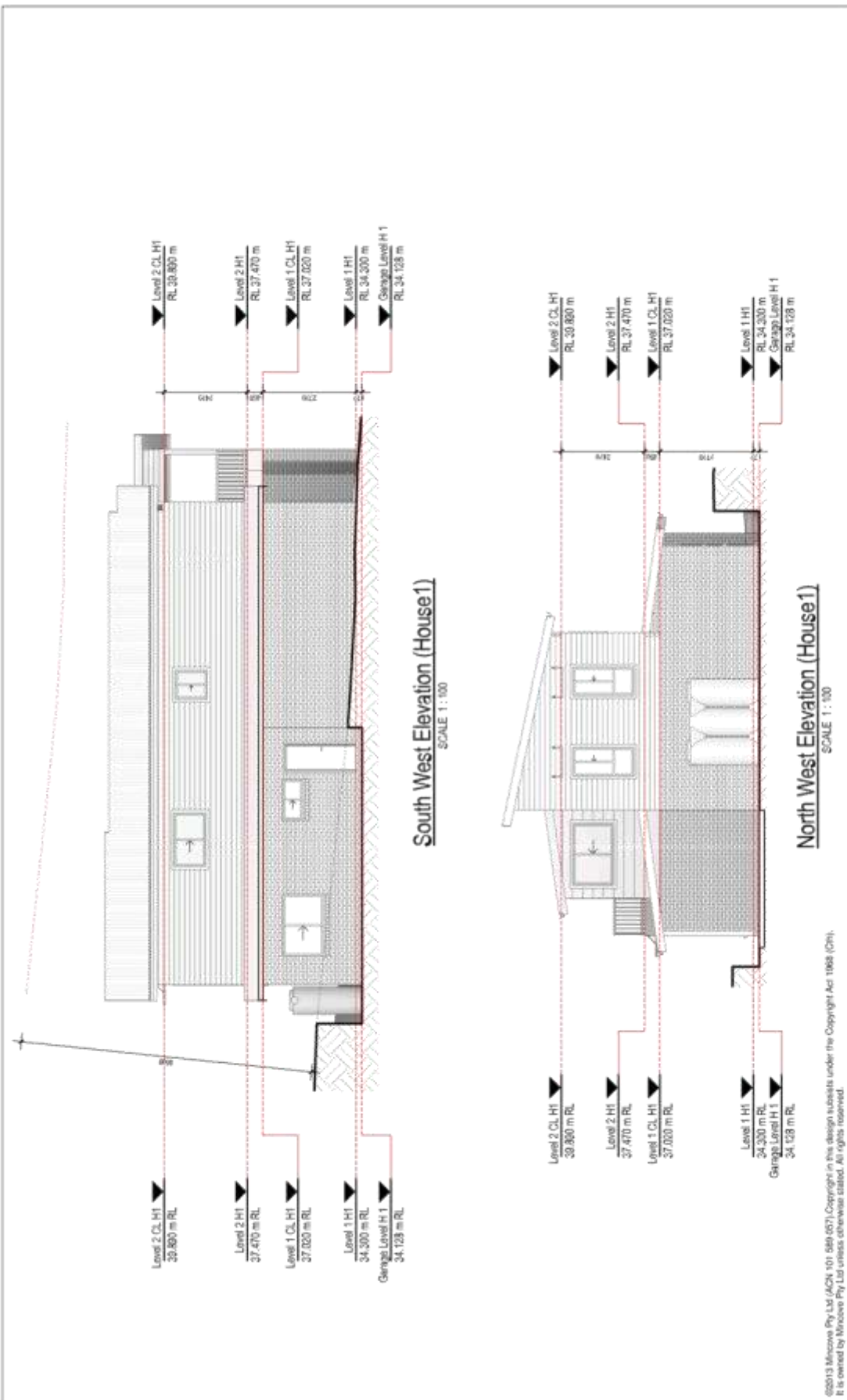


Elevations (House 1)	
Project Number	60922 65654 65608
Date	27/1/15
Drawn by	FM
Checked by	Checker
Scale	1:100

Lot 10 & Lot 11 DP 581766 & Lot 1A DP 38751, Parish of Kiama, County of Camden
AUSTRALIAN INTERNATIONAL PROPERTY HOLDINGS

No.	Description	Date
A	DEVELOPMENT APPLICATION	31/7/15
B	DEVELOPMENT APPLICATION	9/12/15

MINCOVVE
 Mincovve Pty Ltd
 Lic No. 140065C
 P.O. Box 30
 Shellharbour City Centre
 NSW 2529
 Telephone: (02) 42968753
 Facsimile: (02) 42968849

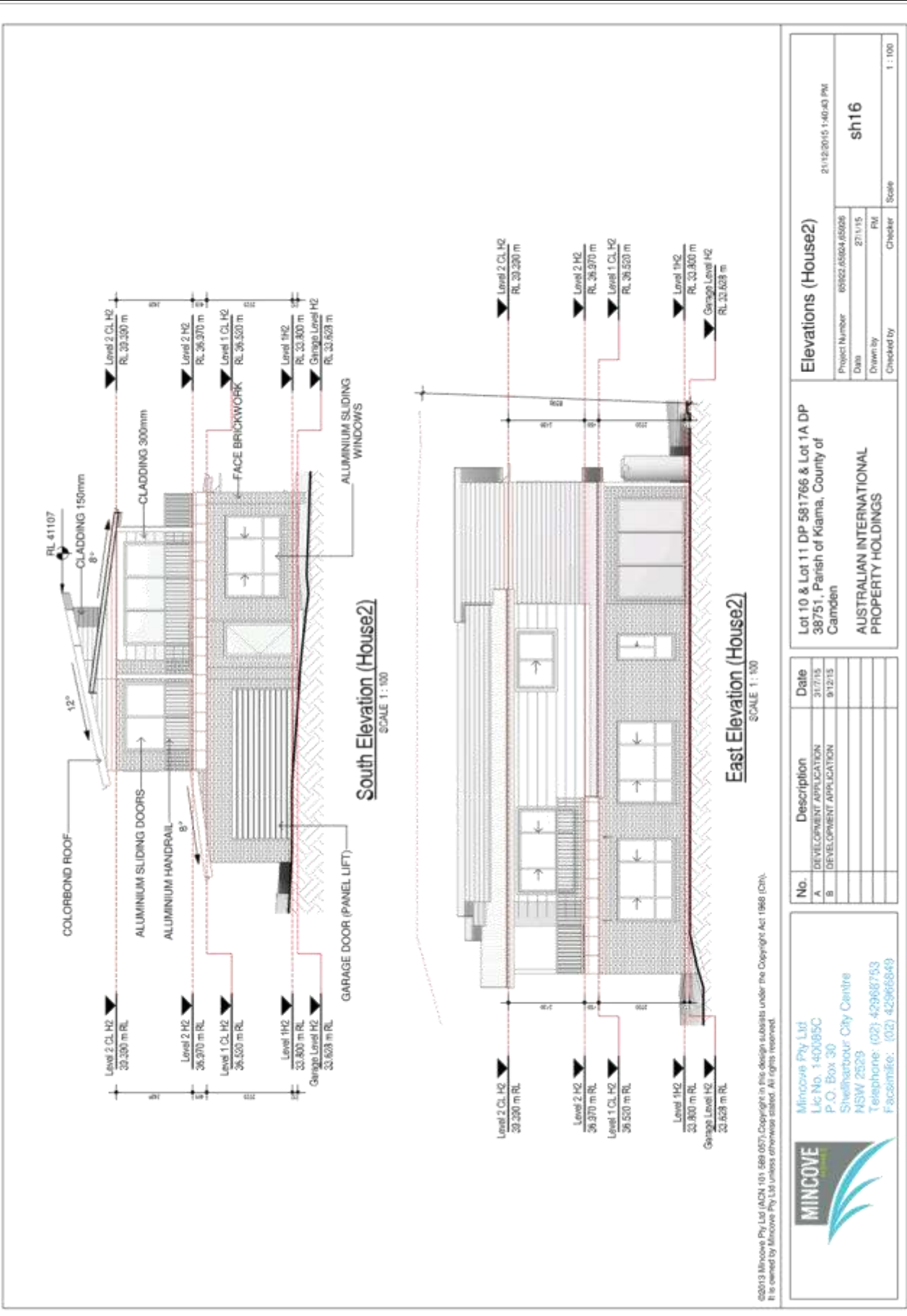


Elevation (House 1)	
Project Number	65902.65604.65606
Date	27/3/15
Drawn by	PM
Checked by	Checker
Scale	1 : 100

Lot 10 & Lot 11 DP 581766 & Lot 1A DP 38751, Parish of Kiama, County of Camden
AUSTRALIAN INTERNATIONAL PROPERTY HOLDINGS

No.	Description	Date
A	DEVELOPMENT APPLICATION	31/7/15
B	DEVELOPMENT APPLICATION	9/12/15

MINCOVE
 Pty Ltd
 Lic No. 149X85/C
 P.O. Box 30
 Shellharbour City Centre
 NSW 2529
 Telephone: (02) 42968753
 Facsimile: (02) 42969349



©2013 Mincove Pty Ltd (ACN 101 660 057) Copyright in this design subsists under the Copyright Act 1968 (Cth). It is owned by Mincove Pty Ltd unless otherwise stated. All rights reserved.



Mincove Pty Ltd
Lic No. 140095C
P.O. Box 30
Shearwater City Centre
NSW 2529
Telephone: (02) 42968753
Facsimile: (02) 42966849

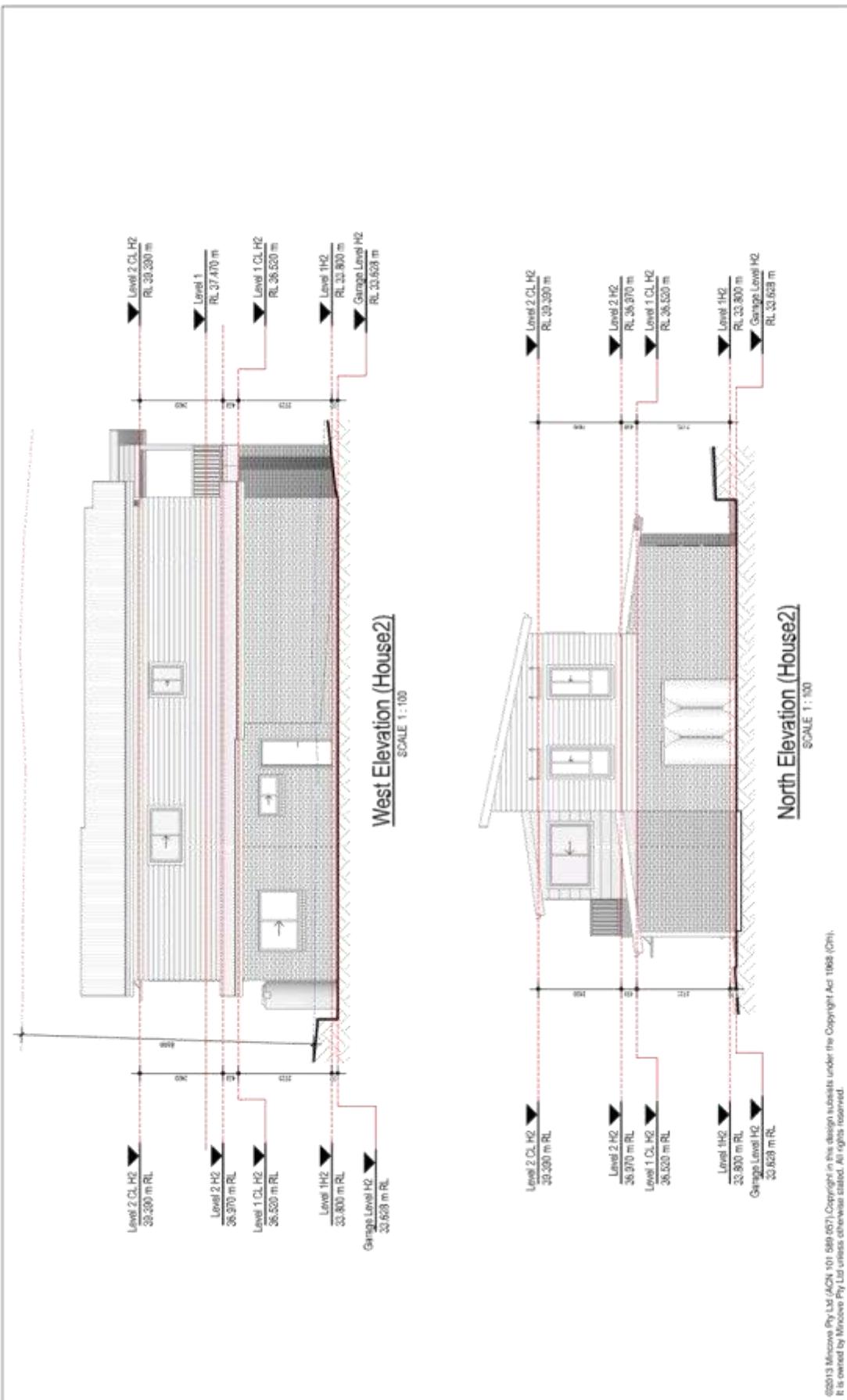
No.	Description	Date
A	DEVELOPMENT APPLICATION	31/7/15
B	DEVELOPMENT APPLICATION	9/12/15

Lot 10 & Lot 11 DP 581766 & Lot 1A DP 38751, Parish of Kiama, County of Camden
AUSTRALIAN INTERNATIONAL PROPERTY HOLDINGS

Elevations (House2)	
Project Number	69922.65904.65006
Date	27/1/15
Drawn by	FM
Checked by	Chester
Scale	1 : 100

21/12/2015 1:40:43 PM

sh16



Elevations (House2)	
Project Number	65902.65604.65606
Date	27/1/15
Drawn by	PM
Checked by	Checker
Scale	1:100

Lot 10 & Lot 11 DP 581766 & Lot 1A DP 38751, Parish of Kiama, County of Camden
AUSTRALIAN INTERNATIONAL PROPERTY HOLDINGS

No.	Description	Date
A	DEVELOPMENT APPLICATION	31/7/15
B	DEVELOPMENT APPLICATION	9/12/15

Mincove Pty Ltd
 Lic No. 140X855C
 P.O. Box 30
 Shellharbour City Centre
 NSW 2529
 Telephone: (02) 42968753
 Facsimile: (02) 42969349



©2013 Mincove Pty Ltd (ACN 101 589 057). Copyright in this design subsists under the Copyright Act 1968 (Cth). It is owned by Mincove Pty Ltd unless otherwise stated. All rights reserved.

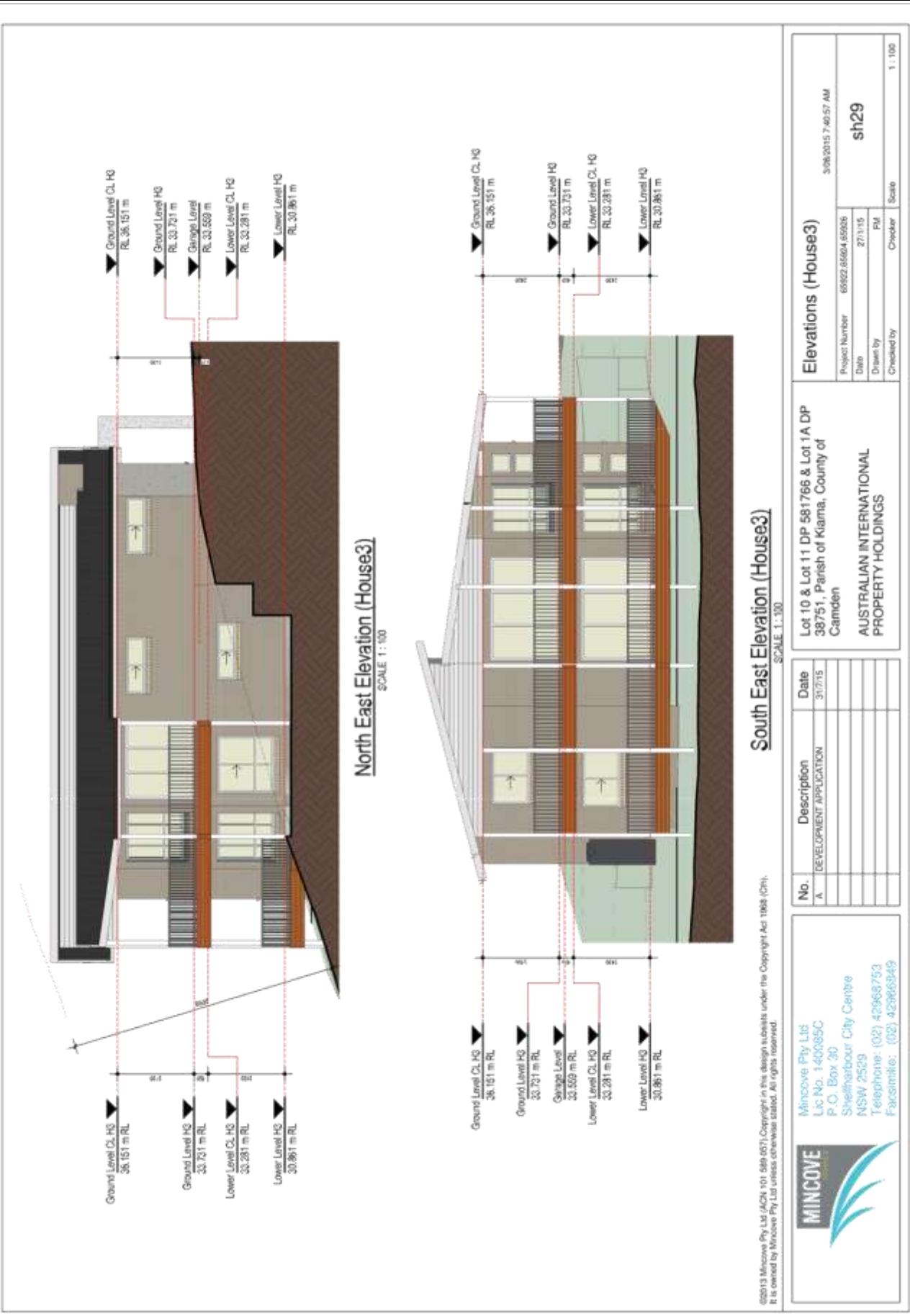


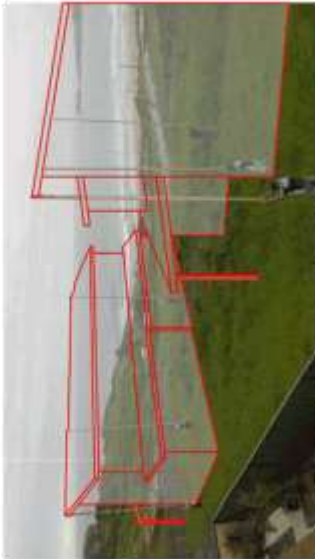
Mincove Pty Ltd
Lic No. 1400885C
P.O. Box 30
Shellharbour City Centre
NSW 2529
Telephone: (02) 42968753
Facsimile: (02) 42968049

No.	Description	Date
A	DEVELOPMENT APPLICATION	21/1/15

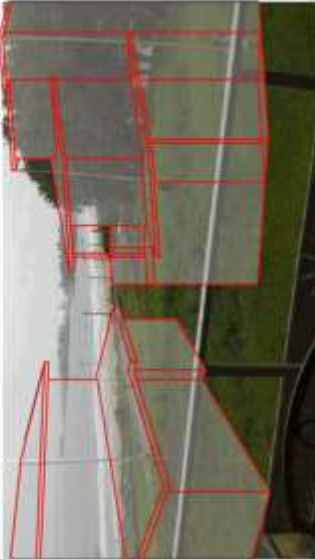
Lot 10 & Lot 11 DP 581766 & Lot 1A DP 38751, Parish of Kiama, County of Camden
AUSTRALIAN INTERNATIONAL PROPERTY HOLDINGS

Elevations (House3)	
Project Number	65022_05004_05026
Date	27/1/15
Drawn by	PM
Checked by	
Scale	1 : 100

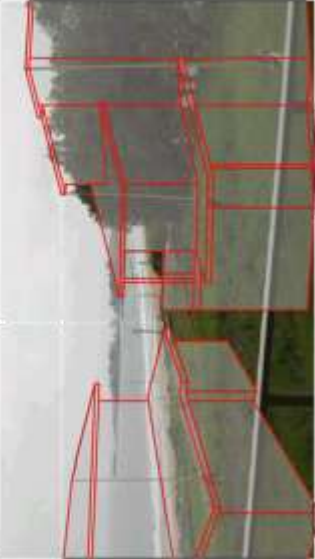




EASTERN EDGE OF BALCONY - VIEW SOUTH - EAST
28 DARIEN AVENUE




EASTERN SECTOR OF BALCONY - VIEW SOUTH
26 DARIEN AVENUE



CENTRE OF BALCONY - VIEW SOUTH
26 DARIEN AVENUE


ORIGINAL LEVELS & POSITION



WESTERN SECTOR OF BALCONY - VIEW SOUTH - SOUTHEAST
26 DARIEN AVENUE

No.	Description	Date
B	DEVELOPMENT APPLICATION	8/12/15

©2013 Mincove Pty Ltd (ACN 101 588 057). Copyright in this design subsists under the Copyright Act 1968 (Cth). It is owned by Mincove Pty Ltd unless otherwise stated. All rights reserved.

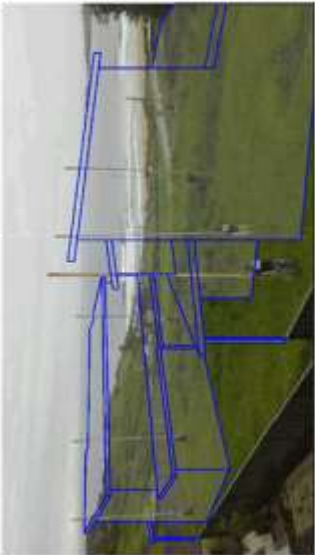


Mincove Pty Ltd
Lic No. 140085C
P.O. Box 30
Shellharbour City Centre
NSW 2528
Telephone: (02) 42968753
Facsimile: (02) 42968649

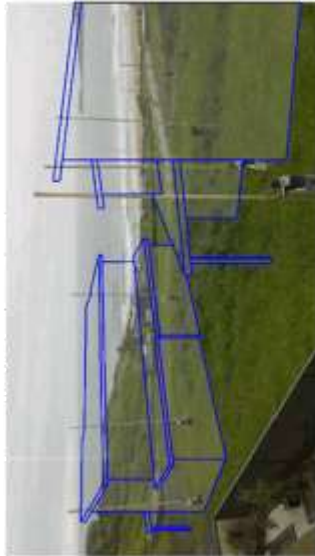
Lot 10 & Lot 11 DP 581766 & Lot 1A DP 38751, Parish of Kiama, County of Camden
AUSTRALIAN INTERNATIONAL PROPERTY HOLDINGS

PHOTOMONTAGE

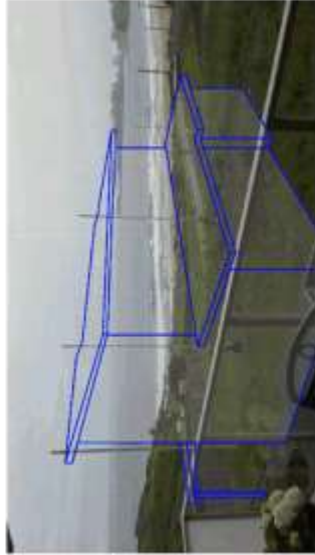
Project Number	65622.69624.65626
Date	27/1/15
Drawn by	FW
Checked by	Checker
Scale	1 : 200



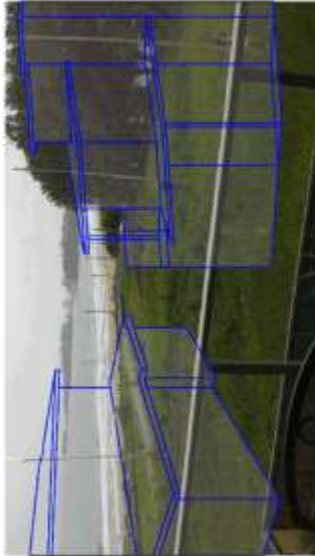
WESTERN SECTOR OF BALCONY - VIEW SOUTH - SOUTHEAST
28 DARIEN AVENUE



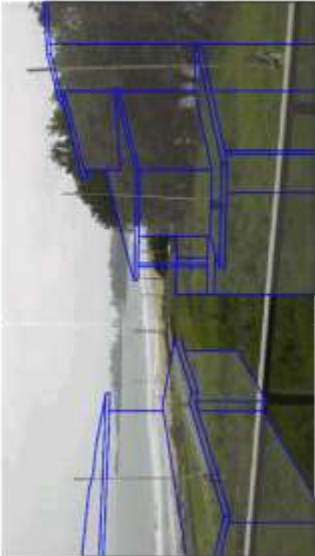
EASTERN EDGE OF BALCONY - VIEW SOUTH - EAST
28 DARIEN AVENUE



CENTRE OF BALCONY - VIEW SOUTH
26 DARIEN AVENUE




EASTERN SECTOR OF BALCONY - VIEW SOUTH
26 DARIEN AVENUE



CENTRE OF BALCONY - VIEW SOUTH
26 DARIEN AVENUE

NEW LEVELS , REDUCED ROOF PITCHES & NEW POSITION




Mincove Pty Ltd
Lic No. 140085C
P.O. Box 30
Shellharbour City Centre
NSW 2529
Telephone: (02) 42969753
Facsimile: (02) 42966849

©2013 Mincove Pty Ltd (ACN 101 589 057). Copyright in this design subsists under the Copyright Act 1968 (Cth). It is owned by Mincove Pty Ltd unless otherwise stated. All rights reserved.

