



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 15 August 2017

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 Director Engineering and Works
- 13 Report of the Director Community Services
- 14 Reports for Information
- 15 Addendum To Reports
- 16 Notice of Motion
- 17 Questions for future meetings
- 18 Confidential Summary
- 19 Confidential Reports
- 20 Closure

Members

His Worship the Mayor
Councillor M Honey
Councillor K Rice
Deputy Mayor
Councillor M Brown
Councillor N Reilly
Councillor A Sloan
Councillor W Steel
Councillor D Watson
Councillor M Way
Councillor M Westhoff

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

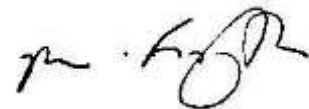
10 August 2017

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 15 August 2017** commencing at 5pm for the consideration of the undermentioned business.

Yours faithfully



Michael Forsyth
General Manager

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 15 AUGUST 2017**

1 APOLOGIES

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Youth Engagement Meeting on 3 August 2017

Attachments

- 1 Youth Engagement Meeting Minutes 3 August 2017 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Youth Engagement Meeting held on 3 August 2017 be received and accepted.



MINUTES OF THE YOUTH ENGAGEMENT MEETING

commencing at 10.30am on

THURSDAY 3 AUGUST 2017

Kiama High School
Saddleback Mountain Road, KIAMA NSW 2533

Item 3.1

Attachment 1

MINUTES OF THE YOUTH ENGAGEMENT MEETING

3 AUGUST 2017

MINUTES OF THE YOUTH ENGAGEMENT MEETING OF THE
MUNICIPALITY OF KIAMA HELD AT THE KIAMA HIGH SCHOOL,
KIAMA, ON THURSDAY 3 AUGUST 2017 AT 10.30AM

PRESENT: Mayor – Councillor M Honey,
Deputy Mayor – Councillor K Rice,
Councillors N Reilly, A Sloan and M Way

IN ATTENDANCE: General Manager, Manager Environment & Health, Director
Corporate and Commercial Services, Director Engineering and
Works and Director Community Services

1 APOLOGIES

Apologies were tendered on behalf of Councillors Brown, Steel, Watson and Westhoff.

YOU-17/001

Resolved that the apologies as tendered be accepted.

Note: Councillor Sloan arrived at the meeting at 10.42am and left the meeting at 11.35am.

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Youth Engagement Meeting on 3 August 2016

YOU-17/002

Resolved that the Minutes of the Youth Engagement Meeting held on 3 August 2016 be received and accepted.

(Councillors Way and Rice)

MINUTES OF THE YOUTH ENGAGEMENT MEETING

3 AUGUST 2017

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 REPORTS FOR INFORMATION

YOU-17/003

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

- 5.1 Kiama High School - Recycling
- 5.2 Employee Matters - Lunch and Learn Wednesday 5 July 2017
- 5.3 Road Safety Projects 2017-2018
- 5.4 Trial of SMART Drumlins
- 5.5 Physical health program for people experiencing mental illness
- 5.6 Youth Arts Scholarship Grants
- 5.7 Cities Power Partnership
- 5.8 Work experience and opportunities for students
- 5.9 Speak Share Change Youth Forum
- 5.10 SENTRAL Youth Services Renovations Update
- 5.11 Improving communication with young people
- 5.12 SENTRAL Intergen Munchout
- 5.13 Kiama Art Centre
- 5.14 Lighting at Kiama Skate Park
- 5.15 Health & Sustainability Grants Program
- 5.16 Australia Day 2018 Awards - Young Citizen of the Year
- 5.17 Response to Student Representative Council submissions - 3 August 2016 Youth Engagement Meeting.

6 SUBMISSIONS BY STUDENT REPRESENTATIVE COUNCIL

- 6.1 The Student Representative Council requested that consideration be given to the installation of a water refill station half way along the Kiama Heights to Gerringong Coastal walking track

YOU-17/004

It was moved by Councillor Reilly and seconded by Councillor Rice that the Director of Engineering & Works investigate the proposal including obtaining water access from adjoining properties and all options.

The motion was put and carried.

MINUTES OF THE YOUTH ENGAGEMENT MEETING

3 AUGUST 2017

- 6.2 The Student Representative Council requested Council support for the provision of additional scholastic opportunities in the Municipality and region including the possible increase in the number of selective schools and opportunity classes. The Mayor referred the matter to the Director Community Services for investigation and report.
- 6.3 The Student Representative Council made a presentation of the need to 'close the gap' and to have great indigenous activities in the Municipality. The Mayor referred the matter to the Director Community Services for investigation and report.
- 6.4 The Student Representative Council made a presentation on the need for free mental health services to be available in the Municipality. The Youth Services Coordinator, Andrew Chatfield, is to meet with the students to investigate the needs and funding opportunities.
- 6.5 The Student Representative Council raised the need for compost bins in public spaces for residents and tourists to utilise. The Mayor referred the matter to the Manager of Environment & Health for investigation and report.

7 QUESTIONS WITHOUT NOTICE

Nil

8 CLOSURE

There being no further business the meeting closed at 12.40pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 15 September 2017

.....
Mayor

.....
General Manager

3.2 Ordinary Council Meeting on 18 July 2017

Attachments

- 1 Minutes - Ordinary Council - 18 July 2017 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held on 18 July 2017 be received and accepted.

Item 3.2



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 18 JULY 2017

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 3.2

Attachment 1

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 18 JULY 2017 AT 5PM

PRESENT: Mayor – Councillor M Honey,
Deputy Mayor – Councillor K Rice,
Councillors M Brown, N Reilly, A Sloan, W Steel, D Watson
and M Way

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

1 APOLOGIES

OC-17/059

Resolved that the apology from Councillor Mark Westhoff be received and accepted.

(Councillors Sloan and Watson)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Meeting of Council on 22 June 2017

OC-17/060

Resolved that the Minutes of the Ordinary Council Meeting held on 22 June 2017 be received and accepted.

(Councillors Reilly and Rice)

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Matt Philpott 9.3 10.2017.117 – Lot 229 DP 30126 No 44 Anembo Crescent, Kiama Heights – 2 lot Torrens title subdivision

Cliff Mason 9.4 10.2017.116.1 - Lot C DP 380582 No 44 Manning Street Kiama – demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 storey mixed use development consisting of ground floor commercial/retail space and 16 shop top dwellings and associated parking

Graham Pike 9.5 Draft DCP for Jamberoo

6 MAYORAL MINUTE

6.1 Rotary Club of Minnamurra

OC-17/061

Resolved that Council acknowledge the cessation of the Rotary Club of Minnamurra and endorse the formal letter of thanks which was sent to the Club earlier this month.

(Councillor Honey)

6.2 Passing of George W (Tony) Matterson

OC-17/062

Resolved that Council acknowledges the passing of former Town Clerk, Tony Matterson, with a minute's silence.

(Councillor Honey)

7 MINUTES OF COMMITTEES

7.1 Walking Tracks and Cycleways Committee - meeting 14 June 2017

OC-17/063

Resolved that the Minutes of the Walking Tracks and Cycleways Committee meeting held on 14 June 2017 be received and accepted.

(Councillors Way and Brown)

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

OC-17/064

It was **moved** by Councillor Way and seconded by Councillor Brown that Council requests a concept plan, to be drafted by Council Officers, for a boardwalk across the Werri Lagoon to link the north end of Werri Beach with the Coastal Walking Track and that Council Officers develop a community consultation plan on exhibiting the proposal.

The **Motion** was put and **carried**.

7.2 Kiama Local Traffic Committee - meeting 4 July 2017

OC-17/065

Resolved that the Minutes of the Kiama Local Traffic Committee meeting held on 4 July 2017 be received and accepted.

(Councillors Steel and Rice)

7.3 Estuary and Floodplain Management Committee - meeting 16 May 2017

OC-17/066

Resolved that the Minutes of the Estuary and Floodplain Management Committee Meeting held on 16 May 2017 be received and accepted, and recommendations therein are formally adopted.

(Councillors Sloan and Reilly)

COMMITTEE OF THE WHOLE

OC-17/067

Resolved that at this time, 5.18pm, 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 Director Engineering and Works

Report of the Director Community Services

Addendum to Reports

(Councillors Brown and Steel)

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

8 PUBLIC ACCESS REPORTS

OC-17/068

Committee recommendation that at this time, 5.18pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Brown and Way)

9.3 10.2017.117.1 - Lot 229 DP 30126 - 44 Anembo Crescent, Kiama Heights - 2 lot Torrens title subdivision

OC-17/069

Committee recommendation that Council approve Development Application number 10.2017.117.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.

(Councillors Brown and Watson)

An **amendment** was moved by Councillor Rice and seconded by Councillor Sloan that Council approve Development Application number 10.2017.117.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report and the amendment to delete the words "Coastal Banksia" from Consent Condition (7) under the heading General.

The amendment became the Motion and was put and **carried**.

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way

Against: Nil

9.4 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking

OC-17/070

Committee recommendation that Council, at the request of the applicant, defer Development Application number 10.2017.116.1 for one month to allow staff more time to consider new information.

(Councillors Sloan and Way)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way

Against: Nil

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

9.5 Draft DCP for Jamberoo

OC-17/071

Committee recommendation that Council endorse the attached draft Chapter 33 - Jamberoo, Kiama Development Control Plan, to be placed on public exhibition for a minimum period of 60 days and the results of exhibition be reported back to Council for determination.

(Councillors Way and Brown)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way

Against: Nil

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 10.2015.316.1 - Request for Review of Section 94A Contribution - Lot 2 - 188 Knights Hill Road, Knights Hill

Disclosure of Interest - Councillor Brown

Councillor Brown declared a non- significant non-pecuniary interest in this matter as the CEO of Triple Care Farm is a relative and the Chair of Mission Australia is a former employer. Councillor Brown took part in discussion and voting on this matter.

OC-17/072

Committee recommendation that Council:

1. acknowledge the professionalism and hard work of all staff and volunteers at Triple Care Farm
2. recognise this facility is available to all people in NSW, in particular the greater Sydney region and the Illawarra and Southern Highlands
3. acknowledge receipt of \$29,165.77 from Mission Australia by way of its s 94A obligation
4. donate \$10,000 to Mission Australia on the condition the money is allocated to Triple Care Farm to recognise the proven successful intensive programs and their associated costs. This money is to be in addition to other monies Council spends on infrastructure and other matters that assist Triple Care Farm.
5. nominate Neil Reilly to liaise with Triple Care Farm with the aim of strengthening youth at risk programs in Kiama.

(Councillors Brown and Steel)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way

Against: Nil

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

9.2 10.2017.50.1 - Lot 280 DP 14188 – 69 Werri Street, Werri Beach – retaining walls and access stairs

OC-17/073

Committee recommendation that Council approve development application number 10.2017.50.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained at the end of this report.

(Councillors Sloan and Way)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way

Against: Nil

10 REPORT OF THE GENERAL MANAGER

10.1 Addition to General Manager's Delegations

OC-17/074

Committee recommendation that Council give the General Manager delegated authority to:

1. delegate "appropriate persons" under *Division 1 Part 164 of the Local Government (General) Regulation 2005 (NSW)*
2. appoint "authorised officers" under *Section 372 of the Biosecurity Act 2015.*

(Councillors Sloan and Watson)

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Statement of Investments - June 2017

OC-17/075

Committee recommendation that the information relating to the Statement of Investments for June 2017 be received and adopted.

(Councillors Brown and Watson)

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

11.2 Kiama Tourism Advisory Committee - Minutes of the meeting held on 19 June 2017

OC-17/076

Committee recommendation that Council receive and accept the draft Minutes of the Kiama Tourism Advisory Committee meeting held on 19 June 2017 and endorse the recommendations contained therein.

(Councillors Brown and Steel)

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 Purchase of plant equipment

OC-17/077

Committee recommendation that Council purchase two (2) Iveco 6x4 chassis with Bucher compaction bodies from Sydney Truck & Machinery with a capital value of \$373,831 + GST each.

(Councillors Rice and Watson)

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

13.1 Art Collection Acquisition and Cultural Board Minutes

OC-17/078

Committee recommendation that Council

1. approve the Cultural Board recommendation to accept the Jack Waugh self-portrait for the Council Art Collection
2. note the June 2017 minutes of the Cultural Board and the Art Centre sub-committee meetings

(Councillors Reilly and Way)

14 REPORTS FOR INFORMATION

OC-17/079

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

- 14.1 Appreciation - Kiama Public School P & C
- 14.2 Blue Haven Care - extension of provisionally allocated places

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

- 14.3 Companion Animals Dog Information Days 2017
- 14.4 Councillors Meeting Register
- 14.5 Dementia Reform, Funding & Innovation Conference, Melbourne – 26-27 June 2017
- 14.7 Launch of CENTRAL Youth Services' Renovations
- 14.9 Local Government Act Amendments Phase 1
- 14.10 Parking Statistics - June 2017
- 14.11 Southern Phone Company Ltd - dividend allocation
- 14.12 Tourism sign at Kiama Train Station
- 14.13 South Precinct Minutes
- 14.14 Planning Committee Minutes - 29 June 2017
- 14.15 Youth Advisory Committee meeting minutes - 1 June 2017
- 14.16 Minutes of the Jamberoo Valley Ratepayers and Residents Association meeting - 6 June 2017 and 4 July 2017
- 14.17 Question for future meeting: development at 98 Fern Street, Gerringong
- 14.18 Question for future meeting: Development Application Tracker
- 14.19 Question for future meeting: Manning Street design standards
- 14.20 Question for future meeting: cars for sale and legality of cars for sale Fern Street, Gerringong
- 14.21 Question for future meeting: town and village boundaries
- 14.22 Question for future meeting: disposal of problem weeds
- 14.23 Question for future meeting: Jones Beach Dune project
- 14.24 Question for future meeting: Kiama Coast Holiday Parks
- 14.25 Question for future meeting: Corner of Terralong Street and Havilah Place - rock removal costs and investigation of hotel development
- 14.27 Questions for Future Meetings Register as at 10 July 2017.

(Councillors Steel and Reilly)

14.8 Leisure Centre - proposed additional car parking spaces

OC-17/080

Committee recommendation that Council receive a report regarding providing effective lighting in the south west end of this carpark following an investigation by Council Officers.

(Councillors Rice and Reilly)

14.6 Gerringong Library, Museum and Community Centre Project - relocation of existing museum

Councillor Reilly requested a report from the Director of Community Services on insurance coverage and safe containment of the Museum's artefacts including the feasibility of purchasing fireproof metal boxes.

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

14.26 Question for future meeting: Minnamurra Waste and Recycling Facility - opening hours and green waste fees -

OC-17/081

Committee recommendation that Council:

1. extend the operating hours of the Minnamurra Waste and Recycling Facility on Saturdays to 4pm
2. approve the additional staffing cost of \$12,000 per annum to be resourced from Waste dividends
3. promote the new operating hours by advertising through Council resources: website; rate notices, Mayor's column and other appropriate Council communications.

(Councillors Way and Sloan)

An **amendment was moved** by Councillor Rice and seconded by Councillor Brown that Council:

1. extend the operating hours of the Minnamurra Waste and Recycling Facility on Saturdays to 4pm for a trial period of six months commencing in September 2017
2. approve the additional staffing cost of \$12,000 per annum to be resourced from Waste dividends
3. promote the new operating hours by advertising through Council resources: website; rate notices, Mayor's column and other appropriate Council communications.

The amendment became the Motion and was put and **carried**.

The Mayor and Councillors acknowledged and thanked Phil Costello, Director of Environmental Services for his hard work and professionalism during his employment at Council.

15 ADDENDUM TO REPORTS

OC-17/082

Committee recommendation that at this 6.24pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Brown and Way)

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

15.1 FootGolf Australia - Request for Sponsorship

OC-17/083

Committee recommendation that Council defer this matter for a comprehensive report back to Council on the possible benefits to the community and the submission from Jamberoo Golf Club of a business case including budget details.

(Councillors Reilly and Way)

RESUMPTION OF ORDINARY BUSINESS

OC-17/084

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

(Councillors Way and Steel)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

OC-17/085

Resolved that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered OC-17/068 to OC-17/085 above.

(Councillors Brown and Way)

16 NOTICE OF MOTION

Nil

17 QUESTIONS WITHOUT NOTICE

17.1 Bombo walking track - name

Councillor Steel requested that a report be provided on suggested names for the walk between Darien Avenue and the Bombo quarry look out, where the new signs will be placed.

The Mayor referred this matter to the Director Engineering & Works for investigation and report.

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

17.2 Helium balloon usage regulation

Councillor Rice requested that a report be provided that outlines some of the specific scientific evidence behind the regulation of helium balloon usage by the NSW Government and other councils in our coastal region. Could the report also include names of those regional coastal councils who have regulated helium balloon release.

The Mayor referred this matter to the Director Environmental Services for investigation and report.

17.3 Regulating dual occupancy development - Jamberoo DCP and Kiama LEP requirements

Councillor Rice requested a report be provided that details why a Planning Proposal is needed to amend the Kiama LEP 2011 in order for it to best support any new Jamberoo DCP in regulating dual occupancy developments on new greenfield releases in Jamberoo.

The Mayor referred this matter to the Director Environmental Services for investigation and report.

17.4 Platform at Bombo walking track

Councillor Steel requested a report be provided on the cost of installing guarding and a platform at the lookout point along the Bombo walking track.

The Mayor referred this matter to the Director Engineering & Works for investigation and report.

17.5 Minnamurra Quarry site - BMX track

Councillor Way requested a report on the potential use of the Minnamurra quarry site for a BMX track for the local youth.

The Mayor referred this matter to the Director Engineering & Works for investigation and report.

17.6 Potential use of former Fulton Hogan Princes Highway site, Gerringong

Councillor Way requested a report on the potential acquisition from Roads and Maritime Services, of the former site office and surrounding area formerly occupied by Fulton Hogan on the Princess Highway Gerringong, for use by local sporting groups.

The Mayor referred this matter to the General Manager for investigation and report.

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

17.7 Kitchen caddy paper bags

Councillor Way requested a report on the costing for the provision of paper bags to Kiama ratepayers that could be inserted in the small kitchen caddies and used in conjunction with the green bin OK Organics Kiama program, and the means of distribution.

The Mayor referred this matter to the Director Environmental Services for investigation and report.

18 CONFIDENTIAL SUMMARY

OC-17/086

Resolved that at this time, 6.39pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Brown and Watson)

Public Representations:

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

Councillor Brown and Councillor Way left the meeting at 6.39pm.

Councillor Brown returned to the meeting at 6.40pm.

18.1 Exclusion Of Press And Public:

OC-17/087

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

19.1 SWIMMING POOL BARRIER INSPECTION PROGRAM

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

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

19.2 KIAMA COAST HOLIDAY PARKS - SUSTAINABLE IMPROVEMENT STRATEGY AND MASTERPLANS

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

(Councillors Sloan and Watson)

Councillor Way returned to the meeting at 6.42pm.

19 CONFIDENTIAL REPORTS

19.1 Swimming Pool Barrier Inspection Program

OC-17/088

Resolved that Council note the information contained in the report.

(Councillors Brown and Watson)

19.2 Kiama Coast Holiday Parks - Sustainable Improvement Strategy and Masterplans

OC-17/089

Resolved that Council:

1. Endorses in-principle the overarching *Sustainable Improvement Strategy and Masterplans for the Kiama Coast Holiday Parks*.
2. Adopts the Business Development Strategies and Masterplans for the Kiama Harbour Cabins, Surf Beach Holiday Park and Kendalls Beach Holiday Park.
3. Notes that a further report will be presented to Council on the Business Development Strategies and Masterplans for Werri Beach and Seven Mile Beach Holiday Parks once those draft plans have been finalised.
4. Approves the preparation of detailed specifications and tender documentation for the redevelopment of Surf Beach Holiday Park (Stage 1), in accordance with the plan of works set out in the Surf Beach Holiday Park Masterplan.
5. That the Masterplans be released publicly without the Commercial in Confidence components.

(Councillors Brown and Watson)

MINUTES OF THE ORDINARY MEETING

18 JULY 2017

Close of Confidential Committee of the Whole:

OC-17/090

Resolved that at this time, 6.48pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Brown and Reilly)

Adoption of Report

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

OC-17/091

Resolved that that the Confidential Committee of the Whole recommendations numbered OC-17/087 to OC-17/090 be confirmed and adopted.

(Councillors Brown and Reilly)

20 CLOSURE

There being no further business the meeting closed at 6.48pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 15 August 2017

.....
Mayor

.....
General Manager

4 BUSINESS ARISING FROM THE MINUTES

5 PUBLIC ACCESS SUMMARY

6 MAYORAL MINUTE

6.1 Successful launch of the SENTRAL renovations and winners of the Kiama Independence Day and photographic competitions

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council:

- congratulate all the winners of the Kiama Independence Day and photographic competitions
- congratulate the SENTRAL Youth Services team and all the young people involved in the organising and staging of the launch of the renovations
- formally thank Vietnam Airlines for their sponsorship of the Kiama Independence Day speech competition
- formally thank Michael Dalitz and Councillor Reilly for their work in organising the Kiama Independence Day competitions
- formally thank Shelley Hancock MP, Speaker of the NSW House of Assembly and the representative of Toastmasters.

REPORT

On Saturday 5 August, SENTRAL Youth Services held a celebration to launch the recently finished stage one of the renovations at the SENTRAL Youth Cottages. Included in the program was the speech & photo competitions for the Kiama Independence Day celebrations.

The event was a great success with approximately a 200 people participating in the celebration across the day. The event was organised by the SENTRAL Youth Services Event Management Course participants from Kiama High School, with the catering provided by the award winning SENTRAL Intergen Munchout program participants, with Michael Dalitz leading the organising of the Kiama Independence Day competitions.

In attendance on the day were: Ann Sudmalis MP, Member for Gilmore, Shelley Hancock MP, Speaker of the NSW House of Assembly, Gareth Ward, Member for Kiama and Parliamentary Secretary for the Illawarra, and Marianne Saliba, Mayor of Shellharbour City Council, along with representatives from a range of other youth services and other organisations who partner with the SENTRAL. The Mayor

Mayoral Minute

6.1 Successful launch of the SENTRAL renovations and winners of the Kiama Independence Day and photographic competitions (cont)

Councillor Mark Honey, Deputy Mayor Councillor Kathy Rice and Councillor Neil Reilly were also in attendance.

Gareth Ward MP was invited to ceremonially hand over the recently won Heart Foundation Award to the SENTRAL Youth Services Team, Andrew Chatfield, Dylan Powell and Rubi Curran; that the SENTRAL Intergen Munchout program recently won at the Local Government Awards. SENTRAL Intergen Munchout is funded through the NSW government Youth Opportunities grant program.

Councillor Reilly was the master of ceremony for the Kiama Independence Day speech and photographic competitions, with Mrs Shelley Hancock MP, Speaker of the NSW House of Assembly, and a representative of Toastmasters being the judges of the speeches. The standard of the speeches and photos entered were very high, with the speech competition in particular being highly competitive with 6 finalists delivering a very high standard of speeches outlining what independence means to them.

The winner of the speech competition was Grace Mahon, with the photo competition won by the following people in the various categories:

5-12 - Alexandra Fitzgerald 1st prize, Eric Saunders 2nd prize

13-18 - Eva Guyer 1st prize

Open - Kay Andonopoulos 1st prize, Nanette Hart 2nd prize

I would like to congratulate all the winners, plus thank Michael Dalitz and Councillor Reilly for their hard work in organising the speech and photo competition, and also thank and congratulate the SENTRAL Youth Services team on their award winning work, and for the wonderful event they organised with the young people who access the service. It was befitting for the service to receive the Local Government Award as this reflects the very high standard and innovative practice the team carries out which Council can be very proud of.

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee - electronic meeting 1 August 2017

Responsible Director: Engineering and Works

Attachments

1 Minutes - Kiama Local Traffic Committee - 01/08/17 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Kiama Local Traffic Committee Meeting held electronically on 1 August 2017 be received and accepted.

BACKGROUND

The minutes of the Kiama Local Traffic Committee meeting held electronically on 1 August 2017 are attached for information.



**MINUTES OF THE
KIAMA LOCAL TRAFFIC COMMITTEE
MEETING**

held electronically on

TUESDAY 1 AUGUST 2017

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 7.1

Attachment 1

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

1 AUGUST 2017

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 1 AUGUST 2017 AT 9.00AM

PRESENT: Meeting was held electronically

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Kiama Local Traffic Committee meeting on 4 July 2017

LTC-17/028

Committee recommendation that the Minutes of the Kiama Local Traffic Committee meeting held on 4 July 2017 be received and accepted.

(Brown and Clingan)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 REPORT OF RMS DELEGATED FORMAL ITEMS

5.1 Changes to parking - 5 Allowrie Street, Jamberoo

LTC-17/029

Committee recommendation that an existing Parking zone be modified to include a "Motorcycle Only Parking" zone in Allowrie Street, Jamberoo through the installation of regulatory signage and line marking and adjustments made to an existing garden bed.

(Clingan and Brown)

6 INFORMATION REPORTS

Nil

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

1 AUGUST 2017

7 CLOSURE

These Minutes were confirmed at the Ordinary Meeting of Council held on
5 September 2017

.....
Mayor

.....
Director Engineering & Works

Item 7.1

Attachment 1

7.2 Kiama Tourism Advisory Committee - Draft Minutes of the meeting held on 24 July 2017

CSP Objective: 3.0 A diverse, thriving economy

CSP Strategy: 3.3 Promote and support tourism in the local area

Delivery Program: 3.3.2 Maximise the tourism economy through the promotion of the Kiama Municipality as a destination and the provision of product options and experiences for all visitors

Item 7.2

Summary

This report requests endorsement of the recommendations contained in the Draft Minutes of the Kiama Tourism Advisory Committee for the meeting held on 24 July 2017.

Finance

n/a

Policy

n/a

Attachments

1 Kiama Tourism Advisory Committee - Minutes [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council receive and accept the draft Minutes of the Kiama Tourism Advisory Committee meeting held on 24 July 2017 and endorse the recommendations contained therein.

BACKGROUND

The draft minutes of the Kiama Tourism Advisory Committee of the meeting held on 24 July are attached for review and endorsement.

**MINUTES OF THE
KIAMA TOURISM ADVISORY COMMITTEE MEETING
HELD 24 July 2017 – 5.04pm**

PRESENT: Councillor Matt Brown (Chairperson), Councillor Warren Steel, James Cook, Liz Lewis, , Sue Thorley, Perrie Crowshaw, Kerry McMurray

Robert Sciacchitano arrived at 5.14pm

APOLOGIES: Nil

Acknowledgement of traditional owners

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

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

3. Pecuniary Interest Declarations

James Cook declared a pecuniary interest in Jamberoo Action Park's incoming correspondence and did not vote on the matter.

4. Adoption of previous minutes

Minutes from 19 June 2017 accepted as a true record.

Moved Warren Steel, **seconded** Liz Lewis.

5. Correspondence

Incoming

Request from Jamberoo Action Park for a letter of support for a funding application.

Recommendation:

That a letter of support be issued by Kiama Tourism Advisory Committee for the funding application by Jamberoo Action Park to the State Government.

Moved Rob Sciacchitano, **seconded** Sue Thorley

Outgoing

Nil

6. Chairperson's report

6.1 The Committee were advised of the Tourism After Hours event to be held on 1 August at the Kiama Golf Club and it was agreed that the Committee Chairperson will facilitate the formalities in the following order:

- 1 Introduce Committee
- 2 Summation of each members experience on the committee
- 3 Chairperson update including introduction of Karen Ronning, Manager Tourism and Events
- 4 Karen Ronning to make a short introduction.

6.2 That an invitation be extended to Colin Waller, Steve Lawson and Greg Binskin of Destination Sydney Surrounds South (DSSS) to attend the Tourism After Hours event.

8. Update on recruitment of Manager Tourism and Events

The committee was advised that the Manager Tourism and Events will officially commence with Council on 7 August 2017 but prior to her formal commencement, she will be attending the Winterfest Dinner on 31 July and the Tourism After Hours event on the 1 August.

10. General Business

10.1 Accommodation audit

Perrie Croshaw advised that the accommodation audit that she is undertaking on behalf of the committee will be completed in the next two to three weeks.

Recommendation:

That the Director Finance Corporate and Commercial Services make contact with Shoalhaven Council to obtain details on their short term stays program/protocol.

Moved Perrie Croshaw, **seconded** Cllr Matt Brown

Councillor Steel advised the committee on progress on the Bombo walk. Councillor Steel has been working with Council's Director Engineering and Works and advised that:

- Director Engineering and Works has agreed to put tractor along the walkway to clear rocks and debris
- Director Engineering and Works has advised there is no liabilities issues relating to the construction and installation of the platform.
- Director Engineering and Works advised that the platform can be built in-house and will not require a budget allocation.
- Director Engineering and Works has agreed to put in brackets for the required signage and the installation of a crab photo structure.

- Director Engineering and Works is investigating the process for the naming of the Thunder Walk.

At the insistence of the Director Finance Corporate and Commercial Services, this matter is held in abeyance until further advice is received from Director Engineering and Works.

10.2 Progression of Tourism Strategy

The committee discussed a timeframe for the development and eventual adoption of a tourism and events strategy

Recommendation:

1. That the committee continue to review the record of proceedings from the Kiama Tourism Advisory Committee strategy meeting #1 held on Wednesday 12 July 2017 along with the recommendations contained therein the action plan from the Kiama Destination Management Plan.
2. That a draft tourism and events strategy document be completed in time for presentation in draft form to the Tourism membership in late October 2017.
3. That the Kiama Tourism Advisory Committee be renamed Destination Kiama Advisory Committee.
4. That the public engagement on the draft be held prior to the 26th October 2017 with 2 sessions being held on the selected day from 2-4 and 6-8 pm at The Pavilion Kiama.
5. That the next meeting of the Destination Kiama Advisory Committee be held on 14 August 2017 commencing at 10.30am at The Pavilion if available.
6. That some options for letterhead be developed prior to the next meeting for the Destination Kiama logo.

Moved James Cook, **seconded** Perrie Croshaw.

11. Next Meeting

There will be a strategy meeting held on 14 August at 10.30am at The Pavilion Kiama (if available).

The next regular meeting of the Kiama Tourism Advisory Committee is to be determined.

Close

There being no further business, the meeting closed at 6.06pm.

7.3 Economic Development Committee Meeting Minutes- 25 July 2017

CSP Objective: 3.0 A diverse, thriving economy

CSP Strategy: 3.1 Promote and encourage business development and economic prosperity in the local area

Delivery Program: 3.1.1 Implement the Kiama Economic Development Strategy

Summary

This report advises of the outcomes of the 25 July 2017 Economic Development Committee Meeting

Finance

Not applicable

Policy

Not Applicable

Attachments1 Economic Development Committee Meeting Minutes 25 July 17 [↓](#)**Enclosures**

Nil

RECOMMENDATION

That Council endorse the recommendations contained in the minutes of the Economic Development Committee Meeting of 25 July 2017

BACKGROUND

At the Economic Development Committee Meeting of the 25 July 2017, the Committee had considerable discussions regarding a number of development applications that have been submitted to Council that will potentially reduce the amount of commercial space available and will result in the loss of employment opportunities and reduced business activities in town centres.

As a result the Committee has recommended that:

1. All Development Applications
 - for properties in the B1, B2, B7, IN2 and IN4 zones; and for
 - approval to carry out development for business or industrial activities in other zones;be referred to Council's Economic Development Manager for comment, as a Council normal internal officer referral action as part of the DA determination process.
2. Council's Economic Development Manager:

Report of the Director Finance, Corporate and Commercial Services

7.3 Economic Development Committee Meeting Minutes- 25 July 2017 (cont)

- will report to the determining officer within Council's normal reporting timeframes; and
- at the Manager's discretion, is authorised to convene an ad hoc sub-committee of up to three members of the Economic Development Committee to assist the Council's Economic Development Manager in preparing the internal economic development report to the determining officer.

The Gerringong Town Centre DCP was also discussed and due to extensive development approvals in this precinct it was felt that this section of the DCP requires revision to remain relevant and to provide meaningful contribution to the Gerringong Town Centre.

Recommendation:

That Chapter 27 of the Kiama Development Control Plan – Gerringong Town Centre be revised to more accurately reflect the future of this precinct.

Minutes of the Kiama Municipal Council Economic Development Committee meeting held on 25 July 2017 in the The RSL Rooms.

1. **Present:** Councillor Mark Honey, Councillor Don Watson, Councillor Warren Steel, Roy Schmidt, Steve Thomas, Sandy Rendel, Matt Brown
Attending: Kerry McMurray, Megan Hutchison,
Apologies: Gavin McClure, Andrew Waugh, Geoff Pratt, Michael Hatfield

2. **Acceptance of previous Minutes**

Moved: Councillor Steel

Seconded: Roy Schmidt

3. **Business Arising**

Following on from the bus trip on 23 May, the following recommendation was moved at the June Council meeting and endorsed:-

Recommendation: That Council arrange a meeting with the RMS to facilitate discussion to identify sites that they own or control that may be surplus to their needs.

As a result Council have contacted the relevant State government department and have been advised of the process to be undertaken by the department for the disposal of lands surplus to their needs.

The Committee will be updated with progress on these sites.

4. **Planning Committee Update**

The minutes of the previous Planning Committee meetings were distributed to the committee. Councils Director of Environmental Services Phil Costello, gave an overview of the Committee's activities to date and advised that at the next meeting to be held on 10 August, the matter of a Kiama Town Centre Study would be on the agenda for discussion. It is envisaged that the Planning Committee will commence the process of preparation of a project brief for a consultant to undertake this work and will continue to work closely with the Economic Development Committee on this project.

Councils Economic Development Manager advised the meeting that she is awaiting the outcome of a funding application for a similar proposal and will work together with the Manager of Strategic Planning to ensure that the resources would be combined to ensure the most effective outcome for this project.

5. **Bombo Quarry Update**

Phil Costello gave a brief overview of the process being undertaken to progress planning for the cessation of quarrying. Council are continuing to liaise with all stakeholders on a regular basis and will keep the Committee updated on progress.

6. **Referral Process for Development Applications**

Committee member Sandy Rendel submitted a recommendation to the committee for consideration following a number of development applications that have been submitted to Council that will potentially reduce the amount of commercial spaces available and will result in the loss of employment opportunities and reduced business activities in town centres.

Recommendation:-

1. All Development Applications
 - for properties in the B1, B2, B7, IN2 and IN4 zones; and for
 - approval to carry out development for business or industrial activities in other zones; be referred to Council's Economic Development Manager for comment, as a Council normal internal officer referral action as part of the DA determination process.
2. Council's Economic Development Manager will
 - Report to the determining officer within Council's normal reporting timeframes; and
 - at the Manager's discretion is authorised to convene an ad hoc sub-committee of up to 3 members of the Economic Development Committee to assist the Council's Economic Development Manager in preparing the internal economic development report to the determining officer.

Moved: Sandy Rendel

Seconded: Councillor Don Watson

In addition it was agreed that at the next Planning Committee meeting, that an agenda item be added to discuss the possibility of adding detail to the Kiama Development Control Plan (DCP) to ensure that all future development applications take into consideration the various council planning documents and policies such as The Kiama Economic Development Strategy, when lodging a development application.

Action: Megan to have an agenda item added to the next Planning Committee meeting regarding amendment to the DCP to take into account various council policies and plans.

7. General Business

Tourism

Matt Brown gave an update of the newly formed Tourism Advisory Committee and the minutes of previous meetings were distributed to the Committee. He also advised that they have been compiling a new Tourism Strategic plan and that they would be more than happy to collaborate with the Economic Development Committee during its development.

Matt advised that the new Tourism Manager, Karen Ronning commences employment on Monday 7 August. It was agreed that Karen be invited to the next Economic Development Committee meeting.

It was also agreed that the Committee's Terms of Reference with regard to membership needs to be amended to reflect the change in representation as a result in the changed operations of Kiama Tourism:-

A Representative from Kiama Tourism will now read
A Representative from the Kiama Tourism Advisory Committee.

An amended copy of the terms of reference has been attached.

Gerringong/Gerroa

Roy Schmidt has expressed concern that the Gerringong Town Centre DCP requires updating as much of the information contained in that chapter relating to the Gerringong Town Centre was now out of date and required revision.

Recommendation:-

That Chapter 27 of the Kiama Development Control Plan – Gerringong Town Centre be revised to more accurately reflect the future of this precinct.

Moved: Roy Schmidt
Seconded: Sandy Rendel

Meeting closed at 7.10. Next meeting will be 5.30pm on 2 September 2017 in the RSL Rooms.



**Kiama Municipal Council
Economic Development Committee:
Terms of Reference**

Name of Committee	Economic Development Committee
Status	Council Committee <input checked="" type="checkbox"/> Statutory Board <input type="checkbox"/> Sunset Board <input type="checkbox"/> (specify the end date)
Purpose	To act in an advisory capacity to Council on matters relating to the growth and development of the economy and the generation of local employment opportunities within the Kiama Local Government Area (LGA) in accordance with the Community Strategic Plan and the Kiama Economic Development Strategy.
Objectives	To provide advice to council on the Community Strategic Plan objective "To Achieve a Diverse and Thriving Economy" with the following strategies: 3.1 Promote and encourage business development and employment based on the local areas unique and distinctive characteristics. 3.2 Develop opportunities to increase the economic output of rural lands. 3.3 Investigate and facilitate employment land and infrastructure to support business growth. 3.4 Recognise and support Council's role as a significant employer and purchaser of goods and services within the local area. 3.5 Actively engage Federal, State, Local Government and business organisations to develop and promote Kiama's economic and employment opportunities. 3.6 Encourage and support tourism in the Kiama Municipality.
Committee Meetings	Meetings will be held bi-monthly on the 4th Tuesday of every second month commencing at 5.30pm unless otherwise advised.

Amended 3 August 2017

Meeting Duration	The meetings should last no longer than two hours, unless otherwise advised.
Venue	Meetings will be held at The Pavilion Kiama or other suitable venues as required.
Membership	<p>Three Councillors, the Director Finance, Corporate and Commercial Services and the Economic Development Manager.</p> <p>A representative from the Kiama and District Business Chamber</p> <p>A representative from the Kiama Advisory Committee.</p> <p>Up to seven community representatives.</p> <p>Other Council officers as required.</p>
Term of Membership	<p>The Committee membership term will be for the length of current Council term.</p> <p>NB a specified term doesn't preclude an incumbent from serving consecutive terms.</p>
Meeting Quorum	Quorum of an absolute majority of members including at least one Councillor is required for meetings to proceed.
Meeting Administration	<p>Meetings are to be chaired by a Councillor or chairperson as elected by the Board and endorsed by Council.</p> <p>Member Councillors will:</p> <ul style="list-style-type: none"> • ensure that Council considers the input or feedback from the Kiama Economic Development Committee on relevant matters • inform Council about advice from the Kiama Economic Development Committee • ensure that all meetings are chaired by a Councillor, and that the Chair facilitates contributions by all participating members of the Kiama Economic Development Committee • report on progress, or any actions, made in relation to advice given by the Kiama Economic Development Committee to Council. <p>Council staff will:</p> <ul style="list-style-type: none"> • ensure that agendas are prepared and distributed to all members no less than four days in advance of upcoming meetings of the Kiama Economic Development Committee • provide minutes, pre-reading material with agendas no less than four days prior to meetings

Amended 3 August 2017

	<ul style="list-style-type: none"> • add agenda items submitted by members of the Kiama Economic Development Committee sent a week prior to meetings • provide feedback about progress made in relation to advice provided at earlier meetings of the Kiama Economic Development Committee • ensure a room is available for all meetings of the Kiama Economic Development Committee • provide information to the Committee members to assist them to fulfil their functions.
Communication with Council	<p>Recommendations of the Committee shall be referred to Council via the Minutes through the Director Finance, Corporate and Commercial Services.</p> <p>Council may refer information to The Committee for comment.</p>
Conflict of Interest	<p>Members of the Economic Development Committee are to declare any direct conflicts of interest with issues on the agenda at the commencement of the meeting or as soon as the relevant issue is raised.</p> <p>All conflicts of interest declared should be recorded in the Minutes, and if appropriate, the parties involved to leave the room while the particular matter is discussed.</p>
Selection of Members	<p>When positions become vacant the selection of new Committee members will be undertaken:</p> <ol style="list-style-type: none"> i. through a public invitation for Expression of Interest (Eoi) by applicants ii. by consideration of applications by Council iii. by Council approval of successful applicants. <p>The following factors will be taken into consideration when determining members:</p> <ol style="list-style-type: none"> i. the person's relevant experience and expertise ii. links with business and/or industry and/or community networks iii. willingness to work constructively with Council iv. that there is representation from across the full Kiama geographical area v. that the individuals can work together, for the good of the Committee, the Council and the Kiama Community.
Responsibility	<p>Committee members will:</p> <ol style="list-style-type: none"> i. act in an advisory role to Council staff ii. provide strategic guidance on implementation of economic development programs and initiatives iii. provide important links to the communities they represent in promoting and delivering economic development initiatives iv. participate in working parties as needed v. at all times comply with Councils Code of Conduct vi. at all times contribute in a positive and respectful manner vii. avoid disruption, contrary conduct or being wasteful of time and resources.

Amended 3 August 2017

<p>Termination of Membership</p>	<p>Non Councillor member positions may be declared vacant/terminated when a member:</p> <ul style="list-style-type: none"> i. completes their designated term and retires from the Board ii. completes their term and is not re appointed iii. resigns their membership, in writing, to the Chairperson iv. fails to attend more than 75% of scheduled meetings in a calendar year (year being September to September) unless granted special leave of absence by the Chairperson v. acts in a way that is contrary to their responsibility as outlined (above) <p>NOTE: Council on the recommendation of the Committee chairperson reserves the right to terminate appointments in instances where behaviour is considered excessively disruptive and contrary, is a breach of the Code of Conduct, is deemed inappropriate or is regarded as failing to provide productive and valued input.</p>
<p>Process for Termination</p>	<p>Where a (non-Councillor or staff) Committee member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the Chairperson will draw this to the attention of the relevant Committee member and reinforce the required level of conduct.</p> <p>The Chairperson will make a written record of this and provide to a relevant council officer for recording.</p> <p>The Committee member will be able to sight and sign the written record. Where there is re-occurrence of unsatisfactory behaviour the Committee member will be warned formally in writing by the Chairperson.</p> <p>Counselling (to be provided by the General Manager or Public Officer) will reinforce the standard of conduct expected as well as the implications of the behaviour on the Committee members and Council. In addition counselling will reinforce potential for termination from the Committee should the behaviour continue.</p> <p>A written record shall be kept of the formal warning and counselling. If the Committee member's behaviour does not improve after the formal warning and counselling, the Committee member may, on the recommendation of the Chairperson, be terminated by Council resolution.</p>
<p>Code of Conduct</p>	<p>At all times Councillors, employees and Council officials must comply with Council's Code of Conduct.</p>

Item 7.3

Attachment 1

Amended 3 August 2017

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 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 Planning Proposal - Pheasant Point Heritage Conservation Area

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.1 Maintain the separation and distinct nature of local towns, villages and agricultural land

Delivery Program: 2.1.2 Recognise and protect our heritage

Summary

The Planning Proposal for the establishment of a Heritage Conservation Area over 17 lots at Pheasant Point was endorsed for Gateway consideration by Council on 27 September 2016. The Department of Planning and Environment (DPE) granted Gateway Determination for this proposal on 15 December 2016. In accordance with the conditions of this determination, Council placed the Planning Proposal and supporting information on public exhibition from 22 May to 19 June 2017. Seventeen submissions in total were received, all in support of the Planning Proposal.

The lots affected are:

Lot	Deposited Plan	Street Address
1	714697	45 Pheasant Point Drive, KIAMA
4	1068484	4 Fitzroy Street, KIAMA
1	730662	6 Fitzroy Street, KIAMA
100	868429	10 Fitzroy Street, KIAMA
5	32006	12 Fitzroy Street, KIAMA
101	1000405	2 Devonshire Street, KIAMA
2	158257	4 Devonshire Street, KIAMA
A	163085	4 Devonshire Street, KIAMA
B	163085	6 Devonshire Street, KIAMA
C	163085	8 Devonshire Street, KIAMA
D	163085	10 Devonshire Street, KIAMA
1	1106758	12 Devonshire Street, KIAMA
1	112797	21 Minnamurra Street, KIAMA
18	1010648	19 Minnamurra Street, KIAMA
1	150976	17 Minnamurra Street, KIAMA
2	150976	15 Minnamurra Street, KIAMA
3	150976	13 Minnamurra Street, KIAMA

Finance

N/A

Policy

N/A

Attachments

- 1 Pheasant Point Planning Proposal as submitted for Gateway Determination [↓](#)

Report of the Director Environmental Services

9.1 Planning Proposal - Pheasant Point Heritage Conservation Area (cont)

- 2 Draft Heritage Conservation Area Map - Planning Proposal - Pheasant Point [↓](#)
- 3 OEH Response - Pheasant Point Heritage Conservation Area - Planning Proposal [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council exercise its delegation in relation to the amendment of Schedule 5 of the Kiama LEP 2011 to establish a Heritage Conservation Area over the subject 17 lots and amend map sheet HER_012 to cover the affected properties.

BACKGROUND

Council received a request from the local community to prepare site specific development guidelines to be inserted into the Kiama Development Control Plan 2012. Concerns were voiced regarding the potential for these guidelines to be varied and it was determined at the Council meeting that an amendment to the LEP to establish a Heritage Conservation Area would be a more appropriate way to preserve the character of the visually prominent area.

Figure 1 – Locality Plan



Following the resolution to proceed with the creation of a Heritage Conservation Area at the 27 September 2016 Council meeting, the PP was forwarded to the DPE for Gateway Determination. The Gateway was issued on 15 December 2016 and required the following:

- Community consultation to be carried out for a minimum period of 28 days;
- Consultation with the NSW Office of Environment & Heritage (OEH);

Report of the Director Environmental Services

9.1 Planning Proposal - Pheasant Point Heritage Conservation Area (cont)

- No public hearing was required.

A copy of the Gateway Determination and Planning Proposal are attached to this report.

A response was received from OEH on 25 January 2017 which requested further information regarding the heritage significance of the individual dwellings in the area. The additional information was furnished to OEH on 1 March 2017 and their subsequent endorsement of the PP was received on 19 April 2017.

A total of 17 submissions was received from members of the public and the chair of the Illawarra branch of the National Trust of Australia during the public exhibition period, all in favour of the proposal. The reasons for supporting the PP as outlined in the submissions are:

- Helps preserve a historically significant area from unsympathetic development;
- Positive impact on tourism to Kiama;
- Preserve the unique character of the area;
- Not overly onerous on affected landowners;
- Provides and maintains link to Kiama's quarrying history;
- Maintains balance between old and new development;
- Close relationship with the Kiama Walking Trail;
- Includes residences that are significant to the architectural and social history of Kiama.

Project Timeline

	Timeframe	Possible dates assuming Gateway determination by end January 2017	Responsibility
Anticipated commencement date (dependant on Gateway determination)	Mid-January 2017	Mid-January 2017	DoPE
Preparation of any outstanding studies (if required)	Not anticipated	N/A	N/A
Consult with State/Commonwealth agencies	21 days from issue of Gateway	January 2017	Agencies
Exhibition of PP and technical Studies (assuming no requirements to return	2 weeks from following completion of consultation	May-June 2017	Council

Report of the Director Environmental Services

9.1 Planning Proposal - Pheasant Point Heritage Conservation Area (cont)

	Timeframe	Possible dates assuming Gateway determination by end January 2017	Responsibility
to Gateway post additional studies)	period		
Date of Public Hearing (if applicable)	Not anticipated	N/A	Council
Review of Submissions and Preparation of report to Council	4 weeks	July 2017	Council
Report to Council following exhibition	First available round after completion of review of submissions (allow 8 weeks)	August 2017 Council meeting	Council
Final Maps and Planning proposal documents prepared	2 weeks from Council meeting	September 2017	Council
Submission to DoPE for finalisation of LEP	2 weeks from Council meeting	September 2017	Council
Anticipated date Council will forward final Planning Proposal to DoPE for notification	3 months from Department finalisation notification	October 2017	Council
Anticipated date LEP will be notified.	Unknown	October 2017	Parliamentary Counsel and DoPE

Item 9.1



November 2016

Planning Proposal to Amend LEP 2011

Item 9.1

Attachment 1



With respect to:
Proposed Pheasant
Point Heritage
Conservation Area
Kiama NSW 2533

Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

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Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

Name of Planning Proposal: Planning Proposal to amend LEP 2011 with respect to: Proposed Pheasant Point Heritage Conservation Area, Kiama, NSW 2533.

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Part 1 – Statement of objectives or intended outcomes

The objective of this Planning Proposal is to amend the Kiama Local Environmental Plan 2011 in order to expand the Minnamurra Street Precinct and create a Heritage Conservation Area over the following properties:

Lot	Deposited Plan	Street Address
1	714697	45 Pheasant Point Drive, KIAMA
4	1068484	4 Fitzroy Street, KIAMA
1	730662	6 Fitzroy Street, KIAMA
100	868429	10 Fitzroy Street, KIAMA
5	32006	12 Fitzroy Street, KIAMA
101	1000405	2 Devonshire Street, KIAMA
2	158257	4 Devonshire Street, KIAMA
A	163085	4 Devonshire Street, KIAMA
B	163085	6 Devonshire Street, KIAMA
C	163085	8 Devonshire Street, KIAMA
D	163085	10 Devonshire Street, KIAMA
1	1106758	12 Devonshire Street, KIAMA
1	112797	21 Minnamurra Street, KIAMA
18	1010648	19 Minnamurra Street, KIAMA
1	150976	17 Minnamurra Street, KIAMA
2	150976	15 Minnamurra Street, KIAMA
3	150976	13 Minnamurra Street, KIAMA

Attachment 1

Establishing a Heritage Conservation Area will assist in conserving this area of significant environmental heritage and protect the unique character of the built form and streetscape from unsympathetic development.

Background

The following is an extract from the Statement of Significance prepared by Mills Archaeological and Heritage Services dated October 2016:

Houses at No 10 and 12 Fitzroy Street have a direct association with the early settlement of Kiama. From the early photographs it appears that these houses were constructed in the mid 19th century by William Gard on his 1844 Crown Lease.

The quarry workers' cottages located within this unique precinct were built in the late 19th century on the William Gard Estate. This group of heritage cottages represents an important historic period in Kiama history from 1876-1891 referred to as the "Basit Boom".

Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

Basalt quarrying techniques demanded a large workforce and as a reflection of this need the growing population of Kiama increased by 50% to 1161 during this period. To accommodate the growing population, additional housing was constructed. Although many cottages were built in the Manning and Bong Bong Street areas, the Pheasant Point group of houses (i.e. the proposed Heritage Precinct) is the only intact streetscape in Kiama where to date there has been no demolition or inappropriate in fill.

By the end of the Basalt boom in the early 1890s, the character of Kiama was established as largely a town of weatherboard and iron-roofed houses. The National Trust Historical Buildings Committee Workshop held at Kiama from 19th to 20th September 1988 stated that in the assessment: "Kiama and Jamberoo have retained a greater proportion of their older buildings than most towns have. A particular characteristic of which remains is that much of it consists of quite simple and unassuming buildings". The proposed heritage Precinct contains a unique collection of such unassuming buildings within their original streetscape.

Physical Description of the Devonshire and Fitzroy Street Cottages and Streetscape

Devonshire Street

Both Devonshire and Fitzroy Street are narrow "lanes" with houses only on the northern side of the street, an unusual characteristic feature of this early subdivision. All six miners' cottages, which occupy the entire length of Devonshire Street, were built to the same specifications and all remain fundamentally unaltered since their construction. Nos 2 and 8 have had roof modifications which are reversible as recent work at No 6 Fitzroy Street shows. Cottages are single storey, weatherboard structures with high-pitched roofs over the main section of the cottage and a skillion at the rear. All cottages have blue stone foundation and central front steps. The uniformity of the position of the cottages on the blocks and their rooflines are distinctive and significant aesthetic features. Although there have been some modifications to the cottages such as unsympathetic cladding and enclosure of the front verandas etc, the distinctive features of these simple 19th century quarry workers' cottages have been retained.

Fitzroy Street

There are two quarry workers' cottages (No 4, No 6). Both have been recently renovated with the owners of No 6 replacing the flat roof with a pitched roof. Both rest on their original bluestone foundations. Pictorial evidence suggests that No10 is the original home of William Gard and No12, now an elegant two storey house is an amalgam of William Gard buildings which were later adapted for use by foremen from the bluestone quarry. Written records indicate that the Figtree Inn was located in the grounds of No 12 and it is possible that archaeological remains of this structure and a well are present within its boundaries.

The houses in Devonshire and Fitzroy Streets overlook Kiama Harbour and Hindmarsh Park and prior to the construction of the Blue Diamond Hotel were visible

Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

from both the harbour and Terralong Street. The proportions of the street and its associated houses are a unique feature in the Kiama historical record.

Further information is contained in the Statement of Significance which is included in Appendix 3. This includes inventory sheets from the existing heritage items in the Minnamurra Street precinct.