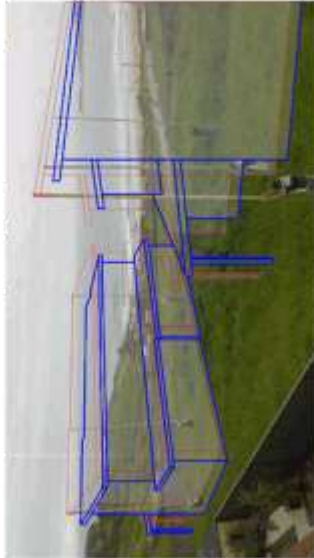
No.	Description	Date
B	DEVELOPMENT APPLICATION	9/12/15

PHOTOMONTAGE	
Project Number	65922:65924:65928
Date	27/1/15
Drawn by	PM
Checked by	sh40
Scale	1 : 200

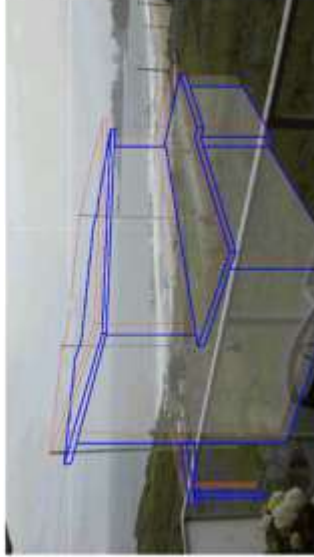
Lot 10 & Lot 11 DP 581766 & Lot 1A DP 38751, Parish of Kiama, County of Camden
AUSTRALIAN INTERNATIONAL PROPERTY HOLDINGS



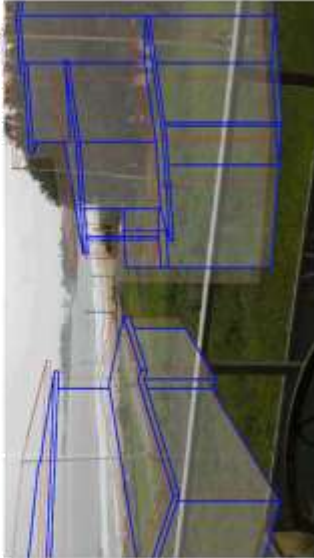
CENTRE OF BALCONY - VIEW SOUTH - EAST
28 DARIEN AVENUE



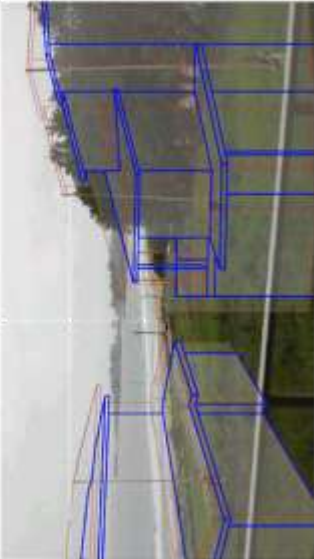
EASTERN EDGE OF BALCONY - VIEW SOUTH - EAST
28 DARIEN AVENUE



WESTERN SECTOR OF BALCONY - VIEW SOUTH - SOUTHEAST
28 DARIEN AVENUE




EASTERN SECTOR OF BALCONY - VIEW SOUTH
28 DARIEN AVENUE



CENTRE OF BALCONY - VIEW SOUTH
28 DARIEN AVENUE

©2013 Mincove Pty Ltd (ACN 101 589 057). Copyright in this design subsists under the Copyright Act 1968 (Cth). It is owned by Mincove Pty Ltd unless otherwise stated. All rights reserved.



Mincove Pty Ltd
Lic No. 140065C
P.O. Box 30
Shellharbour City Centre
NSW 2529
Telephone: (02) 42966753
Facsimile: (02) 42966649

No.	Description	Date
B	DEVELOPMENT APPLICATION	8/12/15

PHOTOMONTAGE

Project Number	65622.69624.65626
Date	27/1/15
Drawn by	FW
Checked by	Checker
Scale	1 : 200

Lot 10 & Lot 11 DP 581766 & Lot 1A DP 38751, Parish of Kiama, County of Camden
AUSTRALIAN INTERNATIONAL PROPERTY HOLDINGS

9.4 Coastal Management Reforms Submission by Kiama Council

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

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

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

Summary

On 13 November 2015, the NSW Government released a draft framework for coastal management for public consultation, which is open for submissions until 29 February 2016.

The basis of these reforms was reported to Council's December 2015 meeting and a copy of this report is attached for information.

The objective of the coastal management reforms is to establish legislative and policy settings and practical tools to enable and assist Council's and their communities to protect and enhance the natural values of the coast, ensure ongoing public access, use and enjoyment of our beach and coastal foreshores and support communities to increase their resilience to existing and emerging coastal hazards.

The NSW Government is proposing to achieve this through:

- A new legislative and regulatory framework for contemporary coastal management
- A new coastal management manual to better support Council decision making
- A tool kit for identifying and assessing coastal hazards and risks, and selecting and funding affordable coastal management programs

A number of issues have been identified by Council staff, which are included within a draft submission attached to this report.

Finance

The NSW Coastal Management Reforms propose the implementation of coastal management programs which will more than likely require significant financial and staff resourcing from local government to complete.

Policy

The Coastal Management Reforms, including the draft Coastal Management Bill, Coastal Management SEPP and Coastal Management Manual will require outcomes from coastal management programs to be incorporated into Council's IP&R process including delivery programs and operation plans.

Attachments

- 1 Report to Council 15 December 2015 - Coastal Management Reforms
- 2 Council's submission

Enclosures

Nil

RECOMMENDATION

That Council endorse the attached submission to the Coastal Management Reforms Team.

BACKGROUND

Following a review of documentation, a number of issues have been identified by Council staff which have been included in a draft submission attached to this report.

The major issues identified include:

- Update and clarification of the planning circular relating to inclusion of information in s149 certificates, and how each coastal use area will be identified on the certificates.
- A preference for the proposed Option 3 for the classification of the new 'coastal use zone', which replaces the current coastal zone definition. This option leaves the coastal use area at 1km from the mean high water mark and will in future allow Council's to propose an increase or decrease to the area, to no less than 500m. These changes however will be required to go through the planning proposal process under the EP&A Act.
- The 'coastal use area' mapping has not been released by the NSW Government for public comment and review by Council as yet, and this mapping will give an indication of how many coastal hazard assessments may be required and likely impact to Council.
- There is no uniform adoption of sea level rise benchmarks for the state, or more importantly how to apply a range of sea level rise scenarios. Specific direction should be given on applying sea level rise ranges to coastal management programs and coastal hazard studies to ensure consistent application between local government areas.
- Interagency support and participation in the development of coastal management programs may be better achieved in the Illawarra if the coastal management programs were overseen by the Office Environment and Heritage (OEH) who would be able to engage local government and other state agencies (eg Sydney Water Corporation, State Rail) with affected assets in the process as stakeholders in a region wide program.
- The Coastal Management Bill makes it discretionary for a Council to prepare a coastal management program unless it is directed by the Minister. Although discretionary, it is likely that in the longer term Council will be required to prepare a coastal management program, particularly for its identified coastal vulnerability areas. There will be significant costs, both monetary and staff resources, involved with the relevant studies and stakeholder engagement activities which will be required to complete these coastal management programs.
- There are a number of flood studies which Council will be undertaking over the coming years, which will provide important information for consideration in the

Report of the Director Environmental Services

9.4 Coastal Management Reforms Submission by Kiama Council (cont)

preparation of coastal management programs and hazard studies. The prioritisation and implementation of coastal hazard studies will be potentially affected by the implementation of flood studies in coastal catchments which will also require significant monetary and staff resourcing from local government.

ORDINARY MEETING

15 DECEMBER 2015

Reports for Information

15.11 Coastal Management Reforms

Responsible Director: Environmental Services

On 13 November 2015, the NSW Government released a draft framework for coastal management for public consultation, which is open for submissions until 29 February 2016.

The coastal management reforms have the stated aims of establishing legislative and policy settings and practical tools to enable and assist Council's and their communities to protect and enhance the natural values of the coast, ensure ongoing public access, use and enjoyment of our beach and coastal foreshores and support communities to increase their resilience to existing and emerging coastal hazards.

The NSW Government is proposing to achieve this through:

- A new legislative and regulatory framework for contemporary coastal management
- A new coastal management manual to better support Council decision making
- A tool kit for identifying and assessing coastal hazards and risks, and selecting and funding affordable coastal management programs

On 1 December, Council staff attended a briefing session conducted by the Office of Environment and Heritage (OEH) regarding the proposed NSW Coastal Management reforms package. The OEH representatives went through the documentation on public exhibition to explain the government's intention, and seek feedback from local government, consultants and communities who are involved with coastal management and/or will be affected by these reforms.

The documents that are on public exhibition are:

- A draft Coastal Management Bill
- An explanation of Intended Effect for the proposed new Coastal Management State Environmental Planning Policy (SEPP)
- A draft Coastal Management Manual

These documents are available for viewing at:

www.environment.nsw.gov.au/coasts/coastreforms.htm

The new *Coastal Management Act (CM Act)* will replace and repeal the current *Coastal Protection Act 1979 (CP Act)* and *Coastal Protection Regulation 2011*. The proposed *CM Act* will bring across existing provisions in the *CP Act* relating to the protection of beaches and headlands from the impacts of inappropriate coastal protection works. The *Environmental Planning and Assessment Act 1979 (EP&A Act)* will also be amended to allow consent authorities to condition approvals for coastal protection works to require the payment of costs for rectifying potential damage caused by the coastal protection works to other property. The enforcement

ORDINARY MEETING

15 DECEMBER 2015

Reports for Information

15.11 Coastal Management Reforms (cont)

of the new legislative arrangements will also be delivered under the *EP&A Act* via these amendments.

Current requirements for emergency action sub plans will be retained, however provision for temporary coastal protection works will be repealed and there will be a focus on the roles and responsibilities of public authorities.

The *CM Act* will divide the coastal zone into four coastal management areas, rather than the current situation of a single homogenous zone (currently 1km landward from coastline). These four proposed areas are:

1. The coastal wetlands and littoral rainforest areas;
2. The coastal vulnerability area;
3. The coastal environment area; and
4. The coastal use area

These areas will be defined in the *CM Act*, as well as mapped as part of the new Coastal Management SEPP which will be made available through the Department of Planning and Environment website. The intent of the legislation is to establish clear outcome oriented management objectives for each area to ensure councils apply appropriate management tools and development controls.

The *CM Act* will also establish requirements for the preparation of coastal management programs (CMPs). CMPs will give effect to management objectives for the four coastal management areas. The *CM Act* will also require the CMPs to be incorporated into the local government Integrated Planning and Reporting framework including annual operational plans.

The proposed Coastal Management SEPP will combine the existing SEPP 14, SEPP 26 and SEPP 71 planning policies and specify the development controls that will apply to particular forms of development within each coastal management area.

A coastal management manual is being prepared which will provide clear instructions and step by step process for councils to meet the requirements of the *CM Act*. Compliance with the manual will ensure councils fulfil their good faith requirements under the *Local Government Act 1993*.

Council staff have identified a number of issues relating to the proposed coastal management reforms which may affect how local government delivers the objectives of the reforms. These issues will be identified and included in a submission, which can be reported to Council at its February meeting, prior to submission by 29 February. The Illawarra Pilot Joint Organisation (IPJO) has been approached to coordinate the submission across the Illawarra Council's.

If Councillors have any issues or ideas they would like included in the submission, they should provide these to the Director of Environmental Services for inclusion in the submission by 21 January 2016.



KIAMA MUNICIPAL COUNCIL

Phone Enquiries:
4232 0444

Reference:

20 January 2016

Coastal Reforms Team
Office of Environment and Heritage
PO BOX A290
SYDNEY SOUTH NSW 1232

To the Coastal Reforms Team,

**Submission to the NSW coastal management reforms from
Kiama Municipal Council**

Thankyou for the opportunity to provide a submission on the NSW Coastal Management reforms, including the Draft Coastal Management Bill, the Coastal Management SEPP and Coastal Management Manual.

Council would like to make the following recommendations, observations and points relating to the proposed reforms:

In relation to the proposed Coastal Management SEPP:

- Consideration should be given to updating the planning circular regarding the four new coastal use zones identified in the Coastal Management SEPP. In particular providing clear information on how these zones should be recorded on the s149 certificates before hazard studies have been undertaken.
- The 'coastal use area' will replace the current 'coastal zone' as defined under the *Coastal Protection Act 1979*. Of the three options presented to define and be able to redefine this area, Option 3 is this Council's preferred option, where the current 1km coastal zone is retained with the option in the future for Council's to propose to increase the area, or decrease it to no less than 500 metres.

Option 2 changes the coastal zone to 500 metres landward of the mean high water mark and Council's may propose to increase but not decrease this area. This would be less desirable due to the relatively large changes to the existing provisions without consideration having been given to any new information or studies

ALL CORRESPONDENCE

GENERAL MANAGER
PO BOX 75
KIAMA NSW 2533

ADMINISTRATION
CENTRE

11 MANNING STREET
KIAMA NSW 2533

CONTACTS

PHONE: 02 4232 0444
FAX: 02 4232 0555
council@kiama.nsw.gov.au
www.kiama.nsw.gov.au

ABN: 22 379 679 108

your council
your community

Option 1 is considered the least desirable option and is not supported, as again the coastal zone is reduced immediately to 500 metres without consideration or investigation into the impacts of this change, and it also enables the area to be reduced to the mean high water mark.

- The coastal zone maps have not been released for assessment and comment from Council at this point in time. These maps will be an important piece of information to give Council an idea of the potential number of coastal hazard studies which it will need to undertake, and also give Council a chance to consider if there are areas which may need to be recategorised under the proposed coastal use area classifications.

In relation to the coastal management manual and preparing coastal management programs:

- No uniform adoption of sea level rise benchmarks for the State, or how to apply a range of sea level rise scenarios has been specified. Consideration should be given to providing specific direction on applying sea level rise ranges to coastal hazard studies and how to apply planning controls around these ranges. This will ensure consistent application of planning controls across local government areas and should be included in the toolkit which is attached to the coastal management program. It is noted that the 'Sea Level Rise – Technical Advice for NSW Coastal Councils' is included in the toolkit attached to the coastal management manual, however Council has been unable to access this documentation through the website where this is listed.
- Particularly in areas such as the Illawarra where there are a number of state agencies with infrastructure and property potentially within the coastal zone (Sydney Water Corporation, State Rail), Council suggests that an alternative may be to have the OEHL running the coastal management program, engaging Local Government as a stakeholder in a regional coastal management program. This would lead to all agencies at different levels of government being better engaged and a more effective planning process.
- The coastal management program needs to integrate with the floodplain management program, and flood studies on coastal catchments used to provide important information for consideration in the preparation of coastal management programs and hazard studies. The prioritization, development and implementation of coastal hazard studies and coastal management programs need to be clearly identified and communicated to relevant communities. Resourcing of these programs needs to be clearly identified prior to commencement.

- There have been no estimates of the costs for coastal council's and the state government agency resourcing required to develop coastal management programs, including coastal hazard studies, program rollout and ongoing revision of plans, in particular the requirement for current CZMPs to be revised before 2021. Council is concerned that the resources required from the local government sector may be significant. This needs to be considered in light of Councils long term financial plan and budgetary process. State Government input needs to be identified at the commencement of this process.

Yours faithfully

General Manager
Kiama Municipal Council

9.5 NSW Container Deposit Scheme Discussion Paper - consultation forums

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

CSP Strategy: 2.2 Encourage our community to adopt sustainable lifestyle practices that support the environment

Delivery Program: 2.2.1 Implement and support environmental and sustainability education programs and initiatives, including those identified in the Kiama Health Plan

Summary

On 19 December 2015, the NSW Government released a NSW Container Deposit Scheme (CDS) Discussion Paper for public consultation, which is open for submissions until 29 February 2016.

EPA consultation forums are being held, with the closest one scheduled in Sydney for 12 February 2016, to discuss and answer questions relating to the container deposit scheme discussion paper. This report has been prepared prior to Council officers attending this forum.

A regional submission is being prepared by the Illawarra Joint Pilot Organisation in consultation with the joint member Councils.

This report requests Council to determine its policy on whether it supports a NSW Container Deposit Scheme. If so, does Council support a Refund Container Deposit Scheme or the alternative industry proposal – “Thirst for Good” as outlined in the discussion paper. This report also provides suggested responses to some of the key technical design elements of the CDS.

Finance

There are potential operational budget savings resulting from reduced litter collection and disposal costs if a Refund CDS scheme is introduced.

Policy

Council, together with the former Southern Council Group, has previously advocated and lobbied the NSW Government to introduce a refund CDS scheme to be introduced Statewide.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council:

1. Support the introduction of a Container Deposit Scheme (CDS) by 1 July 2017 as proposed by the NSW Government.
2. Reject the introduction of the Alternative Industry Proposal – Thirst for Good (Option 2) as outlined in the NSW Container Deposit Scheme (CDS)

Report of the Director Environmental Services

9.5 NSW Container Deposit Scheme Discussion Paper - consultation forums
(cont)

Discussion Paper.

3. The Litter Collectors programs as proposed in Option 2 Alternative Industry Proposal - Thirst for Good be funded and implemented by the NSW State Government but not as an alternative to a Fund CDS model (Option 1).
4. Endorse the preparation of a submission by the Illawarra Pilot Joint Organisation on the NSW Container Deposit Scheme (CDS) Discussion Paper reflecting the above recommendations and other issues as raised in this report.

Item 9.5

BACKGROUND

On 21 February 2015, the Premier, the Hon. Mike Baird MP, announced that, if elected, the NSW Government would implement a container deposit scheme (CDS) by 1 July 2017.

The scheme aims to reduce drink container litter. Introducing a world's best practice, state-based CDS will greatly help the government to reach its target to reduce the volume of litter in NSW by 40% by 2020 (based on the 2013–14 litter volume). The government wants to implement a scheme that:

- is cost efficient.
- gives people an incentive to return their drink containers.
- targets drink containers used away from home.
- complements, rather than competing with, existing kerbside services.
- uses modern technology such as reverse vending machines where appropriate.

A discussion paper has now been released for public consultation that explores and seeks comments on questions asked specific to the key technical design elements of a CDS namely:

1. Incentives.
2. Interaction with kerbside recycling.
3. Scope of Containers.
4. Collection Infrastructure.
5. Governance roles.

Full details of the suggested design elements being considered are contained in the discussion paper which can be downloaded from the EPA website at; <http://www.epa.nsw.gov.au/resources/waste/container/150286-CDS-discussion-paper.pdf>.

Also the background information on CDS and Local Government NSW (LGNSW) advocacy position can be found at <http://lgsw.org.au/policy/container-deposits>.

This report focuses on what is Council's adopted policy position specific to two questions contained in the discussion paper namely:

- 1: Does Council support the introduction of a container deposit scheme in NSW?
- 2: If so, what type of container deposit scheme does Council support? I.e.

Report of the Director Environmental Services

9.5 NSW Container Deposit Scheme Discussion Paper - consultation forums
(cont)

-
- a) A Refund CDS?
or
b) The Alternative Industry Proposal "Thirst for Good"?

Suggested responses to some of the key technical design elements of the CDS will also be discussed.

The Illawarra Joint Pilot Organisation is currently preparing a regional response on the NSW Container Deposit Scheme (CDS) Discussion Paper. This will contain all of the responses to the questions asked relating to the five key technical design elements being considered. The regional submission will also include all of the recommendations as adopted by each Council. It will be finalised after the attendance at the EPA consultation forum scheduled in Sydney on 12 February 2016.

Question 1: Does Council support the introduction of a container deposit scheme in NSW?

In regard to this question, Kiama Council, in conjunction with the former Southern Councils Group organisation, has previously lobbied and advocated for the introduction of such a scheme to be introduced on a state and national basis. This position has also been advocated by LGNSW.

The rationale behind Council's and the Local Government NSW's position on CDS is:

- Current kerbside recycling is extremely costly. CDS represents a significant cost saving for councils and their communities.
- Despite the success of kerbside recycling, return rates for beverage containers in NSW are still low, in the order of 40 per cent for some plastics. CDS has demonstrated return rates for the same containers in the order of 85 per cent, representing a much better environmental outcome.
- CDS address away-from-home consumption, thereby reducing litter and associated clean-up costs.
- A CDS shifts the responsibility (both financial and physical) onto the producer and the consumer, rather than spreading that cost across all ratepayers.
- CDS also imparts social benefits to community groups such as the Scouts, who can raise valuable income from the collection and redemption of containers.

Also research indicated there is overwhelming community support for the introduction of a Container Deposit Scheme in NSW. A Newspann carried out by the Total Environment Centre in 2015 revealed that 90% of NSW residents support a Container Deposit Scheme.

The results of the South Australian container deposit scheme that has been operating since 1977, shows that it has been effective in terms of both litter reduction and resource recovery. Currently, 79% of drink containers are collected; this is above the national average. South Australia also has low levels of drink container litter.

Report of the Director Environmental Services

9.5 NSW Container Deposit Scheme Discussion Paper - consultation forums
(cont)

The benefits to the Kiama Local Government area could include the reduction of beverage container litter, cleaner public places including parks, reserves and beaches and roadsides. Also there will a reduction in landfill disposal fees for residential, commercial and public place waste, as it is likely that these containers will be recovered due to their deposit value. There will be an increase in the resource recovery rate of beverage containers, as a percentage of these containers are currently disposed of as litter, or in residential or public place garbage bins. Also economic and social benefits will result from new and continued employment opportunities locally and state wide.

Based upon current and previous evidence based research that indicates that a CDS will result in reduced littering of beverage containers and greater resource recovery rates of these containers, it is recommended that Council resolve to support the introduction of a Container Deposit Scheme (CDS) in NSW to commence in 2017. However this should be subject to ensuring that such a scheme is consistent with other states of Australia that have introduced CDS, in order to facilitate a uniform national scheme.

Question 2: What type of container deposit scheme does Council support?

Two CDS options have been put forward and Council is to nominate its preference.

Option 1: NSW Refund CDS model

This option proposes a NSW Refund CDS model that is based on a financial incentive of 10 cents/container, similar to that in the South Australian and Northern Territory schemes.

Under this model, a consumer would pay an additional 10 cents on the price of a containerised drink, and receive it back when the empty container is returned to a designated collection site.

Matching the South Australian incentive level would help to manage the risk of cross-border arbitrage between NSW and South Australia.

The CDS deposit will be recovered directly by consumers, Materials Recovery Facility (MRF) that sort kerbside recyclables, or by a local school or charities that provide a collection facility or service.

The deposits could be redeemed at reverse vending machines with a docket being provided which would be redeemable for cash. Alternatively payments could be linked to electronic payment systems, such as transport cards, loyalty cards or credit cards or a docket that can be redeemed for cash.

Other options include taking containers to a local collection depot or facility operated by a school or charity. Residents could also continue to place the CDS containers in household kerbside recycling bins.

Option 2: Alternative industry proposal - Thirst for Good

This CDS option was put forward by Australian Food and Grocery Council representation on the advisory committee, which was then developed by the major beverage companies known as Thirst for Good.

Report of the Director Environmental Services

9.5 NSW Container Deposit Scheme Discussion Paper - consultation forums
(cont)

This model stems from a strong concern by the beverage industry about the potential costs involved in implementing a Refund CDS. These costs would predominantly fall on consumers and would therefore potentially affect the sale of drinks. The beverage industry proposal aims to reduce the volume of litter in NSW at substantially less cost than a Refund CDS.

The Thirst for Good proposal would be a \$15-million annual investment by the beverage industry in a suite of programs aimed specifically at reducing litter across the state. It employs both preventive and reactive approaches to reducing litter and includes some programs that involve both financial and non-financial incentives to encourage the community to return empty containers. It also includes straight litter clean-up programs.

There are five programs within the Thirst for Good proposal:

- community cash for containers.
- litter collectors.
- litter bins.
- reverse vending machines.
- community education.

A review of Option 2 has been undertaken and the following comments are provided:

1. This proposal is inconsistent with the aim of establishing a national container deposit scheme
2. It is unlikely that the resource recovery rates and litter reduction target would be achieved compared to those being achieved in South Australia. By having no cash incentive paid to an individual, the container may become litter or it is unlikely to be collected by others to be redeemed.
3. The social and economic benefits, in particular increased employment opportunities locally and state wide, are significantly less when compared to Option 1 NSW Refund CDS model.
4. The community cash for containers scheme:
 - a) Is a fundraiser program for community groups and relies on the good will of the community to provide the beverage containers, these could come directly from residential and commercial premises and it is highly unlikely that they will come from litter sources.
 - b) Each Council would be supplied with one (1) community trailer that holds about 6000 beverage containers. A \$300 incentive per full trailer would be paid to the community group. This type of system was used before kerbside collection services were implemented. Due the number of townships in each LGA, one trailer is not a practical option and overall would have only a minimal impact on litter reduction and the resource recovery rate of beverage containers, particularly from public bins.
 - c) There is no payment incentive for the individual thus no incentive to change the current situation in regard to litter and use of public bins.

Report of the Director Environmental Services

9.5 NSW Container Deposit Scheme Discussion Paper - consultation forums
(cont)

-
- d) The industry is costs shifting part of the implementation costs, including administration, co-ordination and the transportation cost, onto Councils. For example Council will be responsible for all transportation costs of a full trailer, to be sold to a local MRF (Sydney in our case) or recycler (there are none that buy mixed beverage containers except for sorted aluminium cans). Therefore the claim that this will help to offset all of our Council's costs is incorrect as Council has to pay the MRF operator to process mixed recyclables. Also the glass and plastic containers have limited resale value based upon volume required per tonne and low market value (eg 26,000 PET bottles per tonne and a value of 1 to 2 cents each depending upon market demand). So a trailer of 6000 PET bottles would have a value of between \$60 and \$120 and this certainly will not result in full cost recovery. The mixed containers would have to be sorted into their individual types to have any real value and this would be additional cost. Mixed broken glass containers have no resale value and it is likely that this would occur during the emptying of the containers into the trailers and during the uploading process.
- e) The mixed beverage containers stored in trailers is likely to cause onsite operational issues associated with odour, liquids, pests and hazards associated with broken glass.
5. Litter Collectors
- a) The initiative to fund one hundred litter collectors hired by the industry, to pick up litter along highways and in other locations that are not currently serviced by local governments or other private and public landholders is to be commended. This program would aim to clean up all types of litter along highways, and will result in cleaner areas and prevent the accumulation of litter. However the clean-up of litter on highways and rail infrastructure (tracks, stations and car parking areas) and on waterways is already a State responsibility and has been neglected in some locations. The state government should be providing annual recurrent funding for this to be undertaken ie from the Waste Levy reserves that have not been allocated. Therefore it is recommended that the Litter Collectors programs be funded and implemented by the NSW State Government but not as an alternative to a Fund CDS model (option 1). Also any beverages containers collected as part of the litter clean-ups should be separated for resource recovery purposes. This recommendation will be incorporated into Council's and regional submissions.
6. Litter Bins
- a) The industry proposes to donate 2,000 new litter bins to local councils for use in litter hotspots where litter bins are not currently located. The aim is to collect all types of litter. This equates to 13 bins for each Council.
- b) Although not mentioned it is highly likely that Council would be responsible for the installation of the bins (pad & stand, signage) and the associated capital cost. Also approximately \$6700 pa would be incurred

Report of the Director Environmental Services

9.5 NSW Container Deposit Scheme Discussion Paper - consultation forums
(cont)

by Council in servicing (weekly service for 13 bins) and disposal costs. This is also considered to be cost shifting.

- c) There is no beverage container resource recovery proposed as part of this program.
- d) The installation of additional litter bins could also attract illegal dumping

7. Reverse Vending Machines

- a) The industry proposes to install 100 reverse vending machines where away from home use of beverage containers is high. A threshold has not been provided for this initiative, and it is probable that some local government areas will not have such machines in their area.
- b) Non-financial incentive (like a chance to win prizes such as tickets to the National Rugby League grand final or movie tickets) to encourage consumers to return empty containers. To win a prize as an incentive to return beverage container is unlikely to be a cost effective way of reducing litter, due to the high capital and installation and maintenance and operational costs.
- c) The industry would cover all costs associated with the machines, including leasing, maintenance, cleaning and repair costs, as well as the collection and transport of materials.
- d) No quantifiable data is available on the resource recovery rate and the how successful these would be.

8. Education

- a) The beverage industry would develop and implement a community education program to support the various "Thirst for Good" programs.

Conclusion

Based upon current and previous evidence based research (South Australia CDS) that indicates that a Refund CDS (Option1) will result in better outcomes in regard to reduced littering of beverage containers and greater resource recovery rates over Option 2: and the fact that Option 1 will have significantly more social and economic benefits for the State, it is recommended that option 1 be supported by Council.

10 REPORT OF THE GENERAL MANAGER

10.1 105 Shoalhaven Street, Kiama - Kiama Lions Club

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.7 Encourage and support volunteering opportunities to support the community

Delivery Program: 1.7.1 Provide and promote volunteering opportunities within the community and Council operations

Summary

This report advises of a proposal by the Kiama Lions Club to renovate/refurbish a Council owned building to be used as a holiday respite home for carers.

Finance

The relevant gateway and development application fees be donated from Council's general donations fund.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council:

1. Support in principle the refurbishment/renovation of the Council owned building at 105 Shoalhaven Street, Kiama by the Kiama Lions Club to be used as a holiday respite house for carers.
2. Commence the gateway process to permit the proposal.
3. Donate the relevant gateway and development applications fees to the Lions Club to offset the relevant costs.
4. Enter into a peppercorn lease agreement with the Lions Club for the subject premises for a period of ten years subject to the relevant approvals.
5. Advise the Kiama Lions Club that Council is not in a position to provide any other financial assistance to the proposal.

BACKGROUND

The Kiama Lions Club has prepared a proposal to refurbish/renovate the currently unoccupied Council property at 105 Shoalhaven Street, Kiama, for use as a holiday respite house, predominantly for carers.

Report of the General Manager

10.1 105 Shoalhaven Street, Kiama - Kiama Lions Club (cont)

The Kiama Lions Club is requesting Council to lease the premises on a short to medium term basis for a peppercorn rent with Kiama Lions responsible for the major costs of refurbishment. It is intended that the renovated dwelling will provide short respite breaks near the seaside for carers and their families.

The Kiama Lions Club is liaising with the Carers Association of NSW and other Australian carers organisations and the project is to be financially self-sustaining in relation to operating costs.

Council has been advised that the proposal also has the support of the Gerringong and Minnamurra Lions Clubs and a number of local businesses who will assist with the renovations and supply of materials. Kiama Lions will be seeking funding from Lions International in addition to using some of their own funds. They will also be seeking funds from National Disability Insurance funds.

The refurbishment/renovation is to include wheelchair accessibility and off street parking provision.

The subject premises are zoned for industrial purposes being part of the former gas works site.

The proposal will need to be part of a gateway proposal to amend the zoning provisions to permit the use. As the land on which the dwelling house is situated is part of a larger allotment a subdivision will also be required. The existing allotment is partly affected by contamination created by the former gas works. The gateway proposal and subdivision will need to ensure that this issue is also satisfactorily addressed.

The subject site has been retained by Council for longer term strategic purposes because it adjoins the Council workshop site and former gas works site and provides a buffer between residential properties to the north and industrial land to the south.

10.2 Proposed Merger of Kiama and Shoalhaven Councils

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report provides the timeline for the inquiry relating to the proposed merger of Kiama and Shoalhaven Councils and seeks Council's endorsement of certain actions.

Finance

It is proposed that \$80,000 be provided from Council's contingency reserves to meet the cost of preparing Council's submission to the inquiry.

Policy

Council has resolved to oppose the proposed merger of Kiama and Shoalhaven Councils.

Attachments

- 1 Fit for the Future Action Plan

Enclosures

Nil

RECOMMENDATION

That Council:

1. Endorses the revised Morrison Low Fit for the Future proposal which is attached and forwards copies to the Member for Kiama, Minister for Local Government and Premier of NSW.
2. Endorses the engaging of Morrison Low and Judith Stubbs and Associates to assist in the preparation of Council's submission to the proposed merger inquiry with the relevant costs being met by Council's contingency reserve.

BACKGROUND

At an extraordinary meeting held at the Kiama Pavilion on 12 January 2016, and attended by a very large audience, Council resolved to formally oppose the proposed merger of Kiama and Shoalhaven Councils and to make a formal submission.

Report of the General Manager

10.2 Proposed Merger of Kiama and Shoalhaven Councils (cont)

Since the meeting Council has been provided the timetable of the relevant inquiry and Council has met with Mr Greg Wright, the Delegate of the Executive Officer of Local Government who is undertaking the inquiry.

A public hearing regarding the proposed merger is being held on 3 February 2016 at the Kiama Leagues Club from 9am to 12noon and 7pm to 10pm. Members of the public who would like to attend and/or speak have been required to register.

Written submission are required to be made online at www.councilboundaryreview.nsw.gov.au or posted to GPO Box 5342 Sydney NSW 2001 by 5pm Sunday 28th February 2016.

The submissions are to address the following criteria:

- the financial advantages or disadvantages to the residents and ratepayers
- the community of interest and geographic cohesion
- the existing historical and traditional values in the existing areas and the impact of change on them
- the attitude of the residents and ratepayers of the areas
- the requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level
- the impact on the ability of the Council to provide adequate, equitable and appropriate services and facilities
- the impact on the employment of the staff
- the impact on any rural communities
- the desirability (or otherwise) of dividing the resulting area or areas into wards
- the need to ensure that the opinions of each of the diverse communities of the resulting area or areas are effectively represented
- other factors relevant to the provision of efficient and effective local government in the existing and proposed new areas

Consultants, Morrison Low and Judith Stubbs and Associates have been engaged to assist Council in preparing and making the submission. The Delegate has emphasized the importance of submissions being evidence based and the work of the consultants will assist in providing the evidence in substantiating Kiama Council standing alone.

Council is presently in a sound financial position with approximately \$41 million in reserves. Council's original Fit for the Future proposal was reasonably prepared having regard to Council's 10 year long term financial plan with all of the relevant financial and sustainability criteria being met by 2021/2022 without immediate and significant proposed rate rises.

Council engaged Morrison Low to review the Fit for the Future proposal prior to the merger proposal being made and it is now clear that Council meets all of the relevant financial and sustainability criteria by 2019/2020. The review identified a conservative over estimation of depreciation in relation to other Councils which in the original submission disadvantaged Kiama Council. The revised Fit for the Future

Report of the General Manager

10.2 Proposed Merger of Kiama and Shoalhaven Councils (cont)

proposal and action plan is very manageable. It is proposed that the revised Fit for the Future action plan (attached) be submitted to the NSW Government and included in Council's submission to the merger inquiry.

Since the announcement of the proposed merger there has been overwhelming opposition shown by the Kiama Community. An extraordinary number of people attended the community meeting held at short notice to show their concern. There has been a large number of letters and petitions forwarded to the Local Member of Parliament, NSW Government and Council. A community concert opposing the proposed merger is being arranged by a group of concerned residents. There have been songs written by local residents opposing the proposal. A statistically reliable survey undertaken by the Illawarra Regional Information Service involving more than 500 residents shows that 92% of the community are opposed to the proposal.

Item 10.2



Item 10.2

Attachment 1



Kiama Municipal Council
Fit for the Future Improvement Proposal
January 2016



Document status

Ref	Version	Approving director	Date
7137	Draft	D Bonifant	17 December 2015
7137	Final	D Bonifant	18 January 2016

© Morrison Low

Except for all client data and factual information contained herein, this document is the copyright of Morrison Low Consultants Pty Ltd. All or any part of it may only be used, copied or reproduced for the purpose for which it was originally intended, except where the prior permission to do otherwise has been sought from and granted by Morrison Low Consultants Pty Ltd. Prospective users are invited to make enquiries of Morrison Low Consultants Pty Ltd concerning using all or part of this copyright document for purposes other than that for which it was intended.



Contents

Executive Summary	2
Fit for the Future	4
Scale and Capacity	5
Scale	5
Capacity	6
Council’s Current Position	7
About your local government area	7
Community demographics	8
Key challenges and opportunities	9
Current Performance against the Fit for the Future Benchmarks	10
Sustainability benchmark (self-assessment)	10
Infrastructure and service management benchmark (self-assessment)	11
Efficiency benchmark (self-assessment)	11
Meeting the benchmarks	12
How will Council become Fit for the Future?	15
How will the Plan Improve Performance?	18
Expected improvement in performance	18
Conclusion	22

Tables

Table 1	Current base information.....	8
Table 2	Population growth	8
Table 3	Kiama Municipal Council current forecast performance trends against FFTF benchmarks	11
Table 4	Operating performance funding gap	12
Table 5	Asset maintenance funding gap.....	12
Table 6	Asset renewal gap	13
Table 7	Cost to bring assets to satisfactory	13
Table 8	Combined asset funding gap.....	14

Figures

Figure 1	Scale and capacity	6
----------	--------------------------	---



Executive Summary

This executive summary provides the key outcomes from our analysis. However, the full report needs to be read to provide the context to the analysis, evidence and assumptions that underpin the modelling.

Kiama is a medium-sized council in the Illawarra region of NSW and, as such, provides a wide range of services. These services reflect the retirement and lifestyle characteristics of the area as well as its proximity to larger regional centres such as Wollongong, Shellharbour and Nowra.

The Independent Local Government Review Panel (ILGRP) asked all councils to undertake a rigorous self-assessment of their future sustainability against a set of seven OLG benchmarks.

The Independent Pricing and Regulatory Tribunal (IPART) indicated that councils should first look to the ILGRP's recommendations when considering their Fit for the Future (FFTF) response.

The ILGRP's recommendation indicated that Kiama was sustainable in its own right and that it was suitable to remain a standalone council (within a Joint Organisation). The subsequent IPART report confirmed that Kiama was deemed to have met the scale and capacity criteria.

Kiama Council submitted an improvement plan to IPART as part of its FFTF submission. This plan indicates that some key FFTF ratios would not be met within the designated time frames. Council has requested Morrison Low undertake a review of its FFTF submission and indicate improvement opportunities that would make Kiama Council Fit for the Future. As such, Kiama has adopted a process that has included

- establishment of an internal project team
- reviewing and analysing the results of prior improvement opportunities and initiatives
- reviewing proposed improvements and efficiencies as identified in Council's recent Special Rates Variations (SRV)
- workshops with councillors and staff.

Kiama has demonstrated its commitment to being innovative and forward thinking in meeting the needs of its community. Council currently runs an aged care facility and is providing an additional facility as part of its long term commitment to the community.

Councillors and staff have identified a number of improvement opportunities which are realistic and achievable without the need to cut or change services to the community. These improvements include

- ongoing service reviews of all Councils major activities
- ensuring that all additional revenue opportunities are realised
- optimising and utilising expenditure to achieve sustainable asset outcomes
- optimisation and review of depreciation expenses to ensure expenditure is realistic and reflects the true nature of the assets.



The community has supported Council's direction. As a result, Kiama Municipal Council proposes to continue with its SRV improvement efficiencies already factored into the current Long Term Financial Plan and include a series of ongoing service reviews that will ensure that Council continues to provide efficient and effective service to the community.

An assessment of Council's performance against the OLG benchmarks confirms it will meet all seven benchmarks by 2019/20.

Kiama Municipal Council has commissioned Morrison Low to prepare this report to support Council's improvement proposal. Council is submitting this amended improvement proposal to demonstrate how they will be Fit for the Future to the Independent Pricing and Regulatory Tribunal (IPART). The NSW Government has recently provided opportunity for councils to review their improvement proposals which will be reassessed in May 2016.



Fit for the Future

Three years ago, local councils from throughout New South Wales gathered for a summit, *Destination 2036*, to plan how local government could meet the challenges of the future. As a result, councils agreed that change was needed. They wanted to be strong and sustainable and make a positive difference in their respective communities. However, there were various views as to how this could be achieved. In April 2012, the NSW State Government appointed an independent expert panel to carry out a review of the sector. The Independent Local Government Review Panel (ILGRP) consulted widely in developing its final recommendations, which were presented to the Government in late 2013.

The panel concluded that for councils to become strong and sustainable, both the government and the local government sector would have to play a part. The government indicated its preparedness to change the way it works with councils and support them through meaningful reform. Local councils would also need to consider new ways of working and new structural arrangements. The Fit for the Future (FFTF) program brings these changes together to lay the foundations for a stronger system of local government and stronger local communities.

The FFTF program requires councils to actively assess their scale and capacity in achieving long term sustainability and submit proposals to the government indicating how they will achieve these objectives. The government appointed the Independent Pricing and Regulatory Tribunal (IPART) as the FFTF Advisory Panel. Its role was to assess the submissions of councils and determine if a council is deemed to be fit for the future.

IPART set out its opinion of the classification of the FFTF benchmarks in a document entitled *Methodology for Assessment of Council Fit for the Future Proposals*. It also set out its opinion on the appropriate time required to achieve the benchmarks. It has set the following timetable for councils pursuing a Council Improvement Proposal.

Scale and Capacity	Achieve Scale and Efficiency
Operational Sustainability	
Operating Performance	Meet the benchmark by 2019/2020
Own Source Revenue	Meet the benchmark by 2019/2020
Asset Renewal	Meet or improve towards the benchmark by 2019/2020
Capital Sustainability	
Infrastructure Backlog	Meet or improve towards the benchmark by 2019/2020
Asset Maintenance	Meet or improve towards the benchmark by 2019/2020
Debt Service	Meet the benchmark by 2019/2020
Efficiency	
Real Operating Expenditure	Demonstrate operational savings by 2019/2020



Scale and Capacity

The ILGRP was of the view that

“the Illawarra faces major economic and social challenges, coupled with substantial urban growth in Wollongong and Shellharbour. The Panel has considered whether a merger or mergers are necessary at this stage. It has taken into account a combination of four key factors:

- Each council appears sustainable for at least the medium term
- Existing boundaries do not pose significant urban management problems
- Water supply and sewerage are handled separately by Sydney Water
- Kiama’s distinctive rural and coastal setting and ‘country town’ character, compared to Wollongong and Shellharbour”

On that basis, the Panel considers that closer collaboration through a Joint Organisation should enable a sufficient response to regional challenges for some time to come”

The Government has asked each council to begin with the recommendation proposed by the ILGRP as that is considered to be the appropriate scale and capacity for each council.

Scale

Scale has not been defined by either the ILGRP or the NSW Office of Local Government.

The Kiama LGA has special character (recognised in the Final Report of the NSW Local Government Independent Review Panel). Predominantly rural landscapes, with town and village centres prospering from a mix of residential and commercial activities, the proximity of Kiama to major cities such as Sydney and Canberra make it an attractive coastal tourist destination. The close proximity to Wollongong and Nowra means Kiama is an important contributor to the regional economy of the Illawarra.

Kiama Council has a long history of collaborating with adjoining councils and is the host organisation of the Southern Councils Group. There are many examples of shared resourcing and cooperation such as the library cooperative, materials and trade service shared contracts between Kiama, Shoalhaven and Shellharbour Councils.



Capacity

The ILGRP report articulated the Key Elements of Strategic Capacity as follows¹:

Figure 1 Scale and capacity

Box 8: Key Elements of Strategic Capacity

- More robust revenue base and increased discretionary spending
- Scope to undertake new functions and major projects
- Ability to employ wider range of skilled staff
- Knowledge, creativity and innovation
- Advanced skills in strategic planning and policy development
- Effective regional collaboration
- Credibility for more effective advocacy
- Capable partner for State and federal agencies
- Resources to cope with complex and unexpected change
- High quality political and managerial leadership.

IPART have deemed that Kiama satisfies the criteria for scale and capacity on the basis that

- the Council proposal is consistent with the ILGRP's option
- given the ILGRP's preferred option, the Council was not required to demonstrate how it met each of the elements of scale and capacity
- however, the Council meets some of the elements of scale and capacity including effective regional collaboration
- our analysis has not identified evidence for a better alternative to the Council's proposal to stand alone.

As such, no further analysis of scale and capacity criteria has been examined.

1 Box 8, Page 32 of Revitalising Local Government



Council's Current Position

About your local government area

Established in 1859 and with a population of over 21,000 residents, Council enjoys a very solid relationship with the community - most recent survey results showed 3 out of 4 residents (76%) were either satisfied (60.8%) or very satisfied (15.2%) with Council's overall performance (the next Community survey is scheduled for 2016). Only 3% were dissatisfied. Council is performing above the benchmark set by comparable councils. There is a very strong sense of community and the survey results are testament of Council's ability to meet community expectations.

Financial sustainability remains an important issue for Kiama Council. Funding constraints continue to place increased pressure on the delivery of services and on asset management; however Council has commenced a number of strategies and foreshadowed a number of others to address these issues. A further challenge is the large increase in population over weekends and peak holiday periods. Whilst bringing economic benefits to the local economy, the impact on Council assets and resources can be significant. However Council views these challenges as opportunities, and has addressed these opportunities in the Improvement Plan.

We have developed our Resourcing Strategy, Internal Audit Plan and Enterprise Risk Management Plan as steps to help achieve strong governance frameworks, and to ensure we can satisfactorily maintain and renew infrastructure and meet the service and operational needs and expectations of residents.

With rates and annual charges representing 33% of Council's total revenue, Council is relying less on this source of revenue, and more on sources of revenue Council can control in order to gain more flexibility to fund its operations and maintain financial sustainability. Council has the scale and capacity to prosper as a high functioning public authority.



(Source: <http://www.elections.nsw.gov.au/districts/profiles/2015/>)



Council's commercial activities (for example aged care services) continue to provide an important source of income to offset other financial constraints. Kiama Council has the strategies and framework in place to meet the needs of our ageing community into the future. Council also operates five commercial holiday parks as well as commercial and domestic waste management services. All Council's commercial services are, and continue to be, operated on a profitable basis.

Community demographics

Table 1 Current base information

	Population (ERP 2011)	No. Households	Land Area (km ²)
Kiama	20,800	8,100	258

Analysis of the Australian Bureau of Statistics census data and the NSW Department of Planning and Environment's Population Forecast (2014) show the patterns of past and future population growth within the Kiama Municipal Council area. It has experienced positive growth in the previous ten year period, which is expected to continue. Kiama's population growth is expected to increase by 22% in the period 2011-2031. This population growth forecast provides scope for increasing revenue in the future.

Table 2 Population growth

2011	2016	2021	2026	2031
20,800	22,000	23,150	24,300	25,450

To accommodate the estimated 22% increase in population, the NSW Department of Planning and Environment population statistics suggest that Kiama will have an additional 2,450 dwellings over the period of 2011 - 2031.

The largest increases in population will be in the over 70 – 85+ age groups which will all double in population over the period.

There are some likely implications of the ageing population:

- The overload on existing support services and whether these support services can accommodate such a growing need.
- There will be higher levels of people suffering from a disability or chronic illness due to the increasing life expectancy age. This will lead to higher levels of people needing support services.
- Pressure on government resources, aged pensions and other aged services.
- Like other coastal areas the Kiama LGA attracts retirees. As such, the pressures will be greater in Kiama.

The ageing population in Kiama has implications in terms of housing supply, affordability and employment.

It should also be noted that tourism plays a huge role in creating temporary populations in the Kiama LGA. The area experiences significant seasonal growth in temporary populations due to the influx of holiday makers and day trippers, especially during the peak summer and school holiday periods.

In 2010/11 the Kiama LGA attracted an estimated 250,000 domestic visitors who stayed one or more nights in



Kiama, 623,000 day trippers and 30,000 international visitors (ref: Tourism Research Australia – Local Area Profile, YE June 2011 – based on a 5 year rolling average). These fluctuations can have profound implications for the demand on local infrastructure and services. If provisions are not made for this influx of visitors then stress and strains are likely to occur when capacity is stretched.

Importantly, because this temporary, non-residential population is not counted at Census, Council does not receive comparable Financial Assistance Grants to meet the needs for infrastructure and services of peak holiday and weekend populations.

Key challenges and opportunities

<p>Strengths</p> <ul style="list-style-type: none"> • Low infrastructure backlog • Low debt • Solid operating performance (OP) ratio at present • Alignment between 10yr Financial Plan and Asset Management Plan • Alignment between asset management records and financial records for assets (no gap between valuation records and asset register) • Commercial assets including land holdings • High level of community satisfaction with current Council performance (IRIS etc.) • Strong own source revenue (with and without rates) • Educated community • Political stability • Organisational culture • Governance (external requirements, roles, responsibilities) 	<p>Weaknesses</p> <ul style="list-style-type: none"> • Transparency in decision making and community engagement (IRIS survey results) • Lack of financial knowledge/critical ratio understanding and awareness amongst some staff members • Ageing workforce and succession planning • Gaps in service level knowledge and community satisfaction • Lack of formal funding decision making process/analysis; funding allocation processes (full cost/life cycle analysis) • Unplanned capital and operational expenditure • Don't know full cost of service delivery • Lack of Asset Management Plans for some minor asset classes • Underestimation of full life cycle costs associated with new capital and major projects • Under use of S.94 and grants
<p>Opportunities</p> <ul style="list-style-type: none"> • Develop Service Level Agreements • Further development of activity based costing/accounting to key operational areas • Resolution by Council to adopt activity based costing methodology • Continue to embed the Long Term Financial Plan (LTFP) into Delivery Program and ensure complete alignment of asset management and LTFP (Resourcing Strategy) into Integrated Plans • Embed stronger financial planning into non finance staff (exec and managers) • Implement the work order and inspections management module in Authority (to further enhance asset management) • Implement full cost/whole of life funding allocation process • To drive change and institutionalise better practice where required • Develop asset management plans for all asset classes • Resource sharing/regional collaboration • Outsourcing • To grow non rate revenue including commercial opportunities/activities • To increase community, Council and staff awareness of financial sustainability drivers • Make better use of underperforming assets (rationalise) • Being FFTF = access to low cost funding; streamlined, less encumbered process for SRVs, rate increases 	<p>Threats</p> <ul style="list-style-type: none"> • Reduced external funding opportunities (e.g. Federal Assistance Grants – FAGs) • Reduction in commercial and development opportunities for Council • Cost shifting • Unrealistic community expectations • Reduced non rating income • Changes to government policy (Crown Lands; Aged Care) and impacts on commercial opportunities (Blue Haven and Holiday Parks) • Failure to act/change where required • Forced Council amalgamation • Loss of corporate knowledge in a short timeframe • Increased commercial competition (impacts on our aged care business model) • Inability to attract suitably qualified and experienced staff • Long term infrastructure renewals i.e. >40yrs (failing to prepare) • Unplanned capital expenditure • Climate change and other unforeseen (unquantifiable) impacts that potentially impact on service delivery and infrastructure • Urban development pressure



Current Performance against the Fit for the Future Benchmarks

The Government has established a set of Fit for the Future benchmarks that all councils are being assessed against.