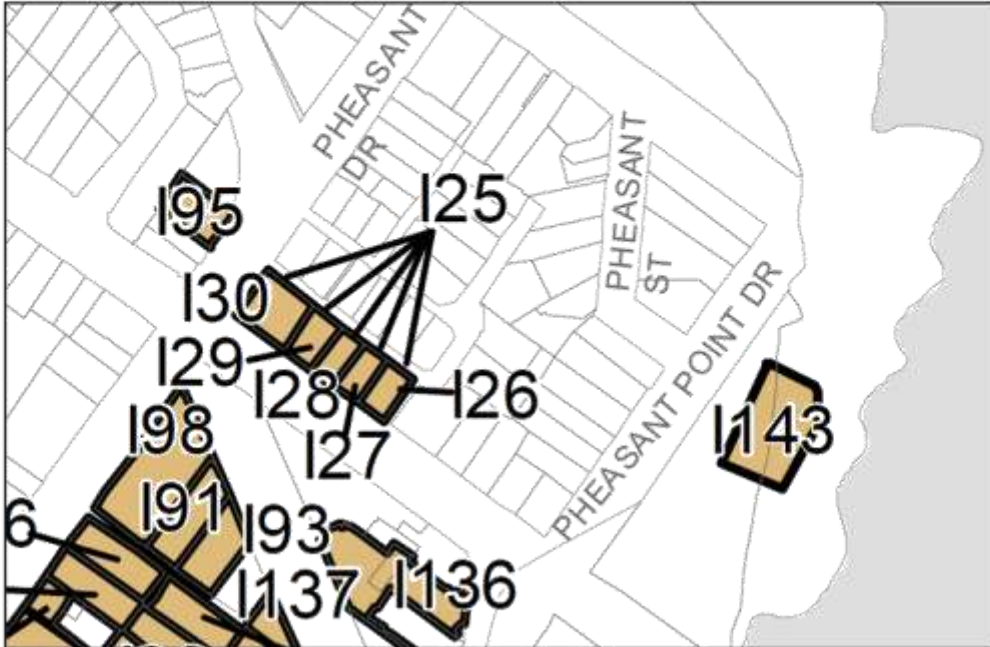
Part 2 – Explanation of provisions

The provisions will apply to the properties identified in the table in Part 1 of this report. The site is located on a visually significant area in the north of the town of Kiama and the subject site is currently zoned R2 Low Density Residential under Kiama LEP 2011.

The following excerpt maps from Kiama LEP 2011 and context plan illustrate the subject area and location in relation to the Kiama Township:

Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

Figure 1 - Inset of existing Kiama LEP 2011 Heritage Map Sheet HER_12



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Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

Figure 2 - Location Plan of the Subject Site.



Figure 3 - Aerial Photo of Subject Area



Planning Proposal to amend LEP 2011 with respect to:
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The proposal will amend Kiama LEP 2011 in the following manner:

- A 'Part 3' will be added to Schedule 5 of the KLEP 2011 consistent with the proposed wording below:

Part 3 Heritage Conservation Areas

Description	Identification on Heritage Map	Significance
Pheasant Point Heritage Conservation Area	Shown by red hatching and labelled "INSERT LABEL"	Local

- Part 4 of this Planning Proposal illustrates the proposed map amendments to Kiama LEP 2011.

There are no development standards or zoning amendments proposed as part of this PP.

Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

Figure 4 - Zoomed-in map of proposed mapping for the HCA.



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Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

Part 3 – Justification

Q1: Is the planning proposal a result of strategic study or report?

No. The Planning Proposal is not a result of a Council Strategic Study or Report. The PP has been prepared in response to residents' concerns regarding the need to protect heritage values of the Pheasant Point area.

A report was prepared by a heritage consultant on behalf of the local residents as part of the Statement of Significance used to list the area with the National Trust. An updated Statement of Heritage Significance is included in Appendix 3.

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Option A was endorsed by Council as its preferred method of conserving this area of significant environmental heritage and to protect the unique character of the built form and streetscape from unsympathetic development,

Option A

Listing the area as a Heritage Conservation Area under Schedule 5 of the Kiama Local Environmental Plan 2011.

Comment

This option is considered to most appropriate way to preserve the existing character of the area and to protect it from unsympathetic development.

Option B

Inclusion of site-specific Development Guidelines in the DCP.

Comment

This option was considered by Council, however it was decided that the existing Chapter 30 of the DCP provided adequate protections and that the inclusion in the LEP would provide greater protection for the conservation of the area.

Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

Action 3.4.1 of the Illawarra-Shoalhaven Regional Plan (ISRP) aims at conserving heritage sites when preparing local planning controls. The NSW Government will require that

Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

Council's conserve heritage assets when undertaking local strategic planning and development.

It is considered that the preservation of Pheasant Point via a Heritage Conservation Area in the Kiama LEP 2011 is consistent with the intent of the ISRP.

Q4: Is the Planning Proposal consistent with a council's local strategy or other local strategic document?

Councils' Kiama Urban Strategy (KUS), which was adopted in September 2011, does not specifically address heritage matters and it is noted that the establishment of a HCA will likely restrict the type and scale of future development in the area. The subject area is not slated for any future increase in residential density and therefore it is not considered that establishing a HCA is contrary to the objectives of the KUS as there are more appropriate sites within the Kiama township for infill development.

Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning policy is consistent with applicable State Environmental Planning Policies, in particular:

No.	State Environmental Planning Policy	Statement of Compliance
1	Development Standards	Does not apply under KLEP 2011
14	Coastal Wetlands	N/A
15	Rural Landsharing Communities	N/A
19	Bushland in Urban Areas	Does not apply to Kiama LGA
21	Caravan Parks	Not relevant to this proposal.
26	Littoral Rainforests	No littoral rainforests are identified in the vicinity of the subject area.
29	Western Sydney Recreation Area	Does not apply to Kiama LGA
30	Intensive Agriculture	N/A
36	Manufactured Home Estates	The SEPP applies to the subject land, however it is not relevant to this Planning Proposal.
39	Spit island Bird Habitat	Does not apply to Kiama LGA
44	Koala Habitat Protection	Does not apply to Kiama LGA
47	Moore Park Showground	Does not apply to Kiama LGA
50	Canal Estates	Not relevant to this planning proposal.

Planning Proposal to amend LEP 2011 with respect to:
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No.	State Environmental Planning Policy	Statement of Compliance
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Does not apply to Kiama LGA
55	Remediation of Land	<p>The SEPP is to be considered when assessing rezoning and Development Applications. Heritage mapping is not a listed matter for consideration under the SEPP.</p> <p>None of the properties within the subject area are on Council's contamination register, nor is there any evidence of potentially contaminating land uses on any of the subject properties.</p>
59	Central Western Sydney Economic and Employment Area	Does not apply to Kiama LGA
62	Sustainable Agriculture	N/A
64	Advertising and Signage	Not relevant to the PP
65	Design Quality of Residential Flat Development	Applies, however Residential Flat Buildings are not permissible within the R2 Low Density Residential Zone.
70	Affordable Housing (Revised Schemes)	Does not apply to Kiama LGA
71	Coastal Protection	<p>The land is located within the coastal zone, but not in a sensitive coastal location.</p> <p>The establishment of a HCA over Pheasant Point is consistent with the matters for consideration listed under clause 8, specifically (d) relating to the suitability of development in regards to the surrounding area and (n) relating to the conservation and preservation of heritage items.</p>
	SEPP (Affordable Rental Housing) 2009	The site does not contain any known affordable rental housing development, including secondary dwellings which are a permissible use in the zone.
	SEPP (Building Sustainability Index: Basix) 2004	Applies. It is possible that future development will be subject to the provisions of the SEPP, however this will be assessed at DA stage for such proposals.
	SEPP (Exempt and Complying Development Codes) 2008	Applies. The listing of the area as a HCA will remove the ability of property owners of sites not already listed to undertake many forms of Exempt or Complying Development.
	SEPP (Housing for Seniors of People with a Disability) 2004	Seniors living is permitted under this SEPP, however it is not relevant to this proposal.
	SEPP (Infrastructure) 2007	The SEPP applies to the Kiama LGA, however there is not anticipated to be any impact on any infrastructure as a result of

Planning Proposal to amend LEP 2011 with respect to:
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No.	State Environmental Planning Policy	Statement of Compliance
		this PP.
	SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Does not apply to Kiama LGA
	SEPP Kurnell Peninsula 1989	Does not apply to Kiama LGA
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applies, however not relevant to this proposal.
	SEPP (Miscellaneous Consent Provisions) 2007	Partly applies. The proposal is not anticipated to have any effect on the erection of temporary structures under the SEPP.
	SEPP (Penrith Lakes Scheme) 1989	Does not apply to Kiama LGA
	SEPP (Rural Lands) 2008	The SEPP applies to the LGA, however the subject area is not within or adjacent to a rural zone and therefore the SEPP is not applicable to this PP.
	SEPP (State and Regional Development) 2011	Applies, however not relevant to this PP.
	SEPP (State Significant Precincts) 2005	Applies, however not relevant to this PP.
	SEPP (Sydney Drinking Water Catchment) 2011	The site is not within the mapped catchment area.
	SEPP (Sydney Region Growth Centres) 2006	Does not apply to Kiama LGA
	SEPP (Three Ports) 2013	Does not apply to Kiama LGA
	SEPP (Urban Renewal) 2010	Applies, however not relevant to this PP.
	SEPP (Western Sydney Employment Area) 2009	Does not apply to Kiama LGA
	SEPP (Western Sydney Parklands) 2009	Does not apply to Kiama LGA

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Q6: Is the planning proposal consistent with applicable Ministerial Directions (s 117 directions)?

A Section 117 Ministerial Directions Compliance Checklist has been compiled by Kiama Municipal Council and is included in Appendix 1.

Q7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Not applicable to this PP as the area is already developed and there are no areas of potential habitat for threatened native flora or fauna.

Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

Q8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No technical studies are considered required.

Q9: Has the planning proposal adequately addressed any social and economic effects?

The proposed Heritage Conservation Area will ensure that new development is sympathetic to the character of Pheasant Point. This ensures that the significance of the area is protected and retained for current and future generations.

It is noted that the establishment of the HCA may place some additional restrictions and development costs on the area, however property owners will be notified during the community consultation part of the PP process. Future property owners would also be made aware of the HCA over the area as it will be noted on Section 149 Certificates.

Overall it is considered that the proposed HCA will provide a net community benefit.

Q10: Is there adequate public infrastructure for the planning proposal?

The area is already developed and the establishment of a HCA will not have any impact on provision and maintenance of public infrastructure.

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Pre-Gateway consultation

Discussions between Council and the residents of Pheasant Point began in late 2012-early 2013 to begin the process of recognising the heritage significance of the area and preserving it for future generations.

The area was nominated for recognition by the National Trust Illawarra following the preparation of a report of heritage significance which was prepared by a heritage consultant, in accordance with the guidelines contained in the *Illustrated Burra Charter : Good Practice for Heritage Places*, on behalf of the local residents and submitted to the Trust for consideration.

Council considered a report for information to create a heritage precinct at its meeting on 28 February 2013, at which time Council resolved to have a report prepared for further consideration of the issue once the finding of the National Trusts' investigation are known.

Council was notified 29 August 2013 that the area was listed by the Trust as, in the Trust's opinion, its buildings, sites areas and items fall within the following definition:

Planning Proposal to amend LEP 2011 with respect to:
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"Those places which are components of the natural or the cultural environment of Australia, that have aesthetic, historical, architectural, archaeological, scientific, or social significance or other special value for future generations, as well as the present community".

The letter from the Trust is included in this Gateway application.

At its Ordinary meeting in 17 December 2013, Council resolved to prepare development guidelines for the area to be included in Council's Development Control Plan. Following extensive consultation between the residents, Council and Council's Heritage Advisor, draft guidelines were prepared by Council's Heritage Advisor and attached to the report to Council on 20 September 2016 which recommended they be adopted subject to consultation with the local community and working party. The draft guidelines were not endorsed at this meeting and instead Council opted to utilise the existing provisions in Chapter 30 - Heritage of the Kiama DCP and prepare a Planning Proposal for the creation of a HCA to be submitted for Gateway Determination (see attached minutes from Council meeting 27 September 2016).

Post Gateway consultation

It is proposed that the following State authorities would be consulted following Gateway determination.

- NSW Office of Environment and Heritage

Council requests that the Gateway nominates any other State or Commonwealth authorities required for consultation. All identified authorities/stakeholders will be notified during the exhibition period.

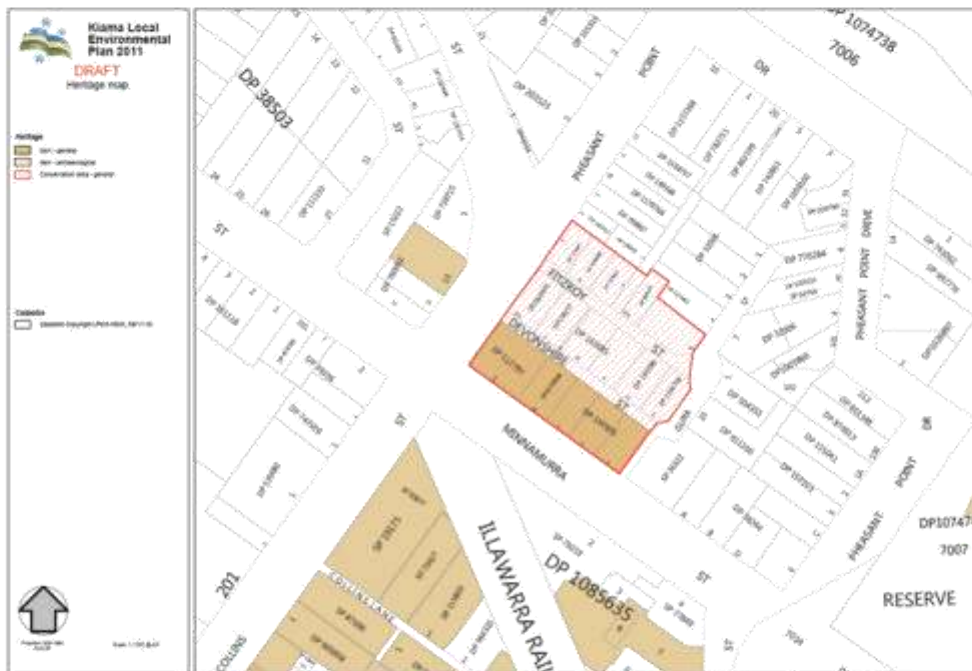
Planning Proposal to amend LEP 2011 with respect to:
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Part 4 – Mapping

The proposed map amendments to Kiama LEP 2011:

Heritage Map

1. Amend the Heritage Map - Sheet HER_12 applying to the subject area as per the PDF map attached to this document:



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Planning Proposal to amend LEP 2011 with respect to:
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Part 5 – Community Consultation

Council requests that the planning proposal be exhibited for a period of 14 days, as it's considered a "low-impact proposal" under clause 5.5.2 of 'A Guide to Preparing Local Environmental Plans', and include:

- Advertisement in Local Newspaper,
- Hard copies made available at the Council Administration Building and relevant libraries,
- Electronic copy on Council's website,
- Notification letters to affected property owners,
- Notification letters to relevant State agencies and other authorities/agencies nominated by the Department of Planning and Environment.

Part 6 – Timeframe

The timeframe for the Planning Proposal is that, from date of Gateway determination to date of submission to DoPI, to finalise the LEP is a period of 12 months.

	Timeframe	Possible dates assuming Gateway determination by end January 2017	Responsibility
Anticipated commencement date (dependant on Gateway determination)	Mid-January 2017	Mid-January 2017	DoPE
Preparation of any outstanding studies (if required)	Not anticipated	N/A	N/A
Consult with State/Commonwealth agencies	21 days from issue of Gateway	Mid-February 2017	Agencies
Exhibition of PP and technical Studies (assuming no requirements to return to Gateway post additional studies)	2 weeks from following completion of consultation period	Mid-March 2017	Council
Date of Public Hearing (if applicable)	Not anticipated	N/A	Council

Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

	Timeframe	Possible dates assuming Gateway determination by end January 2017	Responsibility
Review of Submissions and Preparation of report to Council	4 weeks	Late March 2017	Council
Report to Council following exhibition	First available round after completion of review of submissions (allow 8 weeks)	April 2017 Council meeting	Council
Final Maps and Planning proposal documents prepared	2 weeks from Council meeting	Early May 2017	Council
Submission to DoPE for finalisation of LEP	2 weeks from Council meeting	Early May 2017	Council
Anticipated date Council will forward final Planning Proposal to DoPE for notification	3 months from Department finalisation notification	Early May 2017	Council
Anticipated date LEP will be notified.	Unknown	June 2017	Parliamentary Counsel and DoPE

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Planning Proposal to amend LEP 2011 with respect to:
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Appendix 1
Section 117 Ministerial Directions – Compliance Checklist prepared by Kiama Municipal Council

Ministerial Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	The subject area is not within a rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	The subject area is not within a rural zone.
2. Environment and Heritage	
2.1 Environment Protection Zones	The subject area is not located within or adjacent to an Environmental Protection Zone.
2.2 Coastal Protection	The subject area is within the coastal zone, however the objectives of the NSW Coastal Policy, specifically Objective 3.1 'To identify and protect areas of high natural or built aesthetic quality' and Objective 4.1 'To effectively manage and conserve cultural heritage places, items and landscapes'.
2.3 Heritage Conservation	The PP is considered consistent with this Direction as it aims to facilitate the conservation of an area of historical and architectural significance.
2.4 Recreation Vehicle Areas	N/A
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The PP is considered consistent with this Direction as it will not reduce residential density as the area is already fully developed, will not reduce the provision of and availability of services and infrastructure, and will ensure that design of future development in the area is consistent with the existing character of Pheasant Point.
3.2 Caravan Parks and Manufactured	N/A

Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

Ministerial Direction	Comment
Home Estates	
3.3 Home Occupations	Home occupations are already permissible with consent in residential zones in the Kiama LEP 2011 and the establishment of a HCA over the subject area will not alter this.
3.4 Integrating Land Use and Transport	N/A
3.5 Development Near Licensed Aerodromes	N/A
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not mapped as within an area affected by Acid Sulfate Soils
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	The site is not mapped as flood prone and there are no overland flow paths identified within the subject area.
4.4 Planning for Bushfire Protection	Not mapped as being bush fire prone.
5. Regional Planning	
5.1 Implementation of Regional Strategies	This Direction no longer applies to the Kiama LGA.
5.2 Sydney Drinking Water Catchments	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A
5.9 North West Rail Link Corridor Strategy	N/A
5.10 Implementation of Regional Plans	The PP is deemed consistent with the provisions of the Illawarra-Shoalhaven Regional Plan, specifically Action 3.4.1 which aims at conserving heritage sites when preparing local planning controls.
6. Local Plan Making	

Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

Ministerial Direction	Comment
6.1 Approval and Referral Requirements	The establishment of the HCA will not result in increased referrals to the Minister or public authorities.
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions	The PP will not change the zoning of the area and will not impose any Development Standards.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A

Planning Proposal to amend LEP 2011 with respect to:
Proposed Pheasant Point Heritage Conservation Area

Appendix 2
Minutes from Council Meeting - 27 September 2016

9.2 Pheasant Point Draft Development Guidelines and Potential for Listing in LEP 2011 as a Heritage Conservation Area

16/327

Committee recommendation that Council defer this matter to allow for more comprehensive community engagement and to allow the process to move through and have the heritage conservation area become part of the Kiama Local Environmental Plan.

(Councillors Reilly and Sloan)

For: Councillors Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff

Against: Nil

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Planning Proposal to amend LEP 2011 with respect to:
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Appendix 3
Statement of Heritage Significance for Proposed Pheasant Point Heritage Conservation Area prepared by Mills Archaeological and Heritage Services

Item 9.1

Attachment 1



Kiama Local Environmental Plan 2011
DRAFT
 Heritage map

Heritage

- Item - heritage
- Item - archaeological
- Conservation area - general

Outcrops

- Outcrops (as per LEP 2011, 2011/15)

Scale: 1:10000
 Date: 11/08/11

Item 9.1

Attachment 2



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File No: SF17/1659
Ref No: DOC17/170652

Mr Mark Lyndon
Manager Strategic Planning
Kiama Municipal Council
PO Box 75
KIAMA NSW 2533

Dear Mr Lyndon

Proposed Pheasant Point Heritage Conservation Area – Kiama LEP 2011

I refer to the above Planning Proposal to create a Heritage Conservation Area over 17 properties at Pheasant Point, Kiama.

Thank you for the submission of the following additional information in response to the Heritage Division's letter of 25 January 2017:

- email of 1 March 2017; and
- attached document titled *"Data supporting the assessment of the heritage contribution made by individual properties within the Pheasant Point Heritage Conservation Area to the Heritage Significance of the HCA."*

The Heritage Division has reviewed the additional information which includes an assessment table that identifies the heritage significance of each property and their respective contribution to the proposed heritage conservation area. The table highlights that the properties to be listed are part of the original 19th century Gard Estate with original buildings and cottages. Many of these buildings have been altered (with minor changes that are reversible) and some buildings have had major alterations or are reconstructed.

Whilst the additional information does not fully address the Heritage Division's suggestion to prepare a detailed heritage assessment, no objection is raised to the proposed listing of the Heritage Conservation Area in the LEP, provided that Kiama Council is satisfied that the precinct is of local heritage significance.

The Heritage Division also notes that Kiama Council will correct the anomalies relating to LEP mapping and numbering as part of this Planning Proposal.

If you have any questions please contact Lily Chu, Heritage Officer, at the Heritage Division on 9873 8595 or at lily.chu@environment.nsw.gov.au.

Yours sincerely

Dr Siobhan Lavelle OAM
A/Manager, Conservation
Heritage Division, Office of Environment & Heritage
As Delegate of the NSW Heritage Council
19 April 2017

Helping the community conserve our heritage

9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.3 The principles of sustainable development and compliance underpin town planning and local development

Delivery Program: 2.3.1 Conduct development and building assessment/approval functions in accordance with statutory requirements, policies and procedures

Summary

This report reviews the DA 10.2017.116.1 which seeks demolition of existing building at 44 Manning Street, Kiama and construction of a 3 storey mixed use development consisting of ground floor commercial/retail space and 16 shop top dwellings and associated parking. The report recommends that Council refuse DA 10.2017.116.1.

Finance

N/A

Policy

N/A

Attachments

1 10.2017.116.1 - amended plans [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council refuse Development Application number 10.2017.116.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, for the following reasons:

- 1 The proposal is not consistent with the objectives of the B2 Local Centre Zone;
- 2 The proposal is not consistent with the relevant objectives and design criteria of the Apartment Design Guide, specifically:
 - a. Visual Privacy;
 - b. Bicycle and Car Parking;
 - c. Solar & Daylight Access;
 - d. Heights;
 - e. Private open space;
 - f. Acoustic Privacy;

Report of the Director Environmental Services

- 9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)
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- g. Apartment Mix;
 - h. Landscape Design;
 - i. Planting on Structures;
 - j. Energy Efficiency; and
 - k. Building Maintenance.
- 3 The proposal does not comply with the requirements of Chapter 5 – Medium Density Development of the Kiama Development Control Plan 2012, specifically:
- a) Lot Width;
 - b) Adaptable Housing;
 - c) Setbacks;
 - d) Sound Transmission Class rating;
 - e) Deep Soil Zone Landscaping; and
 - f) Drying Facilities;
- 4 The proposal has not provided sufficient car parking spaces;
- 5 The proposed car parking areas do not meet relevant engineering standards; and
- 6 Upgrading of the right-of-way is required as part of proposal and consent of owner of LOT: C DP: 380582 has not been received.

Addendum

The subject development application (DA) was lodged 4 May 2017. Council requested further information from the applicant on 20 June 2017 as the submitted plans represented several areas of non-compliance. The following areas of non-compliance were identified in Council's June correspondence:

- 1. Height of Building;
- 2. Heritage Concerns;
- 3. Energy Efficiency;
- 4. Design Quality of Residential Apartment Development;
- 5. Demolition Requirements;
- 6. Kiama Development Control Plan 2012 – Chapter 5;
- 7. Access and Car Parking;
- 8. Waste Requirements;
- 9. Subdivision Plans;

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10. Previous Approval;

11. Public Submissions.

On the 11 July 2017 the applicant submitted additional information and amended plans to address the concerns raised in Council's June correspondence. As this DA had already been included in the July 2017 Business Paper staff were unable to review the submitted additional information and amended plans.

At its meeting on the 18 July 2017 Council resolved to defer consideration of DA 10.2017.116.1 for one month to allow staff more time to consider new information. An assessment of the submitted additional information and amended plans has been carried out and staff are of the opinion that refusal of the DA is still warranted as the proposal still represents numerous non-compliances with the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, Apartment Design Guide, Kiama LEP 2011 and the Kiama DCP.

An assessment of the submitted additional information and amended plans against the areas of non-compliance raised in Council's June correspondence has been carried out below.

1. Height of Building

In Council's June correspondence it was outlined that staff did not agree that the proposed clerestory windows are architectural roof features as they are not decorative elements and as such result in a breach of the prescribed 11 metre maximum building height. It was suggested that the applicant may wish to seek a variation to the prescribed 11 metre maximum building height in accordance with the provisions of Clause 4.6 of the LEP. The applicant has submitted a variation request that adequately outlines why 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 the contravention of the development standard. It should be noted that in order to comply with the minimum floor to ceiling height required by the Apartment Design Guide the overall height of the building has been increased. The proposed development now exceeds the 11 metres building height by 1 metre on its norther eastern corner and 0.6 metres on its north-western corner. As shown in Figure 1, the clerestory windows themselves do not contribute to the overall bulk and perceived height of the development and will not result in overshadowing of neighbouring properties or the public domain. In this regard staff are of the opinion that this variation request 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. This matter has now been adequately resolved.

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9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)

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Figure 1: Manning Street Elevation Showing Height Breach

2. Heritage Concerns

In Council’s June correspondence it was outlined that Council’s Heritage Advisor had suggested that the overall monolithic massing of the building, particularly at the Manning Street end needed to be further articulated through the use of dissimilar materials and colours sympathetic with the streetscape, or other acceptable forms of articulation. It was suggested that a palette of traditional materials and colours typical to this section of Manning Street such as timber, stone, brick and render should be integrated into the elevations of the design.

The applicant has amended their plans by introducing sandstone and timber cladding to the facades (see Figure 1). It is considered that this is an improvement to the previous design in regard to the heritage context of the area with the exception that it would be more appropriate to use basalt in lieu of sandstone.

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1 WEST AERIAL

Figure 2: Aerial View from Manning Street

It is considered that this matter has now been adequately resolved.

3. Energy Efficiency

In Council's June correspondence it was requested that a Section – J Report be provided which illustrates that the proposed development complies with the relevant provisions of Section J of Volume One of the National Construction Code Series. The applicant has provided a Section J Report, prepared by Grodwell Consulting, which outlines that the commercial part of the mixed use building complies with the relevant sections of Section J of Volume One of the National Construction Code Series. This matter has now been adequately resolved.

4. Design Quality of Residential Apartment Development

In Council's June correspondence it was noted that a SEPP 65 Verification Statement had been submitted that referred to outdated Design Quality Principles and not the principles set out in Schedule 1 of the SEPP No 65. Staff requested that the submitted SEPP 65 Verification Statement should be updated to reflect the current Design Quality Principles. The applicant has submitted an amended SEPP 65 Verification Statement which now refers to the current Design Quality Principles.

However, it is considered that in its current form it is considered that the design quality of proposed development still does not reflect the Design Quality Principles set out in Schedule 1 of the SEPP No 65.

- **Principle 1: Context and neighbourhood character**
 - The loss of commercial space/tenancies is not considered to be a response to the CBD context of the area. It is considered that the proposal will have a negative impact on the local economy.
- **Principle 2: Built form and scale**

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- It is considered that as the proposed building does not satisfy the prescribed building separation distances it does not represent good design.
 - **Principle 4: Sustainability**
 - Insufficient detail has been provided to determine the sustainability of the design in regards to sunlight for the amenity and liveability of residents (see below).
 - **Principle 6: Amenity**
 - The submitted Shadow and Solar Access Diagrams still do not represent compliance with the relevant Design Criteria. The proposal does not provide adequate outdoor space. In this regard it is considered that the proposal will not result in good amenity.
 - **Principle 8: Housing diversity and social interaction**
 - From the submitted plans it is clear that no variety of apartment types has been provided.

Clause 30(2) of this Policy outlines that Council must not grant consent to a development that does not demonstrate that adequate regard has been given to the objectives specified in the ADG for the relevant design criteria. It is noted that Annexure A of the submitted Statement of Environmental Effects (SEE) provides a compliance table against the relevant design criteria of the ADG. However, no consideration of the objectives specified in the ADG has been made by the submitted SEE.

In its current form the proposed development does not satisfy the following objectives of the ADG:

1) **3F - Visual Privacy**

The submitted additional information and amended plans do not provide any commentary on this non-compliance.

2) **3J - Bicycle and car parking**

Bicycle storage facilities have now been shown on the amended plans.

Objective 3J-5 of the ADG outlines that on-grade car parking should be avoided. The submitted additional information and amended plans makes no reference to this objective.

3) **4A - Solar & Daylight Access**

The applicant has submitted solar access diagrams for 13 of the 16 proposed units. The applicant has outlined that the living rooms and private open spaces of Units 1.04 and 1.08 will not receive any direct sunlight between 9 am and 3pm at mid-winter. The applicant has outlined that the living room and private open space of Unit 1.06 will only receive one (1) hour of direct sunlight between 9 am and 3pm at mid-

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- 9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)
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winter. Staff are unable to confirm this as no solar access diagrams for Units 1.04, 1.06 and 1.08 have been submitted.

It is noted that the submitted shadow diagrams only show the shadow cast between 10am and 2pm on mid-winter rather than between 9am and 3pm. From the submitted shadow diagrams, it would appear that the proposed 'eastern tower' will overshadow the living rooms and private open spaces of Units 1.05 and 1.06. This overshadowing has not been shown on the submitted solar access diagrams. It also appears that the submitted solar access diagrams have not taken into consideration the shadows cast by the existing building at 38 Manning Street. The submitted shadow diagrams suggest that the existing building at 38 Manning Street will overshadow the living room and private open space of Unit 1.03. In this regard it is considered that the adequate solar and daylight access has still not been provided to the proposed development and as such is still not consistent with 4A of the ADG.

4) 4B - Natural Ventilation

The amended plans show the size of the adjustable openings (i.e. windows & sliding doors). Adequate natural ventilation has been proposed. The proposal is now consistent with 4B of the ADG.

5) 4C - Ceiling Heights

As mentioned previously the ceiling height of the first floor has been increased to 3.3m in order to provide for flexibility for future uses. The proposal is now consistent with 4C of the ADG.

6) 4E - Private Open Space

The Additional Information Submission, prepared by Planning Ingenuity, outlines that the three bedroom units with balconies within the side setbacks have primary open space areas of 9m² and 2m metres wide and that these units have a secondary balcony, accessed via the third bedroom, which complement the total area of private open space (POS). However, the amended plans show that only proposed Units 1.05 and 1.06 will be provided with the required primary balcony that is at least 12m² and has a minimum width of 2.4 metres.

The Additional Information Submission, prepared by Planning Ingenuity, seems to rely upon the availability of public open space in the immediate vicinity as a means of meeting the performance requirements of 4E of the ADG. As the objectives of 4E of the ADG is to provide appropriately sized 'private' open space it is considered that the availability of 'public' open space does not satisfy the requirements of 4E of the ADG.

The ADG outlines that primary open spaces are to be located adjacent to living rooms, dining rooms or kitchen. In light of this the proposed secondary balconies do not assist in providing both appropriately located and sized primary POS. In this regard it is considered that the adequate private open space has still not been provided to the proposed development and as such is still not consistent with 4E of the ADG.

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- 9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)
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7) 4G - Storage

The applicant has provided amended plans which show that storage has now been provided within each apartment in addition to the proposed storage ‘cages’ in the ground floor car parking area. The proposal is now consistent with 4G of the ADG.

8) 4H - Acoustic Privacy

The submitted additional information and amended plans do not provide any commentary on this non-compliance.

9) 4K - Apartment Mix

The Additional Information Submission, prepared by Planning Ingenuity, outlines that there is a clear local market demand for three (3) bedroom units and that three (3) bedroom units offer the greatest flexibility for future use. No evidence has been provided to substantiate this claim. Whilst the proposed apartment mix has taken into account the current market demands it has not considered the demand for social and affordable housing or different cultural and socioeconomic groups. In this regard it is considered that the proposal still does not provide for a range of apartment types and sizes and as such is still not consistent with 4K of the ADG.

10) 4M - Facades

The applicant has amended their plans by introducing sandstone and timber cladding to the facades. It is considered that this is an improvement to the previous design as it provides visual interest along the street while respecting the character of the local area. The proposal is now consistent with 4M of the ADG, however, the use of basalt rather than sandstone would more appropriately represent the locally traditional materials.

11) 4O - Landscape Design

The submitted additional information and amended plans do not provide any commentary on this non-compliance.

12) 4P - Planting on Structure

The submitted additional information and amended plans do not provide any commentary on this non-compliance.

13) 4Q - Universal Design

The amended plans now show that four (4) adaptable apartments can meet the standards for Liveable Housing Guideline’s Silver Level. The proposal is now consistent with 4Q of the ADG.

14) 4U - Energy Efficiency

The submitted additional information and amended plans do not provide any commentary on this non-compliance.

15) 4X - Building Maintenance

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The submitted additional information and amended plans do not provide any commentary on this non-compliance.

The submitted additional information and amended plans still represent inconsistency with Parts 3F, 3J, 4A, 4E, 4H, 4K, 4O, 4P, 4U, 4X of the ADG. As per Planning Circular PS 17-001, when determining this DA Council is to take into consideration the development's design quality in relation to the design quality principles. In determining a development's design quality in relation to the design quality principles Council is to consider how the development meets the objectives and design criteria set out in Parts 3 and 4 of the ADG. In light of this it is considered that the proposed development still does not represent design quality in relation to the design quality principles as it has not met the objectives and design criteria set out in Parts 3 and 4 of the ADG.

5. Demolition Requirements

The applicant has submitted a demolition plan, a Waste Management Plan and a Report on Hazardous Building Material Assessment, prepared by Douglas Partners. This submitted information satisfies the requirements of Chapter 2 of the DCP 2012.

6. Kiama Development Control Plan 2012 – Chapter 5

In its current form the proposed development still fails to comply with the following Controls:

- C2: Lots are to have a minimum frontage width of 25m. Variations to this control may be considered where it can be demonstrated that all DCP requirements have been met. This is not the case. Many of the dot points listed on page 12 of the submitted SEE infers that the variation is warranted due to the development's compliance with the SEPP No 65 and the ADG. As outlined above the proposed development does not comply with either the SEPP No 65 or the ADG.
- C10: Floors 1 and 2 still do not comply with the setback controls of either the DCP or the ADG.
- C11: It is noted that the encroachment allowance provided by Control 11 has also been exceeded.
- C16: This control reinforces the energy efficiency requirements of the ADG.
- C17: This control reinforces the apartment mix requirements of the ADG.
- C18: This control reinforces the apartment mix requirements of the ADG.
- C21: This control reinforces the requirements of the ADG. The adequacy of solar access is still in doubt.
- C22: Not all living area have a northerly aspect. The adequacy of solar access is still in doubt.
- C24: This control reinforces the requirements of the ADG. The adequacy of solar access is still in doubt.

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9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)

- C26: This control reinforces the requirements of the ADG. The adequacy of solar access is still in doubt.
- C30: No details regarding the storage ‘cages’ has been provided.
- C31: This control reinforces the requirements of the ADG. Insufficient POS has been provided.
- C43: No details regarding deep soil zones has been provided.
- C44: Concerns regarding the blank walls associated with the proposed car park have been raised above as part of Council’s Heritage Advisor’s comments.
- C48: The Additional Information Submission, prepared by Planning Ingenuity, outlines that clothes dryers are proposed to be installed in the laundry of each apartment. The DCP requires the provision of a clothes drying area, at a rate of five (5) lineal metres of line per unit, not mechanical clothes dryers.
- C49: Amended design does not comply as clothes drying area not proposed.
- C50: Amended design does not comply as clothes drying area not proposed.
- C51: Amended design does not comply as clothes drying area not proposed.
- C55: Please refer to comments below regarding compliance with Chapter 11.
- C57: This control reinforces the requirements of the ADG. No apartment mix has been proposed.
- C58: This control applies to all floors of the proposed development. This control reinforces the requirements of the ADG. No additional comments supplied.
- C62: The Additional Information Submission, prepared by Planning Ingenuity, outlines that the DA also seeks development consent for the strata subdivision of the completed development. The submitted DA form, and accompanying owners’ consent, does not reflect this desire. Additionally, DA fees for such subdivision have not been paid to Council in accordance with Council’s Fees and Charges.

7. Access and Car Parking

In response to Council’s June correspondence the applicant has provided a response from Hemanote Consultants. Council’s Subdivision and Development Engineer has provided the following comments:

June Correspondence Requirement	Assessment Response
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<ul style="list-style-type: none"> The car parking study does not address the heads of consideration in Kiama Development Control Plan (DCP) 2012. The applicant shall prepare a revised plan which addresses the requirement of Control C7 of Chapter of Kiama DCP 2012. 	<p>The applicant has provided a response from Hemanote Consultants dated 11/7/17. The applicant has acknowledged a shortfall but has not addressed Control C7 of Chapter 9 of Kiama DCP 2012 in justifying the shortfall. The applicant shall either comply with the Schedule of Requirements for car parking in Chapter 9 or seek a variation by providing <u>a detailed study which addresses all the requirements</u> specified within Control C7 of Chapter 9 of Kiama DCP 2012</p>
<ul style="list-style-type: none"> Loss of on-street parking has been proposed to be accommodated within the proposal. The on-street space is currently a disabled parking space. The applicant shall indicate on dimensioned plans how the spaces on the street will be reconfigured to accommodate disabled parking. 	<p>The applicant does not appear to have addressed this requirement in their latest submission. The applicant shall address the loss of <u>all</u> on-street parking by accommodating it within the proposal. The on-street space lost is currently a disabled parking space. The applicant shall also indicate on dimensioned plans how the spaces on the street will be reconfigured to accommodate disabled parking. This may result in more than one space having to be accommodated within the site.</p>
<ul style="list-style-type: none"> It is also questioned as to whether the <u>general public</u> can legally access the one basement space (from loss of on-street parking) via the right of way over Lot D in DP 380582. The applicant shall provide legal opinion on this matter. 	<p>The applicant does not appear to have addressed this requirement in their latest submission. The applicant shall provide legal opinion as to whether the <u>general public</u> can legally access the one basement space (from loss of on-street parking) via the right of way over Lot D in DP 380582. Council’s opinion at this time is that the general public cannot use a private right of way. It is also noted that a roller shutter door is in place which will restrict access during the day and night. This should be relocated within the development to allow 24 hour access to the parking space.</p>
<ul style="list-style-type: none"> AS2890.1 specifies that short-term city parking and town centre parking requires a minimum size 	<p>The applicant appears to have addressed this requirement in their latest submission. A car parking dimension</p>

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<p>of 5.4m x 2.6m. Revised plans shall be provided with larger commercial parking spaces.</p>	<p>review has been undertaken and the adaptable spaces should be minimum 4.8 metres wide. It appears the designer has only provided an additional 1.2 meters (I believe they are assuming that they only need half the shared space). I have no concerns if the two spaces allocated to a three bedroom unit eventually become only one adaptable (disabled) space for the unit at a future time.</p>
<ul style="list-style-type: none"> The access is currently in an unformed state unsuitable for the amount of residential and commercial traffic proposed. The applicant shall obtain the permission of the owners of Lot D in DP 380582 to undertake re-construction to Council standards (e.g. flexible pavement, pavers or reinforced concrete). Evidence of the permission shall be provided to Council. 	<p>The applicant does not appear to have addressed this requirement in their latest submission. The applicant shall obtain the permission of the owners of Lot D in DP 380582 to undertake re-construction to Council standards (e.g. flexible pavement, pavers or reinforced concrete). Evidence of the permission shall be provided to Council.</p>
<ul style="list-style-type: none"> The applicant has advised that they wish to Strata title the completed development. They did not include this requirement on the application (form) made to Council 	<p>The applicant shall provide ‘draft’ Strata title plans for the entire building. The plan shall show <u>allocated car spaces for each unit</u> in the entire building. Car space requirements for each component of the building are specified in the Schedule of Requirements Chapter 9 of Kiama DCP 2012. In summary they are:</p> <ul style="list-style-type: none"> * Three bedrooms– two car spaces (2.4 metres wide each). <u>Note:</u> One out of every four units (or part thereof) to be made Adaptable (in accordance with AS4299) with additional shared space of 2.4m required). * Residential visitor - one space per two units (2.4 metres wide each) * Commercial – one space /35m² (min 2.6 metres wide each) incorporating

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	disabled parking requirements in National Construction Code
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As outlined above the submitted additional information and amended plans has not adequately address the concerns raised in Council’s June correspondence.

8. Waste Requirements

The applicant has submitted a Waste Management Plan, prepared by Nicholas Tang Architects, which provides sufficient information to ensure the proposal can comply with the waste requirements of Chapter 11 of the DCP 2012.

9. Subdivision Plans

The Additional Information Submission, prepared by Planning Ingenuity, outlines that the DA also seeks development consent for the strata subdivision of the completed development. The submitted DA form, and accompanying owners’ consent, does not reflect this desire. Additionally, DA fees for such subdivision have not been paid to Council in accordance with Council’s Fees and Charges.

It is should also be noted that the applicant informed Council, on the 20th July 2017, that they have engaged a new heritage consultant to prepare a new Heritage Impact Statement. The applicant has suggested that this new Heritage Impact Statement is likely to be provided to Council by the end of August. To date this new Heritage Impact Statement has not been received.

As outlined in the July Business Paper, on 20th June 2017 Council were notified that the applicant has assumed that the DA has been refused, in accordance with Section 113 (1)(a) of the *Environmental Planning and Assessment Regulation 2000* and has commenced proceedings in the NSW Land & Environment Court. Since this time, a conciliation conference under Section 34 of the *Land and Environmental Court Act 1979* has been arranged for 4th October 2017. No further advice regarding the court proceedings has been received from the applicant.

The following images have been provided to illustrate the difference between the seniors living development approved by the NSW Land & Environment Court (DA 10.2012.264.1) and the original and amended plans supplied by the applicant as part of this DA.

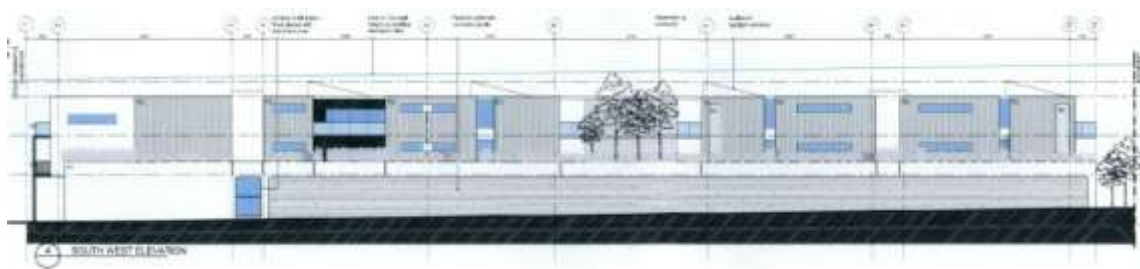


Figure 3: South West Elevation of DA 10.2012.264.1

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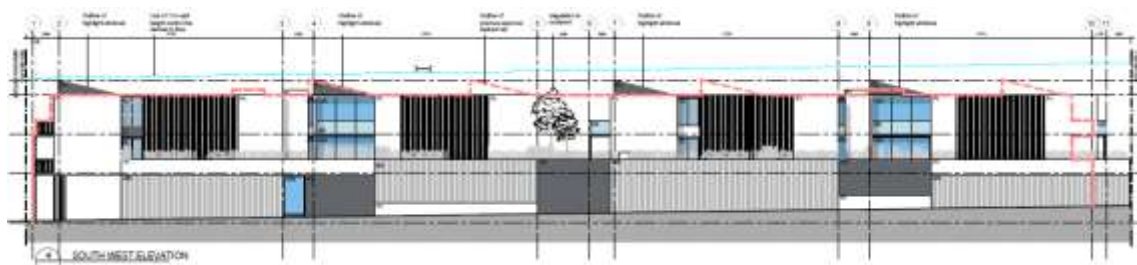


Figure 4: South West Elevation of DA 10.2017.116.1 – original plans (Pink line shows DA 10.2012.264.1)

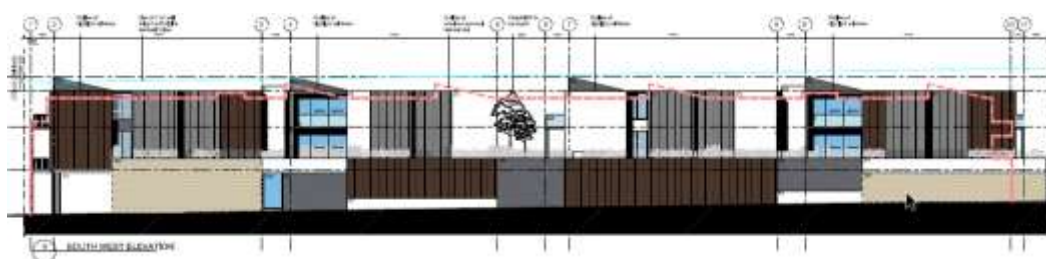


Figure 5: South West Elevation of DA 10.2017.116.1 – amended plans (Pink line shows DA 10.2012.264.1)

While the design proposed as part of this DA incorporates a large built form than the building approved by the NSW Land & Environment Court most of the windows on the side elevations now face the street rather than overlooking the neighbouring properties.

Having reviewed the additional information and amended plans provided by the applicant it is recommended that Council refuse development application 10.2017.116.1 for the following reasons:

- 1 The proposal is not consistent with the objectives of the B2 Local Centre Zone;
2. The proposal is not consistent with the relevant objectives and design criteria of the Apartment Design Guide, specifically:
 - a. Visual Privacy;
 - b. Bicycle and Car Parking;
 - c. Solar & Daylight Access;
 - d. Heights;
 - e. Private open space;
 - f. Acoustic Privacy;
 - g. Apartment Mix;
 - h. Landscape Design;
 - i. Planting on Structures;

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- j. Energy Efficiency; and
 - k. Building Maintenance.
3. The proposal does not comply with the requirements of Chapter 5 – Medium Density Development of the Kiama Development Control Plan 2012, specifically:
- a. Lot Width;
 - b. Adaptable Housing;
 - c. Setbacks;
 - d. Sound Transmission Class rating;
 - e. Deep Soil Zone Landscaping; and
 - f. Drying Facilities.
4. The proposal has not provided sufficient car parking spaces;
5. The proposed car parking areas do not meet relevant engineering standards; and
6. Upgrading of the right-of-way is required as part of proposal and consent of owner of Lot C DP 380582 has not been received.

THE REPORT TO THE 18 JULY MEETING IS AS FOLLOWS:**BACKGROUND**

On 23 January 2007, DA 10.2006.110.1 was approved by Council for a three storey mixed use development comprising 28 serviced apartments and a street level retail/commercial unit. Works in accordance with this approval have not been commenced and subsequently the consent lapsed in early 2012.

On 11 December 2013, DA 10.2012.264.1 was lodged at Council for the demolition of the existing building and construction of a mixed use development containing 20 self-contained units for seniors housing and ground floor commercial tenancy and parking. On 20 August 2013, at the Ordinary Meeting of the Council it was resolved to refuse DA10.2012.264.1. On 9 May 2014, approval of the application subject to conditions was granted by the NSW Land & Environment Court.

The subject DA was lodged 4 May 2017. Council requested further information from the applicant on 20 June 2017 as the submitted plans represented several areas of non-compliance. The following areas of non-compliance were identified in Council's June correspondence:

- 12. Height of Building;
- 13. Heritage Concerns;
- 14. Energy Efficiency;
- 15. Design Quality of Residential Apartment Development;
- 16. Demolition Requirements;

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17. Kiama Development Control Plan 2012 – Chapter 5;
18. Access and Car Parking;
19. Waste Requirements;
20. Subdivision Plans;
21. Previous Approval;
22. Public Submissions.

Council requested that the above matters be addressed within 21 days of this correspondence.

On 20 June 2017 Council were notified that the applicant has deemed that the DA has been refused, in accordance with Section 113(1)(a) of the *Environmental Planning and Assessment Regulation 2000* and had commenced proceedings in the NSW Land & Environment Court.

Development Site

The property is described as Lot C DP 380582 which is located at 44 Manning Street, Kiama.

The overall site measures 1,568m² and is rectangular in shape. Lot C DP 380582 currently contains the Class 5 and 6 two storey building that comprises ground floor retail tenancies with commercial offices above (occupying the front part of the building only). The rear of the site contains a hard stand car parking area which is accessed via the right of way adjacent to the north-eastern boundary of the site. A pedestrian corridor runs through the centre of the existing building. There is no landscaping on the site. The site is bounded by commercial land containing principally offices and businesses.

The site is zoned B2 Local Centre pursuant to Kiama LEP 2011. The site is not vegetated and slopes gently from south-east to north-west. The site drains through a piped watercourse to the adjoining public road. Access to the property is gained through direct frontage to Manning Street.

The site is serviced by Sydney Water's infrastructure, Endeavour Energy's electricity infrastructure, Jemena natural gas infrastructure and Telstra's telecommunications infrastructure.

The site is subject to the following constraints:

- The site directly adjacent to the south, containing the Kiama Uniting Church, is identified as a local Heritage Item (I114 & I115) by Schedule 5 of the *Kiama Local Environmental Plan 2011*. It is noted that several other heritage items are located on surrounding allotments, notably: Grand Hotel (I116) at 49 Manning Street, the Former ANZ Bank (I113) at 33 Manning Street, the Westpac Bank (I112) at 32 Manning Street, the former Commercial Banking Company of Sydney (I110) at 18 Manning Street, the former Council Chambers (I109) at 11 Manning Street, the Kiama Post Officer (I150) at 24 Terralong Street and the Kiama Railway Station Group (I133).

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- Benefitted by right-of-way burdening Lot D DP 380582.

Description of the Proposed Development

The proposal involves the demolition of existing two storey building at 44 Manning Street Kiama and the construction of a 3 storey building containing 16 x 3 bedroom apartments above a ground level commercial tenancy and on-site parking.

It is noted that a draft Strata Subdivision plan has been submitted as part of this DA, however the application form makes no mention of proposing any form of subdivision. Clarification on this matter has been requested.

The subject DA was lodged 4 May 2017. Council requested further information from the applicant on 20 June 2017 as the submitted plans represented several areas of non-compliance as previously identified in this report.

Council requested that these matters be addressed within 21 days of the correspondence. On 20 June 2017 Council was notified that the applicant had deemed that the DA has been refused, in accordance with Section 113(1)(a) of the *Environmental Planning and Assessment Regulation 2000* and had commenced proceedings in the NSW Land & Environment Court.

Demolition

As part of the proposed development all structures on Lot C DP 380582 will be demolished.

Shop Top Housing

The other component of the proposed development is the construction of a 3 storey mixed use development. The building will contain a total of 16 x 3 bedroom apartments above a ground level commercial tenancy and on-site parking.

Pedestrian access is to be provided to the residential units via a lobby off Manning Street. The ground floor is to be occupied by a commercial tenancy with 225m² of leasable floor area fronting Manning Street. The proposal provides 33 onsite parking spaces located at grade, behind the commercial premises and accessed via the existing access handle along the north-eastern boundary.

The proposal is described in detail below:

Ground Level:

- Commercial/retail unit with 225m² of floor area built to the street boundary;
- Automatic teller machine near the south-west corner of the building;
- Residential entry in the south-west corner of the building leading to a lift to the upper levels;
- Substation and garbage rooms located on northern side to the rear of commercial unit; and

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- Car parking for 33 vehicles (8 commercial including 1 accessible space and 25 residential spaces) occupying the rear of the building, accessed via the right of carriageway along the northern side of the site.

First and Second Floor Levels:

- 8 x 3 bedroom units per level. Apartments range in size from 111.1m² to 118.9m²;
- Each unit is comprised of an open plan living/kitchen/dining area, bedroom/s, bathroom and laundry;
- Private open space is provided to each unit in the form of a balcony accessed via the open plan living space;
- Landscaped planters along the northern, western and southern elevation;
- The eastern and western parts (towers) of the building are broken by a landscaped void which assists in providing light and ventilation to the apartments which do not front Manning Street; and
- Access to units is via a stair and lift from the ground level residential lobby and a double loaded corridor.

The specific use of the ground level commercial/retail tenancy is not yet known and will be subject to a separate development application for initial use.



1 WEST AERIAL

Figure 1: Aerial View from Manning Street.

The façade of the building is proposed to be finished in light cream/white tones (i.e. 'Murobond Natural White'), with the architectural features to be finished in darker tones (i.e. Dulux 'Domino' and 'Timeless Grey'). The new roof will be a metal deck roof.

Chapter 5 of DCP 2012 provides development control for medium density residential development. Section 1 of Chapter 5 outlines that developments of 3 units or must

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attend a Council DAU meeting prior to lodgement of any DA, which will include an independent architect, who provide advice on design/character issues. The applicant chose not to attend a Council DAU meeting. When questioned about this decision the applicant indicated that they believed it to be unnecessary as an approval for a different use which has an extremely similar built form was already in place.

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)

This Policy aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.

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

The site is not located within a 'sensitive coastal location' (i.e. land within 100m above mean high water mark of the sea) as defined by SEPP 71.

As the site is located within the coastal zone consideration must be given to the objectives of the SEPP71 and the matters prescribed by Clause 8.

8 *Matters for consideration*

The matters for consideration are the following:

- the aims of this Policy set out in clause 2.*
- existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.*
- opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*
- the suitability of development given its type, location and design and its relationship with the surrounding area.*
- any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.*
- the scenic qualities of the New South Wales coast, and means to protect and improve these qualities.*
- measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats.*

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- (h) *measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.*
 - (i) *existing wildlife corridors and the impact of development on these corridors.*
 - (j) *the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.*
 - (k) *measures to reduce the potential for conflict between land-based and water-based coastal activities.*
 - (l) *measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.*
 - (m) *likely impacts of development on the water quality of coastal waterbodies.*
 - (n) *the conservation and preservation of items of heritage, archaeological or historic significance.*
 - (o) *only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.*
 - (p) *only in cases in which a development application in relation to proposed development is determined:*
 - (i) *the cumulative impacts of the proposed development on the environment, and*
 - (ii) *measures to ensure that water and energy usage by the proposed development is efficient.*

Comment: While the site is located within the 'coastal zone' it is not located within a 'sensitive coastal location' as defined by SEPP 71. As the site it not located immediately adjacent to the coastal foreshore it does not provide access to and along the coastal foreshore nor does it add to the visual amenity of the coast. It is noted that views to the coast will not be adversely impacted by the proposed development. Nor does the site contain native coastal vegetation. In this regard the proposed development is considered to be consistent with the aims of SEPP 71. Nor does the site contain any species listed under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*. An Aboriginal Heritage Information Management System (AHIMS) Basic Search found no records of Aboriginal sites or places in or near the subject site. Additionally, the site is highly disturbed as a result of the existing commercial use and contains no unique geographical features, the likelihood of disrupting or damaging an aboriginal object or place is low. Council is not aware of any additional information that would suggest the presence of an item or place of aboriginal heritage being on the site.

As previously outlined the adjoining Uniting Church is listed as a local heritage item by the Kiama LEP 2011. It is considered that in its current state the proposed development does not conserve and preserve the existing heritage context of this section of Manning Street. A full assessment of the implications of the proposed

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development on the heritage significance of the site has been carried out below. It is noted that the exceedance of the proposed development with the prescribed maximum building height is minimal. However, in its current built form, the proposal is not considered to be suitable in relationship with the surrounding area due to its adverse relationship with heritage items, excessive blank walls and excessive overshadowing. Staff requested the provision of a Section J Report from the applicant to ensure that the proposed development complies with the relevant sections of Section J of Volume One of the National Construction Code Series. No response has been received. In this regard it is considered that the proposed development is not consistent with Clause 8 (d)(n) and (p) of SEPP 71.

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

A BASIX Certificate (808382M) 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

This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7 of this Policy outlines when the issue of contamination and remediation is to be considered in determining a development application.

Council is not aware of any evidence that would suggest that the site is contaminated. As per Clause 7(2) of this Policy a preliminary investigation of the land is not required as the land is not within an investigation area, has not contained development for a purpose referred to in Table 1 of the contaminated land planning guidelines. The submitted Statement of Environmental Effects outlines that soils beneath the new building will mostly be removed and disposed at a licensed facility and the hotel footprint will not be disturbed thereby minimising the risk of exposure of potentially contamination materials to the public and environment.

In this regard it is considered that the land is suitable for the proposed use and no remediation of the site is required under the provisions of this Policy. As such, it is considered that the proposed development is consistent with the relevant sections of this Policy.

- State Environmental Planning Policy No 65 – Residential Flat Buildings

This Policy aims to improve the design quality of residential apartment development in New South Wales. This Policy applies to any development application that includes the erection of a new building, substantial redevelopment or refurbishment of an existing building or the conversion of an existing building and will result in a building being at least 3 or more storeys and will contain at least 4 or more dwellings. This Policy applies to the proposed development as it will result in a building containing 16 dwellings and will be 3 storeys.

Clause 28 of this Policy outlines that in determining a development application, to which this Policy applies, Council is to take into consideration:

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- the design quality of the development when evaluated in accordance with the design quality principles, and
- the Apartment Design Guide (ADG).

It is noted that a SEPP 65 Verification Statement has been submitted as part of the proposed development. The submitted SEPP 65 Verification Statement has not referred to the current Design Quality Principles set out in Schedule 1 of the SEPP No 65. Staff requested that the submitted SEPP 65 Verification Statement should be updated to reflect the current Design Quality Principles. In its current form it is considered that the design quality of proposed development does not reflect the Design Quality Principles set out in Schedule 1 of the SEPP No 65.

- **Principle 1: Context and neighbourhood character**
 - The loss of commercial space/tenancies is not considered to be a response to the CBD context of the area. It is considered that the proposal will have a negative impact on the local economy.
- **Principle 2: Built form and scale**
 - It is considered that as the proposed building does not satisfy the prescribed building separation distances it does not represent good design. In line with the commentary of Council's Heritage Advisor further articulation of the expansive blank walls will assist in contributing to the character of the streetscape.
- **Principle 4: Sustainability**
 - Insufficient detail has been provided to determine the sustainability of the design in regards to natural cross ventilation and sunlight for the amenity and liveability of residents (see below).
- **Principle 6: Amenity**
 - The submitted Shadow Diagrams do not represent compliance with this Design Criteria. The proposal does not provide adequate outdoor space or internal storage. In this regard it is considered that the proposal will not result in good amenity.
- **Principle 8: Housing diversity and social interaction**
 - From the submitted plans it is clear that no variety of apartment types has been provided. Greater ceiling heights for the first floor are required to promote future flexibility of use.

Clause 30(2) of this Policy outlines that Council must not grant consent to a development that does not demonstrate that adequate regard has been given to the objectives specified in the ADG for the relevant design criteria. It is noted that Annexure A of the submitted Statement of Environmental Effects (SEE) provides a compliance table against the relevant design criteria of the ADG. However, no

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consideration of the objectives specified in the ADG has been made by the submitted SEE.

In its current form the proposed development does not satisfy the following objectives of the ADG:

16) 3F - Visual Privacy

Section 3F of the ADG seeks to ensure that adequate building separation is shared equally between neighbouring site in order to achieve reasonable levels of external and internal visual privacy. The ADG prescribes that habitable windows and balconies of this development need to be setback a minimum 6m from the rear and side boundaries. The submitted plans show that habitable balconies will be approximately 0.9m from the side boundaries and 1.2m from the rear boundary of the site. It is noted that while the proposed planter boxes will assist in providing privacy to and from the first storey balconies they will have limited impact to the second storey balconies. The presence of the adjacent driveways will not assist in providing privacy to and from the rear balconies.

17) 3J - Bicycle and car parking

The submitted Traffic & Parking Impact Assessment indicates that bicycle storage facilities are to be included as part of the proposed development. This information has not been conveyed on the plans. In this regard it is unclear how the development will provide for other modes of transport.

Objective 3J-5 of the ADG outlines that on-grade car parking should be avoided. The submitted development application makes no reference to this objective nor does it address the design guidance where this objective cannot be met. Concerns regarding the blank walls associated with the proposed car park have been raised as part of Council's Heritage Advisor's comments.

18) 4A - Solar & Daylight Access

The ADG requires that the living rooms and private open spaces of at least 70% of apartments in a building receive at least 3 hours of direct sunlight between 9 am and 3pm at mid-winter. Annexure A of the submitted SEE has misquoted the requirements of the ADG by stating that 14 of the 16 apartments will receive in excess of 2 hours of sunlight during mid-winter. The submitted Shadow Diagrams do not represent compliance with this Design Criteria. It was requested that Solar Access plans be provided to show relationship between the proposed 'towers'. It would also appear that the length of shadows has been underestimated in the submitted Shadow Diagrams as staff have calculated the length of the shadow at 9am on 21 June to be approximately 32m. It is noted that the submitted Shadow Diagrams have not been drawn to scale and as such may not accurately represent the shadows cast by the proposed development.

19) 4B - Natural Ventilation

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The ADG requires that all habitable rooms are naturally ventilated. The submitted plans do not show the size of adjustable openings (i.e. windows & sliding doors) and as such staff are unable to determine compliance with 4B of the ADG.

20) 4C - Ceiling Heights

The ADG requires that ceiling heights achieve natural ventilation and daylight access. In mixed use areas (i.e. subject site) greater ceiling heights are required to promote future flexibility of use. In order to comply the ceiling height of the first floor will need to be increased to 3.3m to provide for flexibility. As the proposed development will ultimately reduce the number of commercial tenancies on the site compliance with this design criterion is required.

21) 4E - Private Open Space

The ADG requires that apartments provide appropriately sized private open space (POS) and balconies to enhance residential amenity. The ADG requires 3 bedroom apartments to have a primary balcony that is at least 12m² and has a minimum width of 2.4 metres. Annexure A of the submitted SEE has misquoted the requirements of the ADG by stating that 3 bedroom apartments are to have a primary balcony that is at least 10m². The submitted plans show that none of the proposed balconies satisfy the requirements of the ADG. No screening of the balconies has been shown on the submitted plans.

22) 4G - Storage

The ADG requires that adequate, well designed storage is provided in each apartment. The ADG requires that in addition to storage in kitchens, bathrooms and bedrooms 10m³ of storage is to be provided for 3 bedroom apartments, 50% of which is to be provided within the apartment. The submitted plans show storage 'cages' are to be provided within the ground floor car parking area. From the submitted plans it would appear that storage areas 15 & 16 are 9.4m³ assuming the storage 'cage' occupies the entire floor to ceiling height. Additional details of the storage areas were requested. It is also noted that none of the required 10m³ of storage has been provided within the apartments.

23) 4H - Acoustic Privacy

The ADG requires that noise transfer is minimised through the siting of buildings and building layout. In this regard the ADG outlines that bedrooms should be located a minimum 3m from common circulation areas. It is noted that the bedrooms of Units 1.01, 1.02, 1.05, 1.06, 2.01, 2.02, 2.05 & 2.06 are immediately adjacent to common circulation areas. 4H of the ADG reinforces the building separation requirements of 3F and suggests that building separation of 12 metres between habitable rooms, 9m between habitable and non-habitable and 6 metres between non-habitable rooms be provided.

24) 4K - Apartment Mix

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The ADG requires that a range of apartment types and sizes is provided to cater for different household types now and into the future. From the submitted plans it is clear that no variety of apartment types has been provided.

25) 4M - Facades

The ADG requires that building facades provide visual interest along the street while respecting the character of the local area. Concerns regarding the blank walls associated with the proposed car park have been raised as part of Council's Heritage Advisor's comments.

26) 4O - Landscape Design

The AGD requires that landscape design is viable and sustainable. Staff requested the preparation of ongoing maintenance plans. From the submitted plans it is unclear how access to the landscape area is to be obtained. More endemic/local plants would be preferable.

27) 4P - Planting on Structure

The ADG requires that plant growth is optimised with appropriate selection and maintenance. Staff requested the preparation of ongoing maintenance plans.

28) 4Q - Universal Design

The ADG requires that universal design features are included in apartment design to promote flexible housing for all community members. The ADG requires that at least 20% (i.e. 4) apartments need to meet the Liveable Housing Guideline's Silver Level. The submitted plans do not show enough details to ensure compliance with this criterion. Adaptable housing is also to be provided in accordance with Council's DCP (see comments below).

29) 4U - Energy Efficiency

The ADG requires that development incorporates passive environmental design. As outlined above concerns have been raised regarding the adequacy of natural lighting and cross ventilation (see 4A and 4B). No indication of passive solar design (i.e. thermal mass materials etc) of heating and cooling has been provided.

30) 4X - Building maintenance

The ADG requires that systems and access enable ease of maintenance. Window design enables cleaning from the inside of the building. Building maintenance systems should be incorporated and integrated into the design of the building form, roof and facade and do not require external scaffolding for maintenance.

In accordance with clause 30(2) development consent cannot be granted as the development has not given adequate regard to the design quality principles or the objectives specified in the ADG.

- Kiama LEP 2011

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The subject land is zoned B2 Local Centre pursuant to Kiama LEP 2011. The proposal is permitted with consent within the B2 zone if it satisfies the LEP definition of *shop top housing*.

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

For the purposes of shop top housing the NSW Land and Environment Court has held that the term 'above' does not require the dwelling to be 'directly' or 'immediately' above retail or business premises. There can be lateral displacement in that there does not need to be a true directly vertical correlation between the shop top housing and the qualifying premises at the lower level (*Hrsto v Canterbury City Council (No 2) [2014] NSWLEC 121 (Hrsto)*).

Clause 2.3 of the LEP requires Council to have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. As the proposed development will ultimately result in a reduction of commercial uses, and in turn employment opportunities, it is considered that the development is not consistent with the objectives of the B2 zone.

Specific clauses requiring consideration:

Clause 2.7 of the LEP outlines that the demolition of a building or work requires development consent. Whilst it is acknowledged that the applicant has outlined that demolition of the existing building at 44 Manning Street Kiama sufficient information relating to this component of the proposal has not been received. This issue will be further discussed below as it represents a non-compliance with the Kiama DCP 2012.

Clause 4.3 of the LEP requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map. Clause 4.3 of the *Kiama Local Environmental Plan (LEP) 2011* and Sheet HOB_012 outlines that a maximum building height of 11m is associated with the site. The height of the proposed development will exceed the prescribed maximum building height by approximately 0.48m (refer to Figure 2). The submitted Statement of Environmental Effects implies that the component of the development (i.e. clerestory window) which exceeds the prescribed maximum building height is an architectural roof feature and as such the non-compliance is permissible under the provisions of Clause 5.6 of the LEP 2011. While it is agreed that the clerestory windows will cause minimal overshadow and will not be an overbearing element when viewed from the street it is considered that the clerestory windows are not an architectural roof feature as they are not decorative elements. In this regard the proposed development does not comply with the maximum building height of 11m prescribed by Clause 4.3 of the LEP.

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Item 9.2

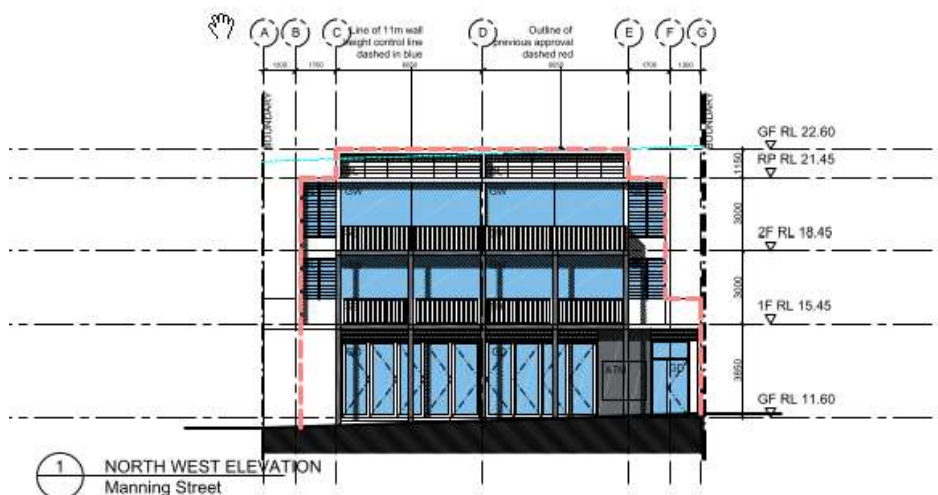


Figure 2: North West Elevation

Clause 4.4 of the LEP requires that the floor space ratio does not exceed the maximum floor space ratio (FSR) shown for land on the Floor Space Ratio map. Clause 4.4 of the LEP and Sheet FSR_012 outlines that a maximum FSR of 1.5:1 is associated with the site. In accordance with the definition contained within the LEP it has been calculated that the proposed development will have a gross floor area (GFA) of 2223.7m². As such, the proposal will have a FSR of 1.42:1.

Clause 4.6 provides for exceptions to development standards. Council informed the applicant that as the clerestory windows are not considered to be decorative elements a written request to contravene the prescribed maximum building height is required. As outlined above a response to this request has not been received.

Clause 5.5 of the LEP lists requirements for development within the coastal zone. Clause 5.5 reinforces the principles of the NSW Coastal Policy Clause 5.5 (2) and (3) outline specific matters that need to be considered prior to development consent being granted.

- (2) *Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:*
 - (a) *existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:*
 - (i) *maintaining existing public access and, where possible, improving that access, and*
 - (ii) *identifying opportunities for new public access, and*
 - (b) *the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*

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- (i) *the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and*
 - (ii) *the location, and*
 - (iii) *the bulk, scale, size and overall built form design of any building or work involved, and*
 - (c) *the impact of the proposed development on the amenity of the coastal foreshore including:*
 - (i) *any significant overshadowing of the coastal foreshore, and*
 - (ii) *any loss of views from a public place to the coastal foreshore, and*
 - (d) *how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and*
 - (e) *how biodiversity and ecosystems, including:*
 - (i) *native coastal vegetation and existing wildlife corridors, and*
 - (ii) *rock platforms, and*
 - (iii) *water quality of coastal waterbodies, and*
 - (iv) *native fauna and native flora, and their habitats;**can be conserved, and*
 - (f) *the cumulative impacts of the proposed development and other development on the coastal catchment.*
 - (3) *Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:*
 - (a) *the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and*
 - (b) *if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*
 - (c) *the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*
 - (d) *the proposed development will not:*
 - (i) *be significantly affected by coastal hazards, or*
 - (ii) *have a significant impact on coastal hazards, or*
 - (iii) *increase the risk of coastal hazards in relation to any other land.*

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Comment: As the site is not immediately adjacent to the coastal foreshore the proposed development does not provide opportunities for new public access to and along the coastal foreshore. The site does not provide existing public access. Due to its positioning the proposed development will not overshadow the coastal foreshore. Existing views of the coastal foreshore from public places will not be impacted by the proposed development. All effluent will be disposed of in a reticulated system. At present stormwater from the site is discharged into Council's stormwater infrastructure which discharges into Black Beach. The submitted Stormwater Drainage plans outline that stormwater will be detained on the site within the proposed onsite stormwater detention tank to ensure that the rate of stormwater flow remains the same as existing. As the site is not immediately adjacent to the coastal foreshore the proposed development does not provide opportunities for new public access to and along the coastal foreshore. The site does not provide existing public access. Due to the elevated location of the proposed development it is considered highly unlikely that the development will be affected by, impact on, or increase the risk of coastal hazards.

It is noted that the exceedance of the proposed development with the prescribed maximum building height is minimal. However, in its current built form, the proposal is not considered to be suitable in relationship with the surrounding area due to its adverse relationship with heritage items, excessive blank walls and excessive overshadowing. In this regard, the proposed development does not comply with the requirements of Clause 5.5(2)(b) of the LEP 2011 and as such development consent cannot be granted.

Clause 5.6 of the LEP outlines that 'architectural roof features' are not to be considered when calculating the maximum building height of a development. As previously outlined, the submitted Statement of Environmental Effects implies that the component of the development (i.e. clerestory window) which exceeds the prescribed maximum building height is an architectural roof features and as such the non-compliance is permissible under the provisions of Clause 5.6 of the LEP 2011. While it is agreed that the clerestory windows will cause minimal overshadow and will not be an overbearing element when viewed from the street it is considered that the clerestory windows are not an architectural roof feature as they are not decorative elements.

Clause 5.9 of the LEP stipulates that trees or vegetation which are of a species or kind prescribed for preservation in a development control plan must receive development consent to be cut down, lopped or removed. The proposal does not include the removal of species on the site which are listed as a prescribed tree within the development control plan. As such development consent is not required in order for these trees to be removed.

Clause 5.10 of the LEP lists requirements for heritage conservation for items listed in Schedule 5 of the Kiama LEP 2011. The site directly adjacent to the south, containing the Kiama Uniting Church, is identified as local Heritage Items (I114 & I115) by Schedule 5 of the *Kiama Local Environmental Plan 2011*. It is noted that several other heritage items are located on surrounding allotments, notably: Grand

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Hotel (I116) at 49 Manning Street, the Former ANZ Bank (I113) at 33 Manning Street, the Westpac Bank (I112) at 32 Manning Street, the former Commercial Banking Company of Sydney (I110) at 18 Manning Street, the former Council Chambers (I109) at 11 Manning Street, the Kiama Post Officer (I150) at 24 Terralong Street and the Kiama Railway Station Group (I133).

Clause 5.10(4) requires Council to consider the effect of the proposed development on the heritage significance of the item. Council's Heritage Advisor advice, in regards to the proposal's effect of the listed heritage item, is summarised below:

“Given the expansive and open nature of Manning Street and characteristics of the subject site, it is believed the facade and portions of the side elevations – particularly the western end of the south elevation would be the most visible aspects in the streetscape. Given that there is open space on both sides of the subject building, the proposed development will be viewed somewhat ‘in the round’.

The development as proposed would in essence introduce a long, singular (albeit articulated in some areas) built form into the townscape of the Town Centre. The form of the proposed development is out of character with the traditional smaller ‘stand-alone’ nature of heritage listed buildings in this section of Manning Street.

The massing of the front façade as it addresses the streetscape in its present form does not appear to best reflect the character, scale and built forms of buildings identified as contributing to the desired future character and heritage context of the Town Centre, and this section of Manning Street. In my opinion the proposed three-storey built form closest to (i.e. within about 16m of the Manning Street frontage would unduly dominate and be at odds with the adjacent streetscape, and would potentially set a precedent, which if adopted on the adjacent site to the north, would potentially have further adverse impacts on the heritage listed Westpac Bank building.

The detailing, materials and colours of the front façade as it addresses the streetscape in its present form does not appear to best reflect the character of buildings identified as contributing to the desired future character and heritage context of the Town Centre, and this section of Manning Street. The large expanse of door/window glazing in particular does not respond well to the visual character objective of the DCP and character of heritage items in the vicinity. The large expanse of blank wall planes at the western end of the south and north elevations, which would be visible in the streetscape, is as presently shown, out of character with traditional proportioning, materials and colours of more highly articulated older buildings in the Town Centre and this section of Manning Street.

The flat roof form is not necessarily typical of the traditional built character of the Manning Street, but acknowledgement is made of more recent and contemporary architectural responses to infill development in other less sensitive areas of the Town Centre from a heritage perspective. The proposed clerestory roof forms would assist in breaking up the large expanse of relatively flat metal roofing in distant views to the site from higher vantage points. However, there is opportunity to further articulate the roof.

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Finally, the submitted Statement of Heritage Impact was prepared for the 2013 DA and should be revised to respond to the current DA, and Chapter 26 and 30 of Kiama DCP 2012.”

In this regard it is considered that the proposed development will have a detrimental effect on the heritage significance of the Grand Hotel and should not be approved. This issue will be further discussed below as it represents a non-compliance with the Kiama DCP 2012.

Clause 6.2 of the LEP lists considerations for proposals which involve earthworks. The proposal meets with the objectives of the clause and as the proposed earthworks are ancillary to the proposed development and as such separate development consent is not required.

Clause 6.3 of the LEP lists requirements for the development of land which is at or below the known flood planning level. The proposal meets with the objectives of the clause as the site is not identified as being flood prone land.

Clause 6.8 of the LEP requires that the ground floor of a building that faces the street, in either the B1 Neighbourhood Centre or B2 Local Centre Zones, must have an ‘active street frontage’. In order to have an ‘active street frontage’ all premises on the ground floor of the building facing the street must be used for the purposes of business premises or retail premises. This does not apply to parts of the building used for vehicle access, access for fire services and entrances and lobbies. In this regard the residential entrance of the building is not required to have an ‘active street frontage’. The proposed development complies with the requirements of Clause 6.8 as the submitted plans show that the ground floor premises facing Manning Street will be used for commercial or retail purposes.

Whilst permissible in the B2 Local Centre Zone the proposed development fails to comply with Clauses 4.3 and 5.10. As the proposed development will ultimately result in a reduction of commercial uses, and in turn employment opportunities, it is considered that the development is not consistent with the objectives of the B2 zone. For this reason, it is considered that development consent should not be granted for the proposed development.

Any draft Environmental Planning Instruments

- Draft State Environmental Planning Policy (Coastal Management) 2016

Under the provisions of the draft Coastal Management SEPP the site is located within the ‘Coastal Use Area’. The development controls associated with the ‘coastal use area’ are primarily concerned with public access to the foreshore, overshadowing and view loss of public areas, scenic qualities of the coast, Aboriginal cultural heritage, and use of the surf zone. As outlined previously the proposed development will not impact upon these features.

- Kiama LEP 2011 - Planning Proposal (PP_2016_KIAMA_003_00).

The proposed amendment to the Kiama LEP 2011 is not relevant to the proposed development.

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- Draft State Environmental Planning Policy (Education and Child Care)

The draft SEPP (Education and Child Care) does not provide any provision relevant to the proposed residential development.

- Draft State Environmental Planning Policy (Infrastructure)

The draft amendments to SEPP (Infrastructure) 2007 will not alter the proposal's compliance with the existing provisions of SEPP (Infrastructure) 2007.

- Draft State Environmental Planning Policy No 64 (Advertising and Signage)

The draft amendments to SEPP No 64 do not provide any provision relevant to the proposed development as no signage has been proposed.

- Draft State Environmental Planning Policy (Vegetation)

As the proposed development does not involve the removal of native vegetation on the site the proposal is consistent with the relevant provisions of the draft Coastal Management SEPP.

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The proposed development is not consistent with Kiama DCP 2012.

Chapter 2 - Overall controls

Demolition: Whilst it is acknowledged that the applicant has outlined that demolition of the existing building at 44 Manning Street Kiama sufficient information relating to this component of the proposal has not been received. Control 1 of Chapter 2 of the DCP 2012 requires that an Asbestos and Hazardous Materials Assessment Audit, Risk Assessment and Management Plan and a Waste Minimisation and Management Plan must be included in any application for demolition. No consideration of Chapter 2 has been made by the submitted SEE. The required plans have not been included as part of the development application. Accordingly, the proposed development is not consistent with Chapter 2 of the DCP 2012.

During Construction: conditions can be added to ensure compliance.

Changing Weather Events: Staff requested the provision of a Section J Report from the applicant to ensure that the proposed development complies with the relevant sections of Section J of Vol. 1 of the National Construction Code Series and in turn changing weather events. No response has been received.

Adaptable Housing: The level of adaptable housing required for this type of development is outlined in Chapter 5 of the DCP (see comments below).

Views & Vistas: Due to the existing slope of the site and the existing built form of the surrounding area the proposed development will not result in any unreasonable view loss from neighbouring properties or from public places.

Building height plane: N/A as no residential development proposed.

Building lines: N/A as no building lines prescribed by Chapter 2.

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Foreshore Building Lines (FSBL): N/A as site does not fall within the foreshore area.

Reflectivity in building materials: The materials and colours proposed will not result in excessive reflectivity or glare. However, as discussed above the proposed materials and colours are not considered to be appropriate within a heritage context.

Right to farm: N/A as farming is not permissible within B2 Local Centre Zone

On Site Sewage Management (OSSM): N/A as site is connected to Sydney Water's reticulated system.

Importation or Export Off-Site of Soil: A condition of consent could be imposed to ensure a Soil Analysis Report is provided to Council prior to the release of a Construction Certificate.

Neighbour notification: The adjoining land holders were notified of the proposed development. The results of the notification process are discussed below.

Fencing: No fencing is proposed as part of this development.

Applications for variations: The submitted Statement of Environmental Effects outlines that while the proposal has been designed to comply with the applicable DCP controls it does depart in relation to the minimum width requirements and adaptable housing requirements of Chapter 5 and the car parking requirements of Chapter 9. It has been suggested that the proposal's non-compliances with Chapter 5 are supported by the proposal being consistent with the objectives of the relevant controls and non-compliance with Chapter 9 is supported by the submitted Traffic and Parking Impact Assessment.

Clause 79C(3A)(b) of the *Environmental Planning and Assessment Act (the Act) 1979* outlines that Council is to be flexible in applying the provisions of a DCP and allow reasonable alternative solutions that achieve the object of those standards. The objectives of Chapter 5 are as follows:

- Provide sufficient separation and articulation to provide high level of visual and acoustic privacy for existing and new occupants.
- To ensure that development is designed for climate change including possibility of higher winds, extreme rain events etc.
- To ensure the high level architectural merit of buildings to ensure high levels of liveability and street amenity.
- To encourage lot amalgamation and discourage leaving isolated lots surrounded by larger developments.
- To ensure that all environmental risks such as coastal processes/sea level rises etc. are taken into consideration in the development process.
- To ensure that all design is to incorporate a high level of daylight, sunlight, air flow and ventilation to all housing.
- To select building types appropriate to the site's topography, local context, location, dimensions and landform.

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- To ensure that any significant vegetation is retained and enhanced.
- To encourage a mix of housing forms to assist in achieving urban consolidation initiatives particularly in localities close to business.

As discussed below it is considered that the development as proposed does not achieve the objectives of Chapter 5 as sufficient building separation has not be provided and the design does not incorporate high levels of daylight, sunlight, air flow and ventilation.

The objectives of Chapter 9 are as follows:

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

As discussed below it is considered that the development as proposed does not achieve the objectives of Chapter 9 as appropriate off-street parking has not been provided, the design of the car parking areas does not meet relevant adopted standards, adequate provision has not been made for people with a disability or for cyclists.

Staff have considered that the request to vary the requirements of Chapters 5 and 9 of the DCP 2012 should not be supported as they do not provide reasonable alternative solutions that achieve the objectives of those standards.

Chapter 5 – Medium Density Residential

Chapter 5 of the DCP 2012 provides development control for medium density residential development. Section 1 of Chapter 5 outlines that developments of 3 units or must attend a Council DAU meeting prior to lodgement of any Development Application, which will include an independent architect, who provide advice on design/character issues. The applicant chose not to attend a Council DAU meeting. When questioned about this decision the applicant indicated that they believed it to be unnecessary as an approval for a different use which has an extremely similar build form was already in place. It is considered that may of the non-compliances associated with this proposal may have been identified and resolved prior to lodgement if the applicant had attended a Council DAU meeting.

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In its current form the proposed development fails to comply with the following Controls:

- C1: The proposed development does not comply with all principal development standards (i.e. maximum building height) of the LEP 2011 (see comments above),
- C2: Lots are to have a minimum frontage width of 25m. Variations to this control may be considered where it can be demonstrated that all DCP requirements have been met. This is not the case. Many of the dot points listed on page 12 of the submitted SEE infers that the variation is warranted due to the development's compliance with the SEPP No 65 and the ADG. As outlined above the proposed development does not comply with either the SEPP No 65 or the ADG.
- C4: Adaptable Housing at a ratio of 1:4 dwellings is to be provided. In this case 4 Adaptable Houses are required. Only 2 are proposed. Many of the dot points listed on page 12 of the submitted SEE infers that the variation is warranted due to the development's compliance with the SEPP No 65 and the ADG. As outlined above the proposed development does not comply with either the SEPP No 65 or the ADG.
- C10: It is agreed that the ground floor component of the proposed development need not comply with the setback controls of Chapter 5. However, it is noted that Floors 1 and 2 do not comply with the setback controls of either the DCP or the ADG.
- C11: It is noted that the encroachment allowance provided by Control 11 has also been exceeded.
- C16: This control reinforces the requirements of the ADG.
- C17: This control reinforces the requirements of the ADG.
- C18: This control reinforces the requirements of the ADG.
- C21: This control reinforces the requirements of the ADG.
- C22: Not all living areas have a northerly aspect. The submitted SEE outlines that all POS will receive direct sunlight. From the submitted plans it would appear that this is not the case for Units 1.04 and 1.08.
- C24: This control reinforces the requirements of the ADG. Work could be done to provide sunlight to Units 1.04 and 1.08.
- C26: This control reinforces the requirements of the ADG.
- C28: No details regarding the Sound Transmission Class rating outlined by the Building Code of Australia have been provided on the submitted plans.
- C30: From the submitted plans it is unclear if Storage areas 1-13 will compromise natural ventilation in the carpark. As outlined above it was requested that details of the proposed storage areas be provided.

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- C31: This control reinforces the requirements of the ADG.
- C43: Clause 6A of the SEPP No 65 outlines that the DCP can be inconsistent with the SEPP No 65 in regards to Deep Soil Zones. As such the proposed development needs to show compliance with this control by provided for 25% deep soil landscaping of the site.
- C44: Concerns regarding the blank walls associated with the proposed car park have been raised above as part of Council's Heritage Advisor's comments.
- C48: The submitted SEE outlines that drying areas are intended to be within the POS areas of each unit. As per Control 31 of Chapter 5 of the DCP drying facilities must not form part of the POS.
- C49: As drying facilities cannot form part of the POS and no additional locations have been shown on the submitted plans Council are not in a position to assess compliance with this control.
- C50: As drying facilities cannot form part of the POS and no additional locations have been shown on the submitted plans Council are not in a position to assess compliance with this control.
- C51: As drying facilities cannot form part of the POS and no additional locations have been shown on the submitted plans Council are not in a position to assess compliance with this control.
- C52: It was requested that the location of the common letterboxes be shown on the submitted plans.
- C55: Please refer to comments below regarding compliance with Chapter 11.
- C57: This control reinforces the requirements of the ADG.
- C58: This control applies to all floors of the proposed development. This control reinforces the requirements of the ADG.
- C62: It is noted that while a draft Strata Subdivision Plan has been submitted as part of this Development Application the application form makes no mention of proposing any form of subdivision. Clarification on this matter is required.

Chapter 8 - Landscaping

Landscaping plans have been submitted that satisfy the design guidelines contained within Control 2.

Chapter 9 – Car parking Requirements

General Parking Requirements: Calculations of the proposed development car parking requirements are provided below:

Table 1: DCP Schedule of Requirements

Land Use Type	Minimum Car parking Standards
Shop top housing	2 spaces per 3 bedroom dwelling plus 1 visitor

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	space per 2 dwellings
Retail/Business	1 space per 35m ² of gross leasable floor area.

Table 2 below illustrates what parking is required for the proposed development.

Table 2: – Car parking Requirements

Floor	Use	Area/Occupancy	Required Parking
Ground	Retail/Business	240m ² of gross leasable floor area	7
First	Shop top housing	8 dwellings	16 plus 4 visitor
Second	Shop top housing	8 dwellings	16 plus 4 visitor
			47

In this regard a total of 47 car parking spaces are required as part of the proposed development. The submitted plans show that a total of 33 car parking spaces (6 retail/business, 18 residential, 8 visitor and 1 Council spaces) will be provided as part of the proposed development. This reflects a shortfall of 14 car parking spaces.

The submitted Statement of Environmental Effects acknowledges that the proposal fails to comply with Section 2.2 of Chapter 9 but has outlined that this shortfall is acceptable considering the merits of the application. An Assessment of Traffic and Parking Implications report has been prepared by Hemanote Consultants. The Assessment of Traffic and Parking Implications report has implied that existing parking facilities are sufficient to accommodate the development given:

- The level of on-site parking provision is adequate;
- The availability of on-street parking;
- The site has good access to public transport;

The car parking study does not address the heads of consideration in Chapter 9.

Council's Subdivision & Development Engineer has assessed the design of the proposed development and has provided the following comments:

- Chapter 9 allows the applicant to undertake a parking study if they dispute Council's parking requirements. The traffic & parking assessment prepared by Hemanote Consultants considers the 33 spaces provided as adequate given the sites access to existing public transport and nearby parking opportunities. The car parking study does not address the heads of consideration in Chapter 9. The applicant shall prepare a revised plan which addresses the requirement of Control C7 of Chapter of Kiama DCP 2012.
- The loss of on-street parking has been proposed to be accommodated within the proposal. It is questioned as to whether the general public can legally access the development via the right of way over Lot D in DP 380582. The applicant shall provide legal opinion on this matter.

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- The proposed commercial spaces are 5.4m x 2.4m. AS2890.1 specifies that short-term city parking and town centre parking requires a minimum size of 5.4m x 2.6m. Revised plans shall be provided with larger commercial parking spaces.

As can be seen above the proposed car parking fails to comply with the engineering requirements of the DCP 2012 and Australian Standard 2890.1. In order to fully comply with these engineering requirements it is suggested that some of the proposed spaces will need to be sacrificed in order provide the required space. This will further increase the car parking space shortfall.

Control 37 of Chapter 9 requires that bicycle parking be provided in line with the following requirements:

Table 3: Bicycle parking provision

Land Use	Employee/resident parking spaces	Visitor/shopper parking spaces
Apartment House	1 per 4 habitable rooms	1 per 16 habitable rooms
Shop	1 per 300m ² GFA	1 per 500m ² over 1000m ²

As Control 4 of Chapter 9 states that calculations should be rounded up to the nearest whole number 12 resident bicycle spaces and 3 visitor bicycle spaces are required for the apartments. No spaces are required for the Shop component of the development. It is acknowledged that the submitted Traffic & Parking Impact Assessment indicates that bicycle storage facilities are to be included as part of the proposed development. This information has not been conveyed on the plans.

Council's Subdivision & Development Engineer has provided the following comments in regards to the right-of-way on Lot D DP 380582:

- The application relies on the access handle of Lot D in DP 380582 through a 'right of way'. The access will require upgrade and formalisation in accordance with Council's requirements. The applicant shall obtain the permission of the owners of Lot D in DP 380582 to undertake this upgrade. Evidence shall be provided by the applicant prior to any positive determination of the application.

In its current fashion the proposed development fails to comply with the numerical and engineering requirements of the Chapter 9 of the DCP 2011.

Chapter 11 – Waste Requirements

It should be noted that as per the provisions of Clause 496(1) of the *Local Government Act 1993* Council must make and levy an annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available irrespective of whether the owner of the land contracts a private waste management service. In this regard, while it is noted that the submitted Traffic & Parking Impact Assessment outlines that waste collection will

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be managed by a private contractor, Council will still make and levy an annual charge for the provision of domestic waste management services.

Section 5 - Garbage, Recycling Bin Storage Room

From the submitted plans it is unclear if the proposed waste services room complies with Control 1 for the following reasons:

- Unable to determine if the rooms are an adequate size as no details regarding service frequency or standard has been provided;
- Method of ventilation not shown on plans;
- No details showing floor will drain to sump that is connection to Sydney Water sewage system;
- No water supply provided to room;

Section 6 – Internal Bins/Containers

Compliance with Section 6 can be conditioned.

Section 7 – Roadside Bin Collection Point

From the submitted Traffic Impact Statement, it would appear that the applicant seeks to service the residential waste via a private contractor, who will collect the bins from the internal garbage room. No details have been provided to demonstrate compliance.

Section 8 – Onsite Bin Collection Point

From the submitted Traffic Impact Statement, it would appear that the applicant seeks to service the residential waste via a private contractor, who will collect the bins from the internal garbage room. Section 8 outlines that for this type of proposal documentation from the private contractor certifying that the design plans and development site has been inspected and that a Waste Services Agreement will be entered into for onsite access for provision and collection residential waste. No such documentation has been provided as part of this application.

Section 9 – Requirements for Medical Hazardous Clinical Wastes

Not applicable.

Section 10 – Ongoing Management

Compliance with Section 10 can be conditioned.

Section 11 – Low Density Developments

Not applicable.

Section 12 - Medium Density Housing (including shop top housing).

Collection Bins: The provision of these bins can be enforced by way of a condition of consent. It is noted that for this type of development shared garbage and recycling bins and/or more frequent services may be an alternative option. From the submitted

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Traffic Impact Statement, it would appear that the applicant seeks to service the residential waste via a private contractor.

External Bin Storage Area: Not applicable

Garbage, Recycling Bin Storage Room: A separate waste, recycling bin storage room has been provided and as such will need to comply with Section 5 of Chapter 11 (see above).

Roadside Bin Collection Point: From the submitted Traffic Impact Statement it would appear that the applicant seeks to service the residential waste via a private contractor. As such no roadside bin collection point is proposed. As per Control 17 of Chapter 11 Council approval is required before this option is submitted for consideration. To date Council has not received a request.

On-site Bin Collection Point: If a roadside verge collection point cannot be provided, then onsite collection via the private access road to the development may be considered and will be subject to Council approval. As per Control 17 of Chapter 11 Council approval is required before this option is submitted for consideration. To date Council has not received a request.

Section 13 reinforces the demolition requirements of Chapter 2 of the DCP. Asbestos and Hazardous Materials Assessment Audit, Risk Assessment and Management Plan and a Waste Minimisation and Management Plan must be included in any application for demolition. No consideration of Chapter 2 has been made by the submitted SEE. The required plans have not been included as part of the development application. Accordingly, the proposed development does not comply with Section 13 of Chapter 11.

Section 15 of Chapter 11 outlines Council's waste requirements for development proposing two or more land uses.

Residential Component: The residential component of the development is to comply with Section 12 of Chapter 11 (see above).

Non-Residential Component: Internal Bins/Containers shall comply with Section 6 of Chapter 11.

The non-residential component of the development is to be provided with its own separate garbage, recycling and garden waste/food organics collection bins. A separate commercial garage room has been shown on the submitted plans. As with the residential garbage room, insufficient information has been provided to ensure compliance with Section 5 of Chapter 11.

Section 16 of Chapter 11 outlines Council's waste requirements for commercial, retail and industrial development. Council or a private contractor can provide services to these types of developments.

Frequency of Service: Frequency of service and bin capacity will depend on type of development.

Onsite Collection Service Requirements: A Deed of Agreement and Release, including indemnity, would have to be reached between Council or the private

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service contractor and the development/owner of the site. No information regarding such a deed has been provided to Council.

From the submitted plans/information staff are unable to determine if the proposed development complies with Council's waste requirements contained in Chapter 11 of the DCP 2012.

Chapter 26 – Kiama Town Centre

Future Building Design: The proposed development is consistent with this section as a three (3) storey building is proposed.

Heritage: It is considered that the proposed development does not represent a well-designed development in a heritage context (see Heritage Advisor comments above) and as such is not consistent with this section.

Building Alignment: The proposed development is not consistent with this section as the building will not extend to the front boundary. The entrance to the commercial component of the ground floor will be setback 3.6m from the front boundary of the site. The balconies associated with the residential development on the first and second floors will act as an awning over the 3.6m setback. It is noted that while the existing building at 38 Manning Street extends to its front boundary this property is separated from the subject site by the adjoining right-of-way and as such there is current not a continuous building frontage along this section of Manning Street.

Façade Design: As previously outlined that proposed development reflects the 3 storey height limit. As per the comments of Council's Heritage Advisor the proposed development is not compatible with scale and character of neighbouring heritage items

Building Materials. Further consideration in line with Council's Heritage Advisor comments is required to ensure the proposal reflects the existing character of this section of Manning Street.

Colour: The colour palette is generally considered to be acceptable.

Landscape: A suitable landscape plan has been provided. Landscaping is proposed in planter boxes on the first floor. Landscaping is proposed along the entirety of the length southern and eastern sides of the first floor. Approximately 75% of length of the northern side of the first floor will contain landscaping. Landscaping in these area includes ferns and shrubbery. Four (4) Japanese Maples will be planted between the eastern and western parts (towers). In this respect the proposal is consistent with this section.

Advertising and Signage: No signage has been included on the submitted plans.

Lighting: The submitted plans do not indicate if lighting of the buildings is proposed. In this respect it is unclear if the proposal is consistent with this section or not.

Environmental Factors: Staff requested the provision of a Section J Report from the applicant to ensure that the proposed development complies with the relevant sections of Section J of Volume One of the National Construction Code Series and in turn changing weather events. No response has been received.

Report of the Director Environmental Services

- 9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)
-

Disabled Persons Access: The National Construction Code will require that all floors of the proposed development be accessible.

Car parking: Car parking is proposed to be provided above ground. The proposed access point to the car parking is considered to traverse an active pedestrian frontage. However, it is noted that there are no other alternative locations for access.

In line with the comments of Council's Heritage Advisor improvements need to be made to ensure the proposed development enhances its visual appearance and therefore contribution to the Kiama Town Centre.

Chapter 30 - Heritage

Aboriginal Cultural Heritage: An Aboriginal Heritage Information Management System (AHIMS) Basic Search found no records of Aboriginal sites or places in or near the subject site. Additionally, the site is highly disturbed as a result of the existing commercial use and contains no unique geographical features, the likelihood of disrupting or damaging an aboriginal object or place is low. Council is not aware of any additional information that would suggest the presence of an item or place of aboriginal heritage being on the site.

Cultural Heritage Management (Historical): As per Council's Heritage Advisor's advice it is considered that the proposed development does not comply with Section 3 of Chapter 30.

In line with the comments of Council's Heritage Advisor improvements need to be made to ensure the proposed development complies with Controls 8, 9, 10, 11, 15, 16, 17 and 18 of Chapter 30 of the DCP 2012.

- (a) "Visually reduce the massing of the Manning Street elevation and western end of side elevations back to the lift shaft/stair 1 by reducing its height by 1 storey. Consideration should be given to stepping back the second floor from the Manning Street frontage a minimum of 5m.
- (b) Further break-up the overall monolithic massing of the building, particularly at the Manning Street end. The front façade and return side elevations extending back to approximately the lift shaft/stair 1 should be visually interpreted in the streetscape as a more visually stand-alone element, more similar in massing to heritage items in the vicinity.
- (c) Break-up the blank wall planes particularly at the western end of the north and south elevations with a combination of dissimilar materials and colours sympathetic with the streetscape, or other acceptable forms of articulation.
- (d) Break-up the balcony door/window openings to the units on the Manning Street façade so as to better reflect the visual character of heritage items in the vicinity.
- (e) A palette of traditional materials and colours typical to this section of Manning Street such as timber, stone, brick and render should be integrated into the elevations – but particularly the Manning Street facade and return walls back to the lift shaft/stair 1.

Report of the Director Environmental Services

- 9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)
-

Should Council decide not to pursue point (a) above, in addition to improvements to the façade as recommended in points (d) and (e) above, consider further articulation in the form of a sun shading element to the second floor balcony.”

It is considered that due to the site’s location within a commercial precinct and the fact that the entirety of the existing building abuts the front boundary (as does the built form approved by DA 10.2012.624.1) point (a) of the recommendation of Council’s Heritage Advisor is too extreme.

In order for the proposed development to be consistent with the controls of Chapter 30 of the Kiama DCP 2012 the overall monolithic massing of the building, particularly at the Manning Street end will need to be further articulated through the use of dissimilar materials and colours sympathetic with the streetscape, or other acceptable forms of articulation. A palette of traditional materials and colours typical to this section of Manning Street such as timber, stone, brick and render should be integrated into the elevations of the design.

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 of the *NSW Coastal Policy 1997*.

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

Conditions of consent can be generated to ensure the proposal complies with Australian Standard AS 2601—1991: *The Demolition of Structures*.

- Clauses 93, 94 & 94A

Clauses 93, 94 & 94A do not apply to the proposed development does not involve a change of use or the erection of a temporary structure.

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

- Streetscape

The design of the proposed development is considered to be reasonable when considered in relation to the context of the site. The bulk, scale and design of the proposal is not considered to be consistent with relevant planning instruments and as such is not consistent with the 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

Report of the Director Environmental Services

- 9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)
-

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

- Privacy and Overlooking

As outlined previously the positioning of the balconies directly adjacent to the site boundaries will result in overlooking issues. It is noted that while the proposed planter boxes will assist in providing privacy to and from the first storey balconies they will have limited impact to the second storey balconies. The presence of the adjacent driveways will not assist in providing privacy to and from the rear balconies. This privacy issue has the potential to impact on future development on adjacent sites.

- Overshadowing

Shadow diagrams have been supplied with the development application however, it would also appear that the length of shadows has been underestimated in the submitted Shadow Diagrams as Council has calculated the length of the shadow at 9am on 21 June to be approximately 32m. It is noted that the submitted Shadow Diagrams have not been drawn to scale and as such may not accurately represent the shadows cast by the proposed development. This matter was raised with the applicant, to date no response has been received.

- Views

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

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking has not been proposed.

Car parking dimensions are not compliant with AS/NZS 2890.1 – 2004.

The application relies on the access handle of Lot D in DP 380582 through a 'right of way'. The access will require upgrade and formalisation in accordance with Council's requirements. The applicant shall obtain the permission of the owners of Lot D in DP 380582 to undertake this upgrade. Evidence will need to be provided by the applicant prior to any positive determination of the application.

- Stormwater Management

A satisfactory drainage design has been provided with the application.

All stormwater will drain to the street.

- Environmental Impacts

Vegetation Removal – No vegetation is to be removed.

Fauna Impacts – It is unlikely that the proposal will affect any native fauna or its habitat due to the development occurring within a commercial zone.

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

Report of the Director Environmental Services

- 9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)

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 –Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

The proposed development will likely have minimal adverse social impacts. The loss of commercial tenancies within the CBD is considered to be an adverse economic impact. This sentiment has also been raised by members of the public (see below).

- Contamination from previous land uses

Council is not aware of any evidence that would suggest that the site is contaminated. The site has not contained development for a purpose referred to in Table 1 of the contaminated land planning guidelines.

In this regard it is considered that the land is suitable for the proposed use

- Effect on public domain

It is considered that the proposed development will affect the public domain. The submitted Traffic & Parking Impact Assessment suggests that the parking demand resulting from the proposed development can be accommodated within the proposed off-street parking, in addition to available surrounding parking opportunities. From this statement it would appear that the applicant seeks to utilise the existing public car parking spaces for their personal use thus reducing the amount of available public car parking spaces.

- Utility needs and supply

As outlined above, staff requested the provision of a Section J Report from the applicant to ensure that the proposed development complies with the relevant sections of Section J of Volume One of the National Construction Code Series and in turn changing weather events. No response has been received.

The site is serviced by Sydney Water's water and sewer infrastructure, Endeavour Energy's electricity infrastructure, Jemena natural gas infrastructure and Telstra's telecommunications infrastructure.

- Safety, security & crime prevention

The addition of a residential development will increase passive surveillance of the area.

- Operational waste

As outlined previously no details outlining how waste will be managed either during construction of or operation of the proposed development. Due to the lack of information supplied it is unclear if the proposed development will result in unacceptable operational waste management.

Report of the Director Environmental Services

- 9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)
-

- Risks to people & property from natural & technological hazards

The siting of the proposed development on an elevated position will protect it from natural hazards associated with climate change events. The conditions of consent can ensure that the proposal is not affected by technological hazards associated with the rail corridor and vice versa.

- BCA compliance

As outlined above, staff requested the provision of a Section J Report from the applicant to ensure that the proposed development complies with the relevant sections of Section J of Volume One of the National Construction Code Series and in turn changing weather events. No response has been received.

- Construction impacts

It is noted that impacts (i.e. noise, traffic etc.) are likely to occur during construction. Due to the fact that the adjoining allotments do not contain dwellings these impacts are considered to be minimal. Never the less, if approval were to be granted conditions would be added to mitigate construction impacts (i.e. construction hours, traffic control etc.) and compliance with the BCA.

The Suitability of the Site for the Development

The site is not suitable for the development as proposed. The site's positioning within the Kiama CDB warrants a greater level of commercial development. The loss of commercial space associated with the proposal outlines the site's lack of suitability for the development as proposed. Additionally, greater consideration of heritage sensitivity is required due to the site's proximity to a number of local and State heritage items.

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, 15 submissions were received which raised the following (summarised) matters of concern:

Item 1: - Architectural Form

Response: - Submissions have been received which suggest that the proposed development is too 'boxy' when viewed from Manning Street. The development's presentation to Manning Street and in turn its relationship with the adjoining heritage item has been discussed at length in this report. Suggestions have been made by Council's Heritage Advisor that would further articulate the expansive blank walls and will assist in contributing to the character of the streetscape. It is noted that the existing building does not incorporate a pitched roof form.

Item 2: - Heritage

Report of the Director Environmental Services

- 9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)

Response: - A number of submissions received raised concerns in regards to the proposal's poor relationship with the adjoining heritage item. This matter has been discussed in length above and staff are of the same opinion. As outlined above the development as proposed is not considered to comply with Clause 5.10 of the LEP or Chapter 30 of the DCP 2012 as it will detrimentally affect the heritage significance of the Uniting Church.

Item 3: - Compliance with the ADG, LEP and DCP

Response: - A number of submissions received raised concerns regarding areas of non-compliance with the ADG, LEP and DCP. This matter has been discussed in length above and staff are of the same opinion. As outlined above the development as proposed is not considered to comply with SEPP No 65, ADG, LEP or DCP.

Item 4: - Future desired urban form for Manning Street precinct (i.e. Kiama Town Centre Charrette)

Response: - Several submissions received raised concerns regarding the indicative designs for the Kiama town centre as outlined in Part II of the Kiama Town Centre Charrette. The Charrette suggested that a means of unlocking the potential of the interior of this area was to extend a public street between Bong Bong Street and the Telstra Exchange Building. By building to the boundaries of the site the proposed development will make it difficult for the vision of the Charrette to be realised. However, as the initiatives of the Charrette have never been legislated, either through LEP or DCP controls, the applicant is not required to consider the objectives of the Charrette.

Item 5: - Traffic/Parking

Response: - Concerns were raised regarding the access to the proposed residential parking area being gained across a wide pedestrian footpath. Some submitters also commented on the volume of traffic likely to be generated as a result of this proposal and the development currently under construction at 28 Bong Bong Street (i.e. Bathers site). Concerns have also been raised regarding the adequacy of the existing right-of-way and the legalities associated with it. This matter has been discussed in length above and staff are of the same opinion. As outlined above the development as proposed is not considered to comply with Chapter 9 of the DCP 2012. Council's Subdivision and Development Engineer has also raised concerns regarding the proposed car parking spaces non-compliance with the engineering requirements of the Australian Standard 2890.1.

Item 6: - Loss of commercial spaces

Response: - The majority of submissions received voiced their concern over the loss of commercial space on the site. It was suggested that due to the proposed loss of commercial space the proposed development is not consistent with the objectives of the B2 Local Centre Zone. This matter has been discussed in length above and staff are of the same opinion. It has also been suggested that in its current form the proposed development is not consistent with the draft Community Strategic Plan 2017-2027, Kiama Economic Development Strategy 2014, or Kiama Economic and

Report of the Director Environmental Services

- 9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)
-

Employment Strategy 2003. As with the Kiama Town Centre Charrette the applicant is not required to consider the objectives of these plans/strategies.

Item 7: - Privacy/Overlooking (Rear & Side Setbacks)

Response: - Some of the neighbouring property owners have raised privacy concerns due to the building's proximity to its site boundaries. The submissions received outlined that due to the limited side and rear setbacks the balconies facing these boundaries will result in privacy issues. It is noted that presently driveways are adjacent to both side boundaries. The presence of the adjacent driveways will not assist in providing privacy to and from the rear balconies. As outlined above staff have identified that the proposed development does not comply with the setback requirements of the ADG and as such agree that the proposal could result in privacy issues.