As a starting point, Council's current performance against the FFTF benchmarks² has been considered and set out in the table below. It is important to understand Council's base position and the results are those reported to the Office of Local Government in Kiama's 2014 self-assessment against the benchmarks.

The benchmarks have been modelled forward using Council's current Long Term Financial Plan, and the 2013/14 result is presented alongside the forecast 2019/20 performance in the tables below.

Sustainability benchmark (self-assessment)

Measure/benchmark	2013/2014 self-assessment	Achieves FFTF benchmark	Forecast 2019/2020 performance	Achieves FFTF benchmark
Operating Performance Ratio	-4.2%	No	-9.76%	No
Own Source Revenue	76.9%	Yes	75.14%	Yes
Building and Infrastructure Asset Renewal	43.51%	No	30.84%	No

The LTFP predicted that the current operating performance ratio would remain below the benchmark until 2020/21. However the ratio would be on an improving trend from 2017/18. The own source revenue ratio is well above the benchmark and is estimated to remain so for the extent of the modelling period. The asset renewals ratio is well below the benchmark and is estimated to remain below the benchmark throughout the modelling period. Council is in a unique situation where the impact of asset renewals will not be felt until outside the modelling period. This is a result of a large number of long life assets being built or donated to Council over a short time period. As part of the FFTF improvement program Council is proposing to fully fund depreciation (i.e. 100% Renewals Ratio) over the modelling period and as such will be well funded when the peak in asset renewals is realised.

² Reported in the 2013/14 FFTF self-assessment



Infrastructure and service management benchmark (self-assessment)

Measure/benchmark	2013/2014 self-assessment	Achieves FFTF benchmark?	Forecast 2019/2020 performance	Achieves FFTF benchmark?
Infrastructure Backlog	1.65%	Yes	1.65%	Yes
Asset Maintenance Ratio	97.6%	No	97%	Yes (According to IPART findings)
Debt Service Ratio	2.85%	Yes	4.85%	Yes

Under the self-assessment modelling Council estimates that it will meet all of the infrastructure benchmarks. Technically the maintenance ratio falls short of the 100% benchmark however IPART has taken a reasonably practical approach and determined that current and estimated maintenance ratio performance of 97% is sufficient to satisfy the benchmark.

Efficiency benchmark (self-assessment)

Measure/benchmark	2013/2014 self-assessment	Achieves FFTF benchmark?	Forecast 2019/2020 performance	Achieves FFTF benchmark?
Real Operating Expenditure	Decreasing	Yes	Increasing	No

Based on Council’s modelling of the Long Term Financial Plan, **without any improvement**, Kiama Council will not meet the Real Operating Expenditure benchmark.

The tables below provide a summary of self-assessment performance trends against the benchmarks.

Table 3 Kiama Municipal Council current forecast performance trends against FFTF benchmarks

Indicator	Modelling Outcome to 2022/23	Performance Against Benchmark
Operating Performance	Improves quickly	Meets in 2020/21
Own Source Revenue	Remains high around 80%	Meets
Asset Renewal	Remains well below 100%	Does not meet
Infrastructure Backlog	Council predicts the backlog to remain below the benchmark	Meets
Asset Maintenance	Remains at or near the benchmarks	Meets
Debt Service Cover	Council has little debt	Meets
Real Operating Expenditure	Increase according to Council modelling	Does not meet



Meeting the benchmarks

An analysis of what would need to be done to satisfy the FFTF benchmarks has been undertaken. The analysis is against Council’s LTFP base case scenario as submitted to IPART as part of the FFTF submission. The asset based ratios (asset maintenance, asset renewal and infrastructure backlog) have been considered, as has the operating performance ratio. Each aspect has been separated out in the following sections before being combined into an overall figure which identifies what, if any, funding gap exists that if satisfied would enable Council to meet the FFTF benchmarks.

Where such a gap has been identified, Council will need to determine how they best address that gap. We would expect that this would be either through reallocation of expenditure, additional revenue, a reduction in operating expenses, or a combination.

Operating performance

Council’s operating result (calculated on the same basis as the operating performance ratio and excluding capital grants and contributions) has been reviewed between the operating revenue and operating expenses identified below. For simplicity, this is presented as an average of the years projected in Council’s Long Term Financial Plan (LTFP).

The table below identifies the average annual deficit / surplus, between operating revenue and operating expenditure (as per the operating performance ratio guidelines) over the time period within Council’s LTFP.

Table 4 Operating performance funding gap

Council	Gap (\$000)
Kiama Municipal Council	711

Asset maintenance

The maintenance ratio is based in part on the number Council reports as ‘required maintenance’ and actual maintenance. The table below sets out the results of the modelling for Council, demonstrating it does not meet this benchmark. For simplicity, this is presented as an average of the years projected in Council’s LTFP.

Table 5 Asset maintenance funding gap

Council	Actual Annual Maintenance (\$000)	Estimated Required Maintenance (\$000)	Gap (\$000)
Kiama Municipal Council	3,682	4,541	-859



Based on the modelling, Council faces a funding gap between what is spent currently and what is estimated to be required for asset maintenance. The figures in red show the additional amount Council would need to spend annually on maintenance to satisfy the asset maintenance ratio.

Asset renewal

The asset renewal ratio is based on Council’s assessment of annual depreciation on buildings and infrastructure and its actual expenditure on building and infrastructure renewals. If asset depreciation is calculated appropriately then this represents the loss of value of an asset on an annual basis and a renewal ratio of 100% reflects (at an overall level) restoring that lost value.

The assessment of depreciation is integral to the financial management of Council and its LTFFP. Any change requires a proper assessment of the assets, condition, lives and values. The assessment of required asset renewals is based on Council’s own assessment of depreciation and required renewals.

The table below sets out the difference between the required annual renewals and projected renewals expenditure. Based on the modelling, Kiama is funding less than is required and as a result the infrastructure backlog should be increasing over time.

Table 6 Asset renewal gap

Council	Average predicted annual renewals (\$000)	Average required annual renewals (\$000)	Average annual gap (\$000)
Kiama Municipal Council	2,532	7,104	-4,572

Infrastructure backlog

The key driver of the Infrastructure Backlog Ratio is the estimated “cost to satisfactory”. However, there are no clear guidelines as to how the “cost to satisfactory” has to be calculated and, as such, the approach varies significantly across NSW.

The table below sets out what Council would need to spend on additional renewals, over and above maintaining a 100% asset renewal ratio, to reduce the Infrastructure Backlog Ratio to the benchmark within five years.

Table 7 Cost to bring assets to satisfactory

Council	Total value of assets ³ (\$000)	Cost to satisfactory (\$000)	Target Backlog (\$000)	Reduction Required (\$000)	Per year (5 years) (\$000)
Kiama Municipal Council	306,900	4,491	3,680	-811	-162.2

3 Current replacement costs (2014)



Annual funding gap

The table below summarises the combined asset expenditure required by Council, based on its own analysis, to meet the benchmarks over five years. Once the infrastructure backlog is brought to the benchmark then Council’s required expenditure falls.

We have not included the funding gap related to the operating performance ratio in this table as that would not present a realistic picture of the required expenditure. Once Council exceeds the Asset Renewal Ratio benchmark for the modelled period the infrastructure backlog reduces. Any increase in expenditure on maintenance or renewals will flow through to affect the operating revenue and expenses of Council and therefore the operating performance ratio. Additionally, Council may choose to address the funding gaps identified in this report by increasing revenue, shifting funding from another service or activity, reducing overall costs, or a combination of all the above. This will all affect the other ratio. It is therefore not considered possible to simply add the operational funding gap and the asset funding gap identified below together into a single figure.

Table 8 Combined asset funding gap

Council	Asset Maintenance	Renewals	Infrastructure Backlog	Average funding required per annum (5 years)	Average funding required per annum (5 years+)
Kiama Municipal Council	-859	-4,572	-162.2	-5,593	-5,411

If the asset gap is to be addressed over the short term (five years), additional funding in the order of \$5.6m per annum is required.



How will Council become Fit for the Future?

Kiama Municipal Council has investigated a number of further productivity improvements and cost containment strategies in addition to those already implemented. The Council employs approximately 265 staff and generally restricts itself to core services centred on its statutory functions and infrastructure service delivery. Council does however provide a significant aged care facility and over the life of the LTFP Council also plans to expand its aged care services to the community. Council will construct a new \$50m facility to be operational in 2019/20. Council has been very successful in providing these services in an efficient and competitive manner and the current business case for the new facilities provides firm evidence to proceed with the project.

As with all such projects Council must manage this project very carefully, not only the construction but the ongoing management of the new facility. Council does have a history of successfully running similar facilities and this is expected to continue into the future.

In relation to the infrastructure backlog, Council has adopted a systematic approach to determine the backlog which has been adopted by a growing number of NSW councils as it provides a consistent, repeatable methodology based on asset condition. This methodology is also supported by a body of research undertaken by Morrison Low and by industry benchmarks for a range of Councils across Australia.

Council has adopted a condition rating system based on a 1 - 5 condition rating where condition 1 is considered to be excellent and condition 5 being poor or very poor condition. The standardised approach adopts condition 3 as satisfactory. Some councils adopt a lower standard as satisfactory and have engaged with their communities on this. Our approach looks at the value of assets (Current Replacement Cost) in condition 4 and 5, and what could be done to ensure these assets are brought up to condition 3 (satisfactory). The cost to satisfactory is an indicator of asset condition, and as such the reality of asset renewals is that those assets in condition 4 and 5 when renewed would be brought up to condition 1 or 2.

Council undertakes best practice risk management, planning and design, construction and maintenance. It has introduced a range of measures to review capital works and maintenance programs on a regular basis. This has improved communication with users and response times, and delivered better on-ground results.

Council is integrating asset related data into its information system to reduce reliance on disparate project files, spreadsheets, GIS data and databases. It has introduced new technology to reduce manual data entry and duplication and allow logging of maintenance tasks, accurate tracking, timely closeout and reduced paperwork.

It has reviewed and amended workflows for all project types to remove redundant steps, accelerate processes and improve accountability. The Preliminary Project Information reduces officer time on projects through improved pre-design scoping, specification and cost estimating for capital works and maintenance projects.

In addition the asset gap discussed earlier in this report has been remodelled and any operating surplus or improvement savings have been applied firstly to improve renewals and address infrastructure backlog as quickly as possible. Once the backlog is addressed, renewals are reduced and maintenance increased until the maintenance ratio reaches 100% (if required). Thereafter, investment in maintenance is calculated at a level to maintain a ratio of 100%.



Importantly Morrison Low is of the opinion that Council has significantly overstated its asset depreciation over a number of years. Part of Morrison Low’s analysis involved benchmarking a number of councils in the South East of NSW and compared the rate of depreciation that is the annual depreciation over the gross value of the infrastructure assets. The table below highlights those results.

Council	Gross Replacement Cost (\$,000)	Annual Depreciation (\$,000)	Rate of Depreciation
Albury	\$909,132	\$13,782	1.52%
Bega Valley	\$634,888	\$10,470	1.65%
Boorowa	\$144,523	\$1,880	1.30%
Cooma Monaro	\$290,385	\$6,372	2.19%
Eurobodalla	\$822,044	\$12,475	1.52%
Goulburn Mulwaree	\$922,236	\$12,362	1.34%
Kiama	\$289,160	\$6,895	2.38%
Palerang	\$196,751	\$6,135	3.12%
Shellharbour	\$743,688	\$14,635	1.97%
Shoalhaven	\$1,677,408	\$28,361	1.69%
Snowy River	\$321,172	\$4,866	1.52%
Tumbarumba	\$183,939	\$2,257	1.23%
Tumut	\$237,971	\$3,601	1.51%
Upper Lachlan	\$243,407	\$3,162	1.30%
Wingecarribee	\$765,815	\$14,904	1.95%
Yass Valley	\$269,111	\$5,335	1.98%
Average	\$ 8,651,630	\$ 147,492	1.76%

A revaluation of Kiama’s assets is likely to achieve as a minimum the average rate of depreciation of the South East NSW Councils with potential savings in depreciation is approximately \$1.8 - \$2M. It should be noted that the actual rate of depreciation will depend on individual assets – their age and condition and how they are performing. The reassessment of depreciation as part of the improvement planning has adopted an overall decrease in infrastructure depreciation of approximately \$1.7m. It should be noted that the decrease in depreciation is supported by Council’s long term asset renewal plan which supports an average asset renewal spend of approximately \$4.3M per year

Council has undertaken a series of internal workshops with staff, including the management and senior management teams and with Councillors, to identify additional improvement opportunities to ensure the overall efficiency of the organisation and FTF ratios that accurately reflect Council’s current position. Other key improvements are a series of rolling service reviews. These service reviews will support Council’s application for a Special Rate Variation, and will ensure that the best value services are delivered to the Kiama Community.



The following table represents the improvements identified as part of the various workshops

Improvement Opportunity	Total (\$,000)
Increased commercial opportunities	\$50
Holiday Parks additional income	\$100
Sale of additional aged care units	\$80
Rental of old waste site for storage	\$50
Saving on early payment of loans	-\$55
JO Staff sharing	-\$85
Change in Depreciation – buildings	-\$1,200
Change in Depreciation - transports and drainage assets	-\$450
Change in depreciation due to hierarchy of roads (15% of Seal)	-\$50
Change in depreciation non Infrastructure assets	-\$265
Movement of funds holiday parks maintenance to renewal	-\$100
Service reviews - Waste	-\$100
Service review - Civil	-\$100
Service Review - Parks	-\$100
Service Review - Office	-\$100
Service Review - IT	-\$85
Rental Saving	-\$50
Capitalisation of loan costs - Spring Creek Development	-\$200
Capitalisation of loan costs - Spring Creek Development	-\$180
Capitalisation of loan costs - Spring Creek Development	-\$87
Reduction in Motor vehicle fleet	-\$20
Return from Blue haven site - for discussion	TBD
Land Sales – for discussions	TBD
Adjustments to fees and charges based on 14/15 result	\$600

The identified opportunities result in:

- additional income of \$880,000
- expenditure savings of \$3,227,000
- total income and savings of \$4,107,000

These savings represent a combination of ongoing savings (which will compound over the years) and one off savings to address the funding shortfall.

The improvement opportunities identified are based on improving the efficiency and effectiveness of service delivery with no drop in service level. These initiatives are considered to be reasonable and achievable.



How will the Plan Improve Performance?

The above improvement opportunities have highlighted some significant improvements that can be achieved across Kiama Municipal Council.

The total asset spend discussed early in this report has been remodelled and this has reduced the overall infrastructure gap.

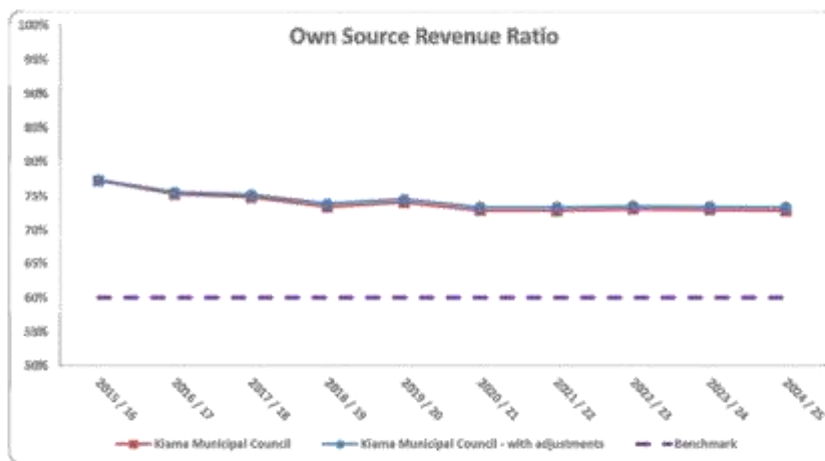
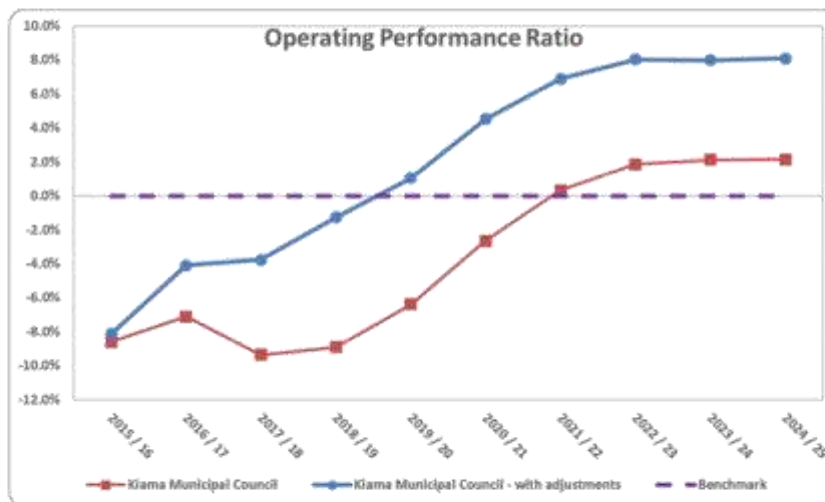
Expected improvement in performance

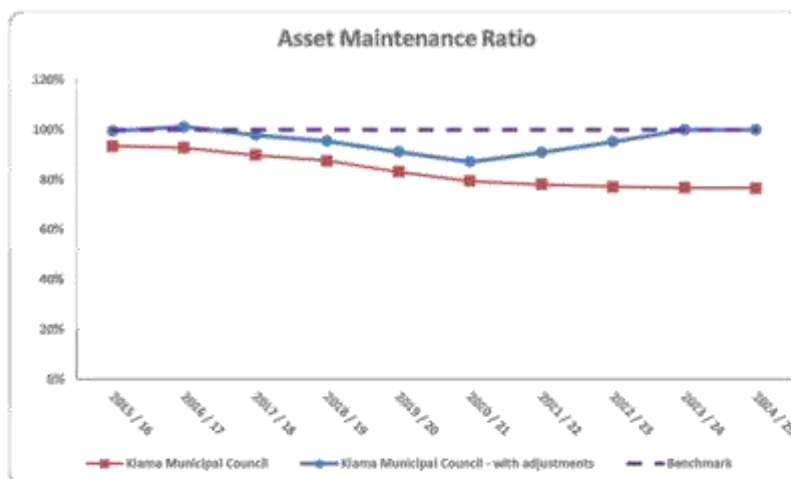
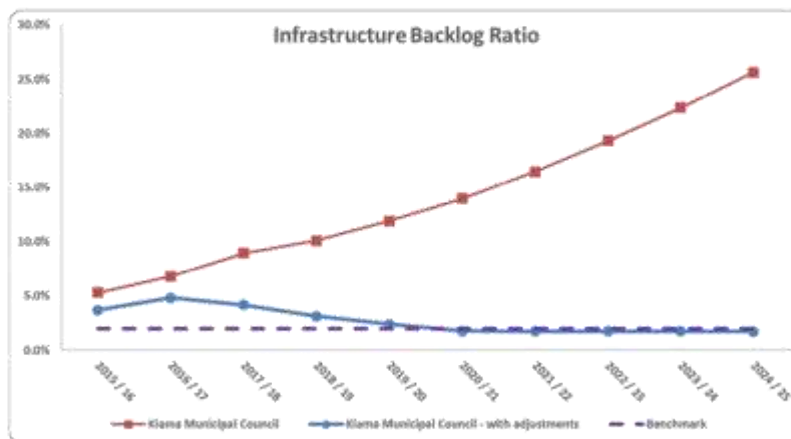
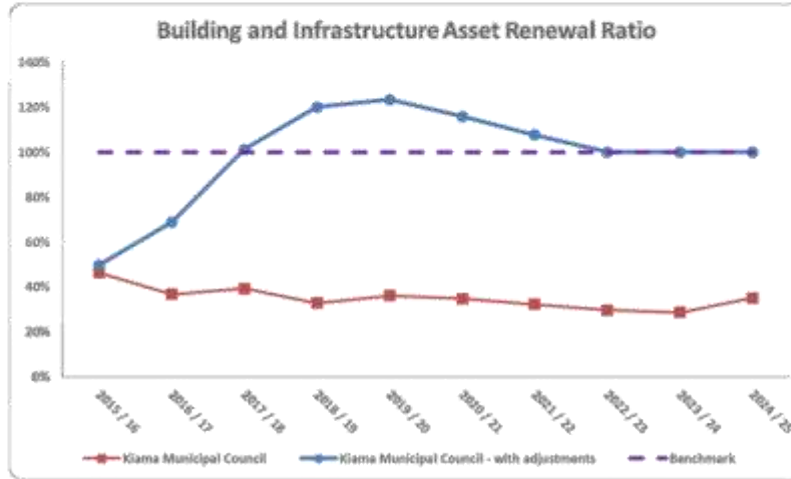
Measure / benchmark	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	Achieves FFTF benchmark?
Operating Performance (Greater than or equal to breakeven average over three years)	-8.1%	-4.1%	-3.7%	-1.3%	1.1%	4.5%	YES
Own Source Revenue Ratio (Greater than 60% average over three years)	77.4%	75.6%	75.2%	73.9%	74.6%	73.4%	YES
Building and Infrastructure Asset Renewal Ratio (Greater than 100% average over three years)	49.8%	68.9%	101.2%	120.1%	123.4%	115.9%	Yes
Infrastructure Backlog Ratio (Less than 2%)	3.7%	4.8%	4.2%	3.1%	2.4%	1.8%	Yes (ratio is improving)
Asset Maintenance Ratio (Greater than 100% average over three years)	99%	101%	98%	95%	91%	87%	NO (IPARTS Original IPART finding it considered to be YES)
Debt Service Ratio (Greater than 0% and less than or equal to 20% average over three years)	0.7%	0.8%	1.7%	2.2%	2.4%	1.6%	Yes
Real Operating Expenditure per capita (A decrease in Real Operating Expenditure per capita over time)	\$1,950	\$1,817	\$1,844	\$1,863	\$1,888	\$1,863	Yes

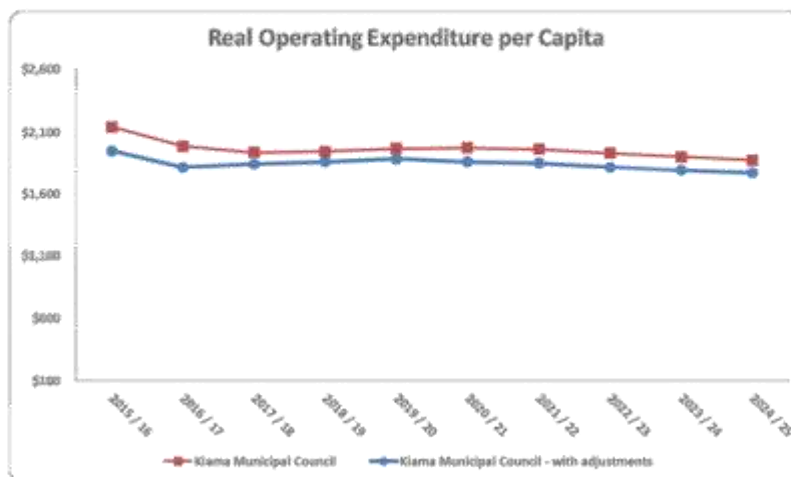
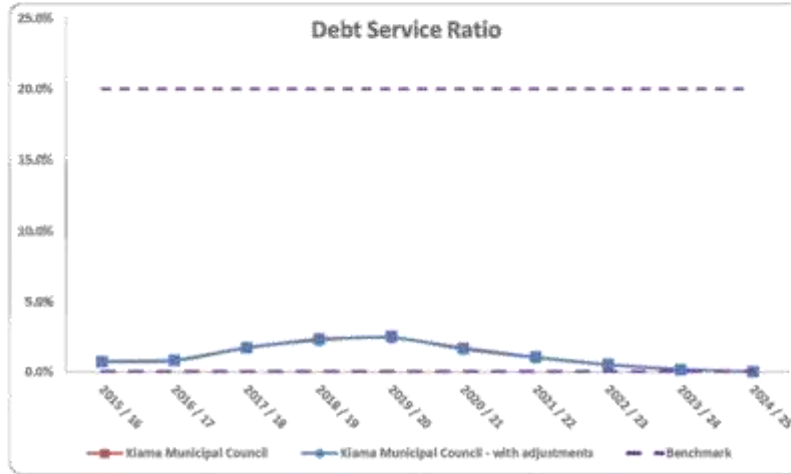


Council is confident that the improvement opportunities identified are within Council’s capability and capacity to deliver.

Council meets all of the FFTF benchmarks by 2019/20. It meets all benchmarks from 2020/21 and thereafter continues to maintain or improve performance against the benchmarks criteria. The impacts of the improvements over the entire modelling period are shown in the charts below.