Item 8: - Overshadowing

Response: - Some of the neighbouring property owners have also raised concerns regarding to building's potential to shadow neighbouring properties. This matter has been discussed in length above and staff are of the same opinion. The submitted Shadow Diagrams do not represent compliance with this Design Criteria. Solar Access plans have been requested to show relationship between the proposed 'towers'. It would also appear that the length of shadows has been underestimated in the submitted Shadow Diagrams as Council has calculated the length of the shadow at 9am on 21 June to be approximately 32m. It is noted that the submitted Shadow Diagrams have not be drawn to scale and as such may not accurately represent the shadows cast by the proposed development

External Referrals

Nil

Internal Referrals

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

- Development Assessment Officer - Building

An Objection has been raised in relation to the proposed development. Council's Development Assessment Officer – Building has requested the provision of an Asbestos and Hazardous Material Assessment Audit report and a Section J report.

- Subdivision & Development Engineer

An Objection has been raised in relation to the proposed development. Council's Subdivision & Development Engineer comments have been discussed above and will need to be rectified in order for staff to support this proposal.

- 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.

The Public Interest

Report of the Director Environmental Services

- 9.2 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)
-

The proposal is considered to be inconsistent with clause 8(d, n & p) of SEPP No 71, clause 28 of SEPP No 65, various objectives and design criteria of the ADG, the objectives of the B2 zone, clauses 4.3, 5.5 and 5.10 of the LEP 2011 and Chapters 2, 5, 9, 26 and 30 of the DCP. It is also acknowledged that insufficient information has been submitted to determine if the proposed development complies with Chapters 11 of the DCP 2012.

In this regard it is considered that the proposed development will cause adverse economic impacts. Due to the overall excessive bulk, scale and height of the proposed development it is not considered to be suitable for the site and therefore is considered to be inconsistent with the public interest. The inconsistency with the public interest is also shown in the number of submissions received.

Final Comments and Conclusions

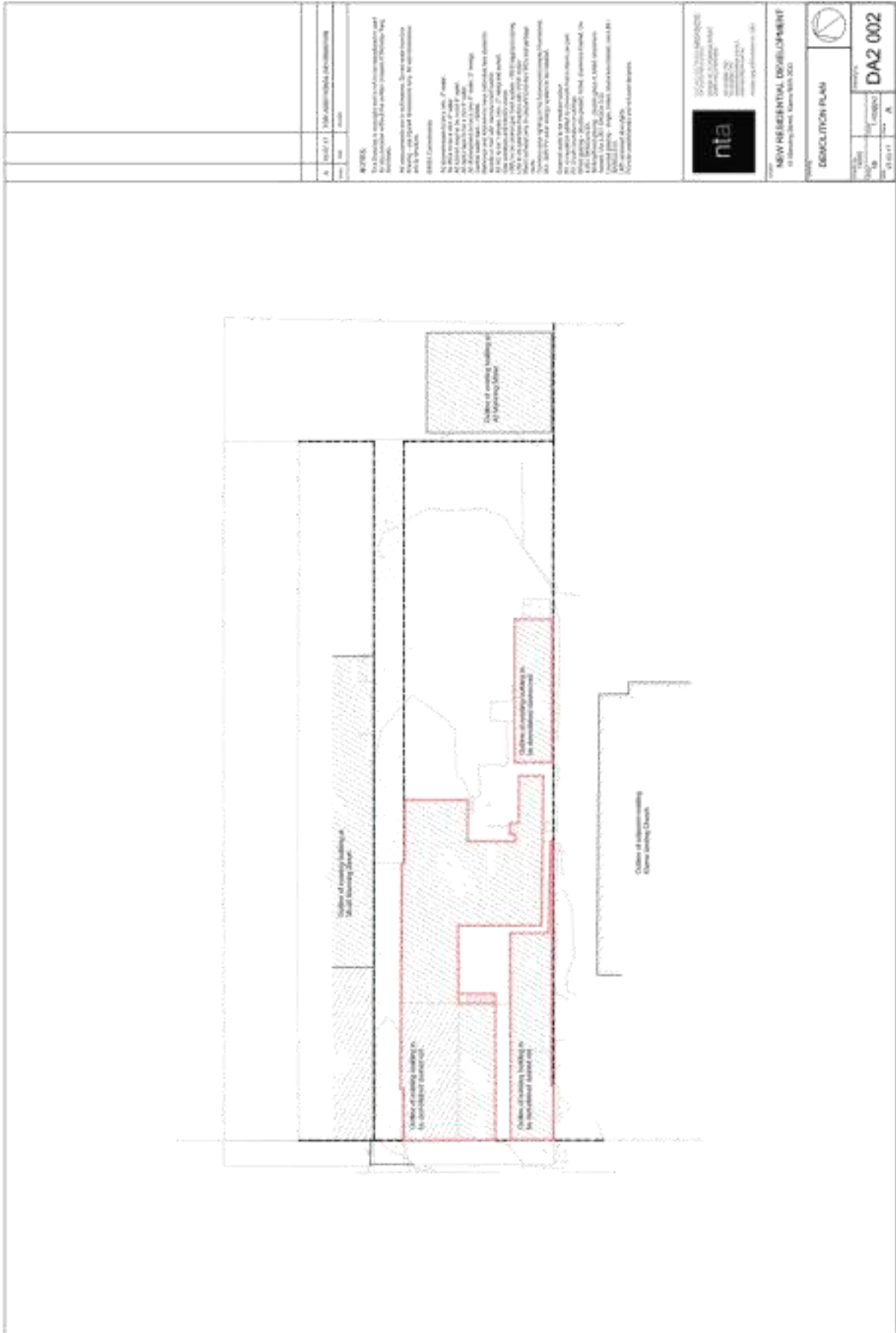
The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is inconsistent with State Environmental Planning Policy No 71 – Coastal Protection, State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, Kiama LEP 2011 and relevant Development Control Plans. The proposed development is inconsistent with the objectives of the LEP2011 - B2 Local Centre zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development. The overall loss of commercial space will result in a negative economic impact for the Kiama area. Concerns raised in submissions have been considered and refusal of the application is warranted.

2 — STREETSCAPE FROM THE EAST

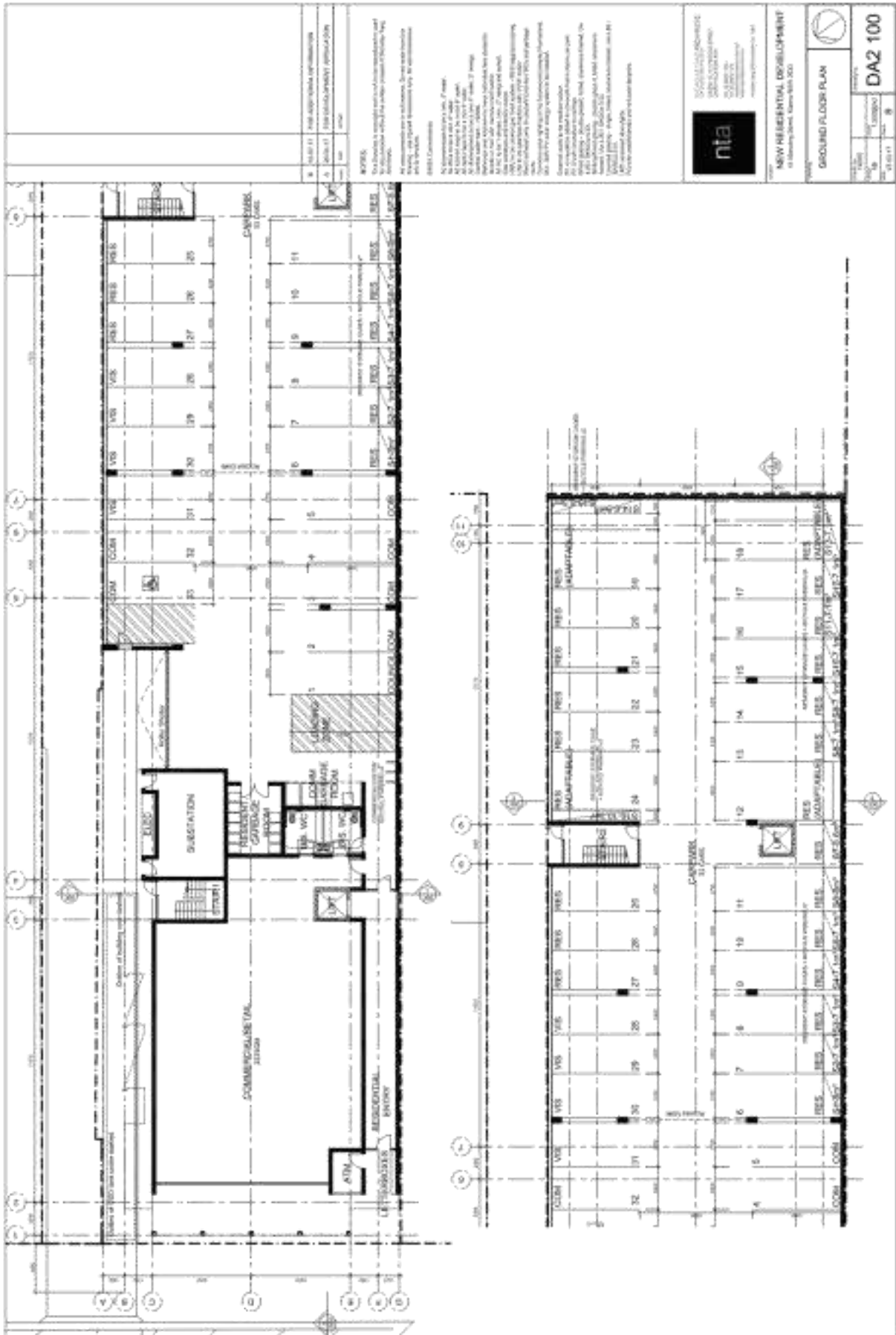
4 — STREETSCAPE FROM THE WEST

	<p>NOTES:</p> <p>For drawings to be signed and sealed for registration and to be included with a DA or other permit application, they must include the following information:</p> <p>All drawings must be in accordance with the relevant Building Code of Australia and any applicable standards.</p>	<p>nta</p> <p>NSW ARCHITECTURAL ASSOCIATION 100/101 MARKET STREET SYDNEY NSW 2000 TEL: (61) 2 9550 9300 WWW: www.nswarchitects.com.au</p>	<p>NEW RESIDENTIAL DEVELOPMENT 44 BONG BONG STREET, KIAMA NSW 2512</p> <p>DATE: 23/03/17</p> <p>PROJECT: PERSPECTIVES</p> <p>DA2 600</p>
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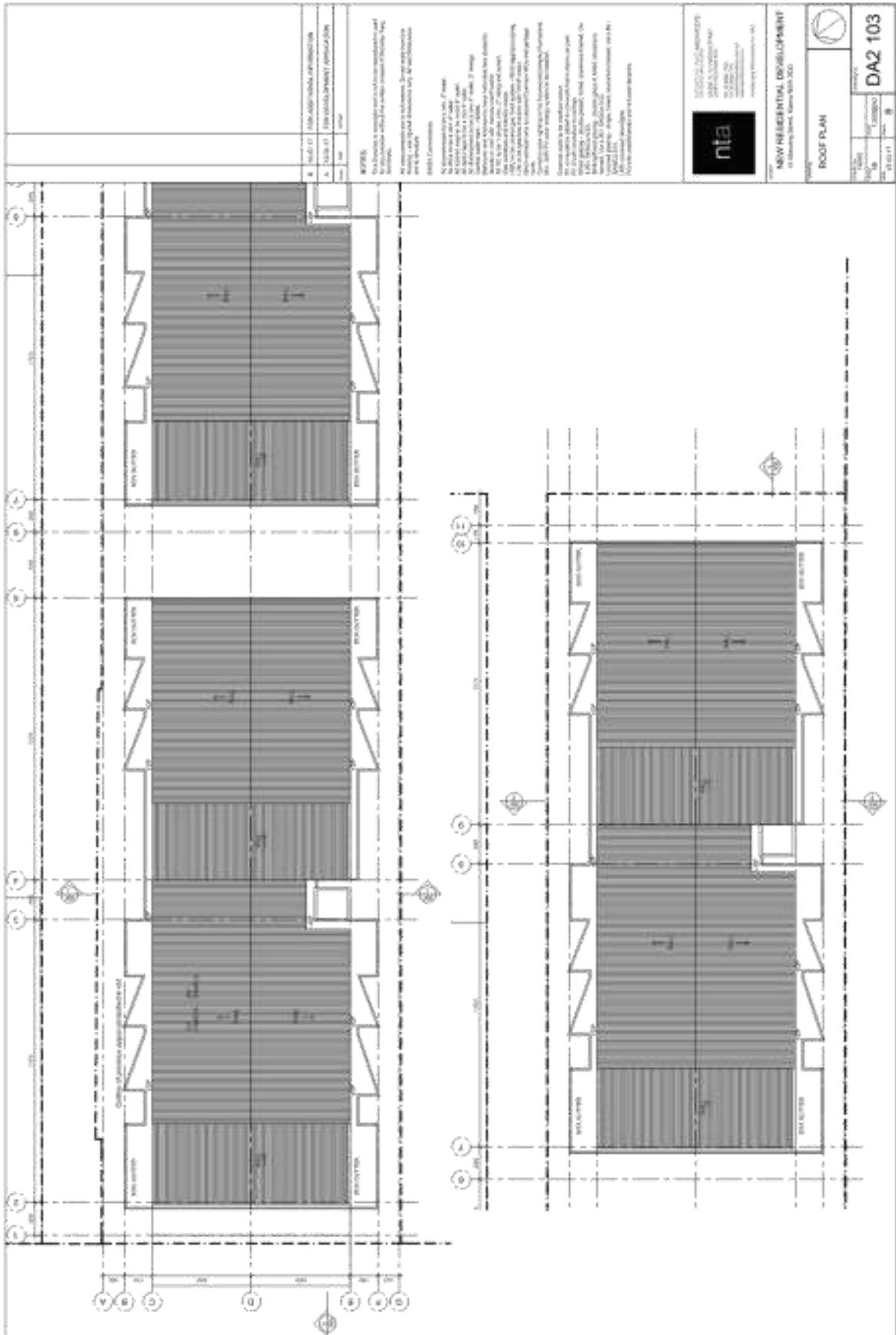
Item 9.2

Attachment 1



Item 9.2

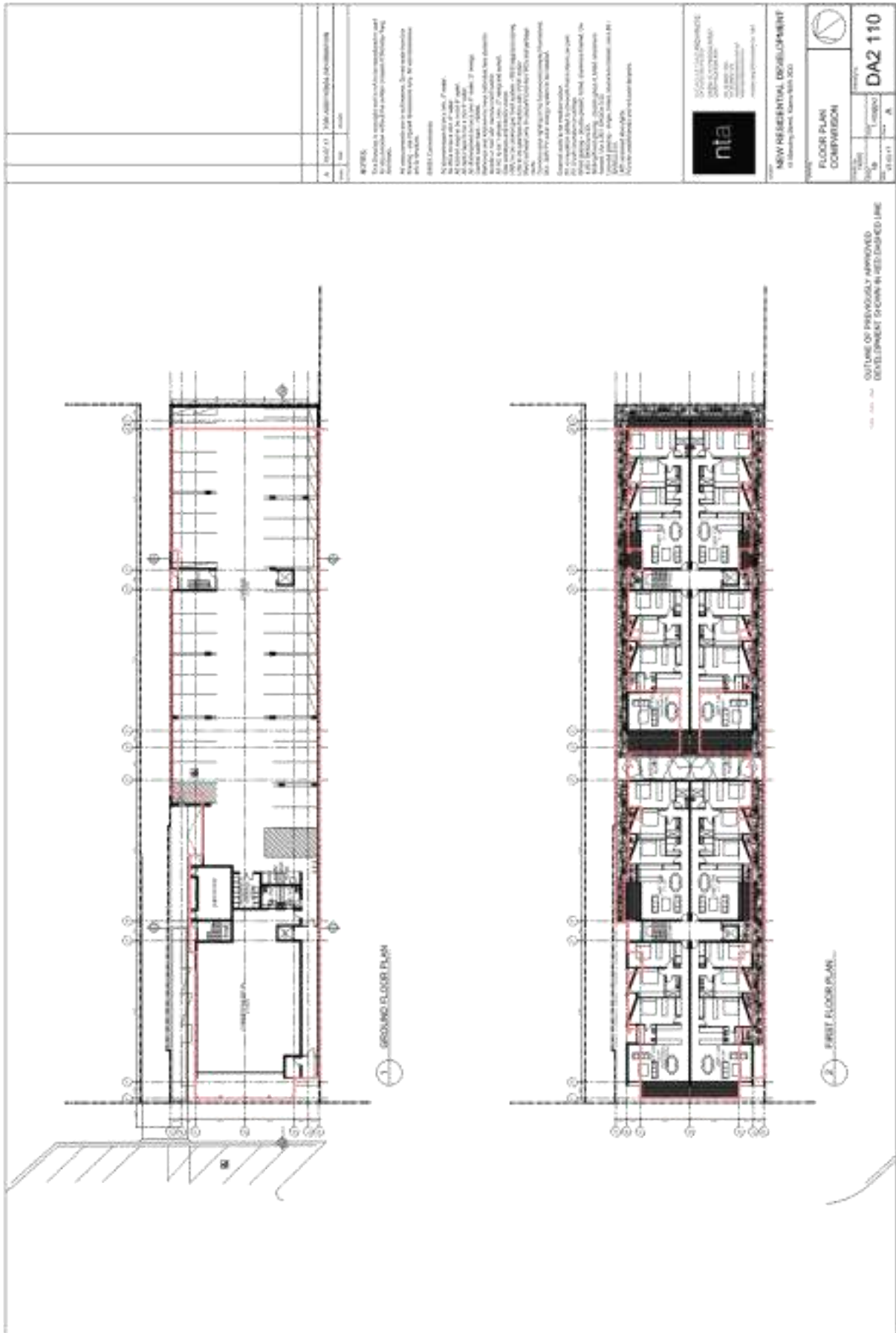
Attachment 1



NOTES:
 1. This drawing is to be read in conjunction with the following documents:
 A. Title Block
 B. Planning Approval
 C. Engineering Approval
 D. Other relevant documents
 2. All dimensions are in millimetres. Large scale dimensions are given in metres.
 3. All construction is to be in accordance with the Australian Standard AS/NZS 4576:2001.
 4. All construction is to be in accordance with the Australian Standard AS/NZS 4576:2001.
 5. All construction is to be in accordance with the Australian Standard AS/NZS 4576:2001.
 6. All construction is to be in accordance with the Australian Standard AS/NZS 4576:2001.
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 8. All construction is to be in accordance with the Australian Standard AS/NZS 4576:2001.
 9. All construction is to be in accordance with the Australian Standard AS/NZS 4576:2001.
 10. All construction is to be in accordance with the Australian Standard AS/NZS 4576:2001.

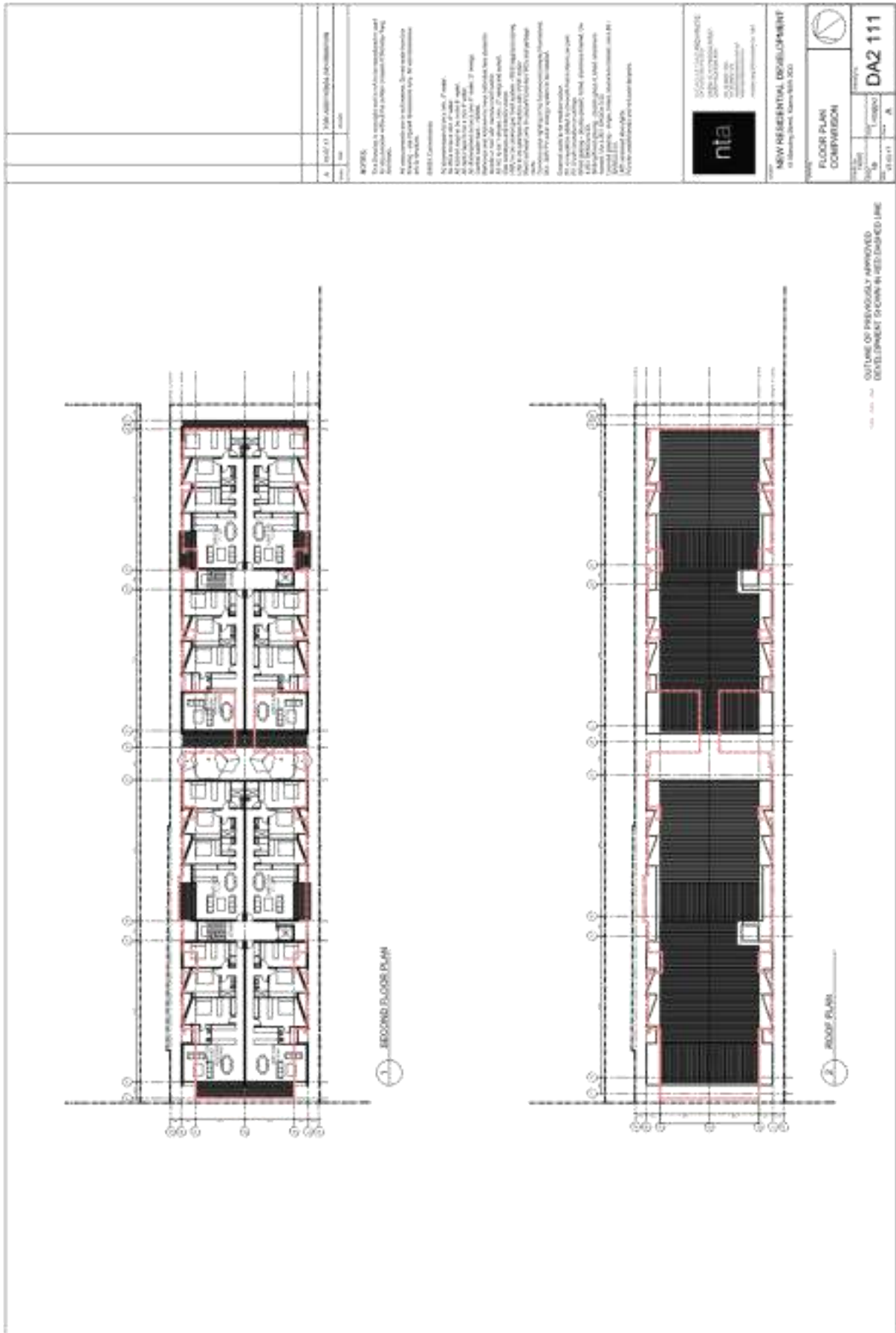
nta
 NEW RESIDENTIAL DEVELOPMENT
 44 Manning Street, Kiama NSW 2500
 PROJECT NO: 10.2017.116.1
 DRAWING NO: DA2 103
 DATE: 10/01/17
 SCALE: AS SHOWN
 SHEET NO: 10 OF 10

Item 9.2
 Attachment 1



Item 9.2

Attachment 1



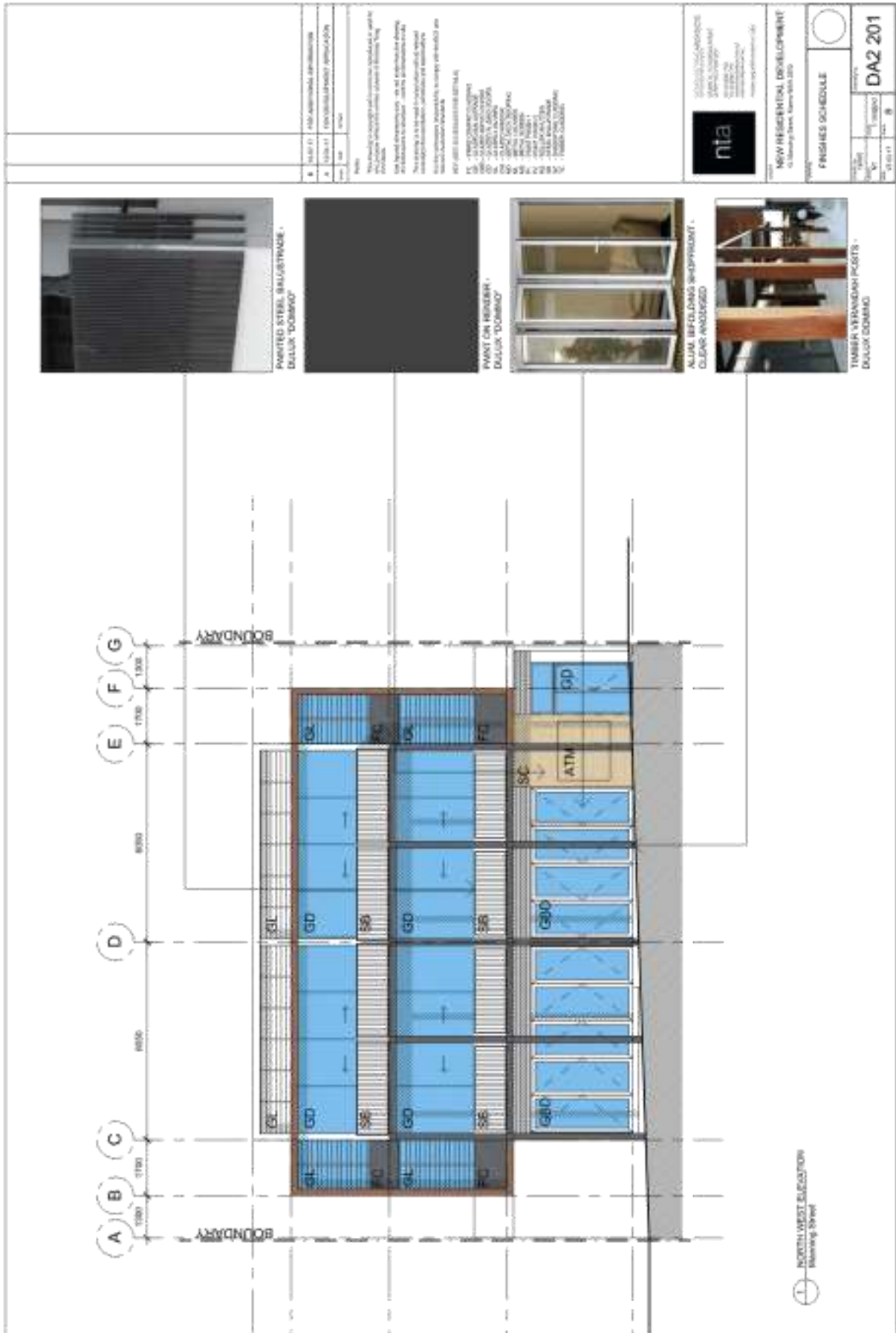
Item 9.2

Attachment 1



Item 9.2

Attachment 1



PAINTED STEEL BALUSTRADE -
 DULUX 'DORADO'



PAINT ON ROOFING -
 DULUX 'DORADO'



ALUM. WINDOW FRAMES -
 CLEAR ANODISED



TIMBER WINDOW FRAMES -
 DULUX 'DORADO'

Code	Description
A	1000-1100
B	1100-1200
C	1200-1300
D	1300-1400
E	1400-1500
F	1500-1600
G	1600-1700

Notes:
 1. This schedule is for information only and does not constitute a contract. It is subject to the terms and conditions of the contract.
 2. The schedule is to be read in conjunction with the drawings and specifications.
 3. The schedule is to be read in conjunction with the drawings and specifications.
 4. The schedule is to be read in conjunction with the drawings and specifications.
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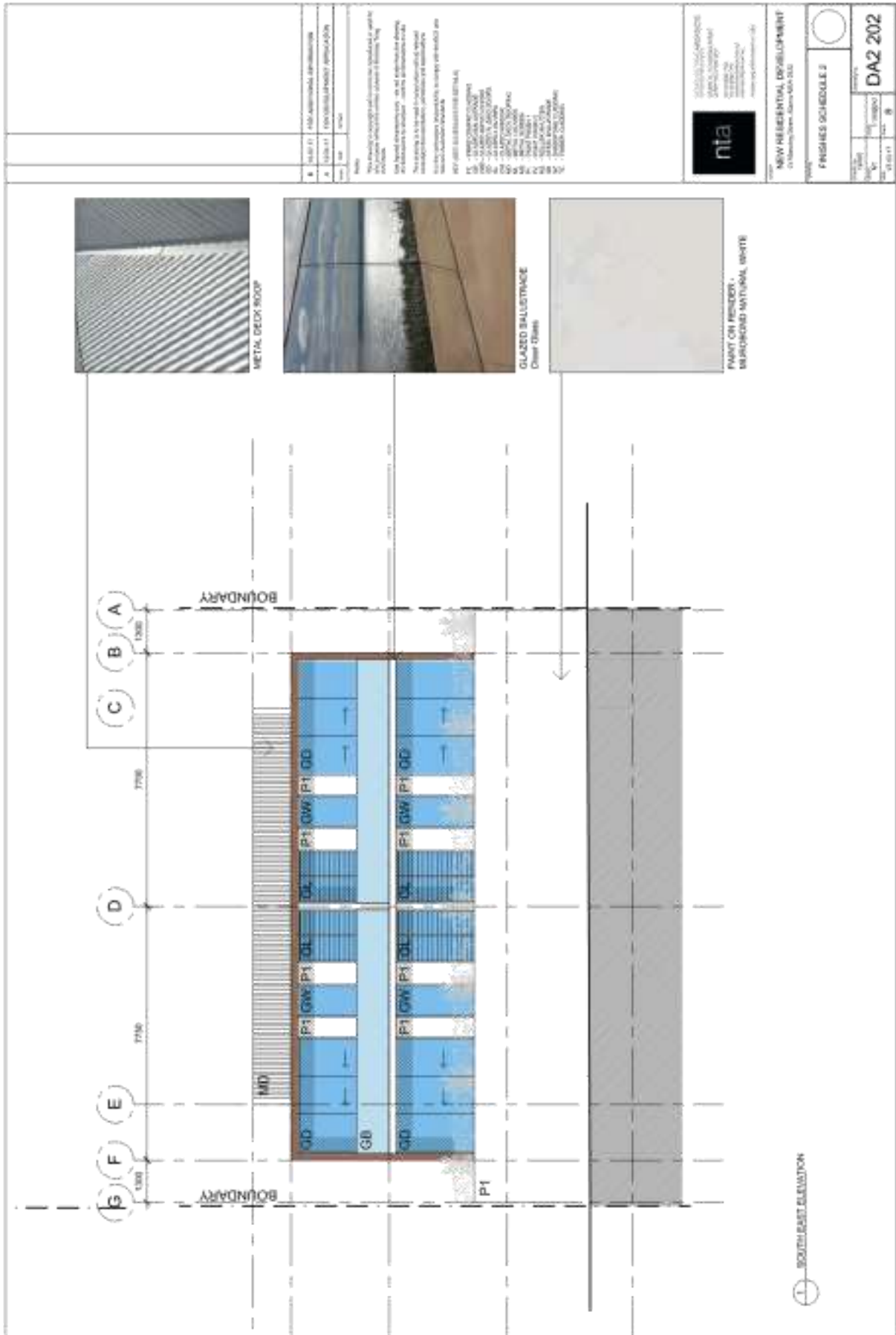
NEW RESIDENTIAL DEVELOPMENT
 44 Manning Street, Kiama NSW 2510

FINISHES SCHEDULE

DA2 201

Item 9.2

Attachment 1

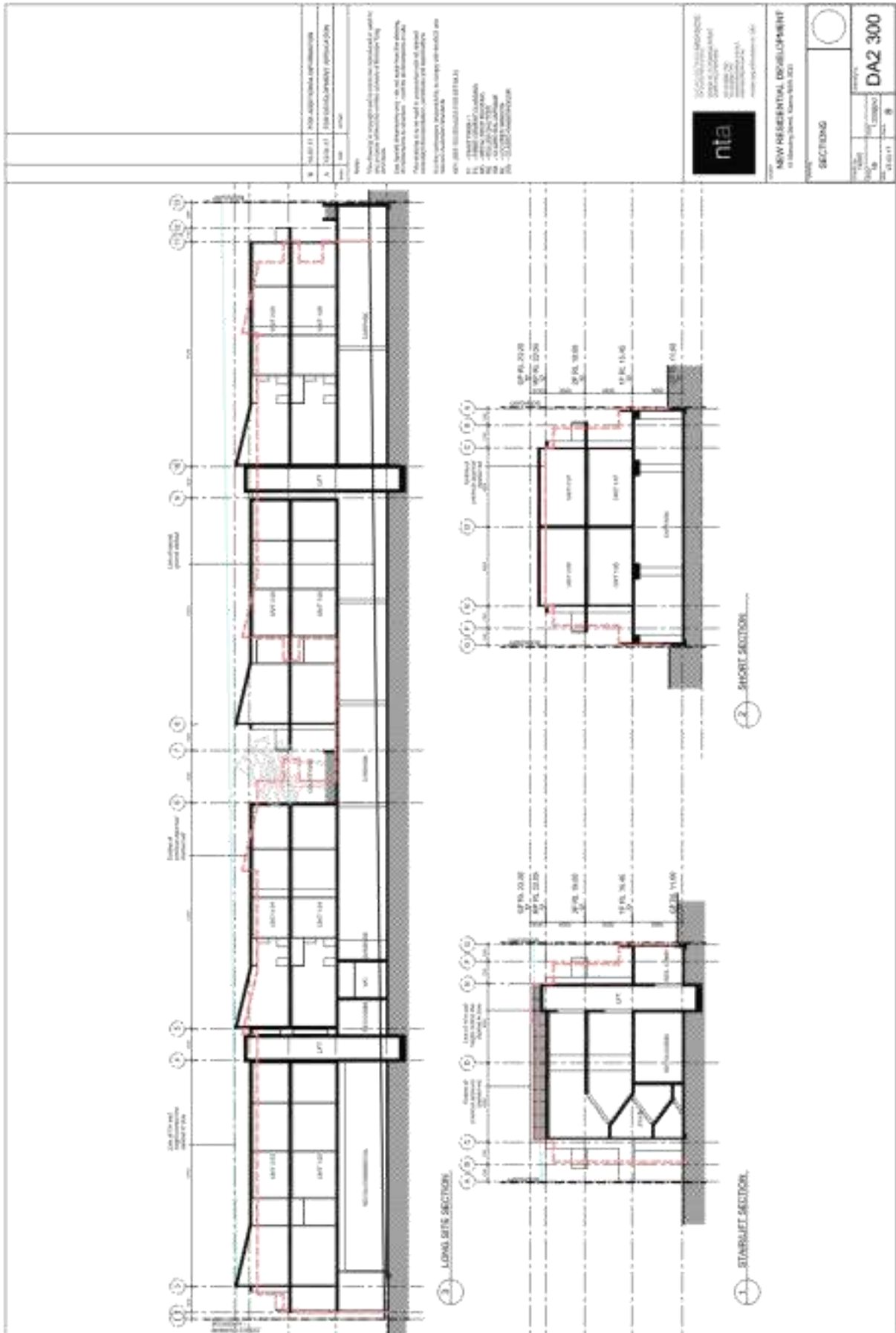


Item 9.2

Attachment 1

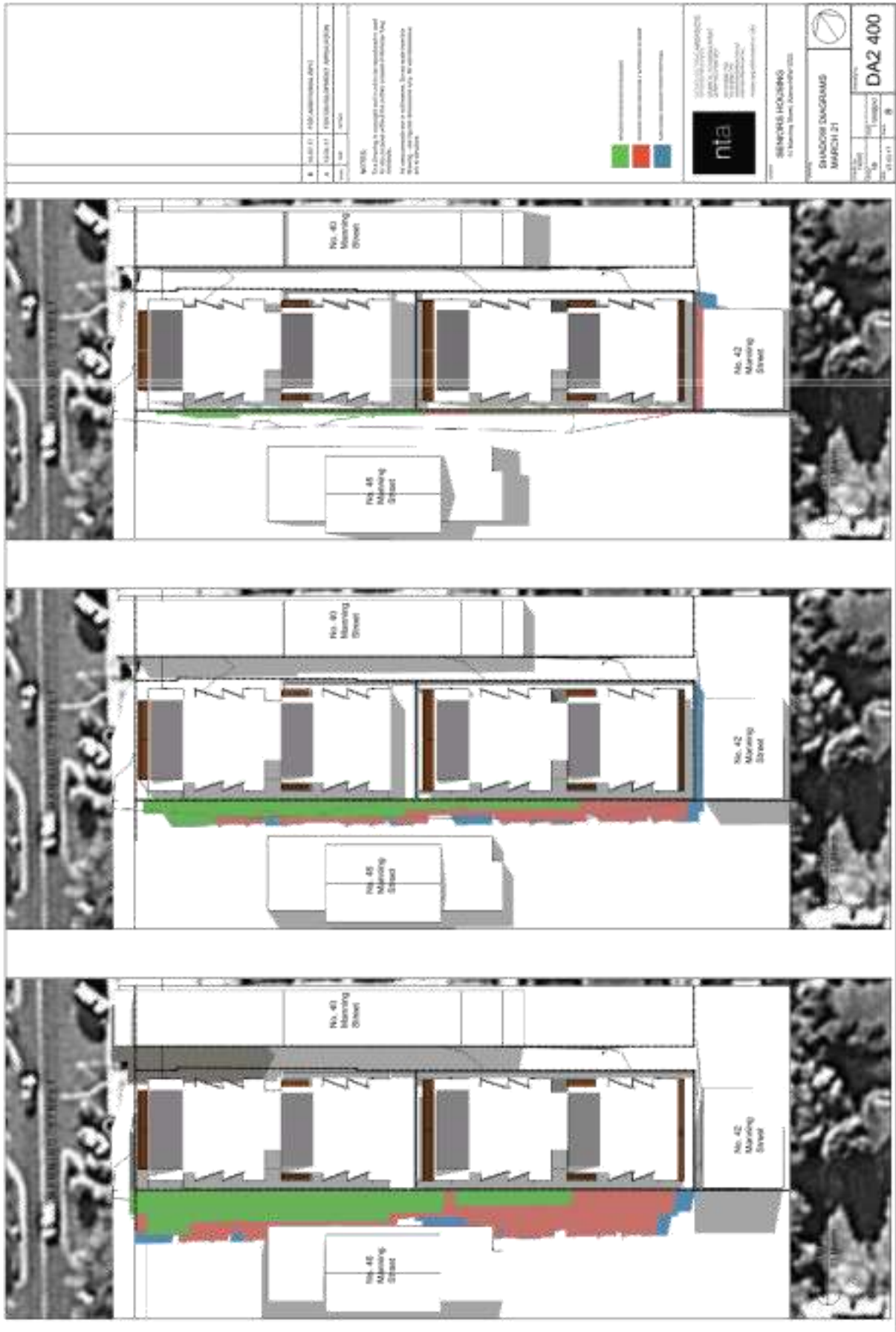


Attachment 1 **Item 9.2**



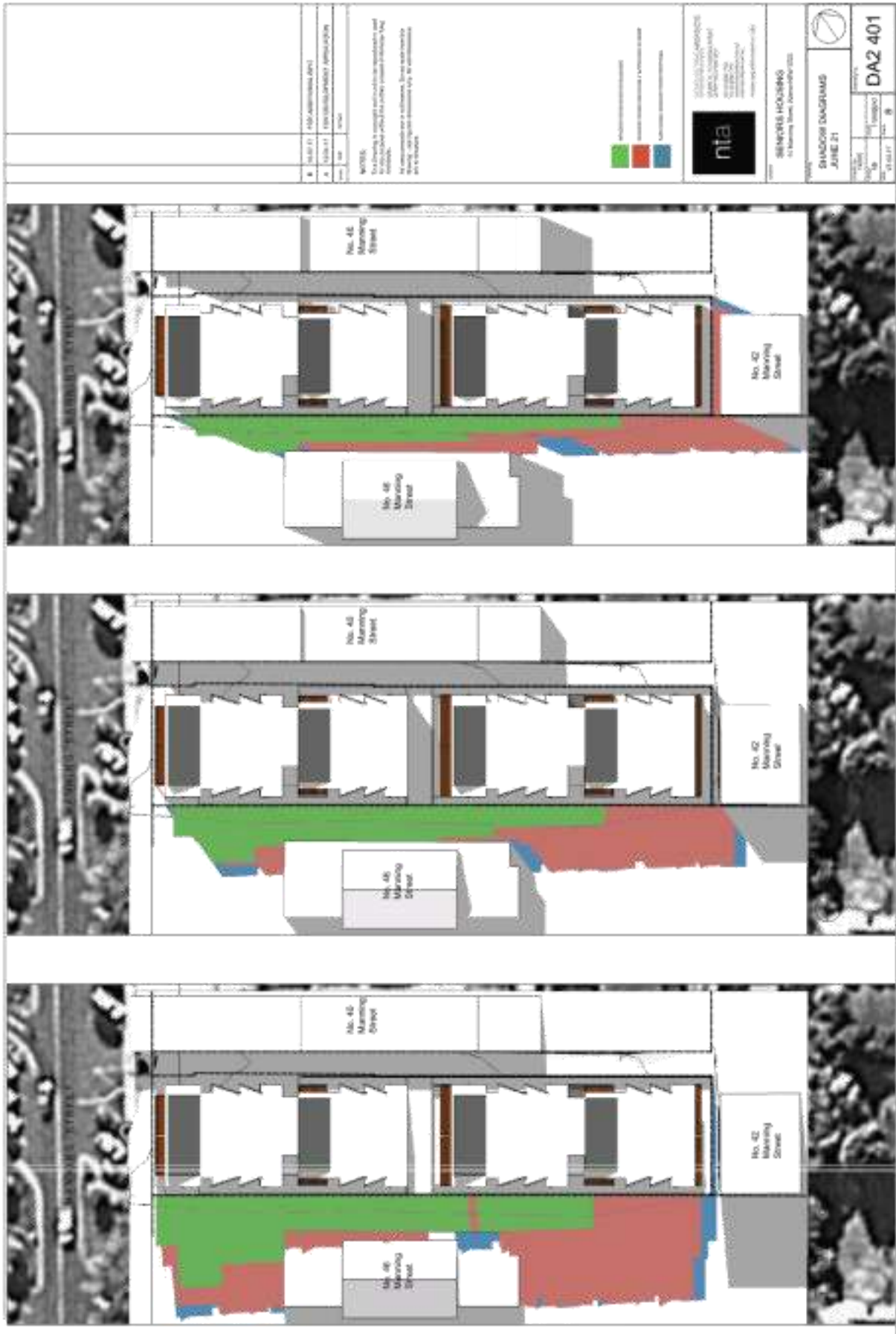
Item 9.2

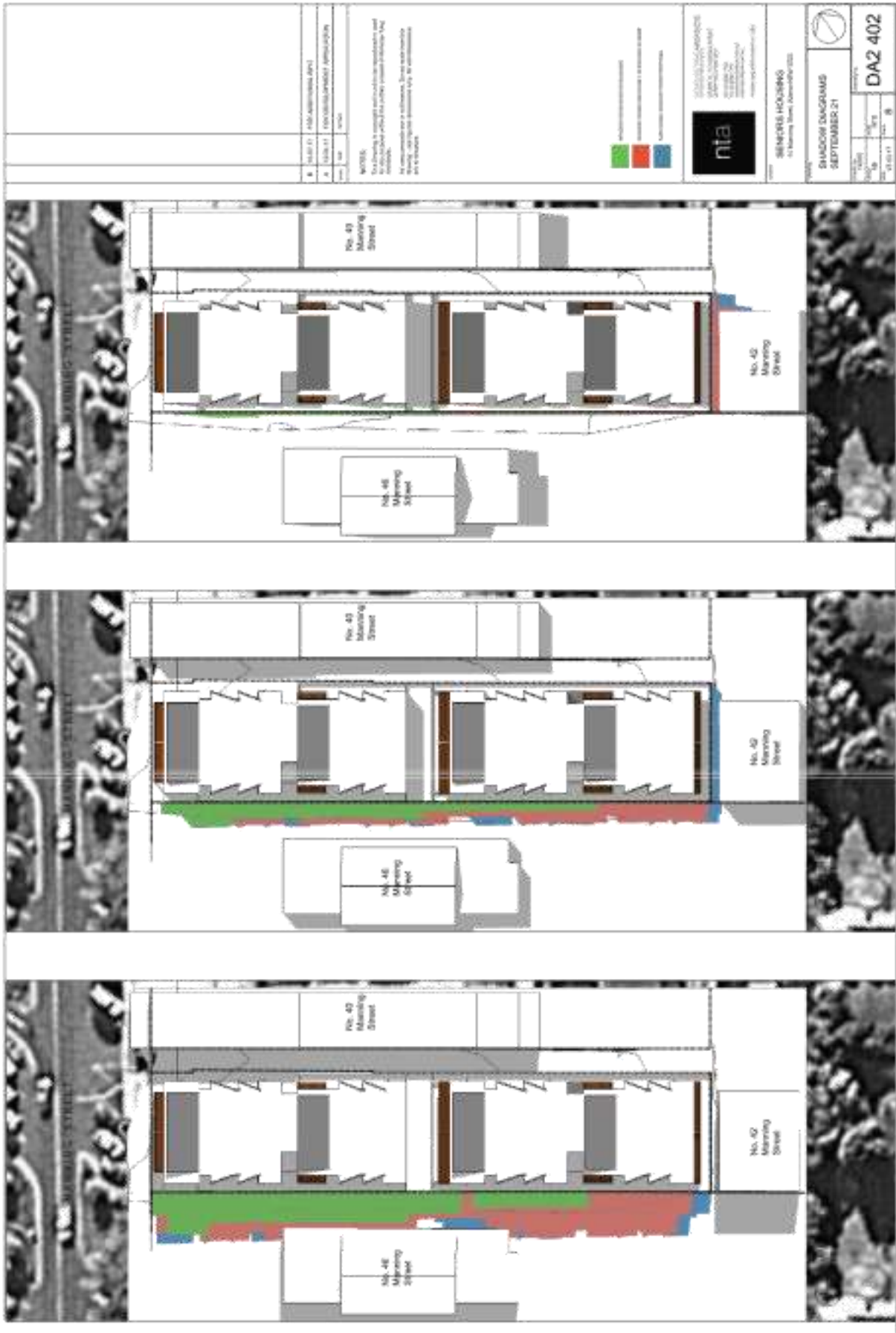
Attachment 1



Item 9.2

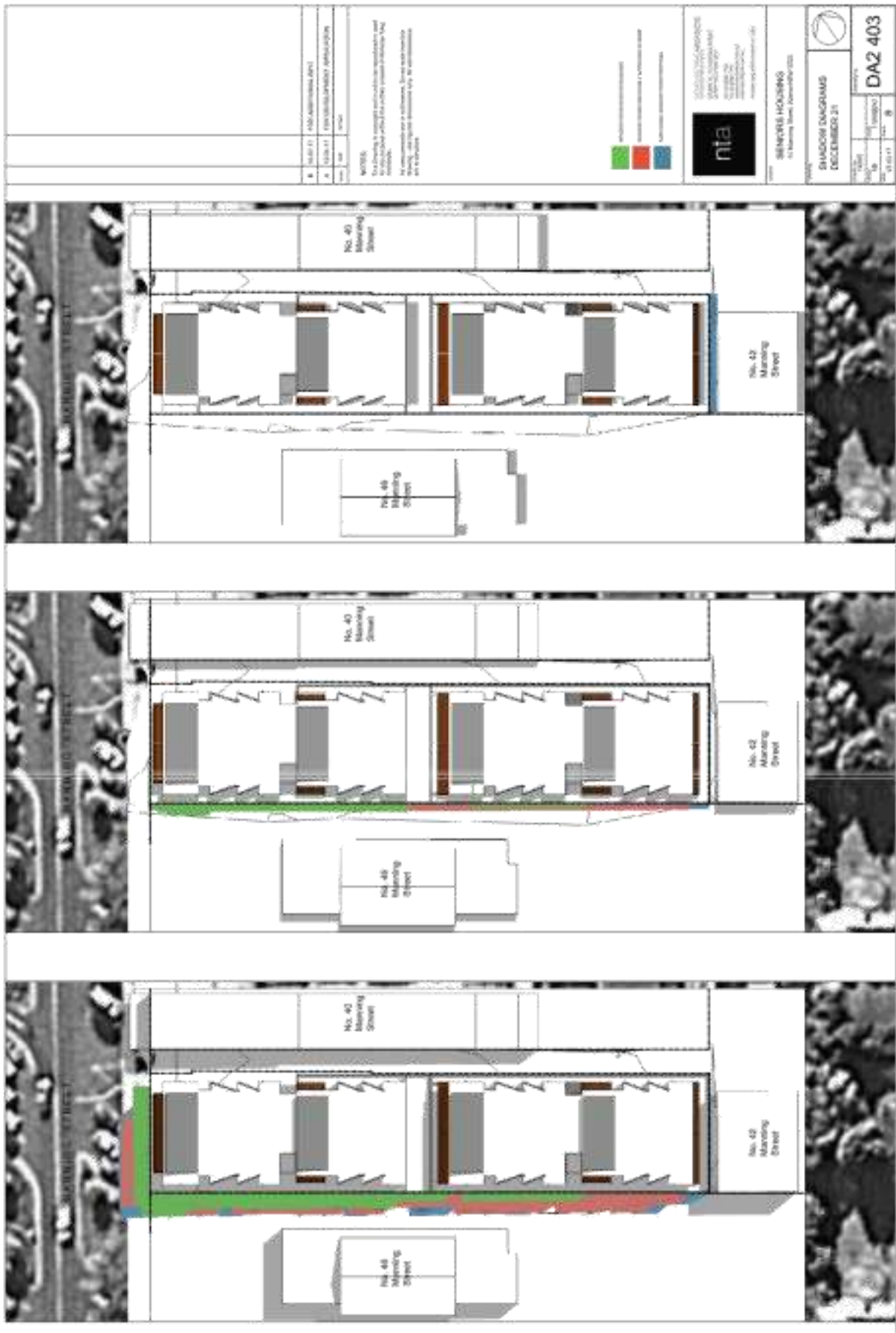
Attachment 1





Item 9.2


Attachment 1




Item 9.2

Attachment 1


SOLAR ACCESS TO LIVING AREAS																
TIME UNIT	DIRECT SOLAR ACCESS															
	1:01	1:02	1:03	1:04	1:05	1:06	1:07	1:08	2:01	2:02	2:03	2:04	2:05	2:06	2:07	2:08
Bedn																
Ydwn																
Tlshn																
Ylshn																
Ylsh																
Ylsh																
Ylsh																
Sub-Total	4	3	5	0	4	1	0	0	4	4	6	3	4	4	6	3
Compliant	Y	Y	Y	N	Y	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Total	13079 units = 81%															

 nta NATIONAL TRADING AUTHORITY 22 MARSDEN QUAY SYDNEY NSW 2000 www.nta.gov.au	Date of Issue: 22/06/2017 Date of Review: 22/06/2017 Date of Expiry: 22/06/2017	Date of Issue: 22/06/2017 Date of Review: 22/06/2017 Date of Expiry: 22/06/2017	Date of Issue: 22/06/2017 Date of Review: 22/06/2017 Date of Expiry: 22/06/2017
	Date of Issue: 22/06/2017 Date of Review: 22/06/2017 Date of Expiry: 22/06/2017	Date of Issue: 22/06/2017 Date of Review: 22/06/2017 Date of Expiry: 22/06/2017	Date of Issue: 22/06/2017 Date of Review: 22/06/2017 Date of Expiry: 22/06/2017


Note: The Council has approved the proposed development on the basis that the applicant has provided sufficient information to demonstrate that the proposed development will not result in a significant loss of solar access to living areas.	Note: The Council has approved the proposed development on the basis that the applicant has provided sufficient information to demonstrate that the proposed development will not result in a significant loss of solar access to living areas.
NEW RESIDENTIAL DEVELOPMENT at Bong Bong Street, Kiama (DP)	SOLAR ACCESS TO LIVING AREAS - JUNE 21
Project Name: Pakkar Logan Property	DA Number: DA2 420



11 AM - UNIT 1.01



12 PM - UNIT 1.01



3 PM - UNIT 1.01

SOLAR ACCESS TO LIVING SPACE
UNIT 1.01

TIME	SUNLIGHT	TIME	SUNLIGHT
11am	NO		
12pm	NO		
3pm	YES		
4pm	YES		
5pm	YES		
6pm	YES		
7pm	YES		
Total Hours		4	
Compliant			YES

nta

10/10/2017 10:48:10 AM
 10/10/2017 10:48:10 AM
 10/10/2017 10:48:10 AM
 10/10/2017 10:48:10 AM

Notes:
 The information provided in this report is based on the information provided to NTA and is subject to the accuracy of the information provided.
 NTA does not warrant or guarantee the accuracy of the information provided.
 The information provided in this report is for the use of the client only and should not be relied upon for any other purpose.
 NTA is not responsible for any loss or damage arising from the use of the information provided in this report.

4. 10/10/2017 10:48:10 AM

DAZ 421

3PM - UNIT A0.05

2PM - UNIT A0.05

1PM - UNIT A0.05

SOLAR ACCESS TO LIVING SPACE
 UNIT 1.02

TIME	SUNLIGHT
3pm	NO
2pm	NO
1pm	NO
12pm	YES
11am	YES
10am	YES
9am	YES
Total Hours	3
Compliant	YES

Notes:
 The above information is provided for information only and does not constitute a guarantee or warranty of any kind. The applicant is responsible for ensuring that the information provided is accurate and complete. The applicant is also responsible for ensuring that the information provided is up-to-date and reflects the current status of the project.

NEW RESIDENTIAL DEVELOPMENT
 at Bong Bong Street, Kiama NSW 2533

Project Name: Pakkar Logan Property

DA2 422

nta

11AM - UNIT 1.03

10AM - UNIT 1.03

9AM - UNIT 1.03

12PM - UNIT 1.03

1PM - UNIT 1.03

2PM - UNIT 1.03

SOLAR ACCESS TO LIVING SPACE
 UNIT 1.03

TIME	SUNLIGHT
8am	YES
9am	YES
10am	YES
11am	YES
12pm	YES
1pm	YES
2pm	NO
Total Hours	5
Compliant	YES


NEW RESIDENTIAL DEVELOPMENT
 at 44 Bong Bong Street, Kiama NSW 2533

Project: Pakar Lagoon Property

DA2 423


nta

Notes:
 1. The solar access study is based on the following assumptions:
 - The sun is assumed to be at its maximum height for the day.
 - The sun is assumed to be at its maximum height for the day.
 - The sun is assumed to be at its maximum height for the day.
 - The sun is assumed to be at its maximum height for the day.



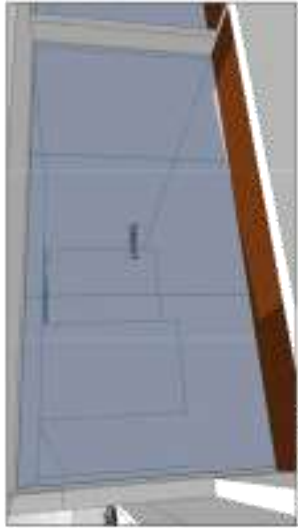
10AM - UNIT 1.01

2PM - UNIT 1.01



10AM - UNIT 1.02

2PM - UNIT 1.02



10AM - UNIT 1.03

2PM - UNIT 1.03

SOLAR ACCESS TO LIVING SPACE
UNIT 1.05

TIME	SUNLIGHT
10am	NO
11am	NO
12pm	YES
1pm	YES
2pm	YES
3pm	YES
Total Hours	4
Compliant	YES


nta

NOTICE TO ATTEND TO THE MATTER OF THE LOCAL GOVERNMENT ACT 1995
 10/2017/116/1 DP 380582
 44 BONG BONG STREET, KIAMA NSW 2533
 LOCAL GOVERNMENT OF KIAMA
 4/2017/116/1 DP 380582


NEW RESIDENTIAL DEVELOPMENT
 at Bong Bong Street, Kiama NSW

SOLAR ACCESS TO LIVING AREAS - JUNE 21


DA2 424




12PM - UNIT 1.07




3PM - UNIT 1.07




6PM - UNIT 1.07



9PM - UNIT 1.07



11AM - UNIT 1.07



2PM - UNIT 1.07

SOLAR ACCESS TO LIVING SPACE
 UNIT 1.07

TIME	SUNLIGHT
8am	YES
9am	YES
10am	YES
11am	YES
12pm	YES
1pm	YES
2pm	YES
3pm	NO
Total Hours	9
Compliant	YES

Notes:
 The above information is provided as a guide only and does not constitute a guarantee of performance. The applicant should refer to the relevant standards and codes of practice for further information.
 The applicant should refer to the relevant standards and codes of practice for further information.
 The applicant should refer to the relevant standards and codes of practice for further information.

NEW RESIDENTIAL DEVELOPMENT
 44 BONG BONG STREET, KIAMA NSW 2533

Project Name: Pakar Lagoon Property

DA2 425



9PM - UNIT 2.01



10PM - UNIT 2.01



11AM - UNIT 2.01



9PM - UNIT 2.01



2PM - UNIT 2.01


SOLAR ACCESS TO LIVING SPACE
UNIT 2.01

TIME	SUNLIGHT
9am	NO
10am	NO
11am	YES
12pm	YES
1pm	YES
2pm	YES
3pm	YES
Total Hours	4
Compliant	YES

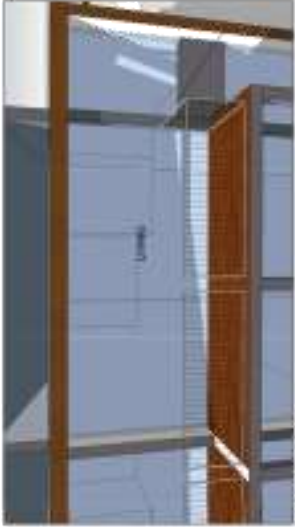
Notes:
 The applicant is required to provide a minimum of 4 hours of sunlight to the living space of the unit for each day of the year.
 The applicant is required to provide a minimum of 4 hours of sunlight to the living space of the unit for each day of the year.
 The applicant is required to provide a minimum of 4 hours of sunlight to the living space of the unit for each day of the year.
 The applicant is required to provide a minimum of 4 hours of sunlight to the living space of the unit for each day of the year.

NEW RESIDENTIAL DEVELOPMENT
 in Living Areas - June 21

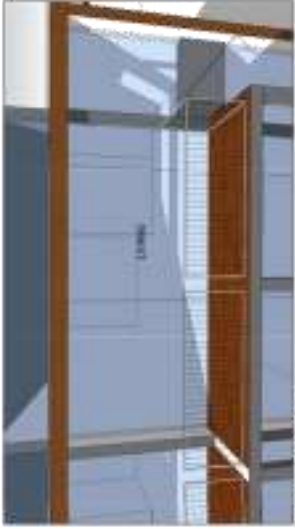
DA2 426




10AM - UNIT 2.02




11AM - UNIT 2.02




12PM - UNIT 2.02



1PM - UNIT 2.02



2PM - UNIT 2.02



3PM - UNIT 2.02

SOLAR ACCESS TO LIVING SPACE
 UNIT 2.02

TIME	SUNLIGHT
10am	NO
11am	NO
12am	YES
1pm	YES
2pm	YES
3pm	YES
Total Hours	4
Compliant	YES

Notes:
 The Council has approved the amended plans for the proposed development.
 The Council has approved the amended plans for the proposed development.
 The Council has approved the amended plans for the proposed development.
 The Council has approved the amended plans for the proposed development.

NEW RESIDENTIAL DEVELOPMENT
 at Manning Street, Kiama NSW 2533

DA2 427

9AM - UNIT 2.03

10AM - UNIT 2.03

11AM - UNIT 2.03

12PM - UNIT 2.03

1PM - UNIT 2.03

2PM - UNIT 2.03

SOLAR ACCESS TO LIVING SPACE
 UNIT 2.03

TIME	SUNLIGHT
9am	YES
10am	YES
11am	YES
12pm	YES
1pm	YES
2pm	YES
3pm	YES
Total Hours	6
Compliant	YES

NEW RESIDENTIAL DEVELOPMENT
 at 44 Bong Bong Street, Kiama NSW 2533

DA2 428

Project: Pakar Logan Property

Site: 44 BONG BONG STREET, KIAMA NSW 2533

DA: DA2 428

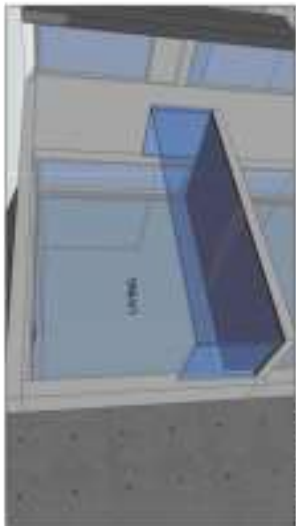
Scale: 1:100

Author: [Name]

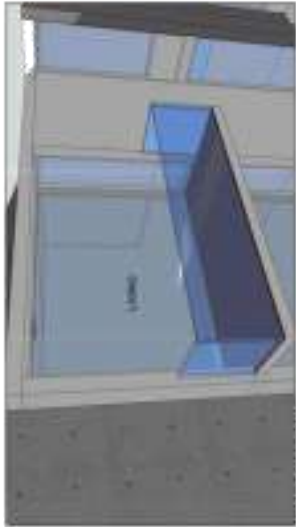
Check: [Name]

Date: [Date]

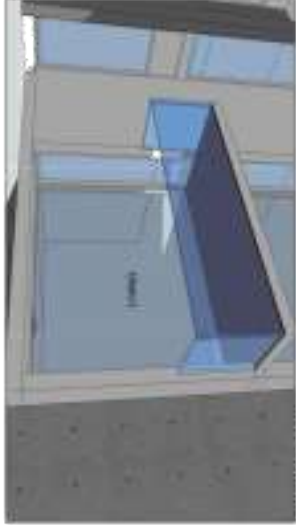
Notes: [Notes]



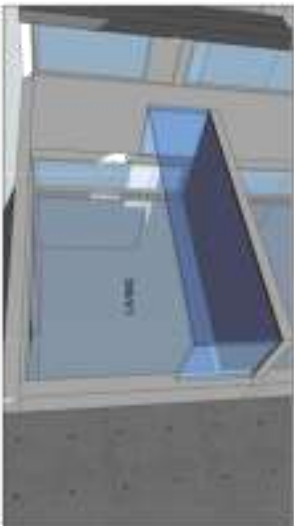
11 AM - UNIT 2.04



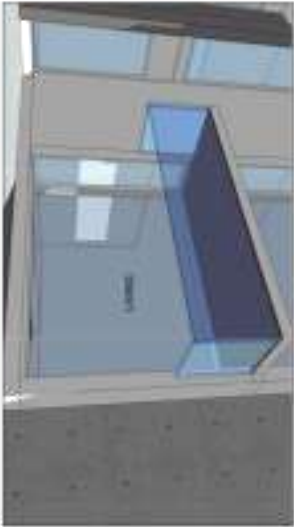
12 PM - UNIT 2.04



1 PM - UNIT 2.04



2 PM - UNIT 2.04



3 PM - UNIT 2.04

SOLAR ACCESS TO LIVING SPACE
UNIT 2.04

TIME	SUNLIGHT
11am	NO
12pm	NO
1pm	NO
2pm	YES
3pm	YES
4pm	YES
5pm	YES
Total Hours	5
Compliant	YES

nta

10/10/2017 11:00 AM
 10/10/2017 11:00 AM
 10/10/2017 11:00 AM
 10/10/2017 11:00 AM

NEW RESIDENTIAL DEVELOPMENT
 44 BONG BONG STREET, KIAMA (DP 380582)

Project Name: Pakar Logan Property

DA2 429

SOLAR ACCESS TO LIVING AREAS - JUNE 21

10AM - UNIT 2.05

11AM - UNIT 2.05

12PM - UNIT 2.05

1PM - UNIT 2.05

2PM - UNIT 2.05


3PM - UNIT 2.05

SOLAR ACCESS TO LIVING SPACE
 UNIT 2.05


TIME	SUNLIGHT
10am	NO
11am	NO
12pm	YES
01pm	YES
02pm	YES
03pm	YES
Total Hours	4
Compliant	YES

NEW RESIDENTIAL DEVELOPMENT
 at Manning Street, Kiama NSW 2533

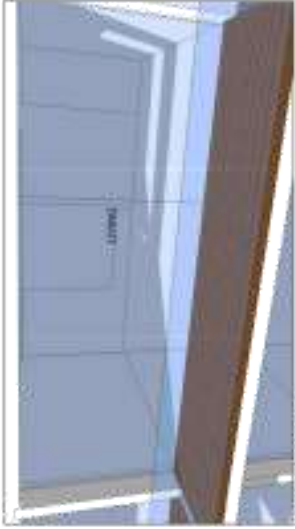
DA2 430



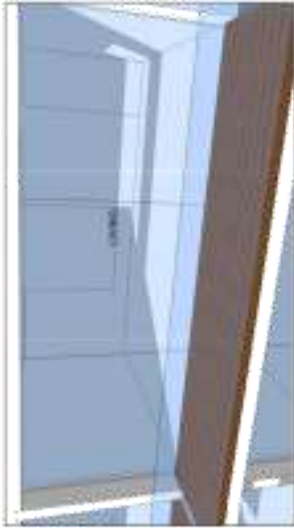
10AM - UNIT 2.06



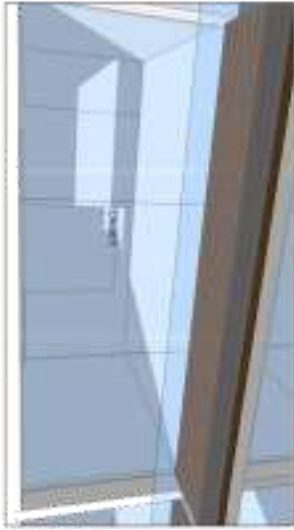
11AM - UNIT 2.06



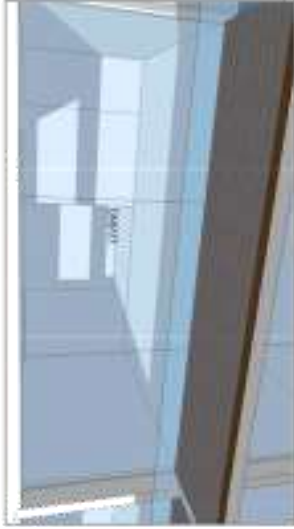
12PM - UNIT 2.06



1PM - UNIT 2.06



2PM - UNIT 2.06



3PM - UNIT 2.06

SOLAR ACCESS TO LIVING SPACE
 UNIT 2.06

TIME	SUNLIGHT
10am	NO
11am	NO
12am	YES
01pm	YES
02pm	YES
03pm	YES
Total Hours	4
Compliant	YES

nta

10/10/2017 10:00 AM
 10/10/2017 10:00 AM
 10/10/2017 10:00 AM
 10/10/2017 10:00 AM

Notes:
 The above information is provided as a guide only and does not constitute a guarantee.
 The Council is not responsible for the accuracy of the information provided.
 The Council is not responsible for the accuracy of the information provided.
 The Council is not responsible for the accuracy of the information provided.

10/10/2017 10:00 AM
 10/10/2017 10:00 AM
 10/10/2017 10:00 AM
 10/10/2017 10:00 AM

NEW RESIDENTIAL DEVELOPMENT
 at 44 Bong Bong Street, Kiama (DA2 431)

DA2 431

SOLAR ACCESS TO LIVING SPACE
 UNIT 2.07


TIME	SUNLIGHT
9am	YES
10am	YES
11am	YES
12pm	YES
1pm	YES
2pm	YES
3pm	YES
Total Hours	8
Compliant	YES

9AM - UNIT 2.07
 10AM - UNIT 2.07
 11AM - UNIT 2.07
 12PM - UNIT 2.07
 1PM - UNIT 2.07
 2PM - UNIT 2.07
 3PM - UNIT 2.07
 4PM - UNIT 2.07


NEW RESIDENTIAL DEVELOPMENT
 at Bong Bong Street, Kiama NSW 2533

DA2 432


nta




9PM - UNIT 2.08




10PM - UNIT 2.08



11AM - UNIT 2.08



2PM - UNIT 2.08



3PM - UNIT 2.08

SOLAR ACCESS TO LIVING SPACE
 UNIT 2.08

TIME	SUNLIGHT
9am	NO
10am	NO
11am	NO
12pm	YES
1pm	YES
2pm	YES
3pm	YES
Total Hours	3
Compliant	YES

NEW RESIDENTIAL DEVELOPMENT
 at Kiama (Shoalhaven Local Govt Area)

DAZ 433

9.3 Planning Proposal for Part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 and Lot 38 DP 630551, Irvine Street, Kiama

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.3 The principles of sustainable development and compliance underpin town planning and local development

Delivery Program: 2.3.1 Conduct development and building assessment/approval functions in accordance with statutory requirements, policies and procedures

Item 9.3

Summary

The Planning Proposal for part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 and Lot 38 DP 630551, Irvine Street, Kiama was endorsed for Gateway consideration by Council on 14 April 2015. The Department of Planning and Environment granted a Gateway Determination for this proposal on 4 October 2016. In accordance with the conditions of this determination Council placed the Planning Proposal and supporting information on exhibition. Pursuant to Section 29 of the Local Government Act 1993 2 public hearings were held to discuss this matter. Two verbal submissions were made in regards to the subject site at the July hearing. No written submissions were received in regards to the subject site.

As the issues raised by the verbal submissions have been adequately addressed by this report it is recommended that Council proceed with this amendment to Kiama LEP 2011.

Finance

N/A

Policy

N/A

Reason for Report to Council

This report overviews the results of the exhibition period and seeks endorsement to proceed with the LEP amendment.

Attachments

- 1 PP - Gateway Determination [↓](#)
- 2 PP - Council Report - 14/4/15 [↓](#)
- 3 PP - Council Minute - 14/4/15 [↓](#)
- 4 PP - Report on Outcome of Public Hearings [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council requests that the Department of Planning & Environment make the amendment to the *Kiama Local Environmental Plan 2011* to rezone part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 and Lot 38 DP 630551, Irvine Street Kiama from

Report of the Director Environmental Services

9.3 Planning Proposal for Part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 and Lot 38 DP 630551, Irvine Street, Kiama (cont)

RE1 Public Recreation to R2 Low Density Residential, introduce a minimum lot size of 450m², and apply a maximum building height of 8.5m and maximum floor space ratio of 0.45:1.

BACKGROUND

Council's Revenue Sub Committee identified the potential to rezone part Lot 12 DP 708075, Lots 36 & 45 DP 263449 and Lot 38 DP 630551, Irvine Street, Kiama (the subject site) from RE1 Public Recreation to R2 Low Density Residential, introduce a minimum lot size of 450m², and apply a maximum building height of 8.5m and maximum floor space ratio of 0.45:1 under the provisions of the *Kiama LEP 2011*.

On 14 April 2015 Council resolved to support the preparation of a Planning Proposal, as the means to commence the re-classifications/re-zoning process.

“Committee recommendation (CR089) that Council commence the reclassifications/rezoning process in relation to the subject lands.”

Accordingly, a PP was prepared and submitted to the NSW Department of Planning and Environment (DoPE) for a Gateway Determination. DoPE issued a Gateway Determination on 4 October 2016 (see attachment), with the following conditions:

1. *The planning proposal is to be revised to include proposed zoning and development control maps prior to its public exhibition.*
2. *Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:*
 - a) *The planning proposal is to be made publicly available for 28 days; and*
 - b) *The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).*
3. *No consultation is required with public authorities under section 56(2)(d) of the EP&A Act 1979.*
4. *No public hearing is required to be held into the matter under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission).*
5. *The LEP maps shall be prepared in accordance with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps, 2015.'*
6. *The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.*

Council prepared the required zoning and development control plans in accordance with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps, 2015' prior to exhibiting the PP.

Public Exhibition

Report of the Director Environmental Services

9.3 Planning Proposal for Part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 and Lot 38 DP 630551, Irvine Street, Kiama (cont)

The subject PP was subsequently placed on public exhibition by notifying residents within 40m of the site. All material associated with the PP was available for perusal on Council's website and at Council's Administration Building from 19 June 2016 to 24 July 2017 (ie 35 days). Adjoining neighbours were notified in writing and notification was provided on Council's website as well as being publicised in local printed media.

No written submissions were received during this period.

Public Hearing

The Local Government Act 1993 requires all land vested in a Council (except a road or land to which the Crown Lands Act applies) to be classified as either 'Community' or 'Operational'. The purpose of classification is to identify clearly that land which should be kept for use by the general public (Community) and that land which need not (Operational).

Community land would ordinarily comprise land such as Public Parks. 'Operational' land would ordinarily comprise: land held temporarily as an asset or as an investment; land which facilitates the carrying out by a council of its functions; or land which may not be open to the general public (such as a works depot or garage).

The classification of land is normally undertaken by the preparation of a LEP.

The classification of land is entirely separate to the land use zonings that might apply to land under a Council's LEP.

The major consequence of classification is that it determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.

Pursuant to Section 29 of the *Local Government Act 1993* a council must arrange a public hearing in respect of a Planning Proposal that seeks to reclassify "Community" land as 'Operational' land.

Accordingly, Council held two (2) public hearings on 26 June and 3 July 2017. Pamphlets were delivered to residents within 40 metres site. Notification of the hearings was also placed in local printed media as well as on Council's website. These hearings were chaired by Stephen Richardson of Cowman Stoddart Pty Ltd who has provided a report of the outcome of these hearings (attached).

No verbal submissions concerning the subject site were made at the June public hearing. Two verbal submissions were made in regards to the subject site at the July public hearing. These verbal submissions raised the following issues:

- Community land has been acquired from donations by developers. Is the revenue obtained from the sale of such land following re-classification required to be used in the acquisition of additional community land; or to be used in the improvement of existing community land; or is revenue placed into general revenue.
- During severe rainfall events stormwater drains cannot cope with stormwater run-off. The stormwater drain to the south of the site overflows preventing runoff from draining away. Last four years adjoining landowners have had to make two insurance claims for stormwater damage. Development of the subject

Report of the Director Environmental Services

9.3 Planning Proposal for Part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 and Lot 38 DP 630551, Irvine Street, Kiama (cont)

Item 9.3

land will intensify stormwater run-off resulting in an increase in and intensity of stormwater into existing drainage system which already cannot cope with such flows. Does Council intend to improve stormwater drainage?

- Adjoining dwelling was designed and built with living areas facing north-east to overlook the park. Adjoining home would never have been designed and built the way it has been if the adjoining lot was a vacant block that could have been built upon. If this matter proceeds will there be restrictions on any future building to secure a degree of privacy and retain sunlight?

Under the *Local Government Act 1993* all Council land must be classified as either “operational” or “community” land. Council has classified land under its ownership on this basis. “Community” land is not necessarily donated or “gifted”, but may be acquired by any number of means. Notwithstanding how land is acquired such land must be classified as either “community” or “operational”. The sale of any Council owned land requires a resolution of the elected body of Council. The allocation of revenue generated by the sale of the site will ultimately be determined by the elected body of Council as part of formulating their annual and long-term budgets.

As a result of the Planning Proposal the land will be zoned R2 Low Density Residential. Furthermore, a building height control of 8.5m and a FSR limit of 0.45:1 will also apply. Council’s existing development controls do make provision for privacy (such as setback limitations), building envelope restrictions as well as provisions for privacy and sunlight protection. These will be matters of relevance and merit consideration during the assessment of any future development application on the site.

With respect to stormwater drainage, the current Planning Proposal does not directly influence stormwater. Any future development application will need to consider the adequacy of stormwater infrastructure. It would be prudent for further discussions to occur with Council’s engineers in this regard.

As the subject PP seeks to discharge interests in public land under section 30 of the *Local Government Act 1993* plan making powers cannot be delegated to Council. If Council decide to proceed with this PP staff will request that the DoPE prepare the draft amendment in conjunction with the NSW Parliamentary Counsel’s Office. As part of this process the DoPE, in conjunction with the NSW Parliamentary Counsel’s Office, will also list the site in Schedule 4 of the LEP in order to reclassify it from Community to Operational Land. This reclassification will occur with the publication of the amended LEP on the NSW Legislation website.

Should Council determine not to proceed with this PP it will need to provide planning grounds justifying its position.

It is considered that the issues raised at the July Hearing have been adequately addressed above. In light of this, it is recommended that Council proceed with the preparation and finalisation of the amendment to the *LEP 2011* in conjunction with Parliamentary Counsel and the Department of Planning and Environment.

PROJECT TIMELINE

Stage	Date/Details
-------	--------------

Report of the Director Environmental Services

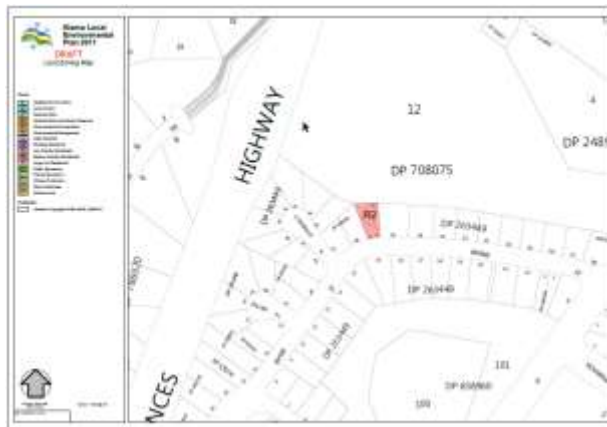
9.3 Planning Proposal for Part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 and Lot 38 DP 630551, Irvine Street, Kiama (cont)

Date draft LEP exhibited	19/06/2016 – 24/07/2016
Date of Public Hearing (if held)	26/06/2017 & 03/07/2017
Date Council resolved to adopt LEP	Anticipated to be adopted 15/08/2017
Date sent to DoPE requesting preparation of LEP	Request to be sent upon formal adoption by elected Council

Item 9.3



Current Zoning



Proposed Zoning



Gateway Determination

Planning proposal (Department Ref: PP_2016_KIAMA_004_00): to rezone and reclassify part of Lot 12 DP708075, Lots 36 & 45 DP263449 and Lot 38 DP630551, Irvine Street Kiama to allow residential development.

I, Linda Davis, Acting Director Regions, Southern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Kiama Local Environmental Plan (LEP) 2011 as described above should proceed subject to the following conditions:

1. The planning proposal is to be revised to include proposed zoning and development control maps prior to its public exhibition.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
 - (a) the planning proposal is to be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. No public hearing is required to be held into the matter under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).
5. The LEP maps shall be prepared in accordance with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps, 2015.'
6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated 4th day of October 2016

A handwritten signature in black ink, appearing to read 'Linda Davis'.

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning

Report of the General Manager – Ordinary Meeting

15 April 2014

3 Revenue Sub-Committee

Summary

This report presents the recommendations of the Revenue Sub-Committee.

Finance

The Revenue Sub-Committee recommends that Council commence the re-classification/re-zoning process in relation to land surplus to Council's needs and which if sold will provide income for Capital Works and/or assist in long term financial sustainability.

Policy

Not applicable.

Council's Community Strategic Plan

Council's strategy of having responsible leadership that is transparent, innovative and accessible is relevant. Council's goal to identify opportunities to diversity and expand new and existing funding sources to meet community needs is also relevant.

RECOMMENDATION

That Council commence the re-classifications/re-zoning process in relation to the subject lands.

REPORT

The Revenue Sub-Committee was established by Council to investigate opportunities for additional revenue raising activities for the development of future Capital Works. These could include, but are not limited to, such things as:-

- Identifying surplus Council lands for the development of the sale;
- Purchasing land for development;
- Reviewing ongoing costs, eg electrical, staff;
- Pursuing additional grants and the opportunity to appoint a Grants/Awards Officer;
- Reviewing Council's long term financial plan.

The Revenue Sub-Committee has been assessing various Council-owned land which do not appear to have significant active community use and/or environmental values. The subject lands provide opportunity for income for priority Capital Works and/or assisting in long term financial sustainability if sold. The recent review of local government highlights the need for Councils to be financially sustainable in the longer term if they are to remain independent.

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Item 9.3

Attachment 2

Report of the General Manager – Ordinary Meeting

15 April 2014

Land Off Irvine Street, Kiama (plan attached)

The subject land which contains a number of large rock slabs does not have active community use and due to the size and location, provides restrictive community benefits. There are ongoing maintenance costs for the community.

Lot 22 DP200176, Willawa Avenue, Gerringong (plan attached)

This land which is zoned for residential purposes does not have active community use and is often used for overflow parking in conjunction with the use of the adjoining Uniting Church. It seems that a 3-allotment subdivision land for residential purposes could be carried out with the residue retained to provide view lines to the heritage Uniting Church.

Lot 48, 60 Blackwood Street, Gerringong (plan attached)

The land which adjoins the Michael Cronin Oval Reserve and is at the rear of the Gerringong Bushfire Brigade has limited community use. In the past parts of the land have been used by some adjoining residential property owners for storage and in conjunction with the residential property.

Subject to the creation of a drainage easement the Committee recommended that Council consider re-zoning and re-classifying the land to enable a single allotment for multi-unit development or three residential lots with access from Blackwood Street, Gerringong.

Conclusion

The commencement of the re-classification/re-zoning process will enable Council to publicly exhibit the proposals and seek any comments. As part of the re-classification process a public hearing is required which will also enable any issues or concerns to be presented and assessed.

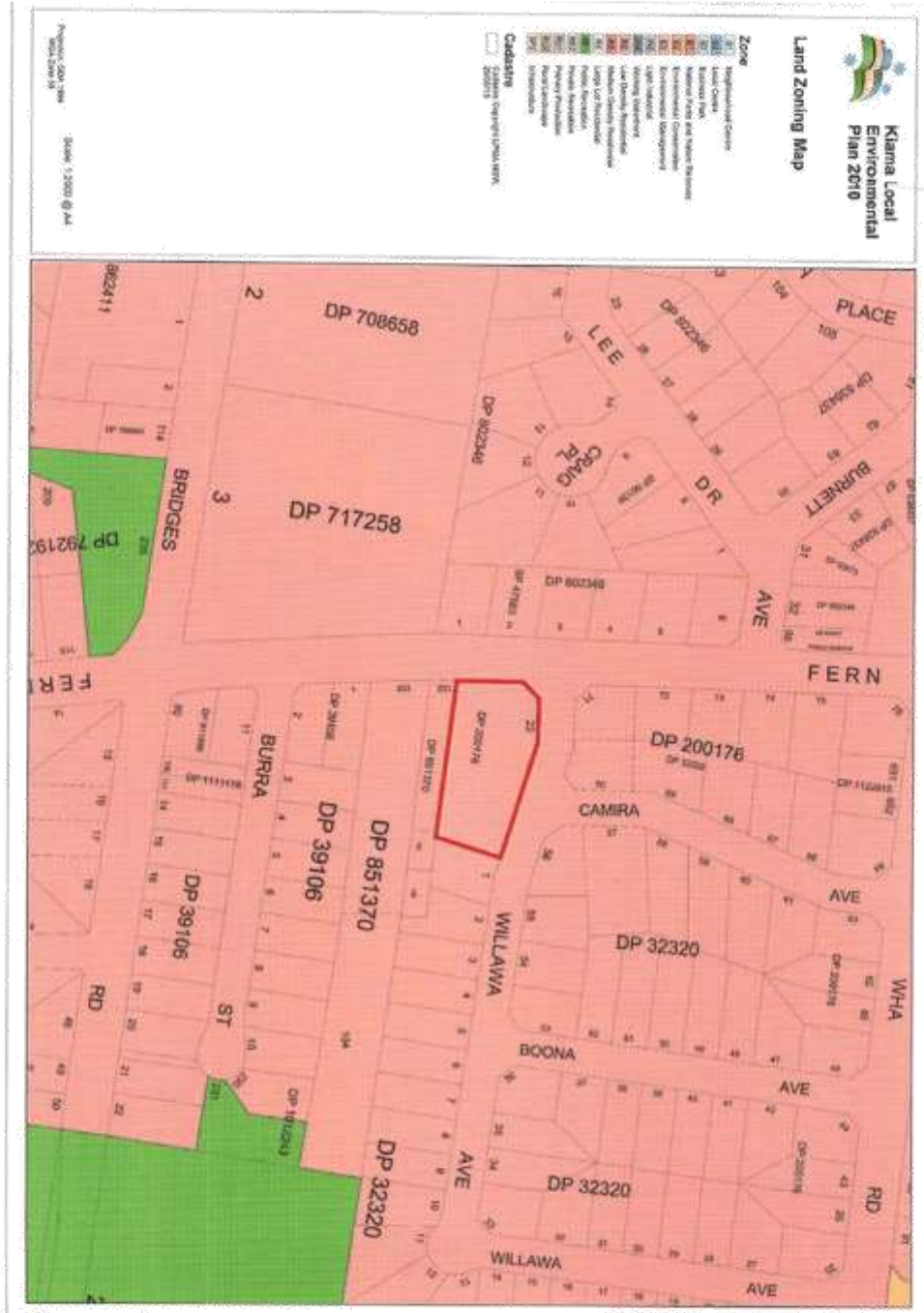
Item 9.3

Attachment 2



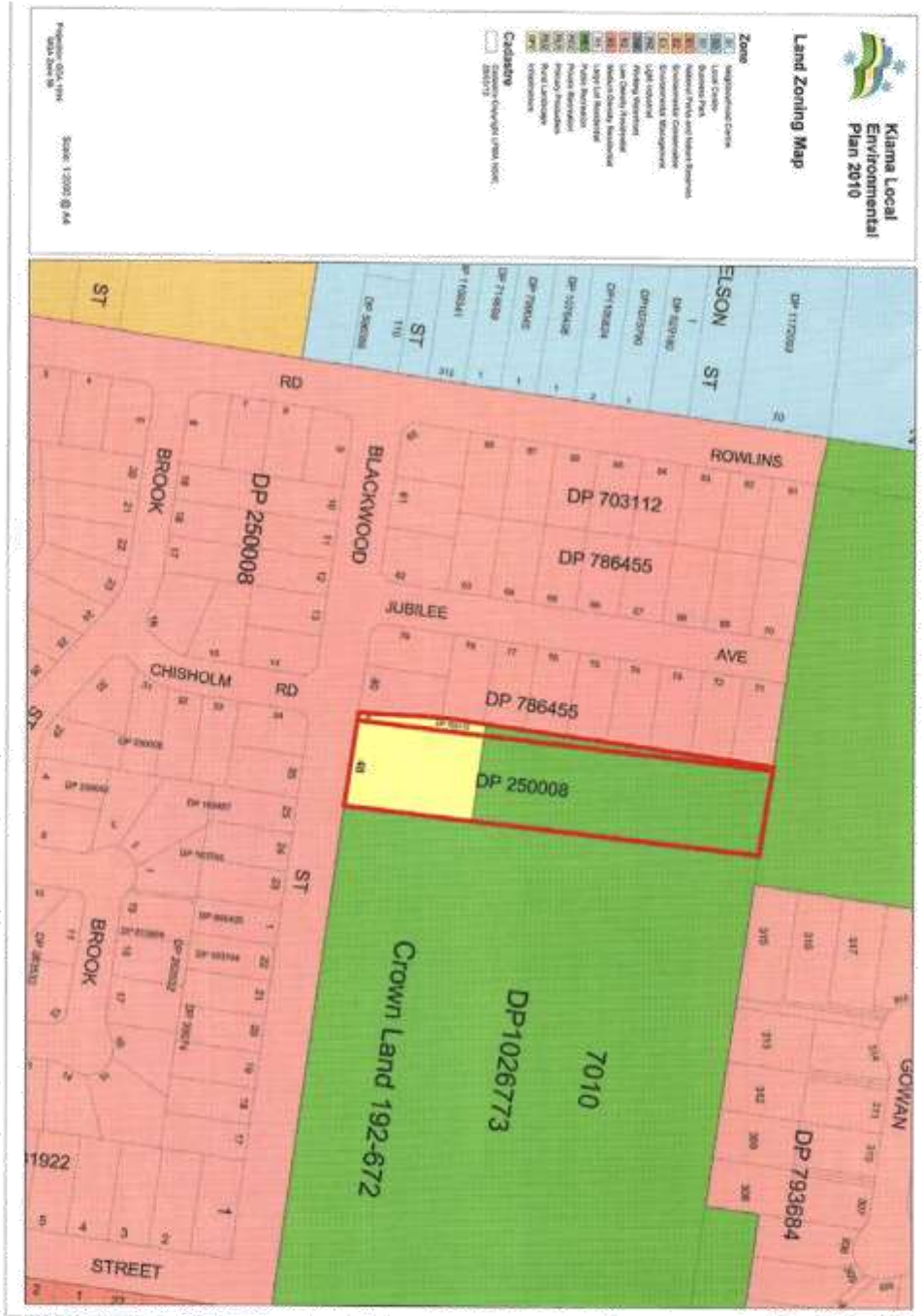
Item 9.3

Attachment 2



Item 9.3

Attachment 2



Item 9.3
 Attachment 2

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON
TUESDAY 15 APRIL 2014**

REPORT OF THE DIRECTOR OF ENGINEERING AND WORKS

**3 Gerringong Town Hall
Proposed Air Conditioning**

CR087

Committee recommendation that Council:

- 1) not install ducted air conditioning at the Gerringong Town Hall; and
- 2) consider the reallocation of a portion of the funding allocated for the air conditioning to install audio visual equipment at the Hall.

(Councillors Seage & Way)

REPORT OF THE GENERAL MANAGER

2 Kiama–Hoi An Friendship

An **Amendment** was **Moved** by Councillor Sloan and seconded by Councillor McClure that Council not proceed with the proposal.

The **Amendment** was put and **Lost**

CR088

Committee recommendation that Council defer this matter and write a letter to Mr Gary Mackay thanking him for his assistance.

(Councillors Seage & Way)

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

3 Revenue Sub-Committee

CR089

Committee recommendation that Council commence the re-classifications/re-zoning process in relation to the subject lands.

(Councillors Honey & Way)

For: Councillors Petschler, Honey, Way, Seage, McClure

Against: Councillor Sloan

PUBLIC HEARINGS REPORT

Item 9.3

**Report on the Outcome of Public Hearings
into the Re-classification of Various Lands
under the Local Government Act 1993**

Attachment 4

**Held at Kiama Municipal Council Chambers
on 26th June and 3rd July 2017**

**Prepared for
Kiama Municipal Council**

July 2017

COWMAN STODDART PTY LTD

PUBLIC HEARINGS REPORT

Report on the Outcome of Public Hearings into the Re-classification of Various Lands under the Local Government Act 1993

Held at Kiama Municipal Council on 26th June and 3rd July 2017

Our ref:	17/41
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Person presiding at Hearings:

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Grad. Dip. Env. Management, CPP, MPIA
Town Planner and Director
Cowman Stoddart Pty Ltd

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1.0 INTRODUCTION

This report details the outcome of Public Hearings held at Kiama Municipal Council on the 26th June and 3rd July 2017. The Public Hearings concerned the re-classification of a number of parcels of Council owned land within the Kiama local government area from "Community" land to 'Operational' land under the Local Government Act 1993.

The Public Hearings were specifically concerned with the following matters:

- A Planning Proposal that seeks the re-classification of Lot 208 DP 792192, 9 O'Connell Place, Gerringong from "Community" land to "Operational" land;
- A Planning Proposal that seeks to amend the Kiama Local Environmental 2011 to rezone various parcels of land in Irvine Street, Kiama from RE1 Public Recreation to R2 Low Density Residential as well as the principal development standards suitable to enable residential development. This Planning Proposal also seeks to reclassify the land from "Community" land to "Operational" land.
- A Planning Proposal that seeks to amend the Kiama Local Environmental Plan 2011 to rezone and reclassify land in Iluka Reserve at Kiama Downs partly from RE1 Public Recreation to R2 Low Density Residential as well as partly from R2 Low Density Residential to RE1 Public Recreation; and adjust the development controls accordingly to allow the land to be developed for residential lots. This Planning Proposal also seeks to reclassify the land associated with this Planning Proposal from "Community" land to "Operational" land.

The Local Government Act 1993 requires all land vested in a Council (except a road or land to which the Crown Lands Act applies) to be classified as either 'Community' or 'Operational'. The purpose of classification is to identify clearly that land which should be kept for use by the general public (Community) and that land which need not (Operational).

Community land would ordinarily comprise land such as Public Parks. 'Operational' land would ordinarily comprise: land held temporarily as an asset or as an investment; land which facilitates the carrying out by a council of its functions; or land which may not be open to the general public (such as a works depot or garage).

The classification of land is normally undertaken by the preparation of a Local Environmental Plan.

The classification of land is entirely separate to the land use zonings that might apply to land under a Council's Local Environmental Plan.

The major consequence of classification is that it determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.

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Pursuant to Section 29 of the Local Government Act 1993 a council must arrange a public hearing in respect of a Planning Proposal that seeks to reclassify "Community" land as 'Operational' land.

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2.0 THE PLANNING PROPOSALS THE SUBJECT OF THE PUBLIC HEARINGS

The Public Hearings concern the classification of various parcels of land from "Community" land to 'Operational' land under the Local Government Act 1993.

In summary the Public Hearings were specifically concerned with the following matters:

- A Planning Proposal that seeks the re-classification of Lot 208 DP 792192, 9 O'Connell Place, Gerringong from "Community" land to "Operational" land;
- A Planning Proposal that seeks to amend the Kiama Local Environmental 2011 to rezone various parcels of land in Irvine Street, Kiama from RE1 Public Recreation to R2 Low Density Residential as well as the principal development standards suitable to enable residential development. This Planning Proposal also seeks to reclassify the land from "Community" land to "Operational" land.
- A Planning Proposal that seeks to amend the Kiama Local Environmental Plan 2011 to rezone and reclassify land in Iluka Reserve at Kiama Downs from partly RE1 Public Recreation to R2 Low Density Residential, as well as from partly R2 Low Density Residential to RE1 Public Recreation; and adjust the development controls accordingly to allow the land to be developed for residential lots. This Planning Proposal also seeks to reclassify the land associated with this Planning Proposal from "Community" land to "Operational" land.

2.1 9 O'CONNELL PLACE, GERRINGONG

This Planning Proposal concerns Lot 208 DP 792192, 9 O'Connell Place, Gerringong.

This land is presently zoned R2 Low Density Residential under the Kiama Local Environmental Plan 2011 (refer **Figure 1**) and is classified as "community" land under the Local Government Act. The Planning Proposal does not seek to change the current zoning provisions that apply to this land.

A brick and tile single storey dwelling-house is currently situated on the land (refer **Plate 1**). It is understood that Council entered into a lease agreement with The Housing Trust in 1990 to enable the use of the dwelling for social / community housing purposes.

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Figure 1: Zoning provisions applying to 9 O'Connell Place, Gerringong under Kiama LEP 2011.

According to a report prepared by MMJ Wollongong ("MMJ") in support of the Planning Proposal under the lease, Council became the land owner (by title deed) and the Housing Trust was responsible for the financing and construction of a dwelling. The lease requires the Housing Trust to be responsible for the general maintenance and use of the property and management of the dwelling as part of their broad social housing platform in the region.

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

According to the MMJ report the Housing Trust have indicated that the likelihood of accepting a new negotiated rental amount, in addition to the capital outlay required to upgrade the dwelling is unlikely. The Housing Trust however has a long term objective to preserve the O'Connell Street property in their portfolio due to the limited supply of low cost housing in Gerringong (and the Kiama LGA as a whole) and would like Council to consider the option of disposing the property to them directly

In order to realise this option, the land firstly has to be reclassified under the Local Government Act 1993 as operational land as it is currently classified as "Community" land. An "Operational" land classification does not prevent the property from continuing to be

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leased for its current purpose. The current use of the land under interim arrangements can take place until a long term lease is negotiated or the property is able to be considered for asset disposal.



Plate 1: View of 9 O'Connell Place, Gerringong.

2.2 VARIOUS PARCELS, IRVINE STREET, KIAMA

This Planning Proposal concerns:

- Part Lot 12 DP 708075 (177 m²);
- Lots 36 (181 m²) and 45 (18.77 m²) DP 263449; and
- Lot 38 DP 630551 (186.5 m²).

The land associated with this Planning Proposal is a vacant allotment comprising an area in total of 563.27 m² and is situated within an established residential street (refer **Plate 2**). This section of Irvine Street is elevated above the old "Pikes Hill Quarry", which has now been largely developed as the Kiama Quarry Sports Complex.

The land is presently zoned RE1 Public Recreation (refer **Figure 2**) and is classified as "community" land under the Local Government Act.

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Plate 2: View of land in Irvine Street, Kiama subject of Planning Proposal.



Figure 2: Current zoning of subject land in Irvine Street under Kiama LEP 2011.

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The land presently contains some large rocks which appear to have been positioned as features within a park. Council have however identified that this land does not have an active community use and due to its size and location provides restricted community benefits.

Council has identified that this land is surplus to Council's needs and if sold would provide income for capital works and / or assist in long term financial sustainability.

The Planning Proposal seeks to amend the Kiama LEP 2011 by rezoning the land which is currently zoned for RE1 Public Recreation to R2 Low Density Residential and providing principal development standards suitable for residential development within this locality (refer Figure 3).

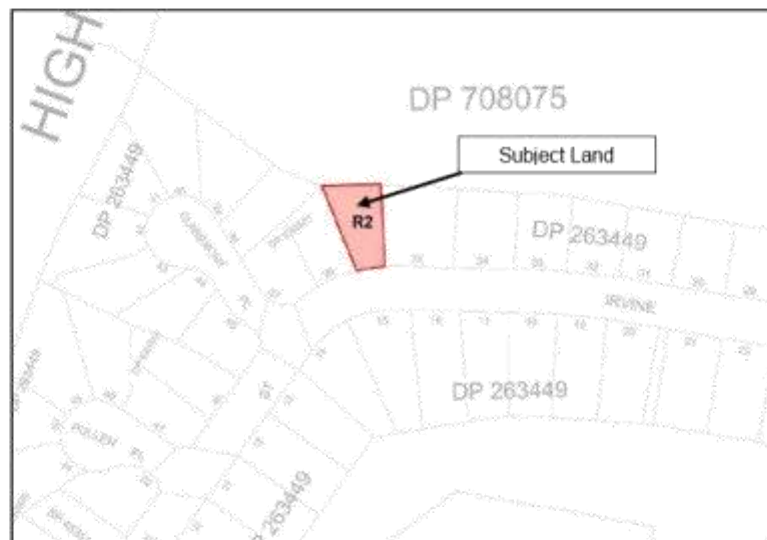


Figure 3: Proposed change in zoning under Planning Proposal.

In addition this Planning Proposal also seeks to re-classify the land from its current 'Community' land classification to 'Operational' land. The re-classification of the land to 'operational' land will enable Council to sell the land.

2.3 VARIOUS PARCELS, ILUKA RESERVE KIAMA DOWNS

Iluka Reserve comprises an area of 1.8 ha of largely cleared land which is situated between Riversdale Drive and North Kiama Drive, Kiama Downs. Two tennis courts and a club house leased to the Iluka Tennis Club and associated car park are located within the south-eastern corner of the reserve, with vehicle access from Flinders Avenue (refer Plate 3). A children's playground is located off Iluka Crescent in the north-eastern corner

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of the reserve (refer **Plate 4**). A drainage line flows from the west (refer **Plate 5**), across Riverside Drive and appears to flow within pipework across the reserve to the east (refer **Plate 7**). The northern part of the reserve is elevated sloping land which falls to a lower level area to the south (refer **Plates 6 and 7**). The tennis courts and clubhouse are situated on a further lower lying area to the east.



Plate 3: View of Tennis Club and courts situated within lower level of the reserve.



Plate 4: View of child play equipment situated within north-east of reserve.

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Plate 5: View of drainage line flowing from the west of Riverside Drive.



Plate 6: View of elevated portion of reserve to the north.

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Plate 7: View of level area to the south. (Note: Drainage pit which forms part of drainage line taking runoff from drainage to the west across the reserve to the east.)

The reserve is presently partly zoned R2 Low Density Residential and partly RE1 Public Recreation under the Kiama LEP 2011 (refer **Figure 4**). It is estimated that approximately 0.5 hectares of the reserve is already zoned R2 Low Density Residential with the remainder zoned RE1 Public Recreation. The reserve is classified as "Community" land for the purpose of the Local Government Act.

This Planning Proposal seeks to amend the Kiama LEP 2011 to adjust the zones that apply to part of the reserve by:

- Extending the southern extent of the R2 zone in the north-western section of the reserve; and
- Reducing the extent of R2 zoned land to the east of the reserve;

The Planning Proposal does not seek to amend the zones that apply to the whole of the reserve. Those areas of the reserve not the subject of the Planning Proposal will retain the current RE1 zone.

Figure 5 details these proposed zoning changes.

The Planning Proposal also seeks to amend the development controls that will be applicable to this area of the reserve to enable this part of the reserve to be subdivided for residential development.

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The Planning Proposal also seeks to re-classify that portion of the reserve that is to be zoned R2 Low Density Residential from "community" to "operational" land under the Local Government Act. The remainder of the reserve that is not to be zoned R2 will retain its "community" land classification under the Local Government Act.

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Figure 4: Existing zoning provision under Kiama LEP 2011.



Figure 5: Proposed changes to zones under Planning Proposal.

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3.0 PUBLIC EXHIBITION

Notice of the Public Hearing concerning the re-classification of these parcels of land from "Community" land to 'Operational' land was by Public Notices in The Bugle newspaper on the 17th June 2017.

This notice referenced the public hearing that took place on the 26th June 2017 – but did not reference the public hearing that occurred on the 3rd July 2017. I am advised by Council staff that notification of the second public hearing that took place on the 3rd July 2017 was undertaken by way of a mail drop to all residents notified in the first instance including all adjoining and affected land owners surrounding the Irvine Street and O' Connell Street sites. With respect to the Iluka Reserve matter Council staff undertook a mail drop to all residents within 200 m of the site. The information was also placed on its web site as well as social media pages.

The proposal to formally classify the subject parcels of land as 'Operational' land under the Local Government Act 1993 was originally placed on public exhibition until the 10th July 2017. This period has subsequently extended until the 24th July 2017.

A copy of the Public Notice is included as **Annexure 1** to this report.

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4.0 PUBLIC HEARINGS

The Public Hearings were arranged pursuant to the provisions of Section 29 of the Local Government Act. The Public Hearings were held at the Kiama Municipal Council chambers, at Kiama on the 26th June 2017 commencing at 2:00 pm and 3rd July 2017 commencing at 7:00 pm.

Pursuant to Section 47G of the Local Government Act 1993, the person presiding at the hearings, Mr Stephen Richardson of Cowman Stoddart Pty Ltd:

- (a) is not a Councillor or employee of Kiama Municipal Council; and
- (b) has not been a Councillor or employee of Kiama Municipal Council at any time during the 5 years before the date of his appointment as chair for these Public Hearings.

Section 47G of the Act requires the person presiding to report on the outcome of the Public Hearing. This report has been prepared in accordance with Section 47G of the Act.

Section 47G(3) of the Act, also requires that not later than 4 days after Council has received this report concerning the Public Hearings, Council must make a copy of the report available for inspection by the public at a location within the Council area.

The public hearing at Kiama Municipal Council Chambers on the 26th June 2017 was attended by Mr Richardson (chairman), Council staff – Phil Costello, Director of Environmental Services, Mark Lyndon, Manager Strategic Planning and Edward Paterson, Strategic Planning Officer.

A register of people attending the hearing on this date was kept and shows 34 people in attendance. (A copy of this register is included as **Annexure 2** to this report.) It is likely that not everyone who attended the hearing chose to list their attendance, as a ‘count of heads’ indicated that at least 40 members of the public were in attendance at least.

This hearing commenced at 2:00 pm and was completed by 3:30 pm.

Nineteen (19) verbal submissions were heard at the hearing. No verbal submissions were made in relation to the Irvine Street Kiama Planning Proposal; three (3) verbal submissions were made in relation to the O’Connell Place, Gerringong Planning Proposal; fourteen (14) verbal submissions concerned the Iluka Reserve Planning Proposal; while two (2) submissions were of a general nature.

The public hearing at Kiama Municipal Council Chambers on the 3rd July 2017 was also attended by Mr Richardson (Chairman); Council staff – Kerry McMurray (Deputy General Manager), Phil Costello (Director of Environmental Services), Mark Lyndon (Manager Strategic Planning) and Edward Paterson (Strategic Planning Officer).

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A register of people attending this second hearing was kept and shows 20 people in attendance, and is also included in **Annexure 2** to this report. As with the first meeting, it was evident that not everyone who attended the hearing chose to list their attendance, as a 'count of heads' indicated that at least 36 members of the public were in attendance at this second public hearing.

This second public hearing commenced at 7:00 pm and was completed by 8:15 pm.

A total of fourteen (14) verbal submissions were heard at this hearing. Two (2) verbal submissions were made in relation to the Irvine Street Kiama Planning Proposal; four (4) verbal submissions were made in relation to the O'Connell Place Gerringong Planning Proposal; and eight (8) verbal submissions concerned the Iluka Reserve Planning Proposal.

Several submissions (four) were made by the same members of the public at both hearings.

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5.0 ISSUES RAISED AT PUBLIC HEARINGS

The following section of the report provides a summary of the issues raised by the individual verbal submissions made to the Public Hearings. Also included are summaries of responses from Council staff made to specific verbal submissions.

5.1 PUBLIC HEARING ON 26TH JUNE 2017

5.1.1 Irvine Street Kiama Planning Proposal

No verbal submissions were made in relation to this Planning Proposal.

5.1.2 9 O'Connell Place Gerringong Planning Proposal

Public Submissions

1. Diana Cahill (10 O'Connell Place, Gerringong)

Issues raised:

- Lack of sufficient consultation - was only advised of Planning Proposal on the day of the Public Hearing. Indicated that no-one in the local community was aware of this matter.
- Concerned as to whether the property would be sold on the open market or whether the property would only be made available to The Housing Trust.
- Concerned that the land could be re-developed to provide more than a single dwelling house.

2. Sharon Thistlewaite (9 O'Connell Place, Gerringong)

Issues raised:

- Has resided within the subject premises for 21 years.
- Has not been consulted about the Planning Proposal.
- Concerned that Planning Proposal could result in a change in her circumstances as a long term resident of the dwelling.

3. Cheryl Williams (7 O'Connell Place Gerringong) and her partner, Paul Urqhart

Issues raised:

- Lack of sufficient consultation – only heard about the Planning Proposal on Friday 23rd June 2017 (ie. the week before the Public Hearing).
- Indicated that they have been denied an opportunity to properly consider Planning Proposal.

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- Concerned that Council is not being transparent in its dealings in connection with this matter.

In a second separate submission Mr Urquhart raised following issues:

- Raised general comments in relation to:
 - Concerns about the adequacy of Council's community consultation with respect to these planning proposals, which has arisen from public submissions to the hearing.
 - Enquired as to extent of communication between Council and The Housing Trust with respect to the future sale of the subject land and whether such would be by way of a public tender.

Council Staff Responses

Mark Lyndon

- The public exhibition included notification of adjoining land owners by letter.
- The ability to re-develop the site will be dictated by the R2 zoning that applies to the site. The Planning Proposal will not alter this situation.
- All information relevant to the Planning Proposal is available on Council's web site.
- The future development and land use of the site will be a future decision for Council.
- Acknowledged that Council may need to review how best to consult with the local community in the future.

Phil Costello

- Written public submissions can still be made in relation to the Planning Proposal. Indicated that an extension of time will be provided.
- Indicated that Council may need however to review how it undertake its notification of Planning Proposals in the future.

5.1.3 Iluka Reserve Planning Proposal

Public Submissions

1. Gloria Hodgson (4 Iluka Crescent, Kiama Downs)

Issues raised:

- Has been a resident of this area for 51 years.
- Queried why Council was only now deciding to sell this land after all these years.

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- Raised concern about the suitability of the land for development given it contains a large waterlogged area particularly after rainfall.
- Raised concern that the land was not safe enough for development.