Conclusion

The Independent Local Government Review Panel has expressed the view that Kiama could be sustainable as a standalone Council within a Joint Organisation. The recent IPART report found that the Council meets the scale and capacity criteria however failed the sustainability criteria.

Kiama has resolved that its preferred option is to standalone and as such has identified a number of improvement opportunities that will ensure that it meets the Government’s FTF criteria.

Kiama Municipal Council’s original submission to IPART showed that Council did not meet a number of the FTF sustainability ratios established by the Office of Local Government. Council has identified improvements which quickly move towards and then achieve all the FTF benchmarks, meaning that Council is Fit for the Future in both scale and capacity and financial sustainability.

These improvements against the benchmarks are shown in the table below.

The action plan, in our opinion, can be easily managed and implemented.

Fit for the Future Criteria	Met in 2013/14	Meets in 2019/20
Scale and Capacity as per the ILGRP Recommendation	Yes	Yes
Operating Performance Ratio	No	Yes
Own Source Revenue Ratio	Yes	Yes
Buildings and Infrastructure Asset Renewals Ratio	No	Yes
Infrastructure Backlog Ratio	No	Yes
Asset Maintenance Ratio	No	Yes
Debt Service Ratio	Yes	Yes
Real Operating Expenditure Over Time	No	Yes

10.3 Music Event at Black Beach

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: 1.2.1 Promote and support cultural and artistic programs for young people

Summary

This report advises of a proposal by Yours and Owls to hold a music event at Black Beach in late May/early June.

Finance

The organiser is seeking in-kind assistance such as the use of local power, use of amenities, assistance with development application submissions, fencing and donation of park fees.

Policy

A development application will need to be submitted.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council provide owner's consent to enable the lodgement of a development application for the holding of the music event.

BACKGROUND

A director of Yours and Owls has met with Council to discuss the holding of a concert at Black Beach, Kiama in late May/early June. The event is to showcase international and national contemporary musicians alongside local performers, artists and produce.

It is proposed to be a ticketed event that aims to attract approximately 1500 people and will be held from 2pm until 9.30pm.

The event will require the submission of a development application and the impact of the proposal on local residents in terms of hours of operation, noise and parking will need to be assessed as part of the consideration of the application.

The proponent advises that the event will cost in excess of \$100,000 creating a significant amount of risks. The proponent is hoping for Council to provide in-kind assistance such as the use of local power, use of amenities, assistance with development application submissions and donation of park fees.

Report of the General Manager

10.3 Music Event at Black Beach (cont)

Yours and Owls are a festival promoter, event organiser, venue booker and live music/events consultant. While Yours and Owls seek to run the event for profit the events do attract media attention as well as bring tourism to the local area. While it is not recommended that the reserve hire fees be donated to the event Council may wish to provide some form of assistance in recognition of youth cultural and local tourism benefits.

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Economic Development Committee - Review of Membership

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.5 Actively engage Federal, State, Local government and business organisations to develop and promote Kiama's economic and employment opportunities

Delivery Program: 3.5.1 Maintain and develop economic partnerships with Government agencies and business organisations

Summary

This report advises of the response to the call for Expressions of Interest for non-Council membership to the Economic Development Committee and seeks Council's determination of such membership.

Finance

Not applicable.

Policy

2013-2017 Delivery Program

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council

1. Accepts all applicants for the non-councillor membership of the Economic Development Committee
2. Sends a letter of appreciation to all outgoing members thanking them for their valuable contribution.

BACKGROUND

At the September 2015 Council meeting Council resolved to retire the non-council members of the Economic Development Committee and call for Expressions of interest for non-Council membership of the newly formed Economic Development Committee.

In November 2015 an advertisement was placed in the Kiama Independent and The Bugle and Council received six applications for membership from interested parties. There applicants were of a very high calibre with diverse experience and

Report of the Acting Director Corporate and Commercial Services

11.1 Economic Development Committee - Review of Membership (cont)

backgrounds. Councillor Reilly, Committee Chair, and Council's Economic Development Manager met and reviewed the applications.

Following is a list of the applicants who submitted expressions of interest for membership. A copy of the applications has been circulated to Councillors.

Tass Schmidt

Michael Hatfield

Geoff Pratt

Sandy Rendel *

Stephen Thomas *

Andrew Waugh *

*The last three applicants have all been previous members of the Committee.

Given the experience and backgrounds of the applicants, it is recommended that each applicant be endorsed as a member of the Economic Development Committee.

In addition it is proposed that there be one representative nominated by the Kiama and District Business Chamber and one representative nominated by Kiama Tourism per the Committee's charter.

In line with the Charter of the Economic Development Committee, membership to the Committee will be reviewed every two years or earlier if deemed necessary by Council.

It is proposed to send a letter of thanks to those members of the outgoing Committee who have not expressed an interest in re-applying for membership.

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 December 2015.

Finance

Not Applicable

Policy

Requirement of the Local Government (General) Regulation 2005.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

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

a) Investment Commentary

The total investment portfolio reduced by \$1.7M during December 2015. Various revenue was received totalling \$6.7M, including rate payments amounting to \$1.5M, grants and contributions of \$3.3M, user fees and charges and other revenue of \$1.32M and Debtor receipts of \$580K. Payments to suppliers of \$4.8M, loan principal repayments of \$800K and employee wages of \$1.8M amounted to total expenditure of \$7.4M.

Note that the Westpac Bank Account balance shown in (a) of \$1.7M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented. The interest to 31 December 2015 is \$580K with an

Report of the Manager Corporate Services

12.1 Statement of Investments (cont)

annual budget estimate for 2015/2016 of \$1.125M. Included in the actual interest income figure is interest income on Section 94, Blue Haven ILU & Hostel Restricted Assets.

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations. The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities. Interest rates have been dropping for a number of years. With the Reserve Bank cash rate now at 2.0% there does not appear to be any likelihood of any change in rates upward in the short term. The current 90 day investment rate quoted by National Australia Bank on 24 December 2015 was 2.95%. The previous month's was 2.8% with December 2014 rate being 3.42%. Council's interest on investment budget estimate has been conservative based on the trend with interest rates. Council has been able to consistently perform above the Reserve Bank 90 day bank bill index. Council staff have been reviewing long term investment rates with two longer term investments currently included in our portfolio. The National Australia Bank is currently quoting 90 days 2.95%, 1 year 2.9%, 2 years 2.91% and 3 years 3.06%.

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.

**Tracy Sligar**

Responsible Accounting Officer
Acting Manager Corporate Services

(b) Council Investments as at 31 December, 2015

DIRECT INVESTMENTS: INSTITUTION	RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	A+	500,000.00	Term Deposit	09/09/15	09/03/16	182	2.80
ANZ	AA-	1,000,000.00	Term Deposit	14/10/15	14/03/16	152	2.75
ANZ	AA-	1,000,000.00	Term Deposit	25/11/15	29/02/16	96	2.90
Bankwest	AA-	1,000,000.00	Term Deposit	02/12/15	05/04/16	125	3.00
Bankwest	AA-	1,000,000.00	Term Deposit	23/09/15	23/03/16	182	2.85
Bank of Qld	A-	1,000,000.00	Term Deposit	03/06/15	06/01/16	217	3.00
Bank of Qld	A-	1,000,000.00	Term Deposit	30/09/15	30/03/16	182	2.95
Bank of Qld	A-	1,500,000.00	Term Deposit	11/08/15	15/02/16	188	2.90
Bank of Qld	A-	1,000,000.00	Term Deposit	15/07/15	18/01/16	187	2.95
Bank of Qld	A-	1,000,000.00	Term Deposit	17/06/15	20/01/16	217	3.00
Bank of Qld	A-	1,000,000.00	Term Deposit	30/11/15	02/05/16	154	2.95
Bendigo	A-	1,000,000.00	Term Deposit	04/06/15	03/02/16	244	2.80
Bendigo	A-	1,000,000.00	Term Deposit	22/09/15	22/06/16	274	2.80
Commonwealth Bank	AA-	500,000.00	Term Deposit	28/07/15	01/03/16	217	2.80
ME Bank	BBB+	1,000,000.00	Term Deposit	09/11/15	15/03/16	127	2.85
ME Bank	BBB+	1,500,000.00	Term Deposit	01/10/15	24/02/16	146	2.80
ME Bank	BBB+	1,000,000.00	Term Deposit	02/09/15	01/03/16	181	2.75
NAB	AA-	1,000,000.00	Term Deposit	29/07/15	04/02/16	190	2.96
NAB	AA-	1,000,000.00	Term Deposit	27/05/15	17/02/16	266	2.97
NAB	AA-	1,000,000.00	Term Deposit	23/11/15	26/04/16	155	2.89
NAB	AA-	2,000,000.00	Term Deposit	09/09/15	09/03/16	182	2.95
NAB	AA-	1,000,000.00	Term Deposit	19/11/15	11/05/16	174	2.89
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	21/07/15	27/01/16	190	2.80
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	15/12/15	17/03/16	93	2.80
IMB Society	BBB	1,000,000.00	Term Deposit	18/11/15	20/05/16	184	2.80
IMB Society	BBB	1,000,000.00	Term Deposit	15/06/15	13/01/16	212	2.80
ING Bank	A-	1,000,000.00	Term Deposit	22/07/15	25/01/16	187	2.45
ING Bank	A-	1,000,000.00	Term Deposit	29/07/15	02/02/16	188	2.44
ING Bank	A-	1,000,000.00	Term Deposit	19/10/15	20/04/16	184	2.40
ING Bank	A-	1,000,000.00	Term Deposit	04/08/15	09/02/16	189	2.44
Rural Bank	A-	1,000,000.00	Term Deposit	05/08/15	10/02/16	189	2.85
Suncorp	A+	1,000,000.00	Term Deposit	09/12/15	09/05/16	152	3.00
Suncorp	A+	1,000,000.00	Term Deposit	21/10/15	23/02/16	125	2.85
Westpac	AA	1,000,000.00	Term Deposit	26/11/15	06/04/16	132	2.89
Westpac	AA	1,000,000.00	Term Deposit	09/12/15	21/03/16	103	2.95
Westpac	AA	1,735,832.41	Bank Account	-	AT CALL		0.84
Westpac	AA	1,581,578.82	Maxi Account	-	AT CALL		3.05
TOTAL DIRECT INVESTMENTS		39,317,411.23					
					Average Rate-Dec 2015		2.78
					Average Rate-Dec 2014		3.41

Item 12.1
Attachment 1

TOTAL INVESTMENTS	39,317,411.23
--------------------------	----------------------

TOTAL INVESTMENTS NOV 2015	40,981,131.96	-4.23%	Change in total investment over prev 1 month
TOTAL INVESTMENTS DEC 2014	43,392,430.06	-9.39%	Change in total investment over prev 12 month

(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	3,511,541.52
	Grants	1,025,442.00
	Domestic Waste	1,922,907.00
	Waste & Sustainability	228,464.18
	Carer Respite Centre	1,012,143.91
	Southern Council's Group	1,717,600.01
Internally Restricted	Blue Haven ILU	4,238,450.00
	Blue Haven Care-Residential	9,907,920.00
	Land Development	3,206,920.00
	Waste Business Unit (Plant Replacement)	1,775,436.00
	Plant Replacement - Engineers	1,315,375.00
	Employee Leave Entitlements	1,000,000.00
	S94 Recoupments	818,620.96
	Carry-over works	1,625,084.00
	Holiday Parks - Crown Reserves	1,213,526.00
	Holiday Park - Kendalls Beach	607,585.00
	Contingencies	779,730.00
	Property Insurance	120,000.00
	Community Bus	174,969.00
	CACP	66,983.00
Unrestricted Funds:	Funds to meet current budgeted expenditure	3,048,713.65
TOTAL INVESTMENTS		39,317,411.23

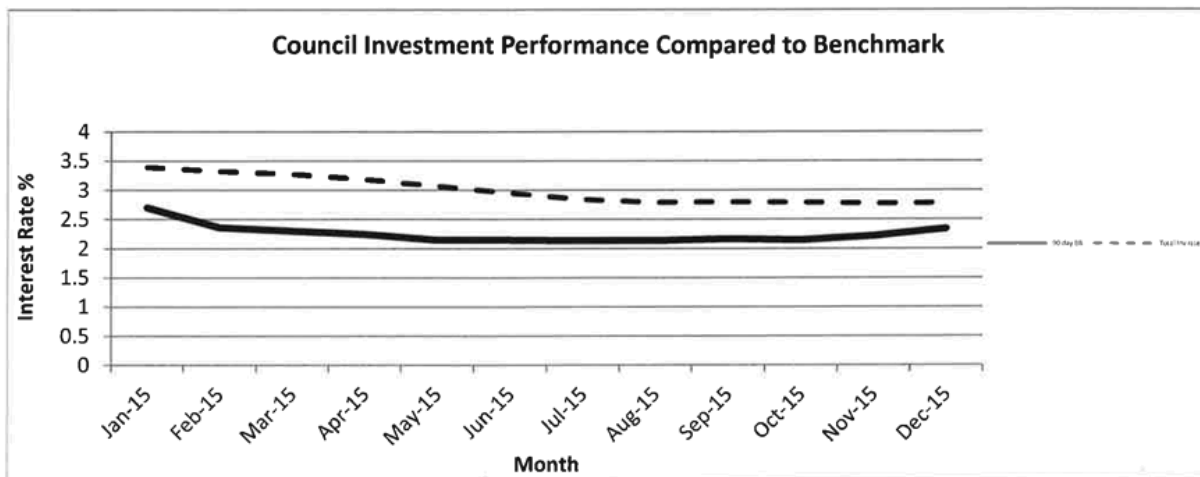
Note:

The above Application of Invested Funds reflects audited balances as at 30 June 2015. Actual movement in these balances are recorded at the end of the financial year.
 The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	2.78	2.34
3 months	2.78	2.24
6 months	2.80	2.19
12 Months	3.00	2.26



12.2 Financial Report for the period ending 31 December 2015

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

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

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

Summary

That the revised budget for the period ending 31 December 2015 be received and adopted

Finance

Variation to Council's 2015/2016 Budget

Policy

This report is a requirement under the Local Government Act 1993

Attachments

1 Quarterly Budget Review 31/12/2015

Enclosures

Nil

RECOMMENDATION

That the revised budget for the period ending 31 December 2015 be received and adopted.

BACKGROUND

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

Report of the Manager Corporate Services

12.2 Financial Report for the period ending 31 December 2015 (cont)

Original Estimates 2015/2016	\$
Expenditure (excluding depreciation)	73,830,750
Revenue	<u>73,830,750</u>
Projected Budget result as at 30/6/16	0
Add: Net variations previously approved by Council	0
Add: Net variations proposed for this quarter ended 31/12/15	0
Projected result on 2015/2016 Original Budget Estimates as at 31/12/15	0
Add: Revenue Revotes (previously reported)	4,199,506
Less Funding	(4,199,506)
Projected Deficit as at 31/12/15 for 2015/2016 Operations	0
Add: Depreciation (non cash)	8,960,000
Projected Deficit Including Depreciation as at 31/12/15	8,960,000

Budget Review Report

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

Summary of changes in the following reports:-	(\$,000)
<i>Income & Expenses Statement - net increase in revenue</i>	150
<i>Capital Budget Statement - net increase in expenditure</i>	<u>41</u>
Resulting in:-	
Cash & Investments Statement - increase in Restricted Cash	<u>109</u>

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

The Budget Review Report will be tabled at the meeting.

Tracy Sligar

Responsible Accounting Officer

Acting Manager Corporate Services


Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Report by Responsible Accounting Officer

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

It is my opinion that the Quarterly Budget Review Statement for Kiama Municipal Council for the quarter ended 31/12/15 indicates that Council's projected financial position at 30/6/16 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:  _____
Tracy Sligar
Responsible Accounting Officer

date: 21-January-2016

Item 12.2

Attachment 1

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Kiama Municipal Council
Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 December 2015
Income & Expenses - General Fund

(\$000's)	Original Budget 2015/16	Approved Changes			Revised Budget 2015/16	Variations for this Dec Qtr	Projected Year End Result	Actual YTD figures
		Revotes	Other than by QBRS	Sep QBRS				
Income								
Rates and Annual Charges	18,882			23	18,905		18,905	18,768
User Charges and Fees	14,996			145	15,141	50	15,191	8,382
Interest and Investment Revenues	1,155			29	1,184		1,184	261
Other Revenues	1,593			113	1,706	(3)	1,703	432
Grants & Contributions - Operating	9,426			1,962	11,388	223	11,611	5,886
Grants & Contributions - Capital	767			123	890	45	935	1,226
Net gain from disposal of assets	3,967			12	3,979		3,979	143
Share of interests in Joint Ventures								
Total Income from Continuing Operations	50,786	-	-	2,407	53,193	315	53,508	35,098
Expenses								
Employee Costs	21,965	49		656	22,670	(49)	22,621	12,298
Borrowing Costs	308				308		308	102
Materials & Contracts	16,884	1,026		1,489	19,399	195	19,594	7,584
Depreciation	8,960				8,960		8,960	2
Other Expenses	3,490			81	3,571	19	3,590	1,692
Interest & Investment Losses								
Net Loss from disposal of assets								
Share of interests in Joint Ventures								
Total Expenses from Continuing Operations	51,607	1,075	-	2,226	54,908	165	55,073	21,678
Net Operating Result from Continuing Operations	(821)	(1,075)	-	181	(1,715)	150	(1,565)	13,420
Net Operating Result from All Operations	(821)	(1,075)	-	181	(1,715)	150	(1,565)	13,420

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Details		(\$,000)
Revenues		
6420 Surf Beach Holiday Park	Increased bookings	20
6440 Kendalls Beach Holiday Park	Increased bookings	30
3880 Operating Grants RMS	Road to Recovery	181
1790 Cultural Development	Grant funding	18
1740 Age/Disability Services	Grant funding	27
1781 Dementia Friendly Community Project	Grant funding	2
3900 Rural Fire Service	Grant funding	(5)
1786 CCTV	Grant funding	20
3900 Rural Fire Service	Grant funding	25
1790 Cultural Development	Reduction in expected income	(2)
1830 Youth Services & Programs	Reduction in Cottage hire income	(1)
Expenses		
0040 Finance & Admin	Superannuation	(50)
1085 Community Contributions	Illawarra Pilot Joint Organisation Costs	29
3502 Emergency Management	Increased Costs	52
3512 Street Lighting	Reduced Costs	(58)
0015 Finance & Administration	Consultants - Proposed Merger submission (\$50k approved by council at meeting of 12 January 2016)	125
6965 Land Development	Investigations & Reports	22
6005 Surf Beach Holiday Park	Increased costs offset by income	20
6010 Kendalls Beach Holiday Park	Increased costs offset by income	25

Item 12.2

Attachment 1

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Kiama Municipal Council
Capital Budget Review Statement

Budget review for the quarter ended 31 December 2015
Capital Budget - General Fund

(\$000's)	Original Budget 2015/16	Approved Changes			Revised Budget 2015/16	Variations for this Dec Qtr	Projected Year End Result
		Revotes	Other than by QBRs	Mar QBRs			
Capital Expenditure							
Assets							
- Plant & Equipment	2,734	22	51	2,807		2,807	
- Information Technology	305	754	30	1,089	22	1,111	
- Land Development							
- Library Resources	85			85		85	
- Infrastructure	13,261	2,348	122	15,731	19	15,750	
Loan Repayments (Principal)	1,692			1,692		1,692	
Total Capital Expenditure	18,077	3,124	203	21,404	41	21,445	
Capital Funding							
Rates & Other Untied Funding	4,834	2,154	(20)	6,968		6,968	
Capital Grants & Contributions	567	360	30	957	20	977	
Reserves:							
- External Restrictions/Reserves	11,650	458	160	12,268	21	12,289	
- Internal Restrictions/Reserves							
New Loans							
Receipts from Sale of Assets							
- Plant & Equipment	365		26	391		391	
- Land & Buildings							
S94 Developer Contributions	471	113	7	591		591	
S94 Recoupments	190	39		229		229	
Total Capital Funding	18,077	3,124	203	21,404	41	21,445	
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-	-	

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Details		(\$,000)
1186 CCTV	Grant Funding	20
3160 Infrastructure - Capital renewal	Foxground RFS	25
	Stormwater Pipes	(4)

Item 12.2

Attachment 1

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Kiama Municipal Council
Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 December 2015
Cash & Investments - General Fund

(\$000's)	Cash Position 30/6/15	Original Budget 2015/16	Approved Changes				Revised Budget 2015/16	Variations for this Dec Qtr	Projected Year End Result	Actual YTD figures
			Revotes	Other than by QBRs	Sep QBRs	Dec QBRs				
Externally Restricted ⁽¹⁾										
S94 Developer Contributions	3,512	(281)	(114)		(7)	(402)		3,110	3,512	
Grants and Contributions	1,025	(1,025)				(1,025)		-	1,025	
Domestic Waste	1,923	(584)				(584)		1,339	1,923	
Waste & Sustainability	228	(151)	(9)			(160)		68	228	
Southern Council's Group	2,730							2,730	2,730	
Total Externally Restricted	9,418	(1,016)	(1,148)		(7)	(2,171)		7,247	9,418	
⁽¹⁾ Funds that must be spent for a specific purpose										
Internally Restricted ⁽²⁾										
Blue Haven Care-Self Care	4,238	(957)				(957)		3,281	4,238	
Blue Haven Care-Residential	9,908	(6,440)				(6,440)		3,468	9,908	
S94 Recoupments	819	(190)	(39)			(229)		590	819	
Land Development	3,207	3,221	(977)		50	2,294	160	5,661	3,207	
Carry-over Works	1,625		(1,625)			(1,625)		-	1,625	
Waste Business Unit	1,775	(991)				(991)		784	1,775	
Employee Leave Entitlements	1,000							1,000	1,000	
Holiday Parks	1,821	(535)	(340)		(60)	(935)		886	1,821	
Contingencies	780	(11)	(70)		(5)	(86)	(51)	643	780	
Plant Replacement	1,315	542				542		1,857	1,315	
Community Bus	175	30				30		205	175	
Computer	-							-	-	
Property Insurance	120							120	120	
CACP	67							67	67	
Unexpended Loan Funds	-							-	-	
Total Internally Restricted	26,850	(5,331)	(3,051)		(15)	(8,397)	109	18,562	26,850	
⁽²⁾ Funds that Council has earmarked for a specific purpose										
Unrestricted										
(ie. available after the above Restrictions)	4,818							4,818	3,049	
Total Cash & Investments	41,086	(6,347)	(4,199)		(22)	(10,568)	109	30,627	39,317	

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

Not Applicable

Investments

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

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$39,317

This Cash at Bank amount has been reconciled to Council's physical Bank Statements. The date of completion of this bank reconciliation is 31/12/15

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Details				(\$,000)
	Internally Restricted Cash	Transfers to (from) Restricted Cash		
6962	Land Development	Transfer to	Funding from Roads to Recovery Grant	160
0789	Contingencies	Transfer from	Funding for Proposed Merger Submission	(51)

Item 12.2

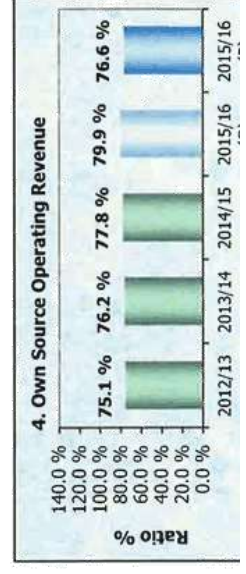
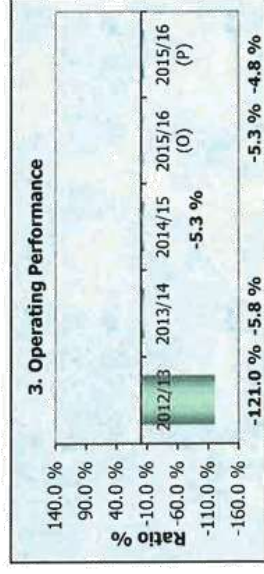
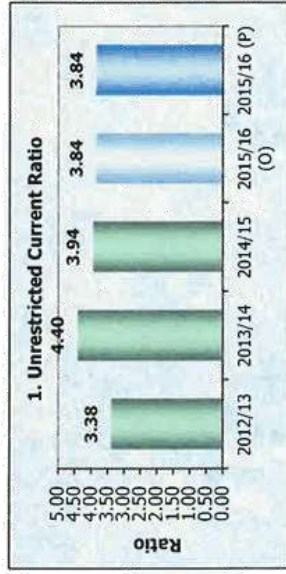
Attachment 1

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Key Performance Indicators Budget Review Statement
Budget review for the quarter ended 31 December 2015

(\$000's)	Current Projection		Original Budget	Actuals Prior Periods
	Amounts	Indicator		
	15/16	15/16	15/16	14/15 13/14
1. Unrestricted Current Ratio				
Current Assets less all External Restrictions	38,157	3.84	3.84	3.94 4.40
Current Liabilities less Specific Purpose Liabilities	9,937			
To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.				
Industry Benchmark:	2:1			
5. Building & Infrastructure Renewals Ratio				
Asset Renewals	3,116	47.73 %	45.00 %	57.27 % 38.57 %
Depreciation, Amortisation & Impairment	6,528			
To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.				
Industry Benchmark:	100%			
3. Operating Performance				
Operating Revenue (excl. Capital) - Operating Expenses	-2,500	-4.8 %	-5.3 %	-5.3 % -5.8 %
Operating Revenue (excl. Capital Grants & Contributions)	52,573			
This ratio measures Council's achievement of containing operating expenditure within operating revenue.				
4. Own Source Operating Revenue				
Rates & Annual Charges + User Charges & Fees	40,962	76.6 %	79.9 %	77.8 % 76.2 %
Total Operating Revenue (incl. Capital Grants & Cont)	53,508			
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.				



Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Kiama Municipal Council

Contracts Budget Review Statement

Budget review for the quarter ended 31 December 2015

Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
Kenpass P/L	Bridge construction	\$336,050 (ex GST)	26/10/2015	2 months	Y	
Bitupave	Supply of asphalt services	\$450,000 (ex GST)	18/11/2015	7 months	Y	
Dwyers Isuzu	Supply of 3 crew cab trucks and bodies	\$193,695 (ex GST)	18/11/2015	2.5 months	Y	
Dwyers Isuzu	Supply truck and body	\$176,857 (ex GST)	16/12/2015	4 months	Y	

Notes:

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

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense		YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies:-	Aged Care Facility	335,134	Y
	Administration	24,937	
	Engineering	101,365	
		<u>461,436</u>	
Legal Fees	35,414	Y	

Definition of a consultant:

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

Comments

Details

Item 12.2

Attachment 1

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Flood Study Grant Acceptance - Ooaree Creek/Werri Lagoon Catchment

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 provides information on an application for grant funding assistance under the NSW Floodplain Risk Management Grants Scheme and recommends acceptance of grant funding from the NSW Office of Environment & Heritage (OEH).

Finance

Council funding of \$30,000 has been allocated in the 2015/2016 budget for the flood study. \$60,000 grant under a 2:1 (OEH:Council) funding offer.

Policy

Development Control Plan 2012, Chapter 29 – Flood Liable Land.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That the General Manager be given delegated authority on behalf of Council, to enter into a funding agreement to accept the NSW Office of Environment and Heritage grant funding of \$60,000 for a flood study of the Ooaree Creek / Werri Lagoon catchment areas.

BACKGROUND

At the last meeting of the Kiama Floodplain Management Committee, it was agreed that the Ooaree Creek catchment was the next priority for flood study modelling. In April 2015, Council applied for funding under the NSW Floodplain Risk Management Grants Scheme to commence a Flood Study of the Ooaree Creek/Werri Lagoon catchment area in Gerringong. Council has recently received notification that its application for grant funding under the scheme has been successful.

Council had allocated \$30,000 in its 2015/16 budget in anticipation of receiving grant funding from the NSW Office of Environment and Heritage (OEH) for the sum of \$60,000 under the 2:1 (OEH:Council) ratio to undertake the above flood study.

Report of the Director Engineering and Works

13.1 Flood Study Grant Acceptance - Ooaree Creek/Werri Lagoon Catchment
(cont)

Similar to previous flood studies completed in recent years, it is proposed that quotations will be sought from specialist consultancies to complete this work over a 12-18 month period.

Council is required to formally accept the grant funding offer of \$60,000 before 19 February 2016.

13.2 New Lease - Farbreburn P/L (Barney Street quarry Kiama)

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

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

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

Summary

Council currently leases Lot 9 DP850163 (Barney Street quarry) to Farbreburn P/L for landscaping supplies and ancillary activities. A new lease has been requested by the lessee and this report recommends that Council enter into a new lease agreement.

Finance

Lease rental is based on market valuation.

Policy

Local Government Act 1993

Attachments

- 1 Aerial photo - Barney Street quarry

Enclosures

Nil

RECOMMENDATION

That Council:

1. Enter into a new three (3) year lease with Farbreburn P/L (trading as Burnett Trees and Burnett's on Barney) for a landscape supply business and ancillary uses over Lot 9 DP850163, Barney Street Kiama.
2. Set an annual gross rental of \$41,000 (excluding GST) subject to annual CPI increase.
3. Review Kiama Development Control Plan 2012 (Chapter 28) with regard to the restrictions on trading hours and trading days at the Barney Street quarry.
4. Give delegated authority to the Mayor and General Manager to sign all documentation associated with the lease including the seal of Council.

BACKGROUND

Burnett Trees (Farbreburn P/L) commenced a two-year lease in 2012 for the operation of a landscape supply business at the Barney Street quarry. The site was leased to a different operator for landscape supply purposes prior to 2012.

Report of the Director Engineering and Works

13.2 New Lease - Farbreburn P/L (Barney Street quarry Kiama) (cont)

The current lessee has undertaken site improvements and improved the general management of the site from the previous operations. It is understood that the lessee has taken proactive measures over the lease period to ensure minimal site impact given the location of adjoining residential development.

The lessee has specifically requested that Council consider a long term lease of the site in order for the business to continue to expand and for additional investment to be committed for this purpose. The business was incepted as a landscape supply operation but now also includes tree services and plant nursery. On-going growth of the business has been indicated during new lease negotiations.

In light of the recent Kiama-Shoalhaven Council amalgamation proposed by the state government, it is not possible to consider a lease term beyond three years at this stage. This is considered to be a responsible approach to take by Council given the need to ensure that Council does not commit itself to a long term leasing arrangement immediately prior to a potential new Council administration/entity. In the absence of the current Council amalgamation issue it would be feasible for Council to consider a longer term lease proposition to that recommended in this report. In the event there is more certainty and support for a longer term lease arrangement with the amalgamation outcome known, it is possible for the proposed three year lease to be rescinded by both parties to enable a new term/lease.

The lessee is motivated to gain support for a new lease without delay as currently they only have month to month tenure. This is important for their business planning and investment.

A market valuation report has been undertaken for the new lease and has been incorporated into the recommendation. A gross annual rental is proposed based on comparable ground rentals for similar zoned properties and uses. The negotiated annual rental represents an increase on the current rent in the order of 57% and considers the repairs and improvements undertaken to the property over time by the lessee at no costs to Council

The lessee has expressed a desire to potentially expand the landscape supply operations into a small adjoining area within the quarry site which Council has traditionally used for general storage purposes. On the basis alternate areas may be able to be utilised by Council for storage, a new lease is able to incorporate this additional area of land. It is sensible for Council to look at absorbing these storage uses at its other sites for consolidation purposes while simultaneously providing the mechanism to diversify and strengthen the current business operation which over the longer term can benefit Council in the form of future rental review.

The operations within the leased area are restricted through the provisions of DCP 2012 with regard to hours of operation and Sunday trading. In association with the lessee's intention to expand the business it has been requested that Council consider varying these controls. The lessee states that escape expenditure is occurring due to this restriction and increased employment could be generated by altered trading provisions. The new lease is not contingent on this however there should be separate consideration given by Council to consider allowing increased trading times under the DCP.

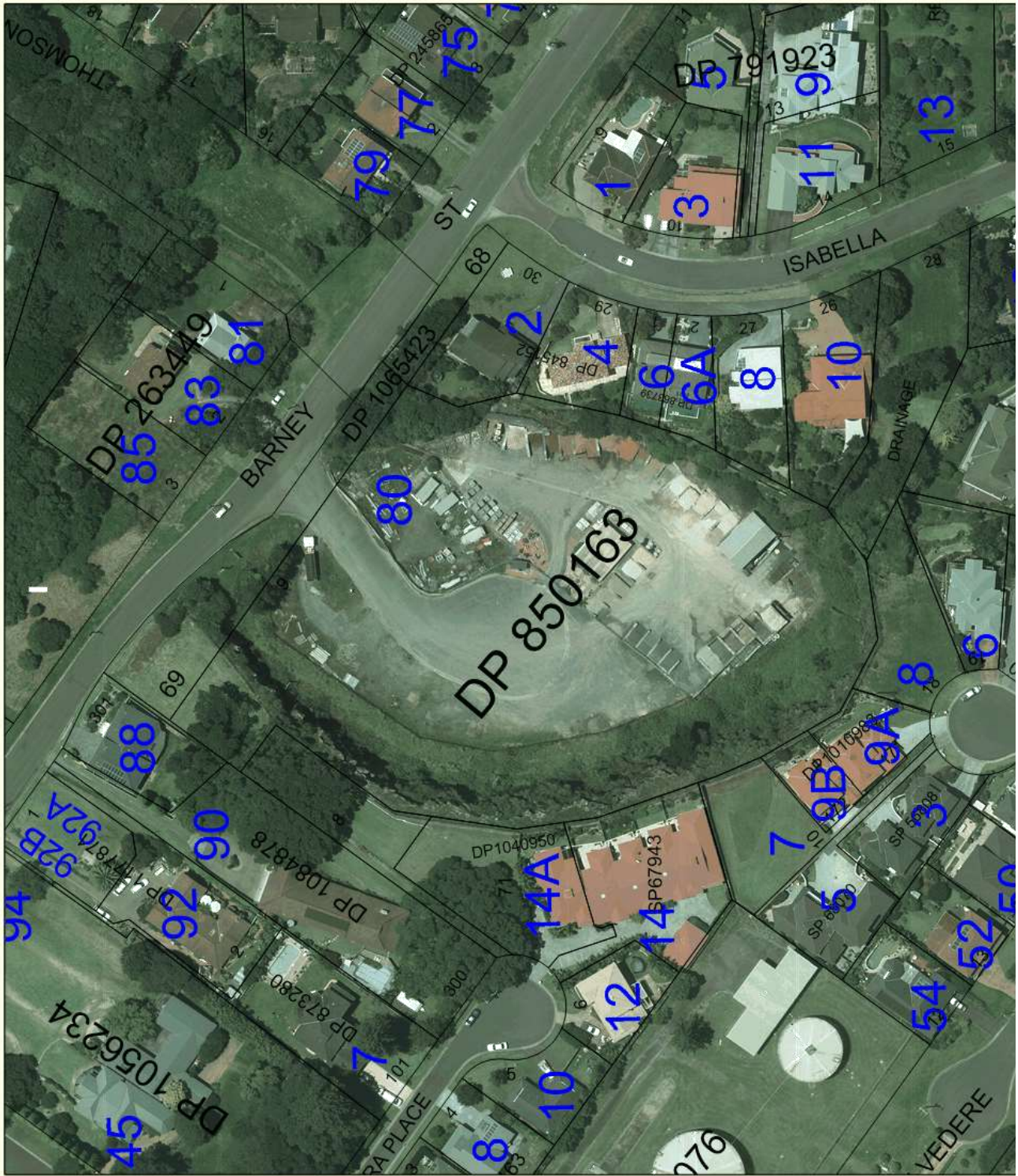
The lessee has also demonstrated a willingness to undertake targeted business growth as part of their request to enter into a new longer term lease taking into

Report of the Director Engineering and Works

13.2 New Lease - Farbreburn P/L (Barney Street quarry Kiama) (cont)

account the likely departure of the hardware store operation (Mitre10) from Terralong Street. The lessee has identified aspects of that business operation which could be introduced to the Barney Street quarry site over the longer term horizon to complement the landscape supply business.


The site classified as operational land under the Local Government Act 1993 and there is no restriction on lease term or requirement for notification/advertising of the lease.



Item 13.2

Attachment 1





 Projection: GDA 1984
 MGA Zone 56
 Scale: 1:1300 @ A4
 Cadastre Copyright:
 LPIWA NSW, 25/01/16
 This map is supplied by Council on condition that Council will not be responsible for any errors or omissions contained in the map.
 To establish the boundaries and contents advice should be obtained from a surveyor, legal adviser or LPI New South Wales.
 Map & contents Copyright Kiama Municipal Council and others under license.
 For further information contact pa@kiama.nsw.gov.au

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 Public Art Policy

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

CSP Strategy: 2.16 Ensure public spaces reflect the cultural and artistic diversity of the local community

Delivery Program: 2.16.1 Develop and implement policies and programs that support public artwork and artistic expression

Summary

This report seeks Council's approval for the new Public Art Policy.

Finance

Within existing budgets

Policy

Draft Public Art Policy

Attachments

Nil

Enclosures

- 1 Kiama Council Public Art Policy- February 2016
- 2 Kiama Council Public Art Policy - Implementation Guide - February 2016

RECOMMENDATION

[That Council approves the Public Art Policy and Implementation Guide.](#)

BACKGROUND

The Kiama Public Art Policy and Implementation Guide define the principles, framework and formal process by which Council will commission, procure, approve, manage, coordinate and preserve Public Art resources in the municipality.

The policy and guide have been developed in consultation with the local community and artists through surveys and ongoing discussion and engagement.

Some of the information included in the Implementation Guide includes:

- The purpose, qualities and locations of public art in Kiama Municipality
- Types of public art proposals
- Process for dealing with different types of public art requests
- Concept design guide
- Commissioning process
- Public art assessment process

Report of the Director Community Services

14.1 Public Art Policy (cont)

- Contracting provisions
- Risk assessment

Community Consultation

Begun in August 2012, the development of Council's Public Art Policy and Implementation Guide has included a range of consultation strategies including:

- consultations with local community groups and business representatives,
- consultations with key Council staff,
- an online survey which has included responses from local artists, community members, architects and landscape designers,
- hardcopy surveys, and
- individual consultations with local residents and artists at the 2012 Art Biz Conference.

In addition, extensive research online has revealed a range of pre-existing public art policy and procedures from other Councils and art organisations that now inform and ensure Kiama's policy is comprehensive and thorough in its delivery.

Council approval is sought for the Public Art Policy and Implementation Guide as attached.

14.2 Expression of Interest for Art Centre Plans Development

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: 1.2.3 Investigate the provision of a multi function arts space for the Kiama Municipality

Summary

This report seeks Councils approval for the Expression of Interest Project Brief to be used for a Request for Quotes (RFQ) to secure a suitable architect for the development of plans for a future Kiama Arts Centre.

Finance

Within 2015/16 existing budgets

Policy

BERT Cultural Planning Document

Attachments

Nil

Enclosures

1 Arts Centre - Project Brief - January 2016

RECOMMENDATION

That Council approves the Expression of Interest Project Brief for use in a Request for Quotes (RFQ) for the development of architectural drawings for the Arts Centre

BACKGROUND

The Kiama Arts Centre Committee was formed in 2012 as a sub-committee of the Kiama Cultural Board, to progress the development of an Arts Centre for the Kiama local government area.

In March 2013 Council approved funding for a site assessment consultant and in 2014 BHI Architects provided site analysis to Council recommending the Joyce Wheatley Community Centre and the current Old Fire Station Community Arts Centre as suitable sites.

In 2015 Council approved the development of plans for both sites in preparation for seeking funding and support for arts spaces within the Kiama CBD.

Council also approved engaging with the State government in regard to the eventual moving of the Ambulance Station from its current site next to the Old Fire Station. As a result plans developed for the Old Fire Station will include staged plans incorporating the ambulance cottage and station sites, should they become available in the future.

Report of the Director Community Services

14.2 Expression of Interest for Art Centre Plans Development (cont)

Following consultation and planning with both Council's Cultural Board and Art Centre subcommittee, Council is now asked to approve the Expression of Interest Project Brief in order that an architect can be engaged for development of these plans.

Item 14.2

14.3 Music in the Park

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 seeks Council's approval to conduct a Request for Quote (RFQ) for the Sound Engineering and Project Coordination for Music in the Park for the June to December 2016 season.

Finance

Within the draft 2016/17 budget

Policy

BERT Cultural Planning Document

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council

- 1) Approve conducting a Request for Quote for Sound Engineering and Project Coordination for Music in the Park for the 2016 season.
- 2) Approve the Music in the Park program to be implemented annually with review by Council staff

BACKGROUND

At its May 2013 meeting, Council approved trialing the Music in the Park project; a series of Sunday afternoon concerts in Hindmarsh Park. Following evaluation, in July 2014 Council approved the continuation of the project.

Following a tendering process, the Kiama Jazz and Blues Club were awarded a one year contract to organise, stage and sound engineer the seven sessions held in 2015.

Verbal feedback received by Council and the Jazz and Blues Club from audience members over the seven month period, continued to be extremely positive and supportive of the Music in the Park sessions.

Feedback received by a small sample survey showed that:

Report of the Director Community Services

14.3 Music in the Park (cont)

-
- 29% were from outside the Kiama Municipality
 - 72% had attended at least once before
 - 100% love the event and would like to see more
 - Local businesses and services that respondents had used while in town included:
 - Ice cream shops
 - Newsagency
 - Cafés
 - Takeaways
 - Hotel/Pubs
 - Old Fire Station Art Gallery
 - The Blowhole
 - One person had an overnight stay at local accommodation

The Jazz and Blues Club have indicated that there have been benefits for their organisation, increasing their range of knowledge of new and upcoming musicians, and being able to showcase new acts as well as established local artists.

The Music in the Park sessions build on Kiama's catalogue of music events by providing a monthly program, over seven months of the year, primarily through the off season. Local musicians appreciate the opportunity to perform in addition to their evening and night time gigs, and the small fee provided demonstrates Council's ongoing commitment to supporting our local arts industry.

This report seeks Council's approval to seek a request for quote to engage a contractor for the seven sessions in 2016. In addition, given the success of the program, Council is requested to support the inclusion of Music in the Park as an annual fixture, with budget to be allocated and contractor sought annually. Community Development staff would be responsible for the ongoing evaluation of the program to ensure it remains a valuable part of Kiama's cultural offering.

14.4 2016 Mardi Gras Regional Art Prize

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

Council has received a request to donate the 1st prize for the 2016 Mardi Gras Regional Art Prize to be held in March at the Old Fire Station.

Finance

\$500 from existing Cultural Budget

Policy

BERT Cultural Planning Document

Attachments

1 2016 Mardi Gras Regional Art Prize

Enclosures

Nil

RECOMMENDATION

That Council endorse the donation of \$500 prize money for the 2016 Mardi Gras Regional Art Prize.

BACKGROUND

In December Council received a request from Canvas Events, a local company, to donate \$3,000 for 1st prize in the 2016 Mardi Gras Regional Art Prize. Please see letter attached. The Art Prize is being conducted for the first time this year and is part of the official 2016 Sydney Gay and Lesbian Mardi Gras program.

The exhibition associated with the competition will be held in the Old Fire Station from 14 – 20 March as well as other smaller venues around Kiama. There will also be a Regional Art Prize dance held at the Kiama Bowling Club on Sunday 20 March. The exhibition and dance have the potential to attract a large number of tourists to the area and Council's sponsorship of the event would be a positive demonstration of support for the LGBTI community.

As previously stated, the request for the donation was received in mid-December. Promotion of the Art Prize has already commenced, as entries close on 14 February. The advertising already released promotes a first prize of \$3,000. There is no nominated sponsor of the prize in the advertising.

Report of the Director Community Services

14.4 2016 Mardi Gras Regional Art Prize (cont)

It is considered that the request for sponsorship has been received too late for Council to receive appropriate acknowledgment and value for the amount requested. There is also an issue of equity with the annual contribution made to the Kiama Arts Society to support their art exhibition and prize. However, the event is considered to be a valuable contribution to the cultural offering within Kiama and worthy of support.

It is recommended that Council endorse a donation of \$500. The Conditions of Entry for the Art Prize indicate that there will be a People's Choice Award of \$500; therefore, Council's donation could support this prize if agreed to by the organisers, or otherwise contribute toward the value of the 1st prize.

Item 14.4



Mr Michael Forsyth
General Manager
Kiama Municipal Council
11 Manning Street
Kiama NSW 2533

Monday 14 December 2015

Dear Mr Forsyth,

Application for Funding for 2016 Mardi Gras Regional Art Prize

I am writing to you today to seek your support for a new Regional Art Prize being launched in Kiama next year, in partnership with the Sydney Gay and Lesbian Mardi Gras.

Part of the official 2016 Sydney Gay and Lesbian Mardi Gras program, the Mardi Gras Regional Art Prize is a \$3000 visual arts prize and exhibition for established and emerging artists from all walks of life living all over Australia. The exhibition aims to celebrate diversity, acceptance, equality, and love in all its forms, and provide a platform for the growing LGBTI community on the south coast to celebrate the Sydney Gay and Lesbian Mardi Gras on their home turf.

An inclusive community engagement event designed to bridge the gap between the general community and the LGBTI community on the south coast, it would be tremendous to have the support of the Kiama Municipal Council (Kiama Council).

Two members of Kiama Council's Cultural Board have already enthusiastically joined the judging panel of the Art Prize, together with the CEO of the Sydney Gay and Lesbian Mardi, Michele Bauer and the Production Designer Mr. Ross Wallace, of the Gillian Armstrong Film about Orry-Kelly's life "Women He's Undressed"

Mr Wallace was approached as artists entering the Art Prize are asked to draw inspiration from a powerful quote from Kiama born, Hollywood costume designer Orry-Kelly's memoir *Women I've Undressed*: "You should only be ashamed of bein' ashamed"; an insightful idiom that clearly resonated with Kelly throughout his extraordinary life and career.

Canvas Events Pty Ltd
ACN 603 197 993

Date Received

15 DEC 2015

1114 Municipal Council

6 Coinda Place KIAMA NSW 2533
M: 0418 307 808

bruce@canvasevents.com.au www.canvasevents.com.au



The Art Prize will be presented as a public exhibition in Kiama at the Old Fire Station from 14 – 20 March in 2016 and other smaller venues in and around Kiama including the Little Blowhole Café and the Minnamurra Café.

The Sydney Gay and Lesbian Mardi Gras is one of Australia's biggest tourist drawcards, with the parade and dance party attracting tens of thousands of international and domestic tourists. It is New South Wales' second-largest annual event in terms of economic impact, generating an annual income of about A\$30 million for the state.

The Regional Art Prize and an inclusive, all ages community dance celebration will be held on Sunday 20 March 2016 at the Kiama Bowling Club. The first of its kind in Kiama and a wonderful opportunity for the extensive community of artists and their families to come together, network and celebrate this beautiful town in March.

Canvas Events is seeking funding from Kiama Council to underwrite the First Prize of \$3000 as selected by our esteemed panel of Judges. To ensure a clear audit trail, probity of funds, and proper acknowledgement for Kiama Council, I would like to suggest that the prize money of \$3000 be paid directly by Kiama Council to the winning entrant/artist.

It would be wonderful if a member of your Community Engagement team or a member of Council as nominated by you were able to present the Prize to the winning entrant at a celebratory reception on Saturday 19 March 2016.

Naturally, if granted, Kiama Council will be acknowledged as the Sponsor of the Art Prize in all press releases and public relations communications.

Unfortunately due to the timing of this event, it falls outside the normal application time period for Kiama Council's Cultural Grants Funding, so I do hope you are able to consider this application favorably.

If you have any questions at all or would like more information, please don't hesitate to contact me.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Bruce Ferguson', written over a horizontal line.

Bruce Ferguson
Director, Canvas Events

Canvas Events Pty Ltd
ACN 603 197 993

6 Cooinda Place KIAMA NSW 2533
M: 0418 307 808

bruce@canvasevents.com.au www.canvasevents.com.au



Mardi Gras Regional Art Prize - Kiama 2016

The inaugural Mardi Gras Regional Art Prize is a \$3000 visual arts prize and exhibition for established and emerging artists from all backgrounds and lifestyles living in Australia. This inclusive Art Prize aims to celebrate diversity, acceptance, equality, and love in all its forms, and provide a platform for celebrating the Sydney Gay and Lesbian Mardi Gras in regional New South Wales.

In 2016 the exhibition will be presented in the beautiful New South Wales south coast town of Kiama, and artists will be asked to focus their work on the extraordinary career and inspirational life of Kiama-born, Academy Award-winning Hollywood costume designer Orry-Kelly, whose philosophy of life is captured beautifully in his memoir "Women I've Undressed"...