2. David Connolly (92 Riverside Drive, Kiama Downs)

Issues raised:

- Council provides insufficient evidence to justify that Iluka Reserve is underutilised. There is no strategic rationale or methodology demonstrating that the reserve is underutilised. There has also been no community consultation to ascertain the usage of the reserve.
- Council's strategic planning to date has been based upon the Kiama Urban Strategy (KUS). Council went through an exhaustive process in formulating the KUS. The KUS however does not identify Iluka Reserve for urban subdivision.
- It cannot be argued that Iluka Reserve was simply missed when the KUS was formulated as other land in the vicinity was identified such as the Railcorp Surplus land identified as "18" in the KUS.
- Rezoning and reclassifying Iluka Reserve will set an undesirable precedent for Council to rezone other public open space reserves within the LGA for development.
- Furthermore such will undermine the KUS which has been used to guide planning proposals within the LGA. Council will be unable to rely upon the KUS to direct future planning proposals as they themselves have undermined the KUS by seeking to rezone land not identified in the KUS.
- Such a proposal will also likely raise issues having regard to the requirements of Council's DCP:
 - Residential amenity.
 - Development could be developed into 18 dual occupancies – if this were to occur how could 36 bins be collected?
 - Little consideration has been given to flooding. The site is at the low end of a drainage catchment and little consideration has been given to flood levels.
 - Are acid sulphate soils present?
 - Concerns raised about future earthworks to be constructed for any subdivision and future development on land that is known to be contaminated.

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- Iluka Reserve has a category 2 watercourse that flows through the site.
- Considerable community opposition to the Planning Proposal.
- Submission recommends:
 - Planning Proposal be refused:
 - An audit be conducted to examine whether lands identified in KUS are "fit for purposes".
 - A comprehensive overhaul of KMC customer engagement policies and the development of a customer contact unit and a focus on engagement with the community.
 - That the quarry redevelopment is imminent and that usage patterns of the reserve will also change.

(It should be noted that Mr Connolly tabled a written statement that he referred to during his public submission. A copy of that written statement is included as Annexure 3 to this report.)

3. Brian John Beckwith (10 Iluka Crescent, Kiama Downs)

Issues raised:

- Local residents have not been adequately or properly consulted and therefore questioned the legality of the Planning Proposal. Local residents need to be better informed.
- This park identified as a reserve since 1974, however Council has not made any effort to encourage the public to use the reserve.
- Objects to reclassification of reserve.
- The reserve is not owned by Council. It is land that was paid for by the community of Kiama Downs.
- Council rates should be directed to the upkeep and maintenance of the reserve.
- Council should not be selling off land that is owned by the Kiama Downs community.

4. Ray Smith (149 Charles Avenue, Minnamurra)

Issues raised:

- Has resided in area for 39 years.
- Kiama is a predominantly rural area with unique villages. All development occurs within the villages, with density of development increasing within these villages.

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- Increasing residential densities within established areas will require open space. Existing open space that is owned by the community should be kept as open space.
- Also raised concerned about future development:
 - A 6 m wide street will not provide sufficient width for Council service vehicles.
 - People will be unable to find car parking along the street, particularly visitors to allotments within the future subdivision of the land.

5. Max Reitze (71 Newings Circuit, Kiama Downs)

Issues raised:

- This reserve was set aside many years ago.
- The reserve is used by local children to ride their bikes.
- Council needs to better justify that park is currently not sufficiently utilised.

6. Wendy Smith (53 North Kiama Drive, Kiama Downs)

Issues raised:

- The site has drainage issues and is a quagmire.
- The local community needs green spaces – Council should not be reducing green spaces.
- The public consultation associated with this Planning Proposal has been inadequate.

7. David Murray (47 Flinders Avenue, Kiama Downs)

Issues raised:

- Has resided in the area for 17 years.
- The site was previously an old tip. When part of the site was developed a lot of rubbish was taken out.
- Vehicle access along Riversdale Drive will be dangerous. Vehicles heading south generally exceed the speed limit. He has concerns about safety of future residents wishing to enter and leave the future development due to poor sight distance and speeding vehicles from the south.
- Also raised concerns about the financial viability of the future development. Costs associated with roads, water and sewer, with only 9 residential allotments identified, may not be financially viable.

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- If this rezoning and reclassification proceeds where does it end – other open space reserves will also face possible rezoning with the loss of open space for future generations the result.

8. Leonie Newman (8 Iluka Crescent, Kiama Downs)

Issues raised:

- Originally purchased her land due to the location of the reserve.
- Even though she may not directly use the reserve she still “enjoys” the reserve as her property overlooks the reserve and she gains enjoyment from being able to overlook the reserve.

9. Gareth Ward - Member for Kiama (102 Terralong Street, Kiama)

Issues raised:

- Opposed Council's Planning Proposal to rezone and reclassify open space for residential purposes.
- Need to consider the wishes of the local community.
- He has received many representations from the local community objecting to this Planning Proposal.
- Nine (9) residential allotments will not overcome housing provision with Kiama.
- There are many other opportunities for residential land development such as the re-development of Bombo quarry.
- Has a genuine concern about loss of public open space. Open space is one of the reasons people choose to live in this area.
- Concern about precedent it may set for other future proposals that will result in erosion of public open space with the LGA.

10. Roger Fife (59 Collins Street, Kiama)

Raised the following general issues:

- Kiama comprises villages and the local community is lucky to live in this area. There is an obligations on the community to care for the area.
- Tourists also visit the Kiama and are important for the Kiama economy. There is therefore an obligation to care for the natural beauty of the area.
- Given these circumstances there is great merit in looking after the areas open space and to manage it appropriately.

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11. John Daniel (11 Iluka Crescent Kiama Downs)

Issues raised:

- Raised concerns about the practicality of the proposed future residential development of the reserve:
 - Riversdale Drive is a shortcut for traffic travelling to the Princes Highway. A lot of traffic travel along this road and at high speed. Raised traffic safety concerns for a new road access at this location.
 - The proposed road to serve the future residential subdivision is very narrow and will not provide sufficient room for visitors to park along the road.
- Objects to the Planning Proposal.

12. Coralie Stapleton (Castle Hill)

Raised following question:

- Does Council have a program for re-classifying land?

Council Response

Edward Patterson

Mr Paterson responded to this question by advising that Council's Revenue Sub-Committee, which included Councillors and staff, review a range of properties, including a number of reserves, on an on-going basis. Not all lands investigated by the Committee were identified for re-classification.

13. Lyn Hazel (32 Flinders Avenue Kiama Downs)

Issues raised:

- Has resided in area for 40 years and has watched area change over that time.
- Raised concerns about traffic accidents along Riversdale Road with speeding vehicles.
- It is also her understanding that a sewerage easement crosses the land.
- Neighbours enjoy the reserve by sitting on their verandas to enjoy the outlook of the reserve. This enjoyment will be lost by the proposed rezoning and future development.
- Requested that Council leave the reserve as open space.

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14. Julianne Street (96 Riversdale Road, Kiama Downs)

Issues raised:

- Over the years has witnessed near misses along Riversdale Road. Due to crest and bend in road concern that the proposed entrance will be a blind corner that will raise traffic safety concerns.
- Also raised flooding concerns given land is located below a broader drainage catchment.

5.2 PUBLIC HEARING ON THE 3RD JULY 2017

5.2.1 Irvine Street Kiama Planning Proposal

1. Terry Gallagher (47 Wilsons Road Kiama)

Issues raised

- Community land has been acquired from donations by developers. Is the revenue obtained from the sale of such land following re-classification required to be used in the acquisition of additional community land; or to be used in the improvement of existing community land; or is revenue placed into general revenue.

Council Staff Responses

Edward Patterson

Unable to respond indicated he would take question on notice.

Kerry McMurray

Under the Local Government Act 1993 all Council land must be classified as either "operational" or "community" land. Council has classified land under its ownership on this basis.

"Community" land is not necessarily donated or "gifted", but may be acquired by any number of means. Notwithstanding how land acquired such land must be classified as either "community" or "operational".

2. Carmel Brodie (22 Irvine Street, Kiama)

Issues raised:

- Owns the adjoining property immediately to the south of the subject land. During severe rainfall events stormwater drains cannot cope with stormwater run-off. The stormwater drain to the south of their property overflows preventing runoff from draining away. Last four years they have had to make two insurance claims for stormwater damage. Development of the subject land will intensify

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stormwater run-off resulting in an increase in and intensity of stormwater into existing drainage system which already cannot cope with such flows. Does Council intend to improve stormwater drainage?

- Their dwelling was designed and built with living areas facing north-east to overlook the park. Their home would never have been designed and built the way it has been if the adjoining lot was a vacant block that could have been built upon. If this matter proceeds will there be restrictions on any future building to secure a degree of privacy and retain sunlight?

(It should be noted that Mrs Brodie tabled a written statement that she referred to during her public submission. A copy of that written statement is included as Annexure 3 to this report.)

Council Staff Responses

Edward Patterson

Under the Planning Proposal the land will be zoned R2 Low Density Residential. Furthermore a building height control of 8.5 m and a FSR limit of 0.45:1 will also apply. Council's existing development controls do make provision for privacy (such as setback limitations), building envelope restrictions as well as provisions for privacy and sunlight protection.

With respect to stormwater drainage, the current Planning Proposal does not directly influence stormwater. Any future development application will need to consider the adequacy of stormwater infrastructure. It would be prudent for further discussions to occur with Council's engineers in this regard.

5.2.2 9 O'Connell Place Gerringong Planning Proposal

1. Diana Cahill (10 O'Connell Place, Gerringong)

Issues raised:

- Is it Council's intention to sell the property?
- If so will the property be sold on the open market? What guarantee will there be that land will be sold on open market?
- Local residents did not receive notice of second public hearing.

2. Darryl Klingon (47 Pacific Beach Road, Werri Beach)

- In the event that the property is sold would the leasee have first chance to acquire the land?

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- The broader community should have been notified of this Planning Proposal. Should not have just been adjoining residents but community wide.
- How was land originally classified as 'community' land?
- Where will revenue from sale be spent?
- Would residents have an opportunity for input into where revenue spent?

3. Don Coppack (1 O'Connell Place, Gerringong)

Issues raised:

- He was not aware of original meeting and was only made aware of the second meeting by letterbox drop last Friday.
- If the property is re-classified would the Housing Trust be able to re-develop the site for multiple dwellings. How many dwellings could be developed in this land?
- Is there a requirement for land to be sold publicly or is Council able to deal with leasee solely?

Council Staff Response

Mark Lyndon

- Under this Planning Proposal there is no change to the zoning provisions that apply to the land – the zone will remain R2 Low Density Residential. The maximum residential development potential yield under this zoning is dual occupancy development which enables a maximum of two dwellings to be constructed on one residential allotment.
- Council has not yet determined how or to whom the land will be sold.

4. Wayne Farquhar (8 O'Connell Place, Gerringong)

- The majority of the community are unaware of this planning process. Is this normal practice?
- The Planning Proposal documents are very complex and difficult to understand.
- Are there existing covenants or restrictions that apply to the land?
- Once re-classified will this make it easier to re-develop land for higher density development?

Council Staff Response

Mark Lyndon

There are no specific restrictions that apply to the land.

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Under the Local Government Act a public hearing is required where a proposal seeks to re-classify community land to operations land. This is normal practice. The development potential of the land is dictated by the zoning provisions that apply to the land. The land is zoned R2 and this Planning Proposal will not alter the zoning provisions that apply to the land. Higher density residential is not permissible under this zoning. To re-zone the subject land to permit higher density development would be an anomaly given the prevailing low density residential zoning that applies to this area and such would not be supported.

5.2.3 Iluka Reserve Planning Proposal

Public Submissions

1. Councillor Mark Way (178 North Kiama Drive, Kiama Downs)

Issues raised:

- Spoke in favour of Planning Proposal.
- Travels past reserve at least 4 times per day and does not observe it being used. The reserve is not used in his view.
- The Planning Proposal will provide opportunity to improve facilities provided at reserve.
- He is a supporter of improving community facilities. He supported retaining and refurbishing the existing tennis courts within the reserve, and retaining the facility as a community facility.
- Only a small portion of the site is proposed for residential – the majority will be retained as reserve.
- He objects to the false information and advertising in the local media that has been undertaken to discredit the Planning Proposal.
- In his view there are many people in Kiama Downs who support the Planning Proposal.
- He estimates that sale of land will recoup \$1.5 million for Council which will be able to spent on local facilities.
- He is in favour of Planning Proposal as it will enable improvements to local facilities with re-investment in the community to benefit the local community.

2. Shon Gallagher (92 Riverside Drive, Kiama Downs)

Issues raised:

- Objects to Planning Proposal

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- Lack of communication about Planning Proposal. Scheduling of public hearing inappropriate – re-scheduling of hearing only occurred after objections were raised about initial meeting scheduled during an afternoon and at a time that was not convenient for many in the community to attend.
- Lower level of reserve is contaminated. Better quality part of reserve is the higher part of the site and it is this better area that is proposed to be developed for residential development. The better land within this reserve will therefore be lost for open spaced use.
- Concerned about environmental impacts associated with proposal – adverse flora and fauna impacts.
- The park has not been designed for small children in mind. No swings or slides. Many dangers within existing park.
- Children do play in the park each day.
- A level 2 watercourse flows through the reserve. The reserve encounters flooding when it rains.
- *“Life is not sustained by bricks and mortar – green spaces are required for children.”*

3. Gloria Hodgson (4 Iluka Crescent, Kiama Downs)

Issues raised:

- Has resided in area for 51 years. The existing reserve was developed under the Whitlam Governments “Red Scheme”, with trees planted in the park.
- The reserve is affected by flooding within the lower area.
- There are always people within the park. People walking dogs, children kicking footballs.
- The reserve suffers from drainage issues as it can become very boggy following rainfall.
- It would be a shame if reserve developed.

4. David Connelly (92 Riverside Drive, Kiama Downs)

Issues raised:

- Planning Proposal inconsistent with Council’s stated Strategic Planning Directions.
- Proposal also inconsistent with the objectives outlined in clause 6.3(b) of the Kiama LEP 2011. Council needs to ensure development is compatible with the

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land's flood hazard, taking into account projected changes as a result of climate change.

- The existing reserve is effected by flooding, particularly lower level area of reserve. But the better elevated area is to be developed for residential development. This better quality land will be lost for open space.
- Planning Proposal is not in the public interest. The Planning Proposal is not infill development as it is seeking to develop existing park land. The land is not residential land.
- The proposed driveway access is situated within the stormwater drain – how is stormwater to be managed?
- Concerned about how bin collection will be undertaken within such a narrow driveway access.
- Concerned about site contamination issues.

5. Barbara Owens (24 North Kiama Drive, Kiama Downs)

Issues raised:

- If Council are of the view that the reserve is not utilised – Council could invest funds to upgrade reserve without the need to sell land off the reserve.
- The sale of the reserve would be a long term loss for only a short term gain.
- The community needs open space; as does local fauna and flora.
- Once the reserve is gone it will be gone forever.

6. Brian Beckwith (10 Iluka Crescent, Kiama Downs)

Issues raised:

- The proposed residential development will be an estate within an estate.
- Any future residential development will require building restrictions. Dual occupancy or duplex developments will not be in keeping with locality.
- "Battleaxe" lots with four separate lots using the same driveway would not be suitable.
- A lot of people use the reserve during mornings, afternoons and on weekends.
- If facilities were improved the reserve would be better used.

7. Don Hazell (32 Flinders Avenue, Kiama Downs)

Issues raised:

- Resides opposite walkway.

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- The reserve was originally a steep ravine, with flora and fauna.
- The park was originally a waste dump which has been covered over. The tennis courts were developed following these works.
- Green spaces make the area beautiful.
- Given the physical constraints associated with the site Council may not achieve the profit that they envisage; however this green space will be lost forever.

8. Glenn Grigg (24 Cathedral Rocks Road, Kiama Downs)

Issues raised:

- What is the primary reason for the sale of the reserve?
- Where will money raised from the sale of the reserve be spent?

Council Staff Response

Edward Patterson

- The site was identified through Council's Revenue Sub-Committee. A portion of the reserve was identified as surplus and suitable for re-classification and sale.
- Revenue raised for the sale of land could be re-used to improve facilities within the park – but this would require separate resolution of Council.

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6.0 MAIN ISSUES

In summary, the Public Hearings combined heard a total of thirty-three (33) verbal submissions over the two public hearings. Two (2) verbal submissions were made in relation to the Irvine Street, Kiama Planning Proposal; seven (7) verbal submissions were made in relation to the O'Connell Place, Gerringong Planning Proposal; twenty-two (22) verbal submissions concerned the Iluka Reserve Planning Proposal; while two (2) submissions were of a general nature. Several submissions (four) were made by the same members of the public at both hearings.

The following is a summary of the main issues that have arisen from the verbal submissions heard at the Public Hearings.

6.1 IRVINE STREET, KIAMA PLANNING PROPOSAL

- Questioned how revenue gains from subsequent land sale following re-classification is used. For instance either in acquiring new community lands; improving existing community land; or is it consolidated into general revenue.
- The future development of the subject land following re-classification and rezoning has the potential to exacerbate existing stormwater drainage problems in street. The existing stormwater drainage issues need to be resolved before further development of the subject land.
- The future development of the subject land following re-classification and rezoning has the potential to adversely impact the amenity of adjoining property to south in terms of privacy and overshadowing. These issues need to be considered with any future development of the subject land.

6.2 9 O'CONNELL PLACE, GERRINGONG PLANNING PROPOSAL

- The majority of the submissions raised in relation to this Planning Proposal criticised the extent of community consultation that was undertaken in relation to the notification of both the Planning Proposal as well as the public hearing. The submissions argued that the lack of appropriate consultation denied the community an opportunity to properly consider the Planning Proposal.
- Concerns were raised as to whether following re-classification of land whether land would be sold on open market by public tender or whether the property would only be made available to the Housing Trust. Concern was also raised as to the extent of discussions that had already occurred between Council and the Housing Trust with

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respect to the future sale of the property, and whether Council had given any commitments to sell the land to the Housing Trust.

- Concern was raised that Council had not been open and transparent in its dealings with this matter.
- Concern was raised as to how revenue from any sale would be spent and whether the community or local residents would have say on how this money is spent.
- Concern was raised as to whether following re-classification whether the land could be re-developed into multi-dwelling housing development.
- Concerns raised about the complexity of the Planning Proposal documents and the ability for the wider community to be able to interpret these documents.

6.3 ILUKA RESERVE PLANNING PROPOSAL

Of the twenty-two (22) submissions that were made in relation to the Iluka Reserve Planning Proposal, one public submission spoke in favour of the Planning Proposal; while the remaining twenty-one (21) public submissions either opposed or raised concerns in relation to the Planning Proposal.

Reasons given for support of Planning Proposal:

- The existing reserve is underutilised.
- The Planning Proposal will provide a means of obtaining revenue that could be used to improve facilities within the remainder of the reserve that would make it more attractive to the local community.
- Only a small proportion of the reserve has been identified for residential development – the majority of the reserve would remain as open space under the Planning Proposal.
- Concern was raised in relation to the false information and advertising that was being circulated within the local community attacking the Planning Proposal.

Reason given for Objection to the Planning Proposal:

- Concerns about inadequate communication and consultation about Planning Proposal. Local community not provided sufficient opportunity to consider and comment on Planning Proposal.
- Many submissions raised concerns about the suitability of the land for residential development:

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- The reserve is largely flood prone.
- The reserve experiences drainage problems and becomes waterlogged after rainfall.
- The land was previously used for dumping of rubbish and is contaminated.
- The potential presence of acid sulphate soils.
- Category 2 watercourse flows through reserve.
- Council has provided insufficient justification that Iluka Reserve is underutilised. There has been no community consultation to ascertain the usage of the reserve or that would justify the view that the reserve is not sufficiently utilised.
- Iluka Reserve is used by the local community:
 - Children play in the reserve
 - People walk dogs in the reserve
 - Surrounding residents enjoy the reserve as it forms a backdrop from neighbouring properties. Many residents enjoy the view of the reserve from their properties.
- The Planning Proposal is inconsistent with the Kiama Urban Strategy (KUS). The KUS does not identify Iluka Reserve as a potential urban expansion area. There is no strategic planning merit to justify rezoning and re-classifying Iluka Reserve for residential development. The Planning Proposal is not infill development as it involves rezoning open space for residential development. Such will undermine the KUS and set an undesirable precedent for further Planning Proposals in the LGA.
- Rezoning open space for residential purposes will also set an undesirable precedent for other open space within the LGA resulting in the erosion of open space within the LGA.
- The development of the reserve to create nine (9) residential allotments will not overcome housing shortfall in Kiama but will result in loss of valuable open space. There are other opportunities for residential land development within Kiama (such as the redevelopment of Bombo quarry). There is a lack of demonstrated justification for the need for this housing in this location.
- Future residential development would raise difficulties in terms of:

Report on Public Hearings
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Re-classification of Various Sites

- Amenity impacts to surrounding properties. Dual occupancy development for instance would be inconsistent with prevailing character of development in the area.
- Servicing, in particular waste collection, with up to 36 bins potentially requiring to be picked. The proposed access road would be inadequate to accommodate such service vehicles.
- Inadequate road width for future residential traffic.
- No provision for visitor parking in proposed street.
- Future location of intersection of proposed access road is in a dangerous position with respect to traffic travelling along Riverside Drive. The road has a difficult alignment at this location with poor sight distance. Furthermore vehicles travel at speed along Riverside Drive. This will create traffic safety issues for future residents.
- Part of the reserve should not be sold off to finance improvements to the reserve. Rather Council's rates should be used to maintain and improve reserve. The sale of the reserve is a long term loss for only short term gain.
- Increasing residential densities within the existing residential areas of the local government area will require adequate supply of open space. Existing open space should therefore be retained as open space for future community.
- Concerns raised about whether Council's anticipated revenue gains from development of site will be realised given the constraints suffered by the site including contamination issue, drainage and associated construction difficulties. If revenue not realised community will have lost valuable open space without any return.
- The local community needs open space. Council should not be reducing the amount of open space available for the local community.

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Attachment 4

Report on Public Hearings
Kiama Municipal Council
Re-classification of Various Sites

7.0 CONCLUSION

Public Hearings were held in accordance with the provisions of Section 29 of the Local Government Act 1993 with respect to the re-classification of various parcels of land from "Community" land to 'Operational' land within the Kiama Municipal local government area. .

The Public Hearings were specifically concerned with the following matters:

- A Planning Proposal that seeks the re-classification of Lot 208 DP 792192, 9 O'Connell Place, Gerringong from "Community" land to "Operational" land;
- A Planning Proposal that seeks to amend the Kiama Local Environmental 2011 to rezone various parcels of land in Irvine Street, Kiama from RE1 Public Recreation to R2 Low Density Residential as well as the principal development standards suitable to enable residential development. This Planning Proposal also seeks to reclassify the land from "Community" land to "Operational" land.
- A Planning Proposal that seeks to amend the Kiama Local Environmental Plan 2011 to rezone and reclassify part of Iluka Reserve at Kiama Downs from partly: RE1 Public Recreation to R2 Low Density Residential, and adjust the development controls accordingly to allow the land to be developed for residential lots; as well as to rezone part of the land from R2 Low Density Residential to RE1 Public Recreation. This Planning Proposal also seeks to reclassify part of the land associated with this Planning Proposal from "Community" land to "Operational" land.

This report details the results of the public hearings into these three Planning Proposals.

Two separate public hearings were held in relation to these matters, one on the 26th June 2017 attended by 40 people and the other on the 3rd July 2017 attended by 36 people.

Combined a total of thirty-three (33) verbal submissions were heard during the two public hearings. Two (2) verbal submissions were made in relation to the Irvine Street, Kiama Planning Proposal; seven (7) verbal submissions were made in relation to the O'Connell Place, Gerringong Planning Proposal; twenty-two (22) verbal submissions concerned the Iluka Reserve Planning Proposal; while two (2) submissions were of a general nature. Several submissions (four) were made by the same members of the public at both hearings.

The two public submissions made in relation to the Irvine Street, Kiama Planning Proposal differed in so far that one was concerned with how revenue obtained from the subsequent sale of the land following re-classification will be used. The other submission raised specific issues of concern in terms of stormwater management, and potential privacy and overshadowing impacts following any future development of the land following its re-classification and rezoning.

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Kiama Municipal Council
Re-classification of Various Sites

The majority of the seven (7) public submissions made in relation to the O'Connell Street, Gerringong Planning Proposal criticised the extent of community consultation that was undertaken in relation to the notification of both this Planning Proposal as well as the public hearings. According to many public submissions this lack of consultation denied the community an opportunity to properly consider and comment on this Planning Proposal.

Concerns were also raised by many public submissions in relation to this Planning Proposal as to whether the land following re-classification would be sold on open market by public tender or whether the property would only be made available to the Housing Trust. Concerns were also raised as to the potential that the land could be redeveloped for higher density residential development.

By far the Planning Proposal that raised most community interest at the public hearings concerned the proposed rezoning and reclassification of land within Iluka Reserve at Kiama Downs. Twenty-two (22) verbal submissions were made before the public hearing relating to this Planning Proposal. Twenty-one (21) submissions objected or raised concerns in relation to this Planning Proposal; while one (1) submission was in favour of the Planning Proposal.

The submission in support of the Planning Proposal in summary outlined that; the reserve was underutilised; the land affected by the Planning Proposal involved only a small portion of the overall reserve; and the Planning Proposal would provide the opportunity to invest funds obtained from the sale of land back into improvements to the reserve.

The submissions made objecting to this Planning Proposal raised a number of areas of concern and these are summarised in this report. In particular concerns ranged from:

- rejecting the notion that the reserve was underutilised, indicating that the reserve was used by the local community;
- concerns that the Planning Proposal did not sufficiently demonstrate or justify the reserve was presently underutilised;
- The loss of open space for residential development would set an undesirable precedent and would undermine future open space provision for an increasing population;
- there was a lack of strategic planning merit underpinning the Planning Proposal;
- the subject land presented physical constraints for future residential development. Such constraints could undermine the financial viability of any future development scenarios;
- future residential development in this particular location would also potentially create traffic safety and amenity impacts within this locality.

Report on Public Hearings
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Pursuant to Section 47(G)(3) of the Local Government Act, no later than 4 days after Council has received this report of the results of the Public Hearings held in relation to these Planning Proposals; Council must make a copy of the report available for the inspection by the public within the local government area.



Stephen Richardson
Director and Town Planner
COWMAN STODDART PTY LTD

Item 9.3

Attachment 4

ANNEXURE 1

Item 9.3

Public Notice

Attachment 4

**Public Hearings Report
26th June and 3rd July 2017**

COWMAN STODDART PTY LTD



Public Hearing

**Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Iluka Reserve, Kiama Downs
Lot 208 DP 792192, 9 O'Connell Place, Gerringong
Part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 & Lot 38 DP 630551, Irvine Street Kiama**

In accordance with Clause 29(1) of the *Local Government Act 1993* a Public Hearing will be held on Monday 26 June 2017 commencing at 2pm in Council's Administration Building, 11 Manning Street, Kiama to discuss the reclassification of community land to operational land at:

- Iluka Reserve, Kiama Downs.
- 9 O'Connell Place, Gerringong.
- Irvine Street, Kiama.

Members of the public are invited to attend this Public Hearing. Enquiries should be directed to Edward Paterson of Council.

Advertised in The Bugle 17/6/17

ANNEXURE 2

Item 9.3

Register of Attendees to Public Hearings

Attachment 4

**Public Hearings Report
26th June and 3rd July 2017**

COWMAN STODDART PTY LTD

3 July 2017

Re-Classification Public Hearing

Kiama Municipal Council

Name	Which item are you here about? - Iluka Reserve - Irvine St - O'Connell PI - All three	Contact Details (Phone or email)	Do you intend to speak? Y/N
Michelle McNeill MARK WAY	Iluka Reserve IRUKA RESERVE	04 00119674	N Y.

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Attachment 4

3 July 2017

Re-Classification Public Hearing

Kiama Municipal Council

Name	Which item are you here about? - Iluka Reserve - Irvine St - O'Connell PI - All three	Contact Details (Phone or email)	Do you intend to speak? Y/N
BEN REITZE	ILUKA RESERVE	0419 485 268 ben.reitze@bigpond.com	N
IAN NEVILLE	1 1	0438262326	N

3 July 2017

Re-Classification Public Hearing

Kiama Municipal Council

Name	Which item are you here about? - Iluka Reserve - Irvine St - O'Connell PI - All three	Contact Details (Phone or email)	Do you intend to speak? Y/N
Suzanne Curran	9 O'Connell	488 Stirling St Irvine St O'Connell PI	Y
Ann Marie Cooper	✓	DPAWS M E @ G-MAIL.COM	
Terry Galatheid	Seviot St	PO Box 250 Kiama	Y ASK Q
CRAIG SCOTT	ILUKA RESERVE	craig.scott@bluescope.com	N
GREG BAKER	Iluka Reserve	0457 823 854	N
BARBARA OWENS	Iluka	0410 087 104	N
Shon Gallaghy	Iluka Reserve	0450959026	Y
DAVID CONNOLLY	Iluka Reserve	dcos1273@hotmail.com	Y
PAUL BIEBECKS	Iluka Reserve	0429 496749	

Kiama Municipal Council

Re-Classification Public Hearing

3 July 2017

Name	Which item are you here about? - lluka Reserve - Irvine St - O'Connell PI - All three	Contact Details (Phone or email)	Do you intend to speak? Y/N
B.S. BECKWITH	LUKA	04 094 66169	YES
ROW NEWMAN	LUKA		
DON HAZELL	"	32 FLINDERS AVE KIAMA Downs	No
LYN HAZELL	"	32 FLINDERS AVE KIAMA Downs	No.
Dianne Cahill	O'Connell PI	0410521138	yes
Moff Cahill	O'Connell pl	0418 288 269	YES.
Carmel Broche	Irvine St	0412676946	Yes.

Kiama Municipal Council

Re-Classification Public Hearing

26 June 2017

Name	Which item are you here about? - Iluka Reserve - Irvine St - O'Connell PI - All three	Contact Details (Phone or email)	Do you intend to speak? Y/N
DON M'GREGOR	ALL THREE	42332233	N
Cheryl Williams	70 O'Connell PI	0802557649	Y
Sharon Middleton	9 O'Connell Place	42342425	Y
PAUL URBAN	7 O'Connell Pl	0421394442	

26 June 2017

Re-Classification Public Hearing

Kiama Municipal Council

Name	Which item are you here about? - Iluka Reserve - Irvine St - O'Connell PI - All three	Contact Details (Phone or email)	Do you intend to speak? Y/N
Dianne Cahill	O'Connell PI	0410521138	Y.
Rag Smith	ALL THREE	0242378334	YES.

26 June 2017

Re-Classification Public Hearing

Kiama Municipal Council

Name	Which item are you here about? - Iluka Reserve - Irvine St - O'Connell PI - All three	Contact Details (Phone or email)	Do you intend to speak? Y/N
Don Hazell	Iluka Res.	Don Hazell@iinet.net.au	?
Lyn Hazell	"	Lyn Hazell@hotmail.com	
Wayne Becker	"	WCA BECKER@gmail.com	
Leenie Newman	"	aussienyn@optusnet.com.au	
Margaret Patterson	10 4 "	42377338	
Tony Owens	" "	42031995	N
KAYE REITZE	ILUKA IRVINE	42379739	N
MAY KEITZE	"	"	N
Jolianne Street	Iluka	ashjulz@gmail.com	N
Ganet Kay		42321062	N
Lorrie WILLIAMS	All three	wjplumbing1@bigpond.com	N

Kiama Municipal Council

Re-Classification Public Hearing

26 June 2017

Name	Which item are you here about? - Illuka Reserve - Irvine St - O'Connell PI - All three	Contact Details (Phone or email)	Do you intend to speak? Y/N
Cathy Law (The Bugle)	All	emailthebugle@gmail.com	N
TERRS GARAGHER	SARINE ST O'CONNELL PI	WESTBURY, KIAMA @ BIGFOOD, COM	N
MARGARET MITCHELL	ILLUKA RESERVE and CHITRA		N
Peter Reynolds	42324898		

26 June 2017

Re-Classification Public Hearing

Kiama Municipal Council

Name	Which item are you here about? - Iluka Reserve - Irvine St - O'Connell PI - All three	Contact Details (Phone or email)	Do you intend to speak? Y/N
Lee Barry		48377409.	Y
G. Hodgson		48378320.	Y.
D. Connolly		0425 28274	Y
John DANIEL		42 377 354	No
Helen DANIEL		" "	No
Sally McKay	ILUKA	4237 6164	N
AMELIA WILSON	ILUKA	0407 295 559	No
Leonia Backer	ILUKA	0432103861	No.
B.J. BECKWITH	ILUKA.	0409466169	YES.
BARBARA OWENS	ILUKA	42031995	NO
Wendy Smith	Iluka	045278819	No

26 June 2017

Re-Classification Public Hearing

Kiama Municipal Council

Name	Which item are you here about? - Iluka Reserve - Irvine St - O'Connell PI - All three	Contact Details (Phone or email)	Do you intend to speak? Y/N
David Murphy	ILUKA	0419 404254 murraydave47@gmail.com	Y
Coralie Stapleton	all three	9634 2832	N

ANNEXURE 3

Item 9.3

Written Statements

Attachment 4

**Public Hearings Report
26th June and 3rd July 2017**

COWMAN STODDART PTY LTD

Greg and Carmel Brodie

22 Irvine St

Kiama

30/6/2017

To General Manager,

Re: SC2676

Rezoning Lot 38, DP 630551

We have two concerns:

- 1) Our block sits immediately south of above land. During severe heavy rain events the street storm water drains already cannot deal with the run off. The storm water drain is situated just south of our block, overflows causing our runoff not to be able to escape and at times causing backflow. Just in the last four years we have had to make two insurance claims for flooding caused by storm water damage. A building on the adjoining block will affect the natural run off and spill more water into storm water drains causing us more frequent damage. Do you intend improving storm water drains?
- 2) The property we purchased was designed and built with all living areas facing north east overlooking the park. This home would never have been designed in this format if the adjoining block was a vacant block that could have been built on. If this is to go ahead will there be restrictions on the building to secure a degree of privacy and retain some sunlight?

Yours sincerely

Greg and Carmel Brodie



*David Connolly
92 Riverside Drive
Kiama Downs*

Afternoon All,

Well before we really get going in this matter there's a few statistics that I would like to share with you, The first is in relation to planning proposals generally, planning proposals are meant to be the exception to the rule, so to speak - I went to the Sutherland Shire Council website and examined the number and scope of their proposals - it works out to one proposal per 50 thousand people roughly. Kiama's is roughly 2600 people, which indicates at least a reliance on property sales to fund council activities.

Also why Iluka? I have heard the no one uses it argument time and time again, nothing could be further from the truth - Iluka has been a poor cousin to be sure but even yesterday in the cold winter wind here is a couple of people walking a dog watching people play tennis. Also it seems a premature argument with the quarry redevelopment to be undertaken on its doorstep!

So what evidence does council have to support its claims? Well I don't know because they haven't bothered to advise of any, no strategic rationale in the sale, no selection methodology, no business case, no community involvement, no say in anything, nothing. Simply nothing. Now have a think about this, the council has had years to address these issues and they haven't? Why not??

Moving on to the proposal itself I have had a number of concerns in relation to this development and I will go through some briefly as I only have 5 minutes to speak but will deal with that in greater detail in my written submission.

This matter came to my attention through being woken by the metallic sound of heavy machinery working - it would have to be almost 2 years ago, little did I know that it would result in me being here today.

The planning proposal as it stands has shortcomings both legally and morally which render it unsupportable.

The Kiama Urban Strategy which has been the bible for development has been ignored in the preparation of the proposal and to be blunt Iluka is not in the urban strategy along with a number of reserves deliberately - I note that area 18 adjoins Iluka reserve, so what your trying to tell me is that an entire committee missed seeing Iluka whilst observing the turning circle at Barton Drive?

I further note that the mayor has said that a Jamberoo proposal must go ahead because it's in the strategy must be developed because it's in the urban strategy but Iluka is not in the urban strategy and for that reason it must be developed!

You will notice the land to the south of number 92 Riverside Drive has a RE1 Zoning this land is classified as Reserve and public recreation. Any form of approval will set an unwanted precedent and expose areas to development such as Kiama to Jamberoo, Kiama to Gerringong and Gerroa to name just a few. Any number of developers will be queuing up!

As it has basically been the council bible for development and has been used quite successfully as the western boundary line for development.

They were exhaustive in the examination of the LGA for suitable land to develop as you will see in the next email where I will attach a link to the strategy.

The LEP also has a number of significant unresolved

6.1 Acid Sulfate soils have been noted close by - are we aware as to what exactly the soil is since some of the area is fill?

I draw your attention to Part 6.2 Earthworks - specifically 6.1 and 6.3.

This Part of the LEP has been totally ignored in the making of this proposal and will prohibitively expensive to address, even in stage 1 the housing access road and parking are traveling across known contaminated lands which you must deal with under the provisions of SEPP 55. I have already discussed this matter with the EPA NSW and can advise that the current method of leaving asbestos etc in situ is to "cap" it with 2 meters of clean fill, there are alternatives to the clean fill but these are technologically based and still requires a half a meters depth.

It should be noted that any capping will have further environmental consequences and would possibly require the raising of Riverside Drive.

The proposal fails 6.3 Flooding as there has been no examination of the flooding risk to the premises - there are a number of natural springs in the area that would be impacted by hardstand areas, it is also another reason for a refusal of consent that the proposal is being built in a stormwater drain.

6.4 Riparian and watercourse land

Iluka Reserve has a level 2 watercourse within the LEP which again restricts certain types of activities and consents.

Furthermore Indications of community opposition to the proposal have come through a petition opposing the proposal

There is also a number of internal policy issues that will be provided to show that this proposal cannot not be approved. The planning agreement policy and the planning proposal policy are two that come to mind

I would like to offer an alternative, I offer the following compromise with the quarry development within 300 meters, the boardwalk development fully funded by the state that Iluka Reserve be allowed to reach its true potential funded by money raised through the quarry development that the reserve be rebuilt so as to allow the entire community to have access, with the many residents of the quarry only a bridge away the utilisation of the council assets will skyrocket- FACT the assets in the reserve such as the clubhouse the tennis courts can be the nucleus of a sport park with cycle tracks, fitness equipment etc

Recommendations

1. That the planning proposal be refused and
2. An audit be conducted to examine in a strategic sense regarding the lands identified in the KUS to see if they are "fit for the purpose"
3. A comprehensive overhaul of KMC customer engagement policies and the development of a customer contact unit and a focus on engagement with the community.
4. That it be noted that the quarry redevelopment is imminent and that useage patterns of the reserve will also change.

9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.3 The principles of sustainable development and compliance underpin town planning and local development

Delivery Program: 2.3.1 Conduct development and building assessment/approval functions in accordance with statutory requirements, policies and procedures

Item 9.4

Summary

This report responds to a request from Councillor Rice, at the July 2017 Council Meeting, to discuss why a Planning Proposal is needed to amend the Kiama LEP 2011 in order for it to best support any new Jamberoo DCP in regulating dual occupancy developments on new greenfield releases in Jamberoo.

Concerns have been raised that the recent influx of dual occupancy developments is leading to undesired population densities in some new residential areas of the municipality. At present dual occupancies are permissible in all residential zones throughout the Municipality under the provisions of the *Kiama LEP 2011*. It is noted that secondary dwellings are also permissible in all residential, rural and the E3 Environmental Management Zone under the provisions of the LEP.

As a DCP cannot be inconsistent with the provisions of a LEP it cannot prohibit development which is permissible under the provisions of the LEP.

In light of this the most effective means of regulating dual occupancy development is by amending the provisions of the LEP by preparing a Planning Proposal.

Finance

A fee structure for submittal and review of planning proposals has been developed by Council and is contained in Council's fees and charges schedule. As this Planning Proposal is being prepared internally no fees are payable.

Policy

Requests for rezoning of land require consideration of a number of Acts, Government policies, Council environmental planning instruments and planning documents. Specifically, the *Environmental Planning and Assessment Act 1979*, *Kiama Local Environmental Plan 2011*, Illawarra-Shoalhaven Regional Plan, Kiama Urban Strategy and the Kiama Planning Proposal Policy.

Reason for Report to Council

In accordance with adopted Kiama Planning Proposal Policy, the consideration of a planning proposal is required to be reported to Council in order for the proposal to proceed to the Department of Planning and Environment for consideration.

Attachments

Nil

Enclosures

Report of the Director Environmental Services

9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011 (cont)

Nil

RECOMMENDATION

That Council:

- 1) Endorse this Planning Proposal for housekeeping amendments to the Kiama LEP 2011 to proceed to the Department of Planning and Environment for a Gateway determination to have the capacity to limit dual occupancy by introducing a minimum lot size for dual occupancies in newly zoned R2 Low Density Residential land.
- 2) Determine which, if any, of the sites currently being considered for residential rezoning to apply the new minimum lot sizes for dual occupancies.
- 3) Request plan making delegations for this proposal as a part of the Gateway determination.
- 4) On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.

BACKGROUND

At present dual occupancies are permissible in all residential zones throughout the Municipality under the provisions of the Kiama LEP 2011. It is noted that secondary dwellings are also permissible in all residential, rural and the E3 Environmental Management Zone under the provisions of the LEP.

It is important to clarify the legislative roles of the Kiama LEP and the Kiama Development Control Plan (DCP). The LEP applies to land having a standardised 'zone' (Rural, Environmental Protection, Residential, Centre, Business Park, Industrial, Recreation, Infrastructure) within the Municipality. All zones have a number of objectives that give an indication of the intention for each zone. Each zone also contains a list of land uses that are either:

1. Permissible without Development Consent;
2. Permissible with Development consent; or
3. Prohibited.

The principal purpose of a DCP is to provide guidance on the following matters to the persons proposing to carry out development:

- giving effect to the aims of the Kiama LEP,
- facilitating development that is permissible under the Kiama LEP,
- achieving the objectives of land zones under the Kiama LEP.

The provisions of a DCP are not statutory requirements, further, a DCP cannot be inconsistent with the provisions of a LEP, in that it cannot prohibit development which is permissible under the provisions of the LEP (ie dual occupancies).

Report of the Director Environmental Services

9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011 (cont)

In light of this the most effective means of regulating dual occupancy development is by amending the provisions of the LEP by preparing a Planning Proposal rather than including dual occupancy controls in the DCP.

There are two amendments to the LEP that Council could make to regulate dual occupancy developments in the Municipality:

1. Introduce the R1 General Residential Zone to the Kiama LEP and prohibit dual occupancies in the R2 Low Density Residential Zone; or
2. Introduce prescribed minimum lot sizes for dual occupancies in certain areas.

An explanation of each approach is provided below.

1. Introduce the R1 General Residential Zone to the Kiama LEP and prohibit dual occupancies in the R2 Low Density Residential Zone

The Standard Instrument LEP contains the following 5 residential zones:

- R1 General Residential;
- R2 Low Density Residential;
- R3 Medium Density Residential;
- R4 High Density Residential;
- R5 Large Lot Residential.

Certain types of development are required to be permissible in certain zones by the standard instrument LEP. Permitting dual occupancies in any of the residential zones is not compulsory.

The R2 Low Density Residential, R3 Medium Density Residential and R5 Large Lot Residential zones are contained within Kiama LEP. The Kiama LEP has chosen to permit dual occupancies in all 3 of its residential zones.

The R2 zone generally permits lower residential densities than the R1 zone which in turn permits lower residential densities than the R3 zone. For example, the Standard Instrument LEP requires that both multi dwelling housing and residential flat buildings are permissible in the R1 zone, whereas single dwelling houses are the only compulsory form of residential development for the R2 zone.

If Council were to introduce the R1 zone to its LEP, in order to regulate dual occupancies in the Municipality, it would also need to prohibited dual occupancies in the R2 zone. Council would concurrently need to determine areas throughout the Municipality where dual occupancies are not desirable. These areas would retain their R2 zoning while other areas would need to be rezoned to either R1 or R3, noting that both multi dwelling housing and residential flat buildings are required to be permissible in these zones.

Whilst this is considered to ultimately be a more effective means of controlling densities across the Municipality it would require a LGA wide review of the LEP with many areas being 'down' zoned. This approach is considered to be controversial and would be better considered as part of a comprehensive review of the Kiama LEP.

Report of the Director Environmental Services

9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011 (cont)

2. Introduce prescribed minimum lot sizes for dual occupancies in greenfield areas certain areas

It is considered that a more appropriate means of regulating dual occupancy developments in the Municipality is to introduce a prescribed minimum lot size for dual occupancies in selected greenfield subdivisions i.e. specify certain minimum lot sizes for dual occupancies in these areas.

This approach has occurred in other LEPs, such as Bathurst, where larger lot sizes are required for dual occupancies on the outskirts of town compared to land around the Bathurst CBD. This approach enables Council to determine what minimum lot size it considers to be appropriate for dual occupancies on newly zoned R2 Low Density Residential land.

The table below illustrates a number of different minimum lot sizes for dual occupancies which could be applied to newly zoned R2 Low Density Residential land in Kiama, Gerringong & Gerroa.

	Current Permissible Lot Size	Percentile Increase			
		33%	50%	66%	100%
Kiama, Gerringong & Gerroa	450m ²	600	675	750	900

Table 1: R2 Low Density Residential zoned land in Kiama, Gerringong & Gerroa

In light of this it is considered appropriate to establish a minimum lot size of 600m² (ie 33% of the minimum lot size) for certain newly zoned R2 Low Density Residential land in Kiama, Gerringong & Gerroa. Council will ultimately need to decide which areas it applies this control.

The table below illustrates a number of different minimum lot sizes for dual occupancies which could be applied to newly zoned R2 Low Density Residential land in Jamberoo.

	Current Permissible Lot Size	Percentile Increase			
		25%	50%	75%	100%
Jamberoo	800m ²	1000	1200	1400	1600

Table 3: R2 Low Density Residential zoned land in Jamberoo.

In order to illustrate the affect these minimum lot sizes could have on residential densities in Jamberoo, the Golden Valley Road Planning Proposal estimates that approximately 44 new allotments could be created if the site were rezoned to R2 Low Density Residential. As dual occupancies are permissible on land zoned R2 Low Density Residential this could result in a theoretical maximum of 88 new dwellings. The following table shows the number of new dwellings that could be possible under each scenario outlined in Table 3 above.

Report of the Director Environmental Services

9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011 (cont)

	Different Minimum Lot Sizes for Dual Occupancies				
	800	1000	1200	1400	1600
Number of potential dwellings	88	70	58	50	44

Item 9.4

Table 4: Dwelling Potentials for Golden Valley Road, Jamberoo.

In light of this it is considered appropriate to establish a minimum lot size of 1200m² (i.e. 50% increase of the minimum lot size) for certain newly zoned R2 Low Density Residential land in Jamberoo. Council will ultimately need to decide which areas it applies this control.

Council will need to determine which of its newly zoned sites to apply these minimum lot sizes to. There are presently 4 Planning Proposals that are being processed by Council that will result in newly zoned residential land:

- Drualla Road, Jamberoo;
- Irvine Street, Kiama;
- Iluka Reserve, Kiama Downs; and
- Golden Valley Road, Jamberoo.

Council will ultimately need to decide which of the areas listed above it applies this control to. If Council are of an opinion to apply these minimum lot sizes for dual occupancies to land considered under future Planning Proposals, it will need to do so when these Planning Proposals are reported to Council.

The density of the final built form will still be governed by the prescribed floor space ratios for each specific location.

Planning Proposal

A Planning Proposal is the mechanism for, and document which explains the intended effect of, and justification for, a proposed amendment to the LEP. As outlined above it is considered that there are anomalies with the current provisions of the LEP that warrant amending via the preparation of a Planning Proposal.

The proposed amendments to the LEP will apply to newly residential zoned land in the Municipality where large scale dual occupancy is unwanted. The Planning Proposal (PP) aims to regulate dual occupancies in newly zoned R2 Low Density zoned land.

If Council agree with the outlined intended amendment, staff will prepare a Planning Proposal which is consistent with the requirements of the Kiama Planning Proposal Policy, the Department of Planning and Environment’s (DoPE) ‘Guide to Preparing Planning Proposals, the Illawarra-Shoalhaven Regional Plan, Kiama Urban Strategy (KUS), relevant *State Environmental Planning Policies (SEPPs)*, and applicable Section 117 Ministerial Directions.

Plan Making Delegations

Report of the Director Environmental Services

9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011 (cont)

Council has received delegations for local plan making powers under Planning Circular PS16-005 and Section 59 of the *Environment Planning and Assessment Act 1979*. It is intended to request delegations Plan making powers for planning proposals consistent with an endorsed strategy and/or surrounding zones such as this PP. This request will be sent to gateway with the planning proposal delegation following council approval to proceed. Following the Gateway determination, Council will be directed as to any further requirements to obtain additional studies, consult with public authorities and exhibit the Draft Kiama LEP.

Conclusion

The necessity to make the intended amendments to the Kiama LEP 2011 has become evident as a result of the past 5 years since the publication of the Kiama LEP 2011. Dual occupancies are permissible in all residential zones throughout the Municipality under the provisions of the Kiama LEP 2011. As a result of this undesirable dual occupancy development has occurred, or has the potential to occur, throughout the Municipality. If Council agree with the outlined intended amendments, staff will prepare a Planning Proposal and subsequently submit it to the Department of Environment and Planning for a Gateway Determination. If a positive Gateway Determination is issued the Planning Proposal will be placed on public exhibition and subsequently reported back to Council for final endorsement.

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.3 The principles of sustainable development and compliance underpin town planning and local development

Delivery Program: 2.3.1 Conduct development and building assessment/approval functions in accordance with statutory requirements, policies and procedures

Item 9.5

Summary

This report recommends refusal of Development Application No 10.2017.37.1.

Finance

N/A

Policy

N/A

Reason for the Report

The development application attracted more than 3 submissions.

Attachments

1 10.2017.37.1 - plans [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council refuse Development Application number 10.2017.37.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, for the following reasons:

1. The proposed development would be contrary to Control C13 in Chapter 4 of Kiama DCP 2012 – Low Density Development - which requires low density development:

“To maintain and improve the existing and future desired character/amenity of residential zones. Council will only approve of new dwelling houses/additions where they are compatible with the existing and environmental character of the locality and have a sympathetic and harmonious relationship with adjoining development.”

2. The proposed development would be contrary to the following development objective listed in Chapter 4 of Kiama DCP 2012 – Low Density Development:

“To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.”

3. The proposed development would result in the loss of existing “Secondary

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

Views” for an upslope property as a result of the building design not meeting the abovementioned development objective.

4. The 21m long unbroken ridge line provides little relief and demonstrates that view sharing for upslope properties has not been considered in the design as required under Control C6, C8 & C10 - Section 5 Chapter 2 – ‘Views and Vistas’ (Kiama DCP 2012):

“C6 Any development in Kiama should incorporate view sharing principles into the design and siting of development to ensure that where possible with that existing view lines are not detrimentally impacted.”

C8 Development should ensure, where possible, that there is no unreasonable loss of existing view lines from existing development.

C10 Building design should have regard to the topography of the site and avoid unnecessary bulk or alteration of natural ground levels.”

5. As a result of the above, the proposal is not in the public interest.

BACKGROUND

Development Site

The property is described as Lot 3 DP 32006 which is located at 3 Gura Street, Kiama and sits in a steep hillside location within the Kiama township. The subject property overlooks the Kiama Harbour Basin and is situated on the high side of the street. The land is zoned R2 Low Density Residential pursuant to Kiama LEP 2011.

The allotment shape is rectangular with an area of 566m² and is burdened by a narrow allotment width of 13.4m and slopes up from Gura Street towards the rear lane. The proposed development site has a steep cross fall to the south.

The bounding property to the North is a 3 level dwelling and the neighbouring property to the South contains a 3 level dual occupancy development. The rear of the site is bounded by a public laneway off Fitzroy Street.

Description of the proposed development

The proposal involves the proposed construction of alteration and additions to an existing residential dwelling over 3 levels to create a fully renovated 3 bedroom residence.

The proposed tri-level building is of a contemporary architectural design, two thirds of which would be encapsulated within a 45 degree and 2 degree pitched roof. The remaining third of the building is finished under a 3 degree pitched roof together with parapet walls.

It is proposed for the dwelling to be finished in recessive colour tones featuring a contemporary building design together with a stepped terrace frontage designed to mitigate the slope.

Section 79C Assessment

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

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 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

A BASIX Certificate was lodged with the application which demonstrates that the dwelling has been designed in accordance with the SEPP.

- Kiama LEP 2011

The subject land is zoned LEP2011 - R2 Low Density Residential pursuant to Kiama LEP 2011. *Dwelling-houses and their ancillary structures* are permitted with consent in the zone. The proposal is considered to be consistent with the zone objectives.

Specific clauses requiring consideration:

- Clause 4.3 Height of Buildings – 8.5m.
The proposed development has been designed to the 8.5m building height limit set under Clause 4.3 of Kiama LEP 2011.
- Clause 4.4 Floor Space Ratio – 0.45:1. The proposal has been designed to the limit of this development Standard.

Development Control Plan 2012

The proposed development has been assessed and will generally comply with the objectives for Low Density Development in Chapter 4 under Kiama Development Control Plans 2012 (Kiama DCP 2012).

- *“To encourage innovative housing design which incorporates high level architectural, environmental and amenity standards.*
- *To promote residential development that achieves the principles of energy efficiency and ecologically sustainable development.*
- *To protect the character of the areas and towns.*
- *Ensure all development is designed and sited to respond to greater climatic extremes with energy efficient responses.*
- *To provide high level of user amenity though the provision of well designed, livable dwellings.*

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

-
- *To provide high level of visual and acoustic privacy for existing and new residents.*
 - *To ensure that any residential development adjacent or in close proximity to rurally zoned land recognizes the 'right to farm' for rural land zonings.*
 - *To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character."*

Item 9.5

There is some conjecture raised in Council's assessment that the proposed development may not strictly adhere to the last objective listed above. This matter is discussed in further detail in this report under the various heads of consideration.

The applicant has provided a design response in order to demonstrate how compliance is achieved in relation to some of the qualitative Controls in Kiama DCP 2012 listed below:

*"The requirements of **Control C2** in Chapter 4 of the Kiama DCP 2012, where the two storey component of low density residential development must be located within 12.0 metres of the street front setback line have been met with the proposed design now shown on amended plans. The two storey area is now located within the zone located approximately 11.0 metres from the street front setback line.*

The roof line however, is extended rearwards into the block to simplify the form, and to give appropriate scale to the rear of the site which has a much higher landform.

The rear portion of the house is cut into the site profile and achieves the equivalent of a single storey height at the rear ridge line in relation to the adjacent ground line. This allows the maximum height over the rear portion to be much less than the maximum allowable height and satisfies Council's Clause 10 and Clause 11 of the Chapter 2 of the Kiama DCP 2012.

It is also a relevant point that the design when viewed as a pure elevation along the southern and northern sides is actually a single storey height which then steps or folds back into the site. These elevations will never be able to be viewed in their entirety when constructed on site. This aspect may not be readily understood by a person when first viewing the drawings".

*The requirements of **Control C7** in Chapter 4 of the Kiama DCP 2012, where the side boundary walls component of low density residential development which are greater than 15.0 metres in length must be articulated with different materials or design have been met with the proposed design now shown on amended plans.*

The Southern side has a variety of methods of articulation which include:

- *contrasting materials for cladding using ribbed colorbond steel and bagged base brickwork.*
- *at either end, the walls are cut back with louvre panels or strip windows.*

The Northern side uses the existing wall line to the bedroom wing, however, extended at the rear to provide for a new Laundry. The wall plan is re-clad with a modern panel system with existing window articulation.

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

*The requirements of **Control C8**, in Chapter 4 of the Kiama DCP 2012, where low density residential development must consider view sharing principles has been demonstrated on the attached diagrams as being compatible with only a very minor impact. However, this is only to secondary views and not from neighbour's primary views to the harbour. View sharing principles as established by relevant legal cases has been covered within a separate document submitted to Council.*

In particular, noting the reference point in Chapter 2, Section 5 - Maintenance of Views + Vistas of the Kiama DCP 2012, for the determining factors in view sharing is that the primary view available from living space and kitchen are not unreasonably affected. A series of view diagrams for both no.2 Gura Street and for No 8 Fitzroy Street have been prepared to show the minor impact of the proposal when compared to the existing expansive views available from both properties.

With regard to the objection received from No 8 Fitzroy Street, the existing primary view from the living and main balcony towards the headland and main beach will not be affected, as the recently constructed duplex in front of their property has already been constructed lower to accommodate view sharing.

In addition, a coloured marker has been installed on the existing TV aerial at the surveyed height of the maximum ridge line of the proposed additions as agreed with Council as a reference point.

The property at No 41 Pheasant Point Drive has no impact from their main living space or main deck and their view is already affected by existing screening vegetation within their yard and within neighbour's yards.

Number 2 Gura Street currently enjoys expansive sea and harbour views from their main living space and main balcony. This will not be affected to any significant degree by the proposed development.

With relation to any concerns for views back over the town, the more likely site to be affected would be No 2 Gura Street. The impact has been assessed based on the view potential from their primary living space and from the attached front deck, and when compared to existing outlook there is only a marginal impact.

A set of diagrams has been prepared to show more precisely the view corridors and the very minor impact that will occur. This is seen as being a reasonable and acceptable outcome for this proposal.

*The requirements of **Control C13** in Chapter 4 of the Kiama DCP 2012, where low density residential development must consider compatibility with existing environmental character of the locality has been addressed by the attached Gura Street elevation study drawing. The adjacent neighbour's houses and their surveyed ridge heights has been plotted and presented.*

It is apparent that the proposed roof profile when set between the two adjacent neighbours represents a good fit and transition in height across the large gradient difference along the street elevation. When the subject site development is completed, it will leave only No 4 Gura Street to be re-developed, which given its age is more likely in the short term.

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

A modern urban form is now the established dominant character of this part of Gura Street, and the proposed development will fit and enhance this character”.

The proposed building design is of a contemporary form therefore it was necessary to have the applicant who is also the architect, provide the above design responses to better articulate how the building design rests with the qualitative development controls highlighted above.

It is noted that there are overlapping influences given by each of the above highlighted development controls and therefore assessment of compliance of each control should not be undertaken in isolation of the other development controls listed. This will be further discussed in the body of the report under the heading ‘Views’.

Any Matters Prescribed by the Regulations

- NSW Coastal Policy, 1997

The proposed development is not inconsistent with the NSW Coastal Policy, 1997.

The Likely Impacts of the Proposed Development

- Streetscape

Gura Street is a short, narrow street and has an irregular centre line that ascends to the non-cul-de-sac end of the no through road. The section of Gura Street where the development is proposed falls north to south and sits on the southeast slope of the hill. The section of street to which the development context is assessed comprise a group of homes numbered 1 – 4 Gura Street and including No 12 Fitzroy Street. The remainder of the other dwellings in Gura Street do not share the same relationship in the streetscape with the proposed development.

The proposed development is to be constructed over the building foundations of the existing dwelling which stands midway and on the high side of Gura Street. The dwelling will comply with the 6m front building line setback as required under Chapter 2 of Kiama DCP 2012.

The applicant contends that: - *“it is apparent that the proposed roof profile when set between the two adjacent neighbours represents a good fit and transition in height across the large gradient difference along the street elevation. When the subject site development is completed, it will leave only No 2 Gura Street to be redeveloped, which given its age is more likely in the short term.*

Development, particularly when viewed from the street, should be compatible with the character and scale of any existing buildings to be retained on the site and residential development in the immediate vicinity. The proposal has been designed by a design professional to reflect the height, bulk, scale and architectural style of contemporary coastal dwellings. The area is undergoing a change from the 1960’s and 1970’s style homes in the area to more contemporary homes befitting the coastal setting. As evidence of this there are a number of new and contemporary coastal residences further west along Pheasant Point Drive. When viewed from the street the proposal is compatible with the changing character and scale of existing buildings.

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

A schedule of materials and colours forms part of this submission. The proposal complies with the objective.”

The applicant has provided a diagram to illustrate that in terms of building height, the development responds well when viewed on a two dimensional plane. But when viewed on site, from a three dimensional perspective against the adjoining pattern of development, it is apparent that the proposed development would not be in harmonious relationship with the adjoining development. The highest part of the proposed development (8.5m high) will be set on the 6m front building line where the adjacent building heights ascend with hillslope at a greater distance from the streetscape.

The existing pattern of development on this side of the street between 1 - 4 Gura Street comprise tri-level dwellings where the upper levels of the buildings are stepped back away from the streetscape and ascend with the hillside topography. The proposed building design would not follow this pattern of hillside development. Rather than following the hillslope, the development moves in the opposite direction toward the street and consequently its highest floor level will stand significantly closer to Gura Street than the adjacent buildings. The contrast would be significant enough to disrupt the streetscape and cause unnecessary amenity impacts including reduction of secondary views of the adjoining neighbours. It should be noted that Kiama DCP 2012 does not specifically articulate how ‘hillside development’ should be undertaken.

This style of hillside development is made more difficult if compliance with Control C2 (Chapter 4 Kiama DCP 2012) – Low Density Development is to be strictly observed. The two storey portion (3 storey in this case) then must stand within 12m of the front building line which is contrary to the pattern and style of adjacent development to which the proposed development is being assessed against.

It is considered that the proposed development in this case will disrupt the streetscape and be out of step with the adjacent development. The majority of the proposed building bulk will be located significantly closer to the street than the pattern of adjoining buildings that step back evenly upslope.

It is reported that the proposed building design would be consistent with the majority of following objectives for Low Density Development Chapter 4 Kiama DCP 2012 however with exception to the last objective highlight below:

- *“To encourage innovative housing design which incorporates high level architectural, environmental and amenity standards.*
- *To promote residential development that achieves the principles of energy efficiency and ecologically sustainable development.*
- *To protect the character of the areas and towns.*
- *Ensure all development is designed and sited to respond to greater climatic extremes with energy efficient responses.*
- *To provide high level of user amenity though the provision of well designed, livable dwellings.*

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

-
- *To provide high level of visual and acoustic privacy for existing and new residents.*
 - *To ensure that any residential development adjacent or in close proximity to rurally zoned land recognizes the ‘right to farm’ for rural land zonings.*
 - *To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.”*

Submissions have been received that also challenge whether the proposed development would meet the last objective as highlight above.

- Noise

The proposed development is assessed to have a high level of acoustic privacy for existing and new residents. 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 ongoing significant noise impacts are expected as a result of the development.

- Privacy and Overlooking

The proposed development is designed for high level visual privacy for both the occupants and the existing residents. No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development.

- Overshadowing

Narrow East-West oriented allotments on southern hillslopes are often very difficult to control in regard to overshadowing. The assessment of solar diagrams has revealed that the immediate southern adjoining property will be overshadowed by the development in the morning until approximately 11am. The southern adjoining development will receive at least 3 hours’ sunlight between 9am and 3pm on 22 June. Therefore, it is considered that shadow impacts on the southern adjoining properties would not be unreasonable.

- Views

Section 5 of Chapter 2 Kiama DCP 2012 – Maintenance of Views & Vistas provides clear definitions of what constitutes ‘primary views’ and ‘secondary views’ and are included below for clarity:

“Primary views are those that feature significantly from frequently used living areas such as lounge rooms, living rooms and family rooms. These normally would be located when the dwelling is designed so that maximum advantage is taken of them.”

Secondary views are those that represent a lesser or lower order of importance even though they may provide considerable enjoyment to the occupants. To the extent that the dwelling design did not see fit to feature them as primary views from frequently used living areas suggests they be considered of lower order priority than primary views.

The impact on views from living areas and kitchens is more significant than from bedrooms or service areas. There will be instances where views will unavoidably be affected by new development.

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

From a design viewpoint, the preservation of existing primary views from an adjoining dwelling would be of more importance than secondary views. These primary views should, to the maximum extent possible, be preserved.

New development should maximise views available to frequently used living areas within new dwellings without causing significant loss of views, and in particular primary views, enjoyed by existing residents, or significant loss of important vistas available from public places.”

The proposed development would not seriously or unreasonably disrupt the whole of any of the primary views enjoyed by the neighbours of adjoining properties. There would be some impact on secondary views such as town views & historical buildings from adjoining properties that are of great value particularly for the residents at No 2 Gura Street.

The applicant has submitted the following submission from their solicitor that argues that the development proposal observes view sharing principles:

“Tenacity:

It is our opinion that this case has been quoted more than any other case in the Land and Environment Court and every Councillor is well aware of the four step process, but in the circumstances here the second step is the most significant:

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

When one looks at the amended Statement of Environmental Effects and the Site Analysis drawing dated May 2017 by I architecture it will be appreciated that all the objectors are complaining about a perceived loss of side views.

In Cullen v Waverley Council [2008] NSWLEC 1215 Commissioner Bly said:

28 – In principle the notion of view sharing involves the equitable access to views from dwellings with the purpose of achieving a balance between facilitating new development and preserving as far as practicable, access to views from surrounding properties. An important aspect of view sharing is that while one property may lose some of their views another property will realise some views. It is also important to recognise that no one can own a view across private property.

29 – In my opinion the starting point for the consideration of view loss and view sharing associated with 32 Gardyne Street begins with an understanding of the associated aims and objectives of the planning controls. Generally, these controls provide for the maintenance and improvement of existing amenity that obviously includes views. More particularly new development should not significantly detract from or minimise the loss of the existing private views of dwellings, especially where panoramic landscape and ocean views are involved, as is the case here. It is also relevant to note that the building height objectives of the DCP include the minimisation of view loss.

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

32 – The properties at 34B and 32 Gardyne Street both comprise hatchet shaped lots and but for their accessways are landlocked, thus having common boundaries with several other neighbouring properties. They have no street frontage in the usual sense and in my opinion these common boundaries are side boundaries and should be treated as such when applying Tenacity. Bearing in mind that there is no ownership of views across private property, any expectation for the complete retention of views across the common boundary between these properties must be given weight, especially if height and setback controls (effectively envelope controls) are complied with.”

In addition to this legal opinion the applicant has provided a view line analysis (can be found in the attached plans) that assists in providing perspective and scope in relation to the concerns raised in submissions on view loss.

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is proposed. Manoeuvring is compliant with AS/NZS 2890.1 and the driveway will comply with required driveway long sections.

- Stormwater Management

All stormwater will drain to the street.

- Environmental Impacts

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.

- Social and Economic Impacts

The proposed development would have some social and economic impacts. The amenity impacts of the proposed development have been considered in detail and concerns raised in submissions that would warrant refusal of the application.

The Sustainability of the Site for the Development

The site attributes are considered to be conducive to development.

Submissions Received

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, 6 submissions were received.

The following summarised concerns were raised in the submissions:

Item 1 - *“Enormous top storey void – The proposal has a massive top-storey void of about 70m² in area that adds no useable space to the development. It doubles the size of the top floor and causes major impact on our primary views, property value and the streetscape. This is not reasonable and does not comply with Council requirements for view sharing and streetscape compatibility.”*

Comment - The applicant was asked to consider the concerns raised in objections submissions regarding the proposed top storey void. This aspect of the

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

development according to the architect has a specific function which is outlined below:

“The quality of the external design and interior space are designed to reflect the current emphasis on environmental design and the high standards of performance using minimal energy. Natural lighting and cross ventilation are priorities in meeting current standards, and the proposed design excels in this area. Given the awkward orientation of north in relation to the existing footprint it was necessary to raise the central roof line well above the existing northern side bedroom wing to access sun penetration to living areas in winter. The existing northern neighbour casts a winter shadow deep across the subject site and in response to obtain essential winter morning sun, the high set windows are designed bring sunlight down into the ground floor living spaces. Louvre windows that are remotely controlled from the kitchen, as the working hub of the house, allow infinite control of air flow and can be safely left open at night for purging of heat. The upper floor level also benefits from this feature. From the above studies it is apparent that the proposed design will not have any significant impacts and is compliant with all of Council’s design controls. The design proposed seeks to provide the best solution for the client’s brief whilst optimising the environmental performance house to a high degree. This residential adaptation of an older dwelling into a modern, efficient and comfortable house for a family is a well-considered solution for a complex site.”

The applicant has also submitted with their application a legal opinion in response to this aspect of the objection and is stated below:

“We have been instructed to act for Mr and Mrs P & K Brady, the owners of 3 Gura Street, Kiama and we have been provided with a copy of the updated objection we received by email today.

The letter starts with the statement ‘We note that this is the third time we have been asked to submit objections to this development.’ By the tone of the letter it could be assumed that the objector was in fact living at 2 Gura Street, Kiama as that is possibly a property that could be affected by a secondary view loss over a side boundary.

The last pages of the plans being ‘neighbour view line projections No 3’ showing the existing view lines and the new view lines from 2 Gura Street and 8 Fitzroy Street. A hint as to who is the objector is obtained from the last page where it is stated ‘our house fronts onto Fitzroy Lane and this is our only street access. There are no views lines in the plans from Fitzroy Lane. We note that there are no photographs from the objector showing the current views obtainable from that property.

We submit that this latest objection does not displace the position we adopted in our letter of 29 June 2017, being:

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

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

And in Cullen v Waverley Council [2008] NSWLEC 1215 Commissioner Bly said:

Bearing in mind that there is no ownership of views across private property, any expectation for the complete retention of views across the common boundary between these properties must be given less weight, especially if height and setback controls (effectively envelope controls) are complied with."

The architect was requested to provide a written design response for the top storey void in response to this objection. The applicant states in his response that there will not be significant impacts as a result of the top storey void. The design results in an upper roof ridge that will extend for an unbroken, continuous distance of 21m. Council's assessment of the upper void/cathedral ceiling is that it would result in a significant reduction of the town views including views of historical buildings. While these are considered to be secondary views, a more skilled and sensitive design could result in achieving a greater level of view sharing.

Item 2 - Incompatible Setback - *The Kiama DCP states that adopting similar setbacks to those already existing is important for streetscape amenity and for preventing unreasonable loss of views. It also states that developments should be sited to minimise impact on existing view lines. This proposal does not comply with these requirements. The top floor projects up to 8.5m further forward than the top floor of the immediate neighbours. This greatly increases view losses and streetscape problems.*

Comment - Council assessment has revealed that there is an incompatibility of the building in relation to the streetscape and it is considered that this objection holds some validity. This aspect of the proposed development is reported in detail in this report under the heading "Streetscape".

Item 3 - Oversized eaves, parapets and wall protrusions - *The design has oversized eaves of up to 1.8m adding unnecessary height and bulk to the building. It also has walls protruding at the front and rear that add more than 3m to the length of both the top and middle storeys. The oversized eaves, parapets & wall protrusions greatly increase primary view loss and negative streetscape for little or no benefit to the development. Despite repeated requests to reduce or remove the wall protrusions and eaves, the applicant has instead increased their size in each of his three submissions.*

Comment - There has been no design response provided by the architect in relation to the proposed 1.8m wide eaves. The purpose of the 1.8m wide eaves is not clearly understood as the BASIX certificate requires a minimum of 900mm for the shading of windows. The additional 900mm of eave extends out further toward the street and further reduces secondary town views unnecessarily.

Item 4 - *When these plans are finally passed we hope that there will be some restrictions on size and weight of trucks being used in this development. There has been significant damage to the roads and other damage to property in the last build in the area. Concern is also raised in regard tradesmen vehicles and building supply deliveries to the rear lane blocking access for residents that rely solely on the rear laneway.*

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

Comment - It is considered that the size and configuration of the streets on Pheasant Point are very narrow and would not be physically possible to accommodate large articulated trucks. Council has no authority under the NSW Road Transport Act to impose weight and size restrictions for trucks entering the street on Pheasant Point. Council would be able apply development consent conditions to manage construction impacts during the course of the development.

The Public Interest

The proposal development is considered to be generally consistent with most of the Kiama LEP 2011 and DCP 2012, however the unfortunate context of the proposed development within the streetscape has raised enough public concern that warrants refusal of this application for development.

Final Comments and Conclusion

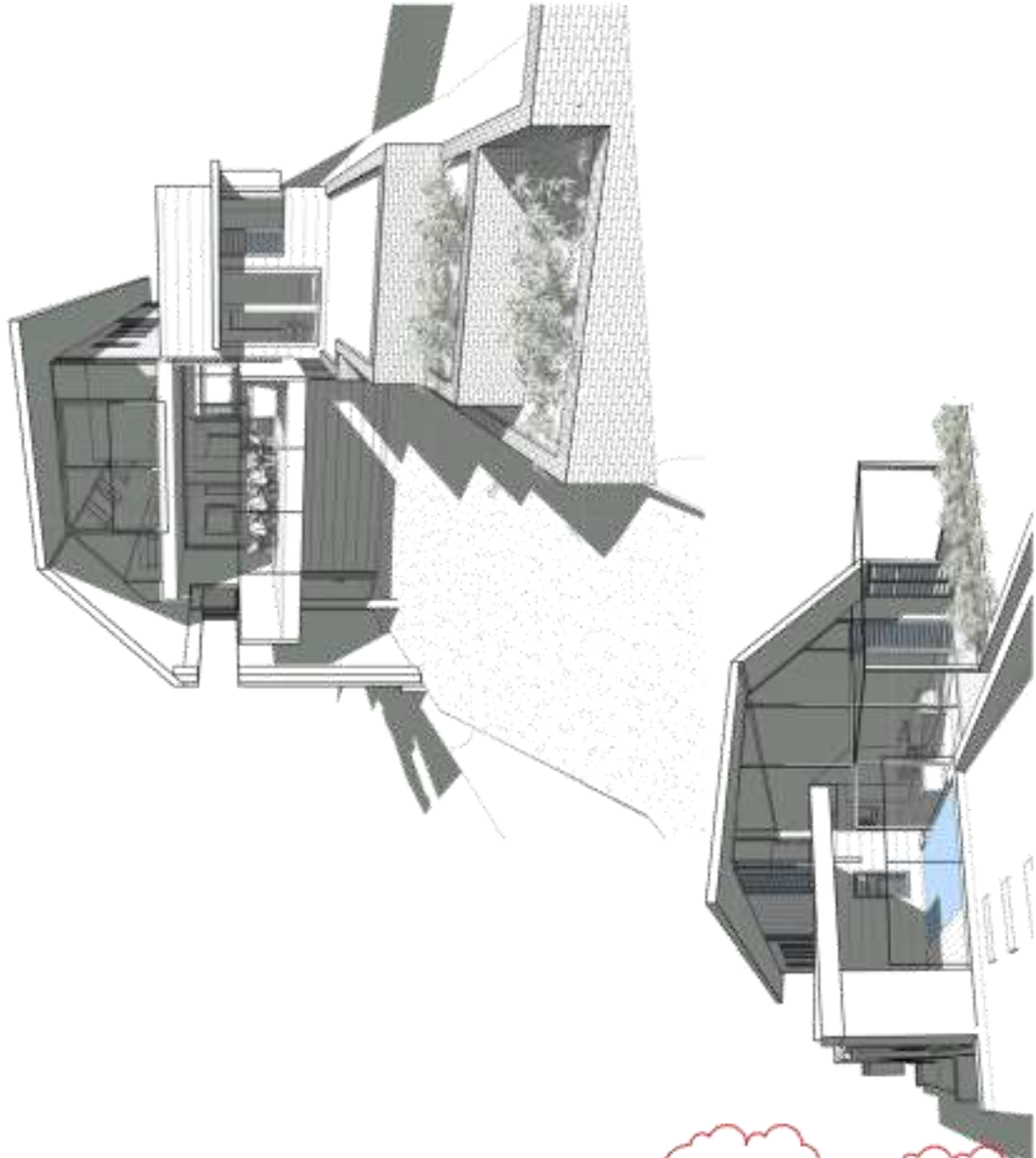
The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant DCP 2012. The proposed development is consistent with the objectives of the Kiama LEP 2011 - R2 Low Density Residential zone.

Consideration has also been given to the social, economic and environmental impacts of the proposed development and there are significant concerns raised.

Concerns raised in submissions have been considered and do warrant refusal of the application.

DRAWING LIST	
Sheet Number	Sheet Name

A001	COVER SHEET
A002	BASIX REQUIREMENTS
A100	SITE ANALYSIS
A101	EXISTING SURVEY
A102	EXISTING SITE PLAN / ROOF PLAN
A103	PROPOSED SITE PLAN & ROOF PLAN
A104	EXTERNAL FINISHES
A105	DEMOLITION PLAN
A106	SHADOW DIAGRAMS - EXIST - SUMMER
A107	SHADOW DIAGRAMS - EXIST - WINTER
A108	SHADOW DIAGRAMS - PROPOSED - SUMMER
A109	SHADOW DIAGRAMS - PROPOSED - WINTER
A200	EXISTING CARPORT PLAN
A201	EXISTING GROUND FLOOR
A202	PROPOSED GARAGE PLAN
A203	PROPOSED GROUND FLOOR
A204	PROPOSED FIRST FLOOR
A301	EXISTING SECTION
A302	PROPOSED SECTIONS
A401	EXISTING ELEVATIONS 1
A402	EXISTING ELEVATIONS 2
A403	PROPOSED ELEVATIONS
A404	PROPOSED ELEVATIONS 2
A800	NOTIFICATION - SITE PLAN
A801	NOTIFICATION - FLOOR PLANS
A802	NOTIFICATION - ELEVATIONS 1
A803	NOTIFICATION - ELEVATIONS 2
A804	NEIGHBOUR VIEWLINE PROJECTIONS - NO2
A805	NEIGHBOUR VIEWLINE PROJECTIONS - NGB
A806	ENVELOPE MASSING
A807	DRIVEWAY SECTION
A808	30 REAR VIEWS
A809	STREET ELEVATION STUDY
A810	REAR ELEVATION STUDY
A811	SOLAR IMPACT STUDY - 2 GURA STREET
A812	FSR DIAGRAMS



No.	Description	Date	No.	Description	Date
A.	SUBMITTAL REVIEW	30/04/17	1.	Scale	1:50
B.	ENVIRONMENTAL APP	15/05/17	2.	Scale	
C.	DETAILED NOTIFICATIONS	27/07/17			
D.	DETAILED NOTIFICATIONS 2	05/11/17			

architecture

1. 10 GURA STREET, KIAMA NSW 2586
 2. 10 GURA STREET, KIAMA NSW 2586
 3. 10 GURA STREET, KIAMA NSW 2586

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE LOT 3 DP 32006, 3 GURA STREET, KIAMA	SCALE: AS SHOWN	DATE: JULY 2017	ADD1
CLIENT: MR. P. & MRS. K BRADY	DESIGNER: P. & M. BRADY	PROJECT: RESIDENCE	CI
DRAWING: COVER SHEET	JOB NO: 8400/00A/01		

No.	Description	Date	No.	Description	Date
1.	PRELIMINARY	18/01/17			

No.	Description	Date	No.	Description	Date
2.	Preparation of architectural drawings including floor plans, elevations, sections and details.	18/01/17	3.	Submission and approval of preliminary drawings by the Council.	18/01/17
3.	Revision of architectural drawings based on Council feedback.	18/01/17	4.	Final approval of architectural drawings by the Council.	18/01/17
4.	Preparation of detailed architectural drawings including structural steel connections, roof framing, and window and door schedules.	18/01/17	5.	Submission and approval of detailed drawings by the Council.	18/01/17
5.	Revision of detailed architectural drawings based on Council feedback.	18/01/17	6.	Final approval of detailed drawings by the Council.	18/01/17
6.	Preparation of construction specifications and bill of materials.	18/01/17	7.	Submission and approval of specifications and bill of materials by the Council.	18/01/17
7.	Revision of construction specifications and bill of materials based on Council feedback.	18/01/17	8.	Final approval of construction specifications and bill of materials by the Council.	18/01/17

No.	Description	Date	No.	Description	Date
9.	Preparation of construction drawings including structural steel connections, roof framing, and window and door schedules.	18/01/17	10.	Submission and approval of construction drawings by the Council.	18/01/17
10.	Revision of construction drawings based on Council feedback.	18/01/17	11.	Final approval of construction drawings by the Council.	18/01/17
11.	Preparation of tender documents including bills of materials, specifications, and drawings.	18/01/17	12.	Submission and approval of tender documents by the Council.	18/01/17
12.	Revision of tender documents based on Council feedback.	18/01/17	13.	Final approval of tender documents by the Council.	18/01/17
13.	Preparation of tender documents including bills of materials, specifications, and drawings.	18/01/17	14.	Submission and approval of tender documents by the Council.	18/01/17
14.	Revision of tender documents based on Council feedback.	18/01/17	15.	Final approval of tender documents by the Council.	18/01/17

REVISION	NO.	DATE	DESCRIPTION
1	1	18/01/17	Issue for Council Approval
2	2	18/01/17	Preparation of architectural drawings including floor plans, elevations, sections and details.
3	3	18/01/17	Submission and approval of preliminary drawings by the Council.
4	4	18/01/17	Revision of architectural drawings based on Council feedback.
5	5	18/01/17	Final approval of architectural drawings by the Council.
6	6	18/01/17	Preparation of detailed architectural drawings including structural steel connections, roof framing, and window and door schedules.
7	7	18/01/17	Submission and approval of detailed drawings by the Council.
8	8	18/01/17	Revision of detailed architectural drawings based on Council feedback.
9	9	18/01/17	Final approval of detailed drawings by the Council.
10	10	18/01/17	Preparation of construction specifications and bill of materials.
11	11	18/01/17	Submission and approval of specifications and bill of materials by the Council.
12	12	18/01/17	Revision of construction specifications and bill of materials based on Council feedback.
13	13	18/01/17	Final approval of construction specifications and bill of materials by the Council.

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No.	Description	Date	No.	Description	Date
1.	PRELIMINARY	18/01/17			

REVISION	NO.	DATE	DESCRIPTION
1	1	18/01/17	Issue for Council Approval
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4	4	18/01/17	Revision of architectural drawings based on Council feedback.
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6	6	18/01/17	Preparation of detailed architectural drawings including structural steel connections, roof framing, and window and door schedules.
7	7	18/01/17	Submission and approval of detailed drawings by the Council.
8	8	18/01/17	Revision of detailed architectural drawings based on Council feedback.
9	9	18/01/17	Final approval of detailed drawings by the Council.
10	10	18/01/17	Preparation of construction specifications and bill of materials.
11	11	18/01/17	Submission and approval of specifications and bill of materials by the Council.
12	12	18/01/17	Revision of construction specifications and bill of materials based on Council feedback.
13	13	18/01/17	Final approval of construction specifications and bill of materials by the Council.



PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5



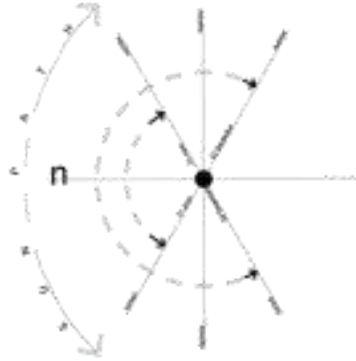
PHOTO 6



PHOTO 7



AERIAL - NTS



No.	Description	Date	No.	Description	Date
A.	SCHEMATIC REVIEW	10/1/17			
B.	DEVELOPMENT APP	28/8/17			

architecture

ARCHITECTURE: ARCHITECTURE
 7/ 08 047 046
 10/ 241 028
 10/ 241 028
 10/ 241 028

PROJECT:	ALTERATIONS & ADDITIONS TO RESIDENCE	ARCHITECT:	AS ARCHITECT	DATE:	MAY 2017	AUSSO
1/17:	LOT 3 DP 32006, 3 GURA STREET, KIAMA	ISSUES:	ISSUES	ISSUES:	ISSUES	ISSUES
CLIENT:	M.R. P. & MRS. B. BRADY	OWNER:	OWNER	OWNER:	OWNER	OWNER
ISSUES:	SITE ANALYSIS	DATE:	28/08/17	DATE:	28/08/17	DATE:



SITE DETAILS
 SITE AREA (SURVEY) = 564.1
 SITE AREA (DEED) = 562.8
 *FOR CALCULATION PURPOSES PER
 MHC CURRENT LEP

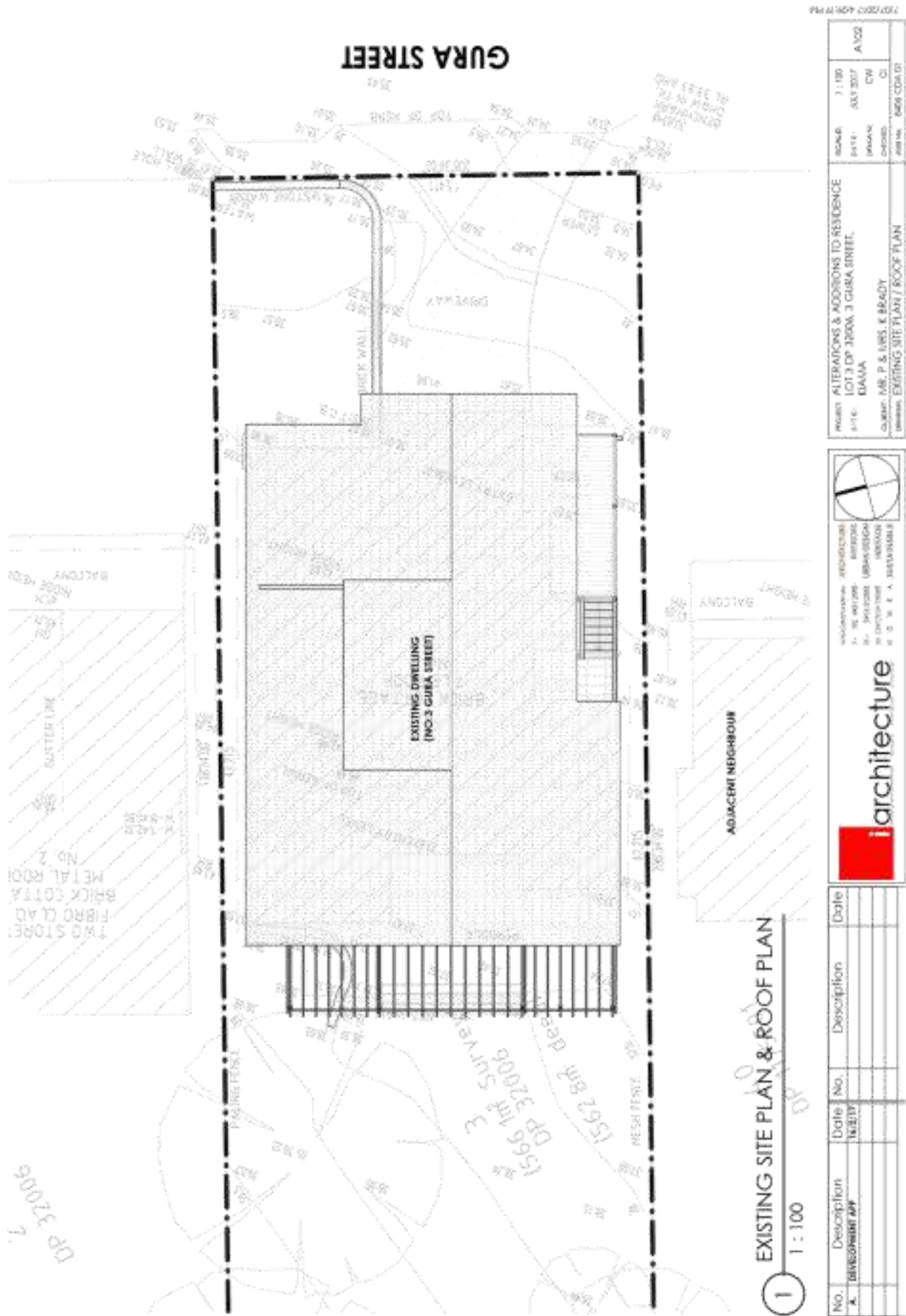
PH REMOVED 0102/13/17

PROJECT	ALTERATIONS & ADDITIONS TO RESIDENCE	SCALE	1:150
SITE	LOT 3 DP 32006 3 GURA STREET, KIAMA	DATE	08/12/17
CLIENT	MR. P & MRS. K BRADY	DESIGNED	CM
DESIGNED	EXISTING SURVEY	CHECKED	CM
		DATE	08/12/17



1 EXISTING SURVEY
 1:150

No.	Description	Date	No.	Description	Date
A	REVISIONARY APP	28/11/17	1	PLAN 1	28/11/17
B	REV APP MODIFICATION 1	27/1/17			



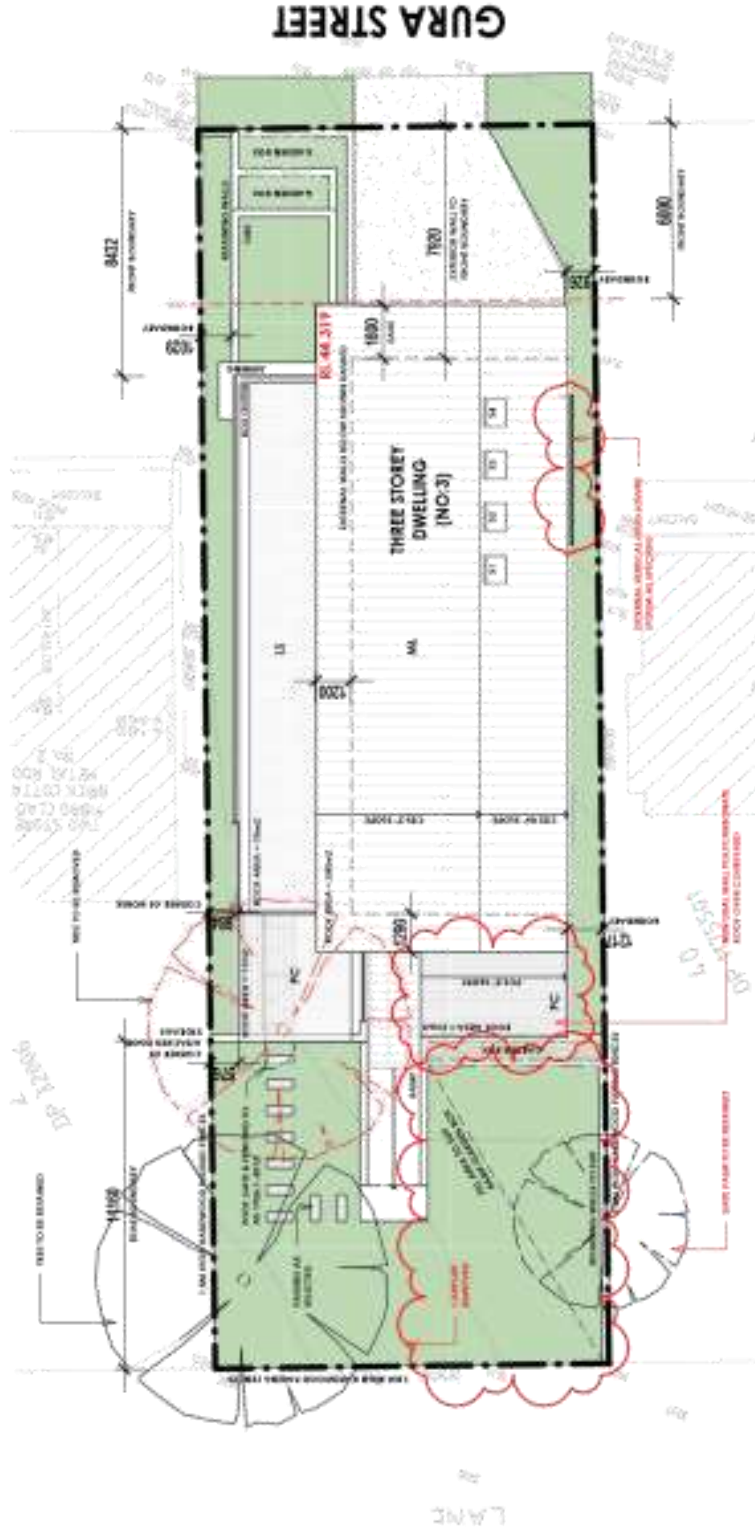
Item 9.5

Attachment 1

PL2 6P60DF 0102/2017

ROOF COLOUR
 MAXLINE 340
 MEDIUM BASALT
 STRAMIT LONGSPAN
 MEDIUM BASALT

LEGEND:
 ML = MAXLINE 340
 LS = STRAMIT LONGSPAN
 PC = POLYCARBONATE SHEETING



SITE INFO:
 SITE AREA = 544m²
 ROOF AREA DWELLING = 353m²
 ROOF AREA CARPORT = 42m²

No.	Description	Date	No.	Description	Date
A.	SCHEMATIC DRAWING	28/07/17	1.	Revision 1	28/07/17
B.	DEVELOPMENT APP	26/8/17			
C.	DEV APP MODIFICATIONS	27/11/17			
D.	DEV APP MODIFICATIONS 2	4/1/17			

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PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE LOT 3 DP 32006, 3 GURA STREET, KIAMA	SCALE: 1:100 DATE: JULY 2017 DRAWN: CWP CHECKED: CJ	A103
CLIENT: MR. P. & MRS. K BRADY		
DRAWING: PROPOSED SITE PLAN & ROOF PLAN		

EXTERIOR FINISHES SCHEDULE

FINISH	MATERIAL FINISH	COLOR	SAMPLE
WINDOWS + DOORS	POWDERCOAT ALUMINIUM	BLACK	
DECKING	MOBEO HARDWOOD TIMBER	NATURAL WITH AQUADECK COATING	
HORIZONTAL CLADDING	SCION STRIA CLADDING 3000MM PROFILE	NATURAL	
DRIVEWAY	CONCRETE	NATURAL	
ROOFING	MARINE GAG	TAUNT	
ROOFING	STRAIT LUMBERLIN	TAUNT	
FLASHINGS/OUTLETS/WORK ACCESSORIES/PANELLING FINE	COLORBOND ULTRA	TAUNT	

FINISHES SCHEDULE

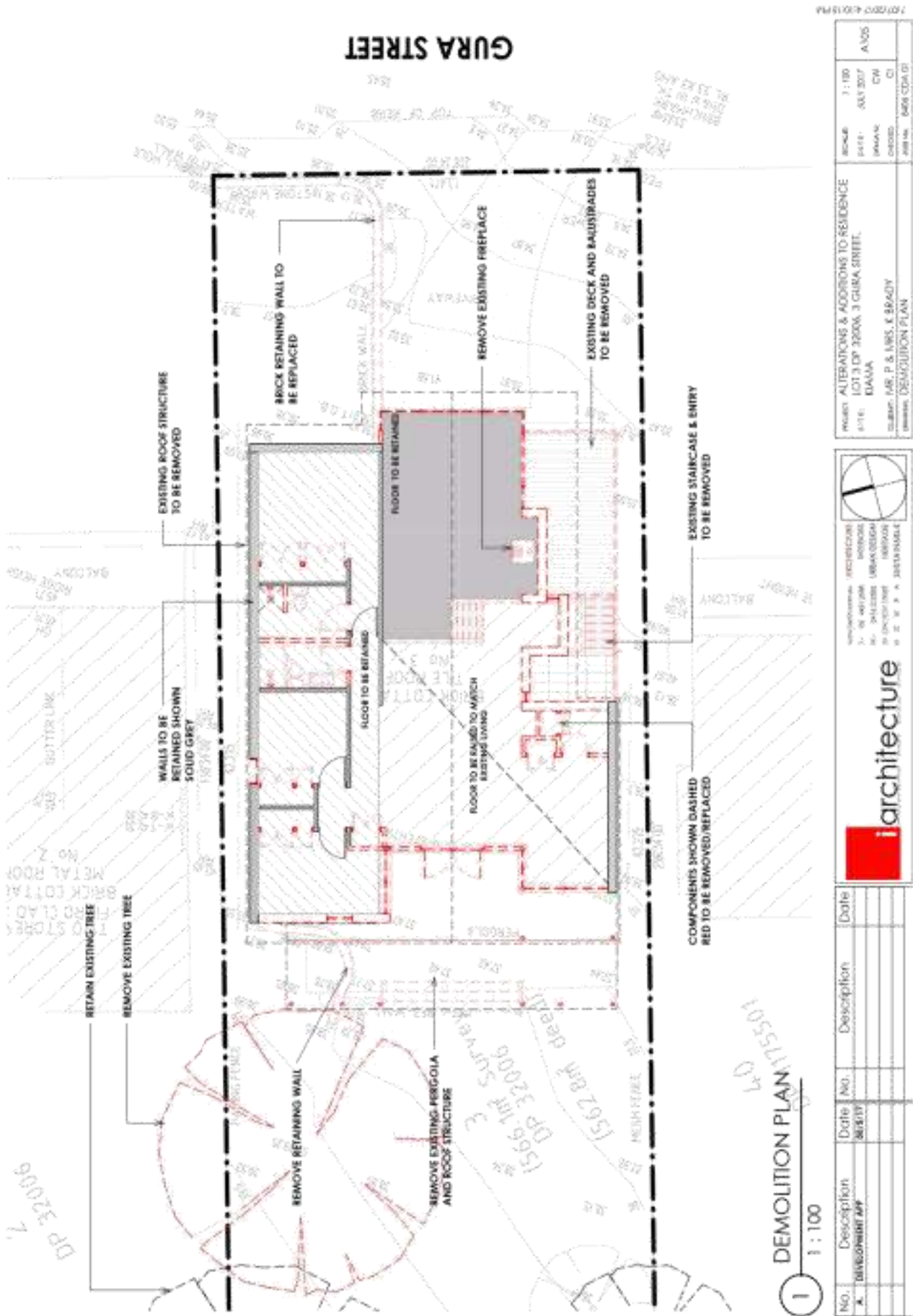
No.	Description	Date	No.	Description	Date
1.	REVISION	10/05/17	1.	REVISION	10/05/17
2.	REVISION		2.	REVISION	
3.	REVISION		3.	REVISION	
4.	REVISION		4.	REVISION	

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1. REVISION 10/05/17
2. REVISION
3. REVISION
4. REVISION



PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE
 SITE: LOT 3 DP 32006, 3 GURA STREET, KIAMA
 CLIENT: MR. P & MRS. K BRADY
 DRAWN: EXTERNAL FINISHES
 DATE: 10/05/17
 CHECKED: CM
 DATE: 06/06/2017
 DRAWN: CM
 CHECKED: CM



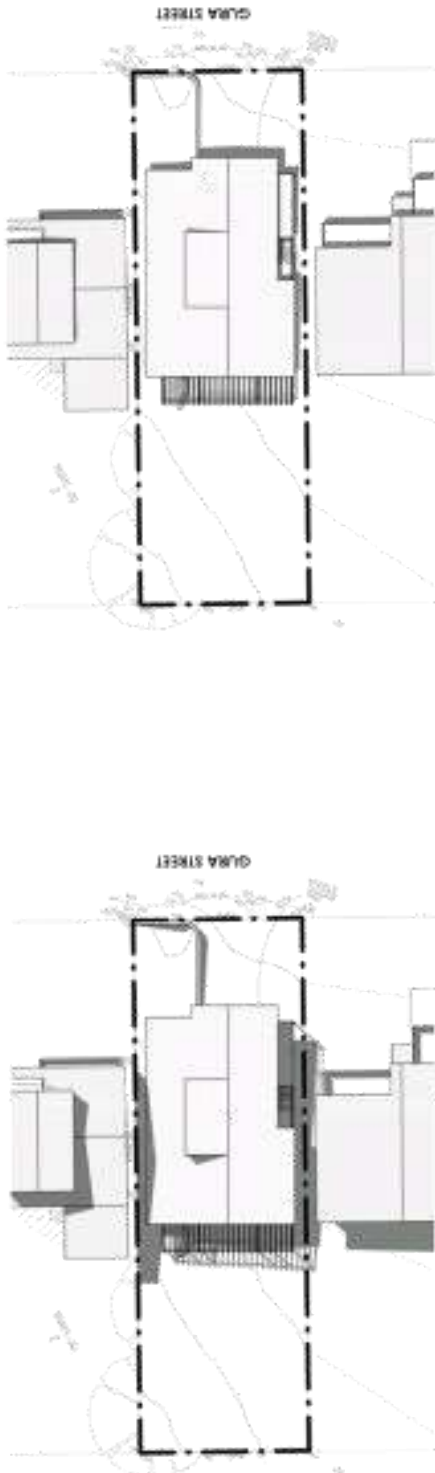
PROJECT	ALTERATIONS & ADDITIONS TO RESIDENCE	SCALE	1:100	DATE	08/1/2017	CLIENT	AL/OS
SITE	LOT 3 DP 32006, 3 GURA STREET, KIAMA	DRAWN	CM	CHECKED	CM	DATE	08/1/2017
DRAWN	MR. P. & MRS. K BRADY	DATE	08/1/2017	CHECKED	CM	DATE	08/1/2017
DRAWING: DEMOLITION PLAN							



 ARCHITECTURE

No.	Description	Date (No.)	Description	Date
1	DEMOLITION PLAN	08/01/17		

Attachment 1 Item 9.5



1 SUMMER - 9AM DEC - EXIST
1 : 350

2 SUMMER - 12PM DEC - EXIST
1 : 350



3 SUMMER - 3PM DEC - EXIST
1 : 350

No.	Description	Date / No.	Description	Date
A.	DEVELOPMENT APP	26/01/17		
B.	ENV APP MODIFICATIONS	27/01/17		

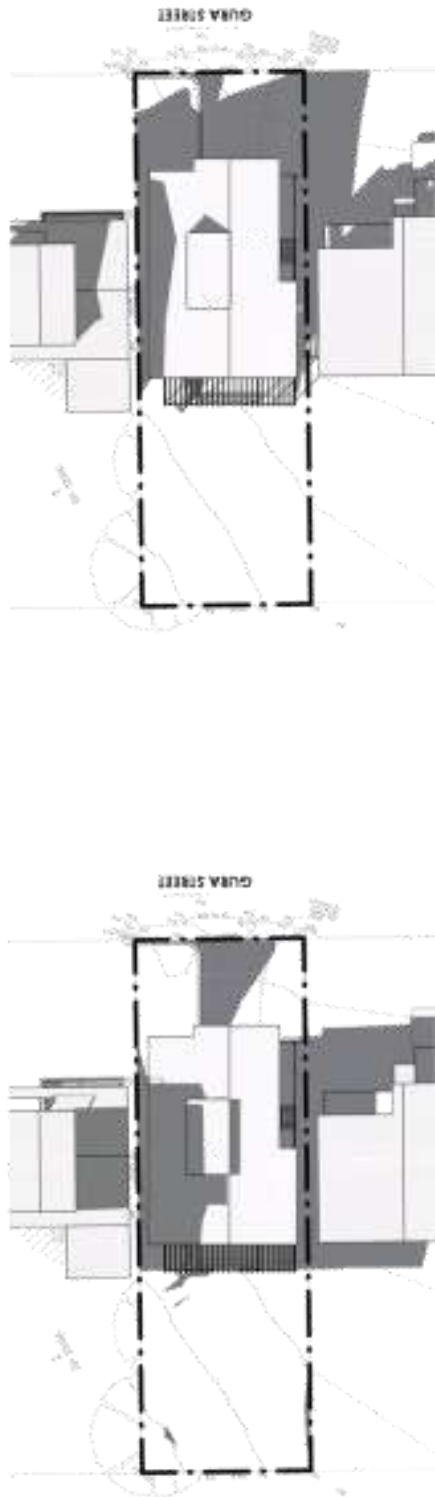


VEGETATION: RECREATIONAL
1 - 100% NATIVE
2 - 30% NATIVE (ORANGE)
3 - 10% NATIVE (ORANGE)
4 - 5% NATIVE (ORANGE)
5 - 0% NATIVE (ORANGE)



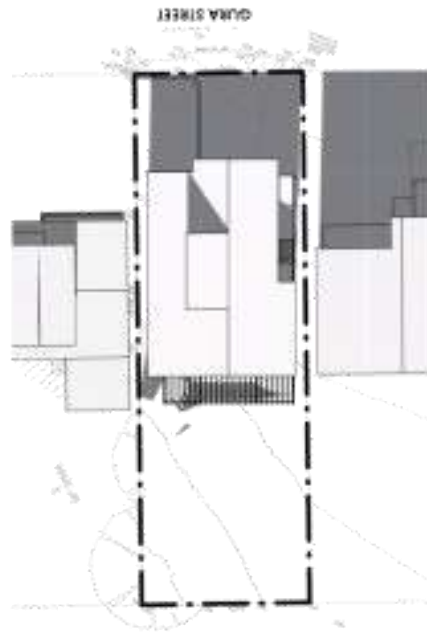
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DATE: 08/12/17
DRAWN: CM
CHECKED: CL
JOB NO: 2017-037-01

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE
LOT 3 DP 32006, 3 GURA STREET,
KIAMA
CLIENT: MR. P. & MRS. K BRADY
DESIGNER: SHADOW DIAGRAMS - EXIST - SUMMER



3 WINTER - 9AM JUNE - EXIST
1 : 350

2 WINTER - 12PM JUNE - EXIST
1 : 350

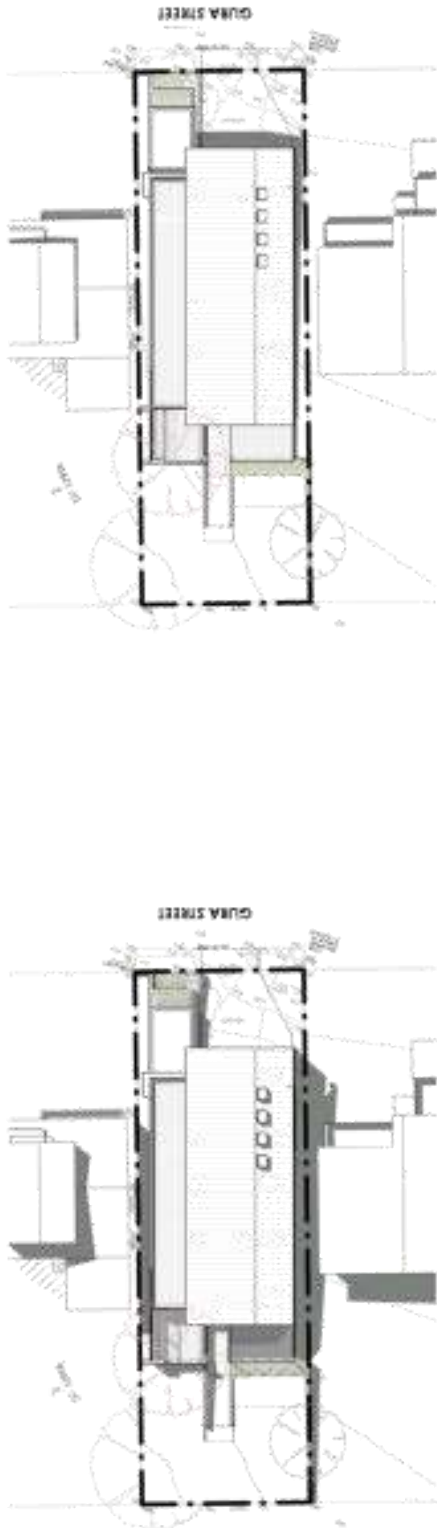


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1 : 350

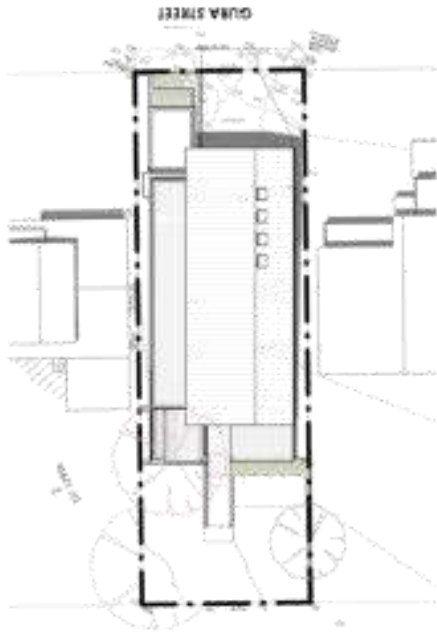
No.	Description	Date	No.	Description	Date
1.	REV APP SUBMISSIONS	27/01/17			

iarchitecture

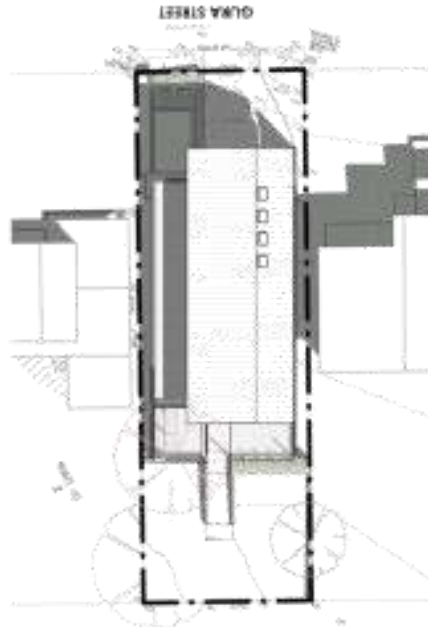
PROJECT	ALTERATIONS & ADDITIONS TO RESIDENCE	SCALE	1 : 350
SITE	LOT 3 DP 32006, 3 GURA STREET, KIAMA	DATE	AUG 2017
CLIENT	MRS. P & MRS. K BRADY	DESIGNED BY	CW
DRAWN BY	SHADWIN DIAGRAMS - EXIST - WINTER	CHECKED BY	CI
DATE	2017/08/01		