"You should only be ashamed of bein' ashamed."
(Orry-Kelly's Sydney friend Rosie Boot)

Exhibition

March 14 - March 20, 2016 The Old Firestation, Kiama

Judges

Mr. Ross Wallace

Production Designer of the Gillian Armstrong Film about Orry-Kelly's life "Women He's Undressed"

Ms. Michele Bauer

CEO, Sydney Gay and Lesbian Mardi Gras & Mardi Gras Arts

Dr. Catherine Carr

Kiama Municipal Council Cultural Board member

Paula Gowans

Kiama Municipal Council Cultural Board member

Artist Entries

Entries close at midnight on Valentine's Day, Sunday February 14, 2016

For More Information visit

[Mardi Gras Regional Art Prize](#)

[2016 Mardi Gras Regional Art Prize Registration](#)

[Canvas Events](#)



2016 Mardi Gras Regional Art Prize Terms and Conditions of Entry

1. **JUDGES' NON ACQUISITIVE MAIN PRIZE.** The prize money of \$3,000 is to be awarded to the artist of the single winning entry as nominated by the Judges. This non-acquisitive prize is for a painting inspired by the quote from Orry-Kelly's memoir "You should only be ashamed of being ashamed", painted in the last 12 months and not previously exhibited at an art prize.
2. **PEOPLE'S CHOICE AWARD NON-ACQUISITIVE PRIZE.** The prize money of \$500 is to be awarded to the artist of the single winning entry as chosen by the Public visiting the exhibition. This non-acquisitive prize is for a painting inspired by the quote from Orry-Kelly's memoir "You should only be ashamed of being ashamed", painted in the last 12 months and not previously exhibited at an art prize.
3. The 2016 Mardi Gras Regional Art Prize is open to Australian citizens or residents of 12 months or more who are over the age of 18 and practicing artists. Finalists may need to provide identification if requested. A limit of two works per artist can be submitted.
4. A \$25 entry fee shall be paid for a single work entry and \$45 (incl. GST) for a two-work entry. Payment can be paid by PayPal or credit card through EventBrite. EventBrite will issue you with a receipt to be forwarded with your Online Entry by email to bruce@canvasevents.com.au by SUNDAY 14 FEBRUARY 2016.
5. Online Entry images should be a minimum of 1000 x 750 pixels at 72 dpi or greater. File size of each image not to exceed 2MB. File name/s should correspond with the title of the work/s on the entry form.
6. Entry fee is non-refundable and contributes to administration and handling.
7. **SELECTED FINALISTS** will be notified by THURSDAY 18TH FEBRUARY 2016 via phone/e-mail and/or on the Mardi Gras Regional Art Prize Facebook Page.
8. **SELECTED FINALISTS PAINTINGS ONLY** must be delivered on THURSDAY 10 MARCH 2016 and FRIDAY 11 MARCH 2016 between 9 and 5pm, to Canvas Events Pty Ltd, 6 Cooinda Place Kiama NSW 2533. **NO CRATES PLEASE**
9. **All Paintings are to be the same size format 0.75 x 0.5 metres (Poster Size) on canvas or board only, not paper, and unframed.** Media used may be oil, acrylic, watercolour, mixed media and/or pastel.
10. **SELECTED FINALISTS PAINTINGS** must be **CLEARLY MARKED** on the reverse with the artist's name, address, contact details, the title of the work, medium and the retail price (incl. GST if applicable). All paintings must be available for sale and will attract a 20% commission paid to Canvas Events Pty Ltd (Canvas Events).
11. Canvas Events and its agents will exercise all due care with the works submitted, but will not be responsible for any loss or damage suffered whatsoever to any art work while in transit or under its control. Each entrant shall indemnify the Mardi Gras Regional Art Prize and its agents against loss or damage suffered to his/her art work whatsoever. Each artist is responsible for his/her own insurance cover.
12. All artists selected as finalists authorise the Mardi Gras Regional Art Prize and Canvas Events formally and irrevocably, to publish their works free of copyright, totally or partly, in all publications (catalogues, folders, posters, slide shows, brochures etc) related to this art prize, as well as on the official website and/or social media.
13. Canvas Events and Mardi Gras Regional Art Prize reserves the right to exhibit the **SELECTED FINALISTS' ARTWORK ONLY** for the exhibition period 15 to 20 March 2016. All exhibited artworks not sold during this period **MUST BE COLLECTED** on Monday the 21st Of March 2016 between 9am and 5pm from The Old Fire Station Gallery, Corner of Shoalhaven and Terralong Streets, Kiama NSW 2533.
14. The judges' decision is final on all aspects of awarding the Main Prize, and no correspondence or appeal will be entered into or considered. **The winner(s) of the Main Prize and the People's Choice Award will be announced at a celebratory reception in the Old Fire Station at 6pm on Saturday 19 March 2016.**
15. A decision by a majority of the judges on any issue shall be deemed to be a valid and binding decision of the judges as a whole.
16. Freight costs and all other charges relating to delivery and collection of artworks entered into the Mardi Gras Regional Art Prize are the sole responsibility of the artist. Artworks will not be accepted unless delivered and returned free of all freight and other charges.
17. **ON LINE ENTRIES** will be accepted no later than midnight SUNDAY 14 FEBRUARY 2016.

14.5 Access	Committee	minutes
Adult Change Facilities		

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.1 Encourage and support residents from socially and culturally diverse backgrounds to participate in all aspects of community life

Delivery Program: 1.1.2 Monitor and improve accessibility within the Municipality

Summary

This report provides council with the minutes of the Access Committee from its meeting on the 4 December 2015 including a motion on Adult Change Table facilities.

Finance

To be determined

Policy

Nil

Attachments

Nil

Enclosures

1 Minutes Kiama Access Committee 4 December 2015

RECOMMENDATION

That Council support the motions from the December Access Committee:

- (a) that an Adult Change Facility be considered for inclusion in the planned accessible toilet (Kevin Walsh Oval amenities), and
- (b) that all future redevelopment of accessible toilets in the LGA to consider the incorporation of adult change facilities.

BACKGROUND

At the Access Committee meeting held on 4 December 2015, Darren Brady tabled the concept plans for the renovations of the amenities building at Kevin Walsh Oval in Jamberoo; for the committee's consideration.

The committee in considering the plans discussed the possibility of including adult change facilities in the renovations, and moved a motion to that affect. In addition, the committee discussed the desire for the inclusion of adult change facilities to become the norm for all toilet facilities in the same manner that disabled toilets have become. This resulted in the additional motion for adult change facilities to be considered for all future redevelopments of accessible toilets in the LGA.

On this topic, an email was received on 14 January from LGNSW asking Councils to identify whether they had a suitable existing building with accessible toilet that could be retrofitted with an adult change table and hoist. The Department of Family & Community Services has \$35,000 to provide for the retrofit. Council has nominated

Report of the Director Community Services

14.5 Access Committee minutes
Adult Change Facilities (cont)

both the toilet next to the Scout Hall and the Jones Beach amenities as possible options. No information was provided as to how the selection will take place or when the successful Council would be advised. However, the money is to be spent by October 2016.

Item 14.5

15 REPORTS FOR INFORMATION

15.1 Jamberoo Village Ratepayers & Residents Association Minutes

Responsible Director: Office of the General Manager

The minutes of the Jamberoo Valley Ratepayers & Residents Association meeting held 8 December 2015 are enclosed in Councillors' envelopes.

Enclosures

- 1 Jamberoo Valley Ratepayers & Residents Association Meeting Minutes - 8 December 2015

15.2 Parking Statistics - December 2015Responsible Director: Environmental Services

CBD Parking:

Parking patrols conducted – 35 site specific, 31 general area

Infringement issued – 39

Cautions issued – 9 (Boat Harbour)

Vehicle spaces inspected – 2140

Market Day 9/12

Terralong 2PE – 1 patrol

Railway 2P – 1 patrol

Terralong 1PW – 1 patrol

Collins 2P – 3 patrols

Terralong 2P – 8 patrols

Terralong 1/2P – 4 patrols

Boat Harbour 4P – 3 patrols

Wilson 4P – 7 patrols

Ocean 4P – 7 patrols

School Parking Patrols:

Minnamurra Public School – 1 parking patrol resulting in NIL infringement

Jamberoo Public School – 2 parking patrols resulting in 1 infringement

St Peter and Paul Catholic School – 1 parking patrol resulting in 2 infringements

Reactive Issues:

No Stopping – 7 Infringements

Bus Zone – 2 Infringements

Path/Strip – 7 Infringements

Wrong Direction Travel – 1 Infringement

Abandon Vehicle – 2 Infringements

Kiama Boat Harbour Wash Bay – 2 Infringements

7 Mile Beach – 1 Infringement

Total amount of Infringements - \$6549

Specific patrols for January will be for locations nominated above.

15.3 Illegal Posters - Bombo Beach

Responsible Director: Engineering and Works

At Council's meeting held on 15 December 2015, Councillor Steel requested a report on the advertising posters which have been placed on the railway bridge at Bombo Beach.

It is advised that Council's Ranger Services have obtained the primary evidence in this matter, with further investigation currently being undertaken by the Regional Illegal Dumping Compliance Officer. Council staff are currently awaiting legal advice from its solicitors on the preferred option for prosecution and recoupment of all costs associated with the matter.

15.4 Accessible carparking - Kiama CBDResponsible Director: Engineering and Works

At Council's meeting held on 15 December 2015, Councillor Rice requested a report on the extent to which accessible car parks in Kiama meet the current Australian Standards for accessible car parking.

Australian Standard 2890.6: Off-street Parking for people with disabilities is the current standard for all new on-street accessible parking spaces. This current standard adopted in 2009, superseded the previous version from 1993. The principle change from the previous Standard is the provision of shared areas adjacent to dedicated parking spaces for people with disabilities. These now provide for new technology associated with the loading and unloading of wheelchairs and their occupants by means of ramps or platform hoists fitted to the side or rear of a vehicle. This marked a major change in the dimension requirements for accessible parking from the previous Standard.

All the current accessible parking spaces in Kiama were allocated and constructed prior to 2009 and were built in accordance with the Standard at that time, with locations selected that maximise accessibility to the numerous services and shops in the CBD. However many of these spaces are unlikely to meet the current standard's dimension requirements and due to the topography of Kiama, are also unlikely to comply with gradient requirements in all instances. While all new accessible parking spaces are constructed to the current standard, there is no obligation on Council to retrofit the existing spaces.

While the current standard does not specify a minimum number or percentage of accessible parking in overall parking numbers, Council staff have investigated and found that in the Kiama CBD there are currently 26 accessible parking spaces available. Although Council often receives complaints that these spaces are under utilised and should be converted to regular spaces, there are no plans to change the number or location in the near future, without consultation with the Kiama Access Committee.

15.5 Jones Beach Amenities Building

Responsible Director: Engineering and Works

At Council’s meeting held on 15 December 2015, Councillor Reilly requested that Council staff investigate the possibility of an upgrade to the toilet facilities on Jones Beach and provide a report to Council as to costs for inclusion in the 2016/17 Budget.

Although originally built in the mid 1970’s, with an additional metal roof added in the 1980’s, inspection of the existing amenities building structure has found the concrete slab roof, brick walls and base slab are still in a very good condition, considering its age and seaside location, with negligible evidence of concrete cancer or other structural defects. On this basis it was determined that refurbishment of the existing building would be a feasible option.

The internal fixtures and fittings while clean and functional, are very outdated but are considered to be of an appropriate standard for this facility’s location which has been the subject of vandalism in the past. The existing amenities building includes a separate accessible toilet, however again this is very outdated and is not expected to comply with the current Australian Standard 1428.1-2009 in terms of disabled access and mobility. Internally the structure is also very dark with little natural light entering, which would probably contribute to its low patronage. Key features of a refurbishment of this building would include:

Exterior	Interior
<ul style="list-style-type: none"> • Roof repairs • Rendered and painted brick walls • Louvred vents • Lockable gates • Disabled compliant access doors and locks • Glass block/skylight installation 	<ul style="list-style-type: none"> • Accessible toilets and showers, compliant with AS1428.1-2009 • New toilet and shower partitions • Wall and floor tiling • Power saving lighting • Upgraded fittings and fixtures

Based on the costs of the recently refurbished amenities building at Blowhole Point, the estimated cost for refurbishing the Jones Beach amenities building has been calculated at \$245,000 excl GST.

Item 15.5

15.6 Black Beach Playground extensionResponsible Director: Engineering and Works

At Council's meeting held on 15 December 2015, Councillor Way requested a report on the cost of providing shade sail covers and a swing for older children at the playground at Black Beach, Kiama.

As the Councillors may recall, a similar shade sail was proposed for the playground in Hindmarsh Park at a cost of approximately \$65,000. This structure was included in the draft 2015/16 budget, but was subsequently removed from the capital works program after it was decided that there were sufficient number of existing playground shade sails in areas across the Municipality that could be conveniently accessed by the public.

Nevertheless, the cost of providing a basic four post single piece shade sail over the existing playground at Black Beach is estimated at \$35,000.

In terms of providing a swing seat suitable for older children by replacing one of the existing swing seat types, either; the disabled seat, the toddler seat or the round bird's nest swing with a single rubber strap type seat is \$350.00. The cost of providing an additional frame structure, swing seat and rubber soft fall is estimated at \$5,500.

15.7 Blue Haven RedevelopmentResponsible Director: Community Services

Development Application

Following the JRPP hearing on 3 December amendments were prepared and submitted as requested. On 19 January, Council received notification that the DA was formally approved on 14 January, with conditions.

Project Management

Documentation has been prepared to engage an external Project Manager for the rest of the development and construction stages. It is anticipated that an Expression of Interest will be released by the end of January and suitable applicants will be shortlisted to proceed to a selective tender process.

Illawarra Shoalhaven Local Health District

The DA for the Community Health Centre is yet to be determined. ISLHD had intended to call for tenders in December and commence construction in February 2016, however, this has now been delayed. There will need to be an assessment of the impact on KMC's construction timeline once the extent of the delay is known.

Purchase Contract

Council has requested an updated purchase contract to review, in order to progress the finalisation of the sale.

15.8 Section 94 Development Funds

Responsible Director: Office of the General Manager

Below is a table showing Section 94 developer contributions received each month.

S94 Developer Contributions

2014/15	
July	\$17,420
August	\$20,963
September	\$24,542
October	\$134,555
November	\$27,469
December	\$159,599
January	\$217,043
February	\$63,668
March	\$62,015
April	\$246,313
May	\$53,438
June	\$87,154
Interest	\$111,755
	\$1,225,934

S94 Recoupments from Plans

2014/15	
July	\$28,827
August	\$9,245
September	\$10,420
October	\$79,621
November	\$10,086
December	\$88,151
January	\$124,513
February	\$30,566
March	\$28,606
April	\$142,648
May	\$27,317
June	\$31,651
	\$611,651

2015/16	
July	\$16,126
August	\$206,061
September	\$43,412
October	\$33,102
November	\$66,372
December	\$387,291
Interest	\$17,861
	\$770,225

2015/16	
July	\$9,301
August	\$116,377
September	\$23,738
October	\$17,041
November	\$36,666
December	\$204,596
	\$407,719

Item 15.8

15.9 NSW Health and Arts Framework Taskforce - Response to Question Without NoticeResponsible Director: Community Services

At the December 2015 meeting, Cllr Sloan referred to the announcement by the NSW Minister for Health of the appointment of a Taskforce on Health and the Arts and the potential of associated funding. A report was requested '*about the implications and opportunities of this announcement for Council and in particular whether the new Aged Care Centre of Excellence might be suitable to be a pilot project for this new program*'.

At this stage there is not a funded program relating to Health and the Arts that would provide an opportunity for Council to apply for funding. The Taskforce has been appointed to advise the Minister on the development of a Framework to integrate health and the arts across the NSW public health system. The Taskforce was appointed in October 2015 and will submit its report and recommendations to the Minister for consideration in April 2016. The Taskforce will be undertaking a consultation program as part of developing the Framework.

The Taskforce will be taking into consideration both the *National Arts and Health Framework* and the *NSW Arts and Cultural Policy Framework*.

While this initiative does not currently provide a funding opportunity, the Director of Community Services will be meeting with the Cultural Board to explore ideas for incorporating initiatives into Blue Haven that are consistent with the principles of the National Arts and Health Framework.

15.10 Bombo Hill Reserve Amenities BuildingResponsible Director: Engineering and Works

At Council's meeting held on 15 December 2015, Councillor Way requested a report on the cost and potential location of an amenities block that would include a change room and toilets for Bombo Hill Reserve (playing fields) on the corner of North Kiama Drive and Riverside Drive at Kiama Downs.

As the name implies, the Bombo Hill Reserve is located on the crest with an open space area of 20,157m². The reserve was mainly used for junior cricket competitions and training as well as passive recreation. It does not contain any facilities except for the three concrete cricket pitches. The Plan of Management for the site recommended the provision of an amenities building along with a carpark in any future development of the site.

In general, the design and construction of an amenities building would usually be undertaken in consultation with the sporting users of the reserve to ensure the facility meets their requirements. However in this instance the Kiama Sports Association have confirmed that there have been no organised sporting groups using this reserve for some years. They advised that should a basic toilet facility be provided at this location, that a number of sporting groups would consider using this reserve regularly. Should this occur, consideration could be given in future to constructing a larger amenities building with expanded toilets and change room facilities to meet demand.

The estimated cost of providing a small single storey amenities building (~90m²) of standard construction and basic finishes, with change area and adjoining showers/toilets has been estimated at approximately \$300,000. The provision of a prefabricated toilet only facility, similar to that recently constructed near the Kiama harbour boat ramp could be completed for approximately \$50,000.

15.11 Kiama Liquor Accord - minutes

Responsible Director: Engineering and Works

The Minutes of the Kiama Liquor Accord meeting held on 9 December 2015 are attached for Councillors' information.

Attachments

- 1 Kiama Liquor Accord - 9 December 2015 meeting - minutes



**KIAMA LIQUOR ACCORD
Minutes of meeting**

Date & time	Wednesday 9 December 2015	
Location	Kiama Golf Club, Oxley Avenue, Kiama Downs NSW 2533	
Present (indicate name & venue/organisation)	John Bambury David Rootham Clr Dennis Seage Janelle Burns David O'Brien Peter Wright Jeremy Blue Mark Gilmore Peter Grogan	President Kiama Liquor Secetery Kiama Liquor Accord Kiama Municipal Council RSO Kiama Municipal Council Manning Street Cellars Kiama Leagues Club Kiama Inn Hotel Grand Hotel Gerroa Fishos
Apologies	Nick Guggisberg, Kiama Municipal Council Erica Warren, Jamberoo Pub David Hoade, IGA Gillian Smith, Drink Drive prevention Officer, Department of Health Lauren Parker, Gerringong Bowling Club Jeff Morris, Gerringong Bowling Club	
Agenda		
1. Minutes of last meeting – General Meeting and Annual General Meeting 9 September 2015 <ul style="list-style-type: none"> • Adopted without change Moved: John Bambury 2nd: David Rootham Carried unopposed <i>Business arising: Nil</i>		

Item 15.11

Attachment 1

2. Matters arising from the minutes

- Concerns were raised regarding the service agreement for the provision of the 2015/2016 Night Bus Service in relation the the following clause.

The bus driver and/or security guard is responsible for contacting the local police immediately and request assistance in the event of any violence or damage to the bus. The details of any incidents are to be recorded on a record sheet/incident report and advised to the Kiama Liquor Accord or Kiama Inn on the following working day with supporting evidence. Any wilful damage caused to the the bus during any time of the Night Bus Service will be paid for by the Kiama Liquor Accord.

- Gerringong food and craft festival relating to the sale of alcohol. It was reported that the event will not be going ahead.

ACTION ITEMS:

Kiama Liquor Accord President to identify and follow up costings for independent insurance to cover the bus in the event of any damage caused.

3. Correspondence

- NIL

ACTION ITEMS: Nil

4. Treasurer's report

- Financial report for the period 1 July 2015 to 30 October 2015 - Opening Balance \$12,173.94

ACTION ITEMS:

Electronic bank account signatories to be set up in order to be operated by the three elected executive committee members, President Mr John Bambury, Secretary Mr David Rootham and Treasurer Ms Lauren Parker.

Kiama Liquor Accord to register for GST.

5. OLGR

- Terms, Code of Conduct and Standard Barring Policy are now complete. The Kiama Liquor Accord is now an exemplary Accord.

ACTION ITEMS:

Executive members to hold a meeting in January 2016 to review the current constitution.

<p>6. Alternative transport</p> <ul style="list-style-type: none">• Under funding obtained through the Local Government Road Safety program the amount of \$12,000 has been transferred to the Kiama Liquor Accord to support the Kiama Night Bus Alternative Transport Scheme.• Donations in the amount of \$203.75 collected during the period 10 October 2015 to 6 December 2015 were tabled at the meeting. The Secretary agreed to pass this amount on to the Treasurer. <p><i>ACTION ITEMS:</i> <i>Signed service agreement for the Night Bus to be redistributed to members at the next meeting.</i> <i>Statistics for passenger numbers and gold coin donations recorded.</i></p>
<p>7. Police Report (Sgt Gary Keevers)</p> <p>Nil.</p>
<p>8. General business</p> <ul style="list-style-type: none">• Red Hot Summer Tour – Sunday 20 March 2016 – Kiama Showground – Gates open at 1pm – entertainment commences at 2.10pm – entertainment concludes at 8.30pm – an open air concert with a capacity crowd of 3,500 patrons - Licencees notified of increased activity after close• CCTV – Cllr Seage reported that the CCTV has been used twelve times to date for major incidents in town. <p><i>ACTION ITEMS:</i> <i>Investigate transport options for the Red Hot Summer Tour.</i></p>
<p>9. Next meeting</p> <p>Thursday 25 February 2016 at Jamberoo Mountain Lodge, JAMBEROO</p>
<p>10. Meeting closed</p> <p>At 10.35am</p>

11. Action summary

ACTION ITEMS

- Electronic bank account signatories to be set up in order to be operated by the three elected executive committee members, President Mr John Bambury, Secretary Mr David Rootham and Treasurer Ms Lauren Parker
- Kiama Liquor Accord to register for GST
- Executive members to hold a meeting in January 2016 to review the current constitution
- Signed Service Agreement for the Night Bus to be redistributed to members at the next meeting
- Kiama Liquor Accord President to identify and follow up costings for independent insurance to cover the Night Bus in the event of any damage caused
- Kiama Night Bus statistics recorded for numbers and gold coin donations
- Investigate transport options for the Red Hot Summer Tour being held on Sunday 20 March 2016

12. Agenda Items

- Attendance and apologies
- Previous minutes
- Matters arising
- Correspondence
- Treasurer's report
- Alternative transport update
- Police report
- General business
- Next meeting – Thursday 25 February 2016 at Jamberoo Mountain Lodge, JAMBEROO (meetings held according to the constitution in February, May, August and November each year)
- Close and light refreshments

Please contact the Liquor Accord Secretary / Road Safety Officer, Kiama Municipal Council on 4232 0444 or at janelleb@kiama.nsw.gov.au to:

1. place items on agendas (deadline 2 weeks prior to scheduled meeting)
2. tender your apologies for a meeting – please send an apology if unable to attend
3. obtain copies of minutes of previous meetings
4. notify of a change of member details

OFFICE USE ONLY

Please include the OLGR Liquor Accord Delivery Unit in your minute's distribution at either accords@communities.nsw.gov.au or at your individual Liquor Accord Project Officer email address.

15.12 Endeavour Energy - Donation of used power polesResponsible Director: Engineering and Works

At the Council meeting held on the 15th December 2015, Councillor McClure requested a report on the sourcing, at no cost to Council, of used power poles from Endeavour Energy for donation to local artists and artisans to craft totem pole like structures to be placed in suitable locations around Kiama Harbour.

Endeavour Energy has advised that all redundant poles are now supplied under tender to a private company to be processed as recycled timber products. Given the majority of poles have been treated with wood preservatives, sometimes including Copper Chrome Arsenate (CCA) and/or Creosote, the recycling of these poles is undertaken at an approved recycling facility with appropriate Environmental Protection licences to deal with the removal and disposal of the preservative treated wood.

Endeavour Energy have indicated that Council may request the donation of some poles for a community project, however it is likely that there would be costs associated with the collection and transport of the poles. In addition it is unclear if the donated poles pertain to treated or untreated poles. If it is the former, these would not be suitable for artistic use. Discussions are continuing with Endeavour Energy to seek further information on the donation of used poles.

15.13 Resignation of Council's Aboriginal Liaison OfficerResponsible Director: Community Services

This report is to inform Council of the resignation of our Aboriginal Liaison Officer Elaine Hudson from her 1 day per week position. Elaine has resigned for personal/family reasons.

The major impact of Elaine's resignation on operational matters effects the convening of the Aboriginal Reference Group (ARG) and involvement in the annual Local Government Regional NAIDOC Awards.

In regards to the ARG, this group has also received a resignation from one of its members and now only has 3 members. One of these members is living with poor health that impacts on her ability to attend meetings at present. The future of this group will require consideration as to whether it can be sustained and whether it represents a valid engagement process.

In regards to the NAIDOC Awards, Council's Manager of Community & Cultural Development is scheduled to meet with the organising committee on the 28 January where Kiama's future involvement will be on the agenda. It is anticipated that Kiama Council can remained involved in the organising of the 2016 awards which are scheduled to be held on the 23rd July at the WIN Entertainment Centre. Once this year's awards have been held, Council's future in regards to the proposed amalgamation will be known, and the future of the awards will also need to be resolved post amalgamation determination.

15.14 Local Government NSW Tourism Conference 2016Responsible Director: Office of the General Manager

Council has been advised that the Local Government NSW Tourism Conference for 2016 will be co-hosted by Byron and Ballina Shire Councils at the Elements of Byron resort, Byron Bay from 9-11 March 2016.

The theme of the Conference is 'Embracing a changing tourism landscape' and the program incorporates a variety of relevant discussion topics as well as keynote speakers and site tours.

The Conference is the only Local Government Tourism Conference in NSW and past representatives of Council and Kiama Tourism have attended the Conference.

The Conference is particularly relevant to Councillors who are representatives of Council on Kiama Tourism.

The conference program brochure is attached for Councillor's information.

Councillors are requested to advise of their interest in attending the Conference.

Attachments

- 1 2016 LGNSW Tourism Conference Brochure



Item 15.14

Attachment 1

REGISTRATION

TOURISM CONFERENCE

2016

Embracing a changing tourism landscape

9 TO 11 MARCH 2016, ELEMENTS OF BYRON, BYRON BAY

CO-HOSTED BY:



OFFICIAL PARTNER:



ELITE SPONSOR:



LGNSW.ORG.AU

DESTINATION BYRON AND BALLINA

Jingi Wahla and welcome to the Ballina and Byron shires, home of the traditional Nyangbal and Arakwal country of the Bundjalung nation.

Cultural intrigue, world-class beaches and shopping await you. Pass your days on the pristine beaches surfing, swimming, diving and kayaking or head to one of the shire's villages to enjoy a range of food, festivals, events, retreats, art trails and exhibitions.

The lush and rolling green hills are punctuated with rainforest, waterfalls, farms historic villages, community halls, cafes, artist studios, B&Bs and roadside stalls. You'll also find parks and gardens, tea rooms, cosy cafes, country pubs and galleries and shops filled with exquisite local arts, crafts, and fresh local produce.

When it comes to wining and dining, the options are endless. There are restaurants, pubs and cafes where you can sample the local produce and find international quality cuisine. The area is renowned for dairy products, beef and pork, and an array of exotic Indigenous delicacies, tropical fruits, herbs, nuts and bush tucker. The region's award-winning coffee is acclaimed as some of the world's finest.

We look forward to welcoming LGNSW Tourism Conference delegates to the area and showcasing what makes it such a unique and special tourist destination. Come and spend some time with us where the lifestyle is laid-back and friendly, the communities warm and welcoming and the experiences diverse and authentic.



PROGRAM HIGHLIGHTS

Keynote speakers

Claire Madden, McCrindle Research – *New consumers, diverse generations, emerging segments: Engaging with the ever changing customer.*

Shawn Callahan, Founder, Anecdote – *Learn how to help your customers spark and share stories of their adventures so they return home with something to really talk about.*

Rodger Powell, Managing Director, Tourism and Hospitality Services Australia *The role of local government in tourism.*

Roy Morgan Research *State of the nation: The Australian tourism industry enters a new era.*

Topic streams will cast a spotlight on resourcing and financing, digital marketing and art, culture and heritage.

Site visits include guest speakers who will provide background and insights on the destinations you are experiencing.

Full site visit details at lgnsw.org.au

AVIC Summit

This optional session on the first day of the conference, facilitated by John Larkin of Aurora Research, will feature sessions on digital marketing, the value of community engagement and the power of signage.

Full program information is available at lgnsw.org.au

State Your Case – for a chance to win \$3000 for your council when your challenge becomes part of the program and possible solutions are presented by a panel of industry experts.

STATE YOUR CASE SPONSOR:



5 REASONS YOU SHOULD ATTEND

- 1 The conference is staged by local government for local government
- 2 Learn from senior industry executives and speakers who are experts in their field
- 3 Be inspired to create new solutions to your tourism challenges
- 4 Network with your peers, industry and Destination NSW
- 5 Take home the latest tourism news, thinking and ideas to share with your team



PROGRAM

WEDNESDAY 9 MARCH	
1.00pm – 5.00pm	Registration opens
1.30pm – 5.30pm	Optional AVIC summit: <ul style="list-style-type: none"> • Insights from the "NSW Visitor Information Centre Study" and "Tourist Signposting Research" (proposed) • Digital marketing session • Value of community engagement • Power of signage and taking your tourism message outside the VIC to tourism hotspots
6.00pm – 8.00pm	Welcome reception, Elements of Byron
Thursday 10 March	
8.30am – 8.35am	Introduction and housekeeping Gerry Gannon, Master of Ceremonies
8.35am – 8.50am	Welcome to Byron and Ballina Cr Simon Richardson, Mayor, Byron Shire Council Cr David Wright, Mayor, Ballina Shire Council
8.50am – 9.00am	Conference welcome and opening Cr Keith Rhoades AFSM, President, LGNSW
9.00am – 9.30am	Minister's address The Hon Stuart Ayres, Minister for Trade, Tourism and Major Events and Minister for Sport (Invited.)
9.30am – 10.30am	Keynote address Sandra Chipchase, Chief Executive Officer, Destination NSW
10.30am – 10.50am	Morning tea
10.50am – 11.20pm	The role of local government in tourism Rodger Powell, Managing Director, Tourism and Hospitality Services Australia
11.20am – 12.00pm	New consumers, diverse generations, emerging segments: Engaging with the ever changing customer Claire Madden, Research Director, McCrindle Research
12.00pm – 12.30pm	Sharing and celebrating local heritage within your destination Christian Hampson, Manager, Heritage Near Me, Heritage Division, Office of Environment and Heritage
12.30pm – 1.15pm	Panel question and answer session: Panellists: <ul style="list-style-type: none"> • Sandra Chipchase, Chief Executive Officer, Destination NSW • Christian Hampson, Manager, Heritage Near Me, Heritage Division, Office of Environment and Heritage • Claire Madden, Research Director, McCrindle Research • Rodger Powell, Managing Director, Tourism and Hospitality Services Australia
1.15pm – 2.00pm	Lunch
2.00pm – 5.00pm	Site tours: (choose one) <ul style="list-style-type: none"> • Food from The Farm grows tourism opportunities @ The Farm • Towns and villages drives visitor dispersal and extended stays @ Hinterland - Brunswick Heads, Mullumbimby, Bangalow • Placemaking and activation creates a tourism gamechanger @ Byron Community Centre • A conscious consumer inspires sustainability leadership in tourism products @ Elements of Byron
7.00pm – 10.30pm	Conference dinner (Magic bus transfers from accommodation to Lennox Head Community Centre)

Friday 11 March		
8.45am	MC introductory remarks	Gerry Gannon
8.50am	Keynote: State of the nation: The Australian tourism industry enters a new era	Roy Morgan Research
9.30am – 10.30am	State your case!	Facilitated by WISDOM
10.30am – 11.00am	Morning tea	
11.00am – 12.15pm	Concurrent topic streams:	
	1. Resourcing and financing • Attracting investment by making it easy to do business, Mark Sleight, General Manager, Destination Wollongong • The art of advocacy, lobbying and negotiation, Matthew Hingerty, Chief Executive Officer and Managing Director, Barton Deacon • Investing in destination marketing to grow your tourism dollar, John Harvie, Manager Economic and Business Development, Deniliquin Council	
	2. Digital marketing • Effective digital marketing, Diana Kahui, Director – Digital Strategy, Destination NSW • How to tame the Chinese dragon, Jeff Sharp, Director, China Digital • Understanding the TripAdvisor Traveller, Jessica Quinlan, Senior Sales Executive, Destination Marketing - TripAdvisor	
	3. Art, heritage and culture • Culture and heritage tourism – How to operationalise for your destination, Carolyn Childs, Director, mytravelresearch.com • How one exciting MAMA helped achieve a community vision, Sue Harper, Tourism Team Leader, Albury City Council • The impact of Tweed Regional Gallery's Margaret Olley Art Centre on the region's visitor economy, Susi Muddiman OAM, Art Gallery Director, Tweed Regional Gallery & Margaret Olley Art Centre	
12.15pm – 1.00pm Closing keynote	Learn how to help your customers spark and share stories of their adventures so they return home with something to talk about	Shawn Callahan, Founder, Anecdote
1.00pm – 1.30pm	Lunch and event close	

This program is correct at the time of publication. Speakers and topics may change due to unforeseen circumstances.

WORLD CLASS VENUE

Our conference venue is Elements of Byron – Byron Bay's first world-class conference destination with state of the art conference facilities and seamlessly integrated sustainability touch points. The resort features 103 private beach villas dotted amidst 22 hectares of absolute beachfront paradise.

To allow delegates to take advantage of the convenience of staying on site, LGNSW have been provided with exclusive rates. All conference delegates choosing to stay at Elements will also get to enjoy:

- Access to the exclusive Beach Club on Belongil Beach
- The First Light Club - Be the first to welcome the morning sun with yoga on our stunning beachside location
- Use of the resort's indoor health club, outdoor fitness circuit and tennis court
- Exploring Belongil Creek and local ecology while taking a guided walk on our Rainforest Eco-Trail

Full details of travel and accommodation can be found at lgnsw.org.au

Book quickly to secure your room at the conference venue.





NETWORKING

Welcome reception, Wednesday 9 March, 6pm – 8pm, Elements of Byron

The welcome reception begins with a smoking ceremony by the local Arakwal people atop the Elements of Byron sand-dune overlooking Belongil beach, across the bay from the iconic Byron Bay lighthouse. This will be followed by a barbecue around the spectacular Elements lagoon pool, featuring local produce caught fresh from the Pacific Ocean, or grown and farmed in the rich, green, rolling hinterland.

Conference dinner, Thursday 10 March, 7pm – 10.30pm, Lennox Head Cultural and Community Centre

Get on board the magic bus and be transported to the seaside village of Lennox Head. Here guests will gather on the foreshore overlooking Seven Mile Beach for welcome drinks. In true laid-back but chic Lennox style, enjoy dinner, eat street style, with local brews and music at the Lennox Head Cultural and Community Centre. Here you can savour the flavour of local meats and the finest fresh produce sourced from the Northern Rivers. After dinner, request all your favourite tunes from the sassy four piece covers band, Pink Zinc.

SPONSORSHIP

If you are interested in sponsoring the conference, giving support, or taking part in our trade display, please contact Bradley Hayden on 0412 461 392 or email Bradley.Hayden@lgnsw.org.au

LGNSW is committed to environmental sustainability at events and conferences. Please visit lgnsw.org.au for more information.



REGISTRATION

Register online by Monday 22 February 2016 at lgnsw.org.au

Book now to benefit from reduced rates. Discounts are also offered for groups of three delegates to assist councils in sending teams.

REGISTRATION FEES	FEE (Incl. GST)
AVIC optional summit	\$120
AVIC optional summit with welcome reception	\$197
Early bird registration (by Monday 18 January 2016)	\$583
Early bird registration with AVIC summit (50% discount for summit)	\$643
Group registration early bird (three people by Monday 18 January 2016)	\$1650
Group registration early bird with AVIC summit	\$1830
Conference registration standard rate (by Monday 22 February 2016)	\$693
Conference registration standard rate with AVIC (50% discount for summit)	\$753
Group registration standard rate (by Monday 22 February 2016)	\$1980
Group registration standard rate with AVIC summit	\$2160
Thursday registration - day only (inclusive site visits)	\$330
Friday registration - day only	\$220
Welcome reception - extra tickets	\$77
Conference dinner - extra tickets if available	\$154

Cancellations prior to Monday 22 February will receive a full refund less a \$100 administration fee.

Cancellations after Monday 22 February will receive no refund. However, registration can be transferred to another person.



LGNSW.ORG.AU

15.15 Certificate of Appreciation - Jamberoo Public School

Responsible Director: Office of the General Manager

Council recently received a Certificate of Appreciation from the Jamberoo Public School for the financial support provided to the School's Gardening Club.

Attachments

- 1 Certificate of Appreciation



Jamberoo Public School

CERTIFICATE OF APPRECIATION

to

Kiama Council 2015

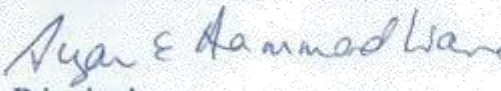
On behalf of Jamberoo Public School we would like to show our appreciation for the financial support you have given to the school's Gardening Club.



Justine Doorn-McCormack


Gardening Club Teacher

Suzanne Hammond-Warne


Principal

15.16 Questions Without Notice Register

Responsible Director: Office of the General Manager

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

Attachments

- 1 Questions Without Notice Register as at 25 01 16

Questions Without Notice Register

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

No	Details	Actions
18.4	<p>Temporary Closure of Terralongs Street Councillor Steel requested advice regarding the proposed temporary closure of Terralongs Street for the Jazz and Blues Festival. The General Manager advised that the Jazz and Blues Club are investigating various options for greater opportunities for the Festival, one of which is the temporary closure of Terralongs Street. He advised Councillor Steel that he had requested the Jazz and Blues Club to consult with the main street retailers with regard to this option. The General Manager also advised that any request for a street closure would need to be reported to the Traffic Committee. He further advised that he was aware that the Chamber of Commerce had conducted a survey of retailers that would be affected by the street closure and that he had received a letter from the Chamber of Commerce prior to the meeting tonight but had not as yet opened the letter so was unaware of the results.</p>	Response provided at meeting
18.5	<p>Capacity of Bombo Sewage Treatment Plant Councillor Sloan requested that Council contact Sydney Water to formally request advice, in both Equivalent Person (EP) and flows, about the remaining dry and wet weather treatment capacity at the Bombo Sewage Treatment Plant. The Mayor referred this matter to the Director Environmental Services for information and report.</p>	Report submitted to September Council meeting
18.6	<p>Herbicide Usage Councillor Rice requested a report that outlines the health and safety criteria that currently underpin Council's regime of herbicide usage on parks and ovals. The Mayor referred this matter to the Director Engineering and Works for information and report.</p>	Report submitted to September Council meeting
18.7	<p>The Boneyard Councillor Way requested a report on the feasibility of applying to the Geographical Names Board to formally identify and confirm Kiama's iconic surfing location north of Bombo Headland as the "Boneyard". The Mayor referred this matter to the Director Engineering and Works for information and report.</p>	Report submitted to September Council meeting and name referred to Streets & Reserves Naming Committee
18.8	<p>Proposed Kiama Arts Centre Councillor Reilly requested a report on the means and possibility of funding the proposed Kiama Arts Centre in the 2016/17 budget year. The Mayor referred this matter to the General Manager for information and report.</p>	Report submitted to September Council meeting
18.10	<p>Holiday Park Advisory Committee Councillor Reilly requested a report on the implementation of a holiday park advisory committee consisting of councillors, staff, caravan owners, park managers and residents prior to the November Council meeting. The Mayor referred this matter to the Acting Director Corporate & Commercial</p>	Report submitted to September Council meeting

No	Details	Actions
15 September 2015 meeting		
18.1	<p>Services for information and report.</p> <p>Validation of complaints Councillor McClure requested a report on the way Council can validate complaints and ensure that all complaints are valid at all times. The Mayor referred this item to the General Manager for investigation and report.</p>	Report submitted to October Council meeting
18.2	<p>Question without Notice Register Councillor McClure requested that Council create a register of Questions Without Notice with the register to include the status of all Questions Without Notice asked by the Councillors and for this to be reported to each Ordinary Council meeting. The Mayor referred this item to the General Manager for investigation and report.</p>	Completed
18.3	<p>Gerringong Residents' Group Councillor McClure requested a report on the feasibility of the formation of a Gerringong Residents' Group to maintain the land on the corner of Fern and Willawa Streets, Gerringong. The Mayor referred this item to the Director of Engineering and Works for investigation and report.</p>	Report submitted to October Council meeting
18.4	<p>Causeways Councillor Seage requested a report listing the causeways within the LGA and identifying a recommended priority list to address the safety issues outlined in an email sent by Aleysha Brooke-Smith after the recent heavy rains. The Mayor referred this item to the Director of Engineering and Works for investigation and report.</p>	Report submitted to December Council meeting
18.5	<p>Police Residence Councillor Steel requested a report on the future of the Police Residence in Terralong Street. The Mayor advised that the Member for Kiama had recently advised that some funding had been provided to undertake minor aesthetic repairs to the residence, however any further works were pending the result of a Native Title Claim on the land.</p>	No action required
18.6	<p>Parking in Thomson Street Councillor Steel requested a report on the provision of a No Parking zone on the western side of Thomson Street, Kiama near the Terralong Street intersection. The Mayor referred this item to the Director of Engineering and Works for investigation and report.</p>	Reported to October Local Traffic Committee
18.7	<p>CCTV at Kiama Harbour and Blowhole Point Councillor Way requested an estimate of costs associated with the installation of CCTV at Kiama</p>	Report to October Council meeting

No	Details	Actions
	Harbour, the harbour boat trailer parking areas and Blowhole Point. The Mayor referred this item to the Director of Corporate & Commercial Services for investigation and report.	
18.8	Tourist Information Map at Kiama Station Councillor Way requested that an estimate of costs for the installation of a tourist information map/sign, similar to the sign at Minnamurra Station, which features routes to tourist destinations in the local area, be erected at Kiama Station. He also suggested that the map should display the WiFi and App information on the base. The General Manager advised that Council is working with Kiama Tourism to upgrade existing tourist information signage within the area. The Mayor referred this item to Director of Engineering & Works for investigation and report.	Actioned
18.9	Bombo Headland Councillor Honey requested a report on the progress made in gaining funding for the Conservation Management Plan for Bombo Headland and whether approaches have been made to the Member for Kiama. Councillor Honey further requested that approaches be made to Wollongong Botanical Garden with the intention to include a coastal botanical garden on all or part of the headland. The Mayor referred this item to the Director of Engineering & Works for investigation and report.	Report to October Council meeting
18.10	Book dispenser Councillor Reilly requested a report on the construction and placement of a book dispenser similar to those found in other areas, where books may be left and borrowed in a public place. The Mayor referred this item to the Director of Community Services for investigation and report.	Report to December Council meeting
18.11	Street lighting The Mayor requested information regarding the cost associated with extending the footpath lighting from the new subdivision at the northern end of South Kiama Drive to Kiama Heights. He referred the item to the Director of Engineering and Works for investigation and report.	Report to October Council meeting
20 October 2015 Meeting		
18.1	73 Fern Street, Gerringong Councillor McClure requested an investigation into the option of a land swamp of Noble Park at 73 Fern Street, Gerringong with 98 Fern Street, Gerringong. This investigation would include all details of the land, any covenants or restrictions and should include discussions with the owners of 98 Fern Street. The Mayor referred the item to the General Manager for investigation and report.	Report to November Council meeting
18.2	Secure Storage for Caravans and Boats	Report to November Council meeting (combined)

No	Details	Actions
	Councillor Seage requested a report on the feasibility of Council providing a secure storage area for caravans and boats at a reasonable annual rate to ratepayers and for a slightly higher rate to non-ratepayers. The Mayor referred the item to the Director of Engineering and Works for investigation and report.	with 18.4) Site inspection carried out and further investigation to be carried out.
18.3	Speed humps in Blue Haven Complex Councillor Steel requested a report on the speed humps in the Blue Haven Complex Stage 5 parking area. The General Manager advised that a residents' survey was being undertaken and that he would report the outcome of the survey to a future meeting.	Report to November Council meeting
18.4	Possible Commercial Opportunity for Caravan Storage Councillor Steel requested a report on approving a local park area (approx.. 2-4 hectares) either at a suitable Council owned area or land owned by a local farmer, for privately owned caravans and boats to park when not in use. The Mayor referred the item to the Director of Environmental Services for investigation and report.	Report to November Council meeting (combined with 18.2)
18.5	Trees in Public Parks Councillor Rice requested that in the interest of maintaining biodiversity that an update or review of Council's policy for planting trees in public parks, reserves and streets be undertaken. The Mayor referred the item to the Director of Engineering & Works for investigation and report.	Report to November Council meeting
18.6	Jones Beach – Provision of picnic facilities Councillor Way requested a report on the costs associated with the provision and installation of three picnic tables and benches at Jones Beach adjacent to the playground. The Mayor referred this item to the Director of Engineering & Works for investigation and report.	Report to November Council meeting
18.7	Footpath at Kiama Harbour Councillor Way requested a report on the costs to construct a footpath from the Kiama Harbour entrance road along the back of the Scout Hall opposite the trailer parking to the top exit road opposite the new trailer parking as per the Blowhole Plan of Management. The Mayor referred this item to the Director of Engineering & Works for investigation and report.	Report to November Council meeting
18.8	Review of Council's Structure Councillor Reilly requested that an outline be developed for an internal review of Council's structure. The Mayor referred this item to the General Manager for investigation and report.	Report to November Council meeting
17 November 2015 Meeting		
18.1	Bin Liners Councillor Steel requested a report on the supply of bin liners for the food waste caddies being used	Report to December Council meeting

No	Details	Actions
18.2	<p>as part of the OK Organics program. The Mayor referred this matter to the Director of Environmental Services for investigation and report.</p> <p>Stormwater Control Councillor Sloan requested that a report be brought to Council outlining the feasibility of requiring household scale Stormwater Quality Improvement Devices (also known as SQIDs) or rain gardens instead of detention basins for new developments. The Mayor referred this matter to the Director of Environmental Services for investigation and report.</p>	Complex issue requiring investigation – to be reported to Council in 2016.
18.3	<p>Investment Policy Councillor Rice requested a report on how Council's previous resolution to amend the Investments Policy to include consideration of investments in local or regional community based enterprises as well as those without interest in Coal Seam Gas wherever possible, has influenced Council's suite of investments since that time. The Mayor referred this item to the Acting Director Corporate & Commercial Services for investigation and report.</p>	Report to December Council meeting
15 December 2015		
18.1	<p>Use of Council owned property - Shoalhaven Street Councillor Reilly requested that a report be prepared with consultation with local Lions Groups to investigate the use of the dwelling on Council land on Shoalhaven Street opposite the Bowling Club for a Respite Care Facility. The Mayor referred this item to the General Manager for investigation and report.</p>	Report to February Council meeting
18.2	<p>Upgrade to toilet facilities - Jones Beach Councillor Reilly requested that Council investigate the possibility of an upgrade to the toilet facilities on Jones Beach and provide a report to Council as to costs for inclusion in the 2016/17 Budget. The Mayor referred this item to the Director Engineering and Works for investigation and report.</p>	Report to February Council meeting
18.3	<p>Playground equipment – Black Beach Kiama Councillor Way requested a report on the cost of providing sail covers to the playground at Black Beach Kiama, as well as the cost to provide a swing for older children at the same playground. The Mayor referred this item to the Director Engineering and Works for investigation and report.</p>	Report to February Council meeting
18.4	<p>Amenities Block – Bombo Hill Reserve Councillor Way requested a report on the cost and potential location of an amenities block that would include a change room and toilets for Bombo Hill Reserve (playing fields) on the corner of North Kiama Drive and Riverside Drive at Kiama Downs. The Mayor referred this item to the Director Engineering and Works for investigation and report.</p>	Report to February Council meeting
18.5	<p>Accessible car parking - Kiama Councillor Rice requested a report on the extent to which accessible car parks in Kiama meet the current Australian Standards for accessible car parking. The Mayor referred this item to the Director</p>	Report to February Council meeting

No	Details	Actions
18.6	<p>Engineering and Works for investigation and report.</p> <p>NSW Health and Arts Framework - Taskforce Councillor Sloan advised that the NSW Minister for Health last Wednesday announced the appointment of a Taskforce to implement a new NSW Health and Arts Framework which involves new money to better involve the arts in health programs. Councillor Sloan requested a report be brought back to Council about the implications and opportunities of this announcement for Council and in particular whether the new Aged Care Centre of Excellence might be suitable to be a pilot project for this new program. The Mayor referred this item to the Director Community Services for investigation and report.</p>	Report to February Council meeting
18.7	<p>Placement of advertising posters Councillor Steel requested a report on the advertising posters which have been placed on the railway bridge at Bombo Beach. The Mayor referred this item to the Director Engineering and Works for investigation and report. The Director Engineering and Works advised that his staff had already made enquiries as to what avenues Council can take to recoup the costs already incurred for removing the posters.</p>	Report to February Council meeting
18.8	<p>Endeavour Energy - donation of used power poles Councillor McClure requested a report on the sourcing at no cost to Council of used power poles from Endeavour Energy for donation to local artists and artisans to craft into totem pole like structures to be placed in suitable locations around the Kiama Harbour. The exact locations of the structures to be determined at a later date. The Mayor referred this item to the Director Engineering and Works for investigation and report.</p>	Report to February Council meeting

15.17 Regional Illegal Dumping Compliance Officer - Quarterly Return – 1 October to 31 December 2015Responsible Director: Environmental Services

During the period 1 October to 31 December 2015 there were a total of 61 reports received relative to Illegal Dumping in the Kiama Municipality. This is up by 11 on the previous quarter.

Investigative actions carried out

As part of the investigative functions carried out into these matters a total of 7 Notices were issued to individuals under the Protection of the Environment Operations Act. 1 extension to a Draft Clean-Up Notice was issued relative to an unlawful waste facility operating on a rural property at Curramore.

In relation to an ongoing inquiry Council received 11 Court Attendance Notices and Fact Sheets prepared by RMB Lawyers with a recommendation that there was a strong chance of successful prosecutions in all 11 of the matters.

Hot spot dumping incidents reported

Of the 61 Illegal Dumping reports, 12 have occurred in identified Hot Spot locations within Kiama Municipality. These have been recorded on the Hot Spot Data Base.

Illegal dumping materials recovered

In accordance with the strategies set out in Council's Littering and Illegal Dumping Integrated Plan, in all but 1 case, materials subject of reports of Illegal Dumping have been cleaned up. This outstanding matter has been referred to Council's Engineering and Works Department due to the size of the clean-up effort required. The materials most commonly found in these incidents were domestic waste and included mattresses, furniture and household waste. Motor vehicles parts and tyres along with building and demolition waste made up the remainder. One asbestos related matter was reported to the Regional Illegal Dumping Compliance Officer. The clean-up of this dump was undertaken by contractors. The cost was \$904.00 which did not qualify for reimbursement under the I.D.A.C.U.P. Program administered by the EPA was met by Council.

Illegal dumping proactivity

A total of 12 proactive patrols of Illegal Dumping Hot Spots were carried out during the period.

Illegal dumping enforcement actions (PINS, warnings and cautions)

A total of 2 Warnings were issued to adult persons for littering offences involving the depositing of household waste into public place litter bins. During the quarter 8 Court Attendance Notices were issued by the Regional Illegal Dumping Compliance Officer against 3 individuals for offences under the Protection of the Environment Operations Act. These matters are for further mention in Kiama Local Court on 1 February this year where the defendants will be required to enter pleas.

Clean up and other costs

Council's costs relative to the clean-up and investigation are not ascertainable at this stage and further discussion may be required to allow estimates to be recorded.

16 ADDENDUM TO REPORTS

17 NOTICE OF MOTION

Nil

18 QUESTIONS WITHOUT NOTICE

19 CONFIDENTIAL SUMMARY

20 CONFIDENTIAL REPORTS

Nil

21 CLOSURE