1 SUMMER - 9AM DEC - PROPOSED
1 : 350



2 SUMMER - 12PM DEC - PROPOSED
1 : 350

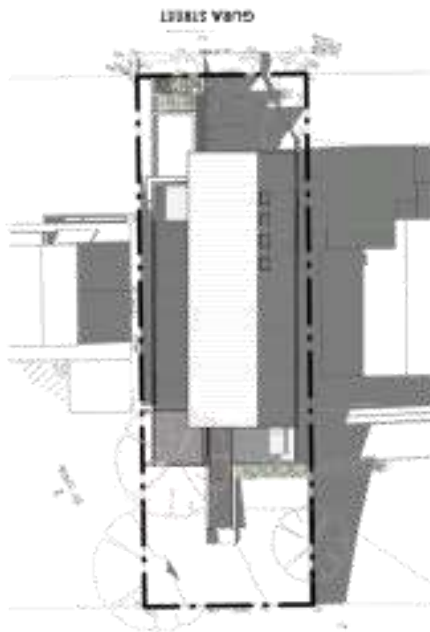


3 SUMMER - 3PM DEC - PROPOSED
1 : 350

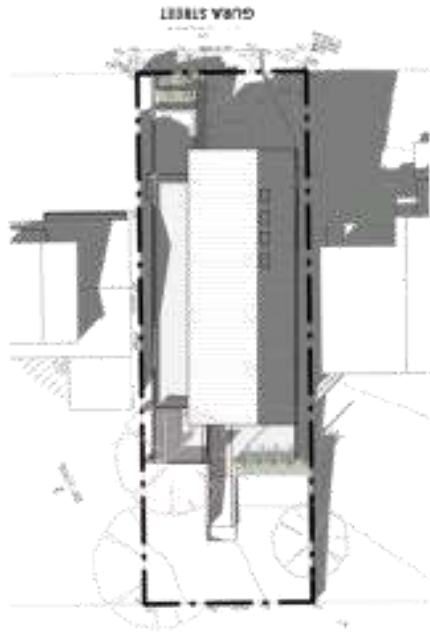
No.	Description	Date	No.	Description	Date
A.	REV APP MODIFICATIONS 1	27/1/17			
B.	REV APP MODIFICATIONS 2	6/7/17			

architecture ARCHITECTURE
 Pty. Ltd. 45-47/289
 21-24/2288 ORAN-ORAN
 11-11/2025-2025
 P O B 3 + ELECTRONIC

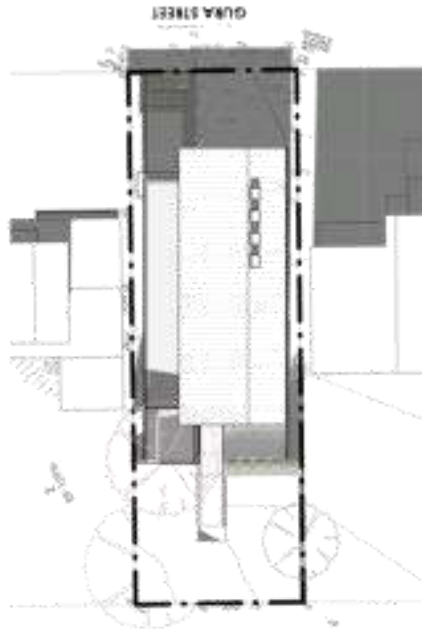
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PLT/CL	LOT 3 DP 32006 3 GURA STREET	DATE	AUG 2017
CLIENT	EMALIA	DESIGNER	CW
CLIENT	MRS. P & MRS. K BRADY	DRAWN	CI
DESIGNED BY	SHADOW DIAGRAMS - PROPOSED	JOB NO.	8456 CDA 01



1 WINTER - 9AM JUNE - PROPOSED
1 : 350



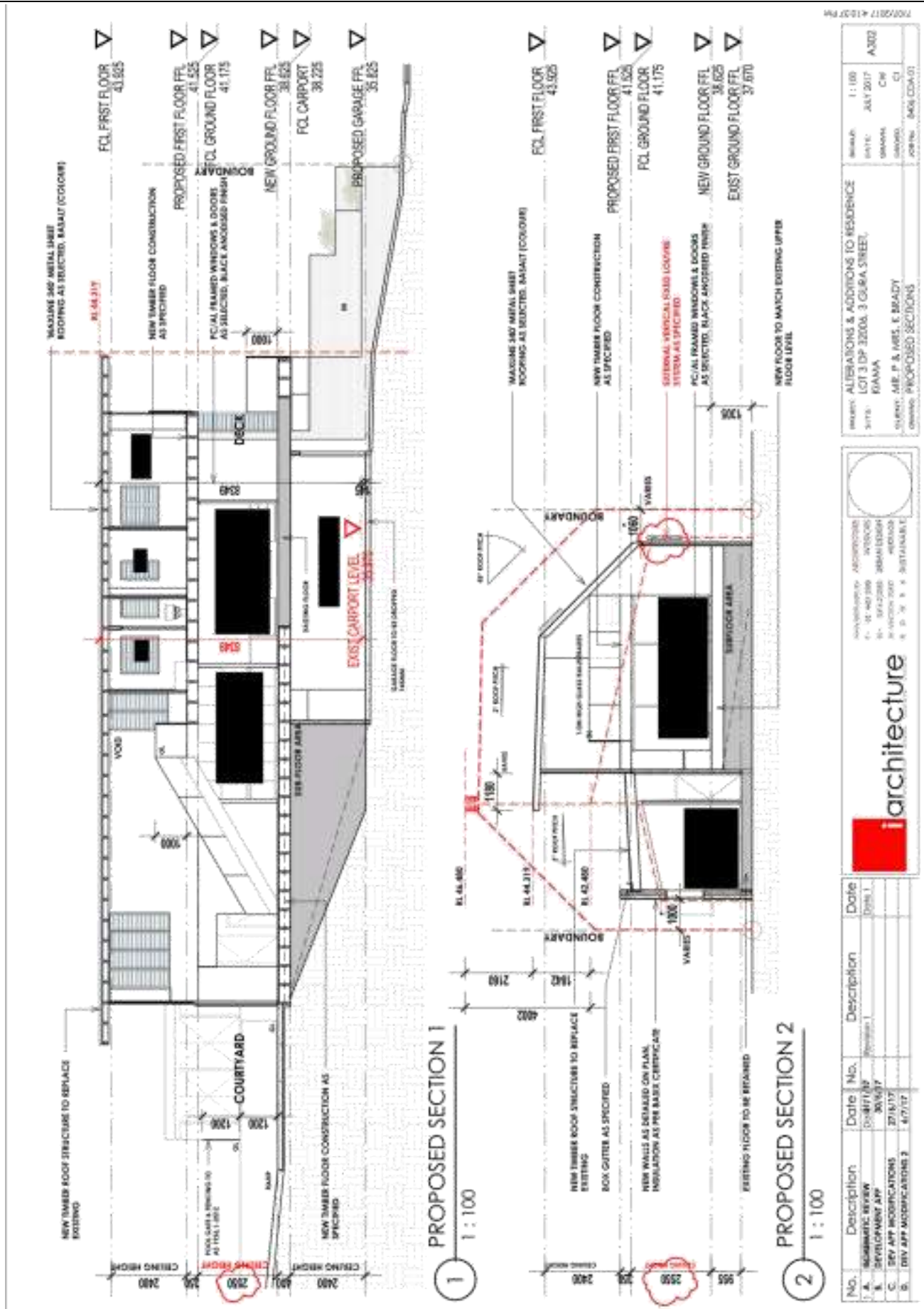
2 WINTER - 12PM JUNE - PROPOSED
1 : 350



3 WINTER - 3PM JUNE - PROPOSED
1 : 350

No.	Description	Date	No.	Description	Date
A.	DIV APP MODIFICATIONS	27/6/17			
B.	DIV APP MODIFICATIONS 2	6/7/17			

		ARCHITECTS: ARCHITECTURE 1. 40 JUNE STREET 2. 40 JUNE STREET 3. 40 JUNE STREET 4. 40 JUNE STREET 5. 40 JUNE STREET 6. 40 JUNE STREET 7. 40 JUNE STREET 8. 40 JUNE STREET 9. 40 JUNE STREET 10. 40 JUNE STREET		SCALE: 1:350 DATE: JUL 2017 DRAWN: CM CHECKED: CI APPROVED: PAUL COULSTON	
PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE (LOT 3 DP 32006, 3 GURA STREET, KIAMA) CLIENT: MR. P. & MRS. K. BRADY DRAWING: SHADOW DIAGRAMS - PROPOSED - WINTER					



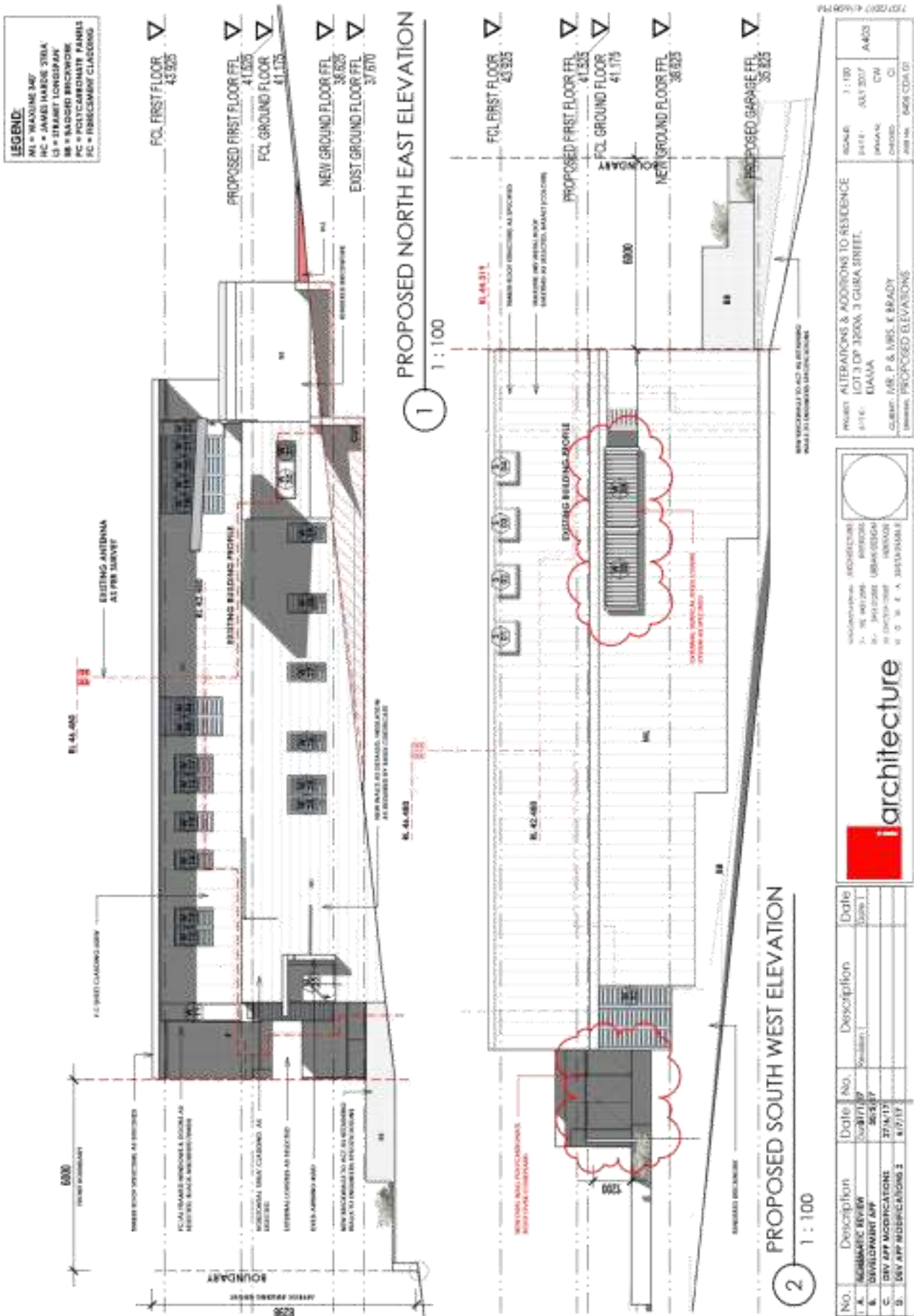
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2	REV APP MODIFICATIONS	27/10/17	2	DATE	JULY 2017
3	REV APP MODIFICATIONS 3	4/7/17	3	BY	EMMA
			4	CHK	CI
			5	DATE	04/05/2017

architecture

10/07/2017 4:10:37 PM

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE
 LOT 3 DP 32006, 3 GURA STREET,
 KIAMA

DESIGNED: ABE P & WRS, E BRADY
 DRAWN: ABE
 CHECKED: CI
 DATE: 04/05/2017



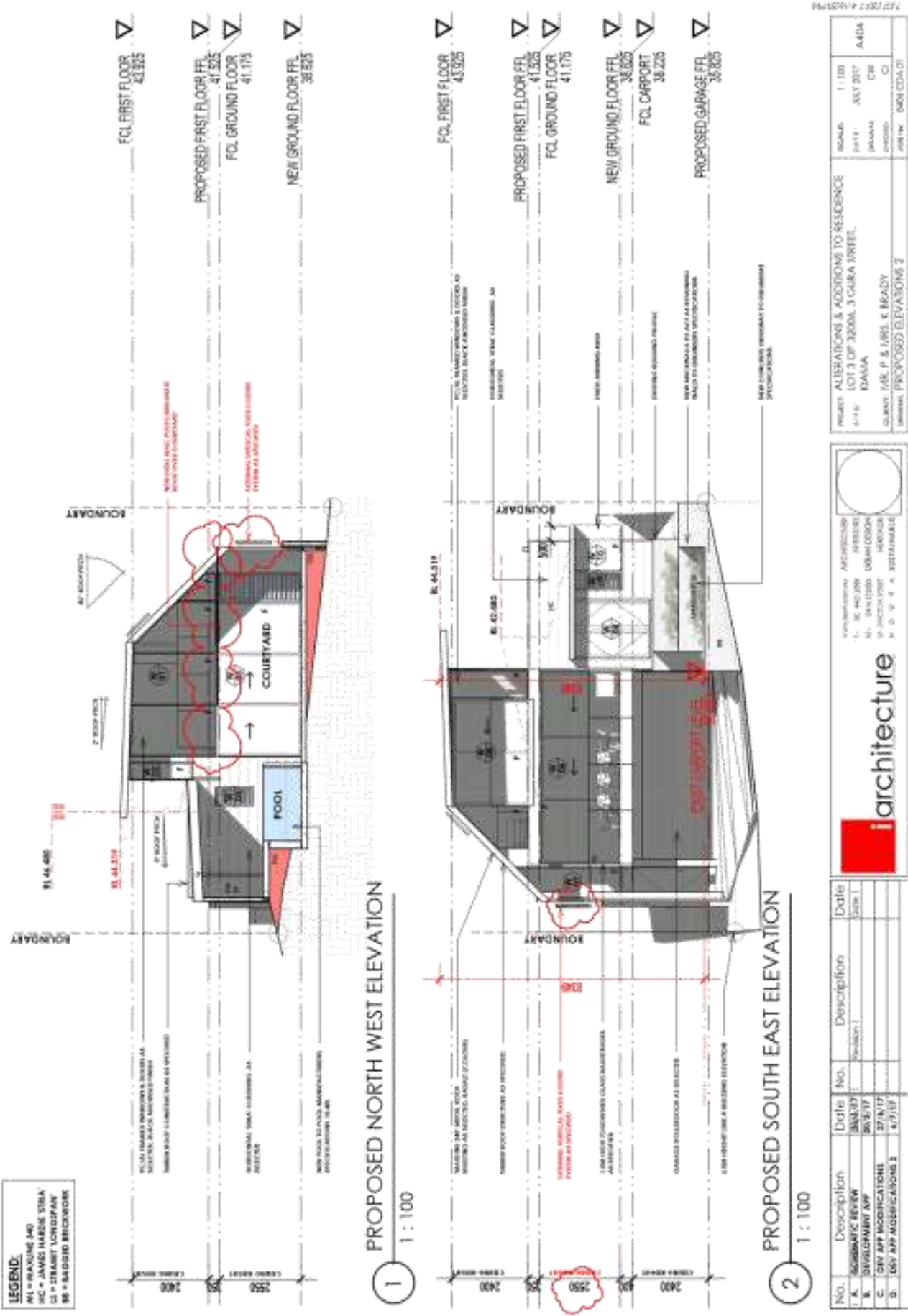
PROJECT	ALTERATIONS & ADDITIONS TO RESIDENCE
LOT 3 DP 32006, 3 GURA STREET, KIAMA	
CLIENT	M.R. P & MRS. K BRADY
DESIGNER	PROPOSED ELEVATIONS
SCALE	1 : 100
DATE	05/12/17
PROJECT NO.	A400
DESIGNED BY	CM
CHECKED BY	CM
DATE	05/12/17

i architecture

REGISTRATION NO. 17-18-101786-00000000
 17-18-101786-00000000
 17-18-101786-00000000
 17-18-101786-00000000
 17-18-101786-00000000

No.	Description	Date	No.	Description	Date
A.	MEMORANDUM REVIEW	05/12/17	1	DESCRIPTION	05/12/17
B.	DEVELOPMENT APP	05/12/17	2	DESCRIPTION	05/12/17
C.	DEV APP MODIFICATIONS	27/11/17	3	DESCRIPTION	05/12/17
D.	DEV APP MODIFICATIONS	01/12/17	4	DESCRIPTION	05/12/17

Attachment 1 Item 9.5



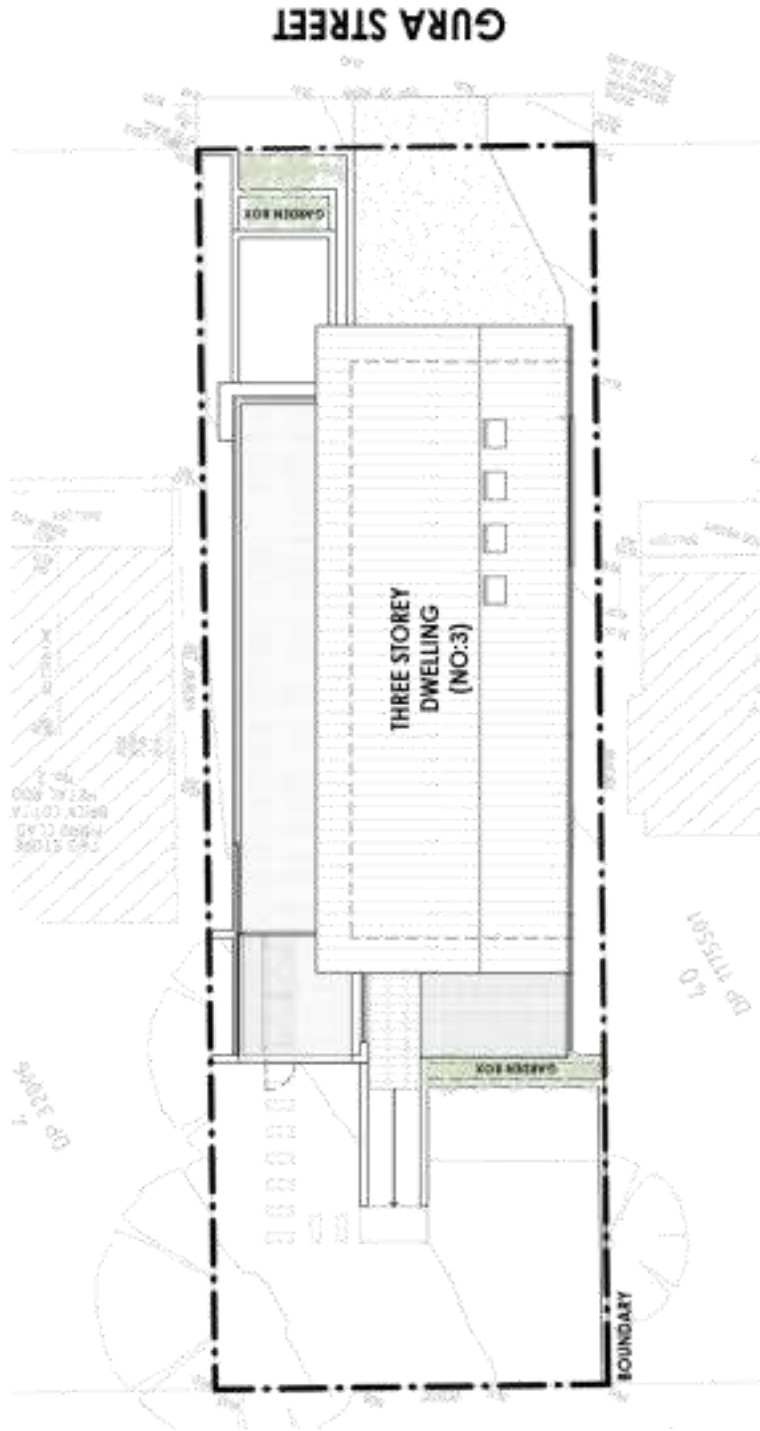
PH/SD/P/2007/232

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DATE	AUG 2017	
DESIGNER	CB	
CHECKED	CB	
DATE		
PROJECT	ALTERATIONS & ADDITIONS TO RESIDENCE LOT 3 DP 32006, 3 GURA STREET, KIAMA	
CLIENT	MR. P. & MRS. E. BRADY	
DESIGNER	ARCHITECTURE	



 ARCHITECTURE
 11. MCARDY ST
 SUITE 101
 4000 WILSON ST
 WILSON PROMENADE
 WILSON PROMENADE
 WILSON PROMENADE

No.	Description	Draft No.	Description	Date
1	PRELIMINARY REVIEW	1	PRELIMINARY REVIEW	10/08/17
2	DEVELOPMENT APP	2	DEVELOPMENT APP	27/08/17
3	DEV APP MODIFICATIONS	3	DEV APP MODIFICATIONS	07/09/17



10.2017.37.1

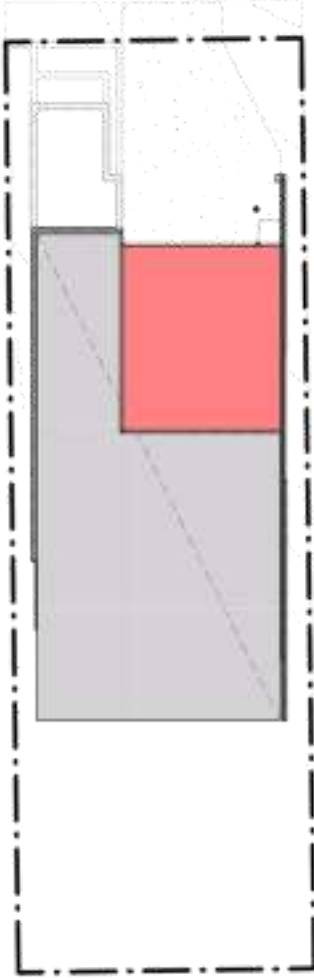
PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE (LOT 3 DP 32006, 3 GURA STREET, KIAMA)	SCALE: 1:100	ASBD
CLIENT: MR. P. & MRS. K. BRADY	DATE: JUL 2017	CM
DRAWN: [Name]	CHECKED: [Name]	DATE: [Date]

ARCHITECTURE
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 2. 10.2017.37.1
 3. 10.2017.37.1
 4. 10.2017.37.1
 5. 10.2017.37.1


architecture

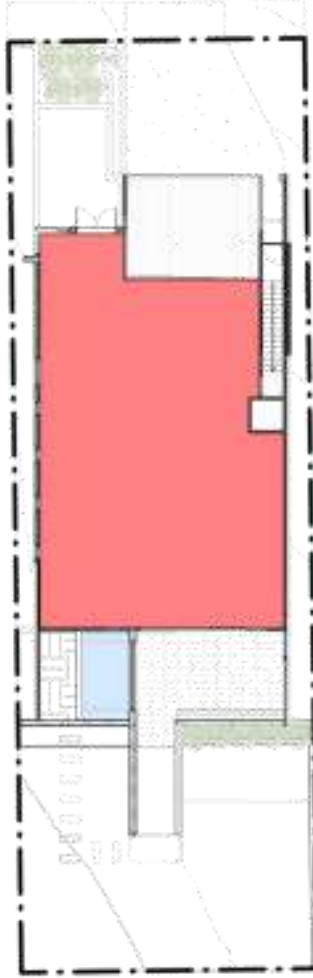
No.	Description	Date	No.	Description	Date

Attachment 1 Item 9.5



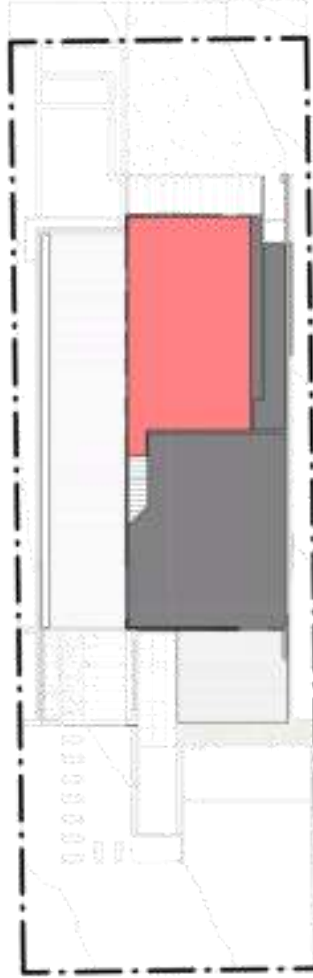
1 GARAGE - NOTIFICATION

1 : 200



2 GROUND FLOOR - NOTIFICATION

1 : 200



3 FIRST FLOOR - NOTIFICATION

1 : 200

No.	Description	Date	No.	Description	Date
1.	REV. ALL NOTIFICATIONS	7/1/17			



CONSULTANTS
 ARCHITECTS
 15-16 MILLERS ROAD
 WARRIOR SPRING
 WARRIOR SPRING
 WARRIOR SPRING
 WARRIOR SPRING
 WARRIOR SPRING

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE
 LOT 3 DP 32006, 3 GURA STREET,
 KIAMA
 CLIENT: MR. P. & MRS. K. BRADY
 DRAWING: NOTIFICATION - FLOOR PLANS
 DATE: 1: 200
 DATE: JULY 2017
 DRAWN: CB
 CHECKED: CJ
 APPROVED: RAOUL COULSTON

PLAN 10.2017.37.1/DP/L



VIEW LINES - LIVING/MAINDECK - KIAMA
CONTEXT
NO2 GURA STREET



VIEW LINES - LIVING/MAINDECK - LOCAL
CONTEXT
NO2 GURA STREET

10/2017/37/1/DP/32006

PROJECT	ALTERATIONS & ADDITIONS TO RESIDENCE LOT 3 DP 32006 3 GURA STREET, KIAMA	SCALE	DATE	APPROVED BY	APPROVED DATE
CLIENT	MRS. P & MRS. K BRADY	PROJECT	10/2017/37/1/DP/32006	APPROVED BY	APPROVED DATE
DESIGNER	NEIGHBOUR VIEWLINE PROJECTIONS - NO2	PROJECT	10/2017/37/1/DP/32006	APPROVED BY	APPROVED DATE

NO. 1	SCHEMATIC REVIEW & DEVELOPMENT APP	DATE	DESCRIPTION	DATE
2				
3				
4				
5				



No.	Description	Date	No.	Description	Date
1	SCHEMATIC REVIEW & DEVELOPMENT APP	31/07/17	2		
2		26/3/17	3		
3			4		
4			5		

Item 9.5

Attachment 1



VIEW LINES - LIVING/DECK - KIAMA CONTEXT
NOB FITZROY STREET



VIEW LINES - LIVING/DECK - LOCAL CONTEXT
NOB FITZROY STREET

PLN 180211 2150762/02

PROJECT	ALTERATIONS & ADDITIONS TO RESIDENCE	ARCHIT	ABSS
SITE	LOT 3 DP 32006, 3 GURA STREET, KIAMA	DATE	MAY 2017
DRAWN	MR. P. & MRS. K. BRADY	SCALE	1:1
CHECKED	NEIGHBOUR VIEW LINE PROJECTIONS - (NCL)	DATE	2017



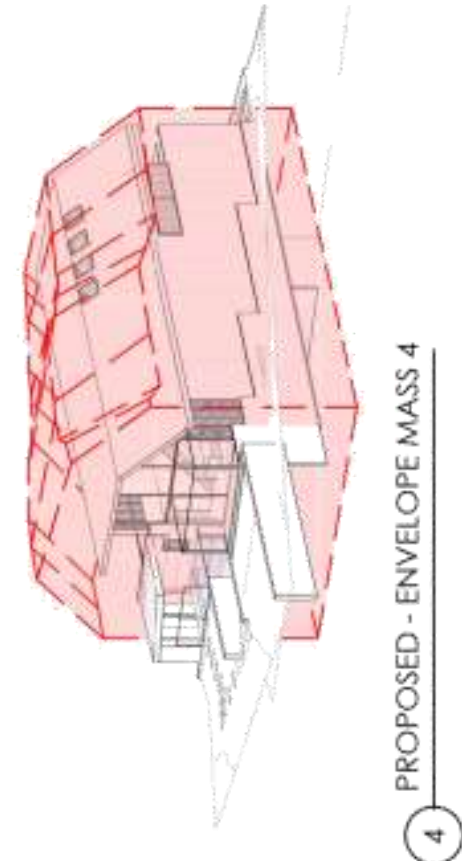
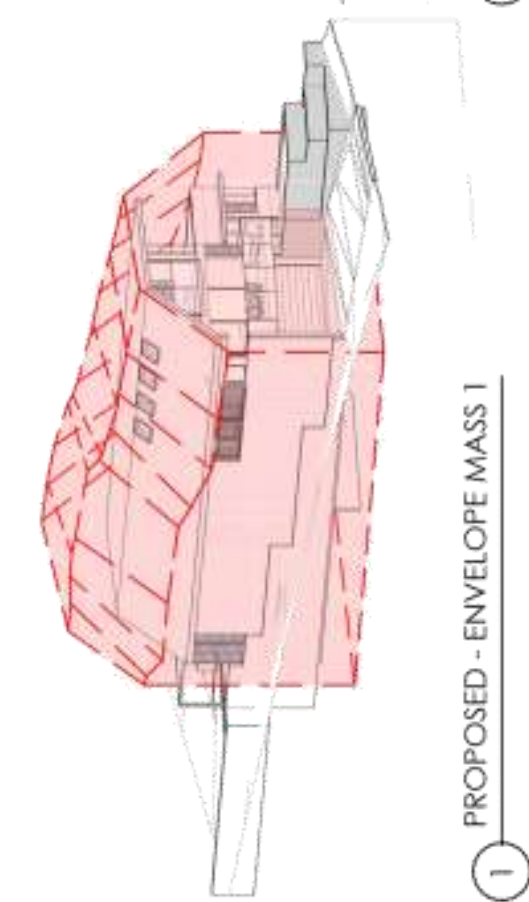
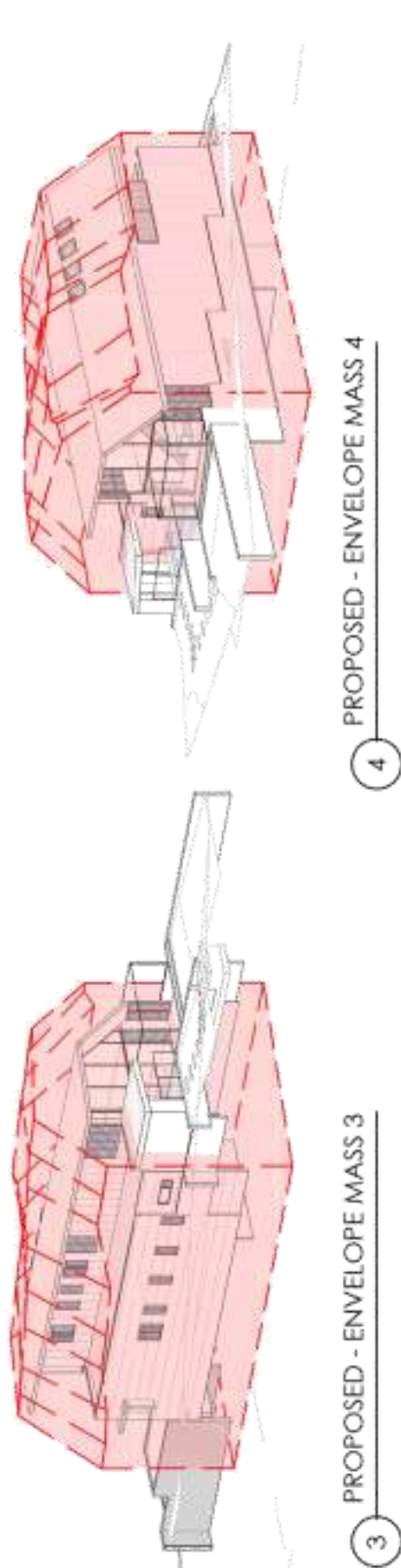
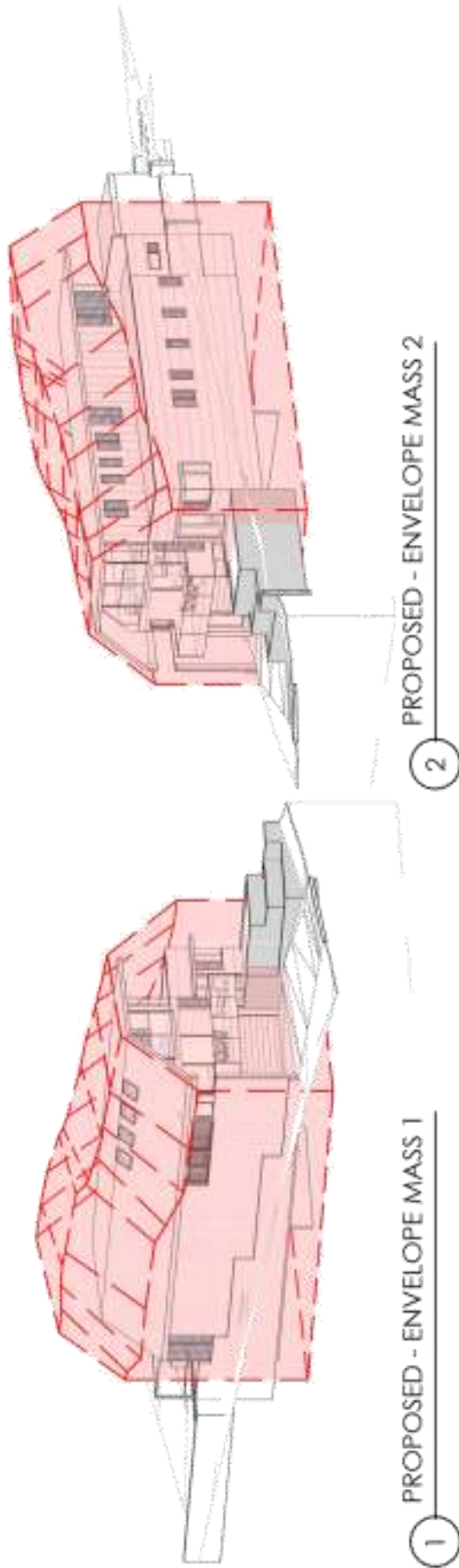
architect



No.	Description	Date	No.	Description	Date
1.	SCHEMATIC REVIEW	10/1/17			
2.	DEVELOPMENT APP	20/1/17			

Item 9.5

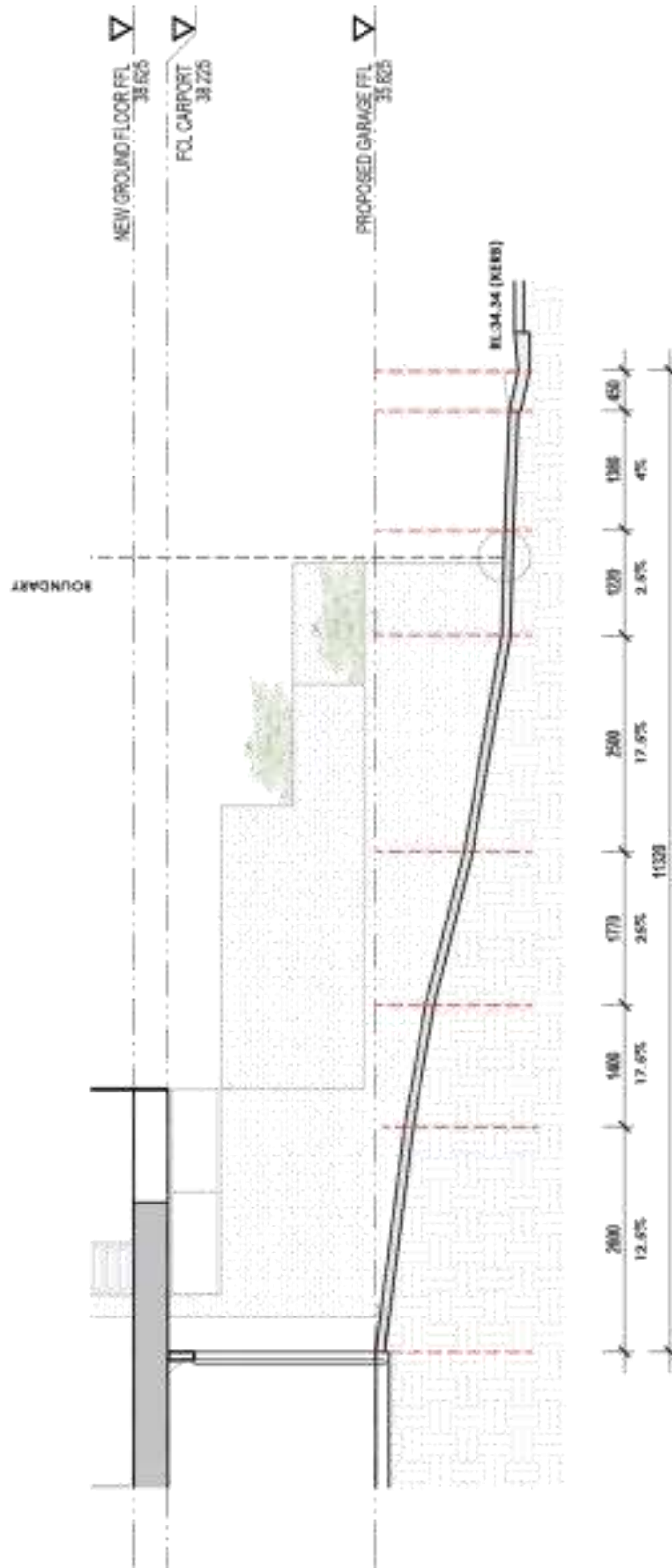
Attachment 1



No.	Description	Date	No.	Description	Date
A.	SCHEMATIC REVIEW	20/01/17			
B.	DEVELOPMENT APP	20/01/17			
C.	DEV APP MODIFICATIONS	27/01/17			
D.	DEV APP MODIFICATIONS 2	07/01/17			

VISUALISATION ARCHITECTURE
 7-11 WILSON STREET
 SUITE 101/102 WILSON STREET
 WILSON STREET
 WILSON STREET
 WILSON STREET
 WILSON STREET

PROJECT	ALTERATIONS & ADDITIONS TO RESIDENCE	SCALE	AS06
LOT 3 DP 32006	3 GURA STREET, KIAMA	DATE	AUG 2017
CLIENT	MRS. P. & MRS. K. BRADY	DRAWN	CM
DESIGNER	ENVELOPE MASSING	CHECKED	CM
APP NO.	2008/2017		



1 DRIVEWAY SECTION
1 : 50

PROJECT NO: 102017371

NO.	DESCRIPTION	DATE	NO.	DATE	SCALE
A.	SCHEMATIC REVIEW	30/07/17			1:50
B.	DEVELOPMENT APP	30/07/17			30/08/2017
C.	REV APP MODIFICATIONS	27/07/17			CM
					CD
					DATE: 04/01/17

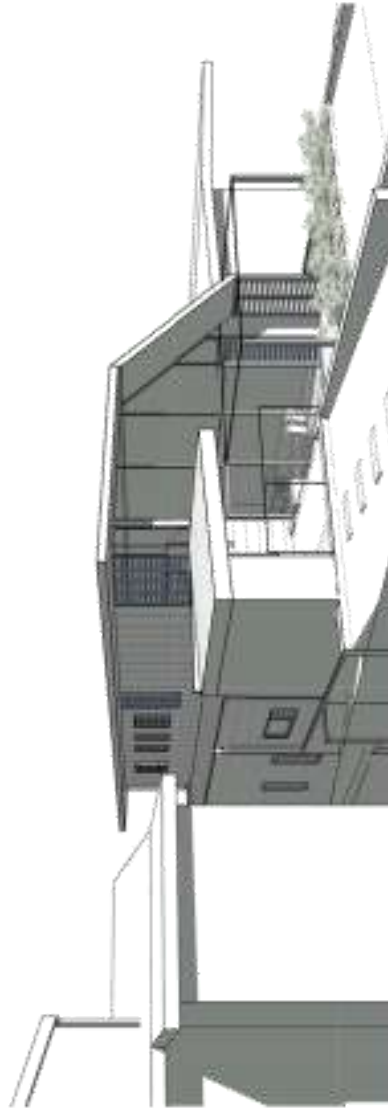
PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE
 LOT 3 DP 32006, 3 GURA STREET,
 KIAMA
 CLIENT: MR. P. & MRS. K BRADY
 DRAWING: DRIVEWAY SECTION



No.	Description	Date	No.	Description	Date
A.	SCHEMATIC REVIEW	30/07/17			
B.	DEVELOPMENT APP	30/07/17			
C.	REV APP MODIFICATIONS	27/07/17			



1 SOUTH WEST



2 NORTH WEST

No.	Description	Date	No.	Description	Date
1.	REVAMP AND ADDITIONS	4/11/17			



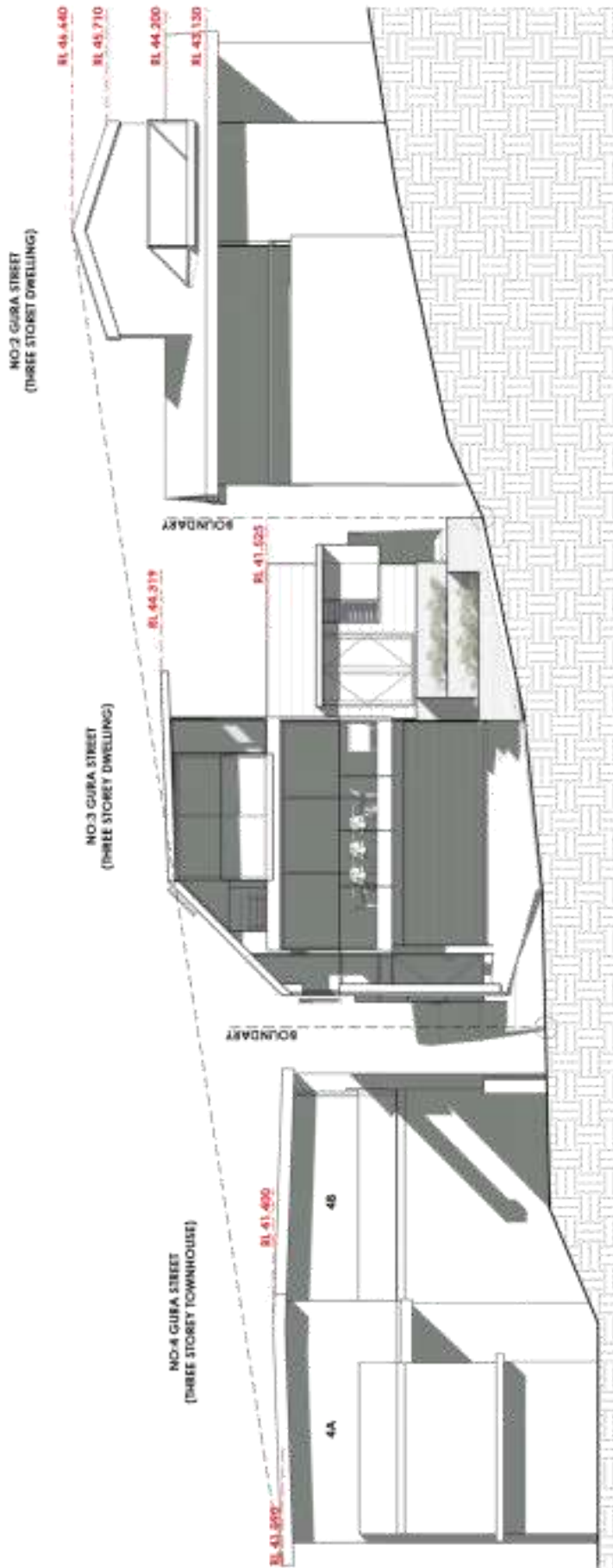
architecture

11-12 WILSON STREET
 2nd FLOOR
 WILSON STREET
 WILSON STREET
 WILSON STREET



PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE
 SITE: LOT 3 DP 32006, 3 GURA STREET,
 KIAMA
 CLIENT: MR. P. & MRS. K. BRADY
 DRAWING: 3D REAR VIEWS
 DRAWING NO: 1008 CDV 01

SCALE: 1:100
 DATE: 06/11/2017
 DRAWN BY: CM
 CHECKED BY: CL
 APPROVED BY: AB



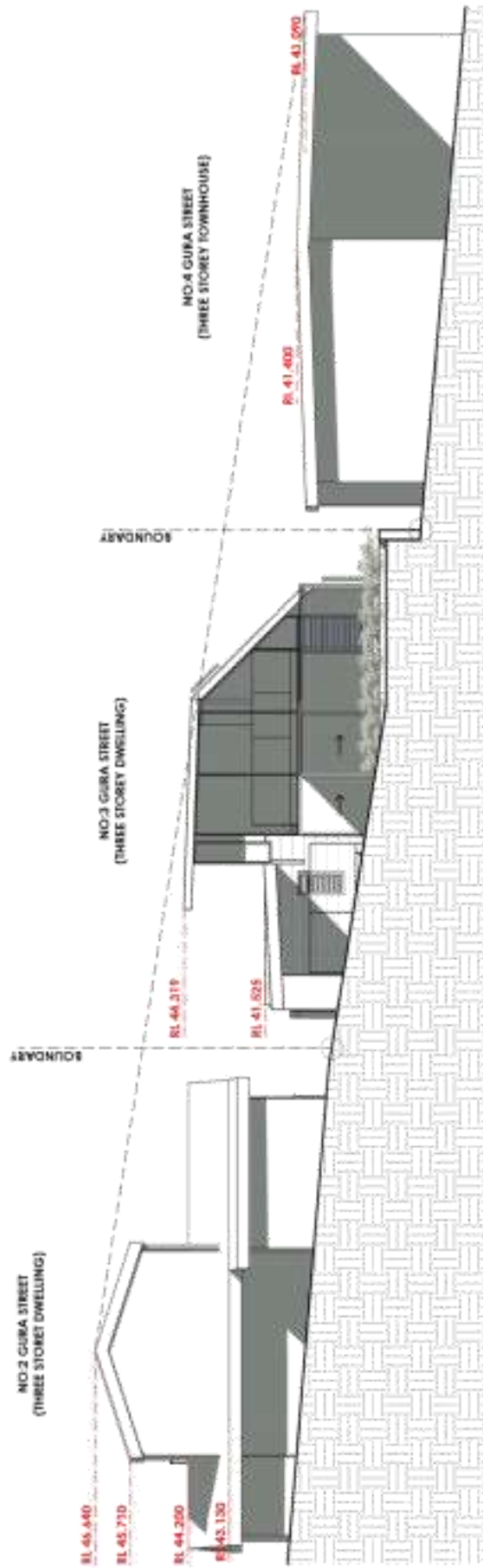
1 PROPOSED - SOUTH EAST - STREET ELEVATION
1 : 100

No.	Description	Date	No.	Description	Date
A.	REV APP MODIFICATIONS 1	3/7/17			

REGISTERED ARCHITECT
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 2. 10.01.000 ARCHITECT
 3. 10.01.000 ARCHITECT
 4. 10.01.000 ARCHITECT
 5. 10.01.000 ARCHITECT
 6. 10.01.000 ARCHITECT
 7. 10.01.000 ARCHITECT
 8. 10.01.000 ARCHITECT
 9. 10.01.000 ARCHITECT
 10. 10.01.000 ARCHITECT

SCALE	DATE	BY	CHKD	APP'D
1 : 100	03/07/2017	CM	CM	CM

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE
 SITE: LOT 3 DP 32006, 3 GURA STREET, KIAMA
 CLIENT: MR. P. & MRS. K BRADY
 DRAWING: STREET ELEVATION STUDY
 DRAWING NO: 0408 CDV 02



1 PROPOSED - NORTH WEST - REAR ELEVATION
1 : 100

No.	Description	Date	No.	Description	Date
A.	REV APP MODIFICATIONS 1	17/17			



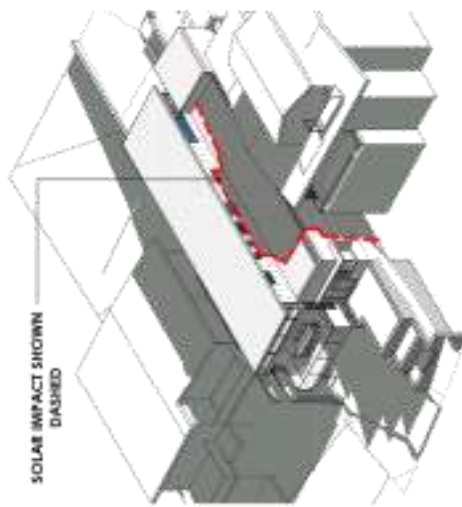
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PRACTICE
REGISTERED ARCHITECTS
REGISTERED ARCHITECTS
REGISTERED ARCHITECTS
REGISTERED ARCHITECTS



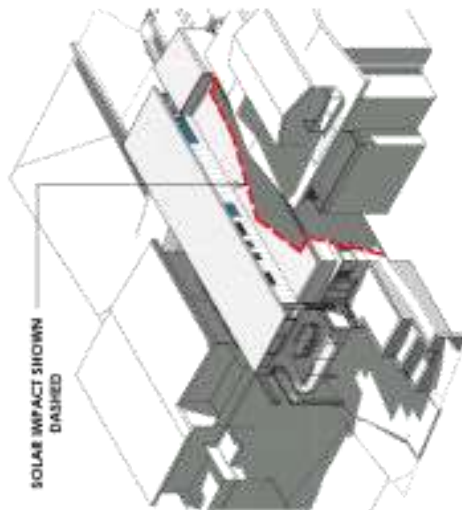
SCALE: 1 : 100
DATE: 08/12/17
DRAWN: CM
CHECKED: CL
JOB NO: 1008 CDW 07

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE
LOT 3 DP 32006, 3 GURA STREET,
KIAMA
CLIENT: MR. P & MRS. K BRADY
DESIGNED: REAR ELEVATION STUDY

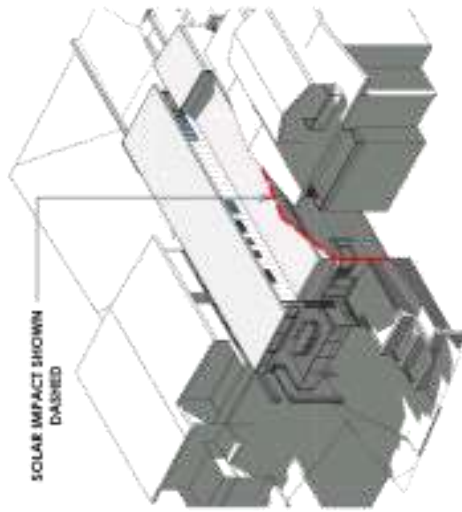
PM 2017 (2) 427 (2) 231



1 SOLAR IMPACT - WINTER - 9AM



2 SOLAR IMPACT - WINTER - 10AM



3 SOLAR IMPACT - WINTER - 11AM

No.	Description	Date	No.	Description	Date
A.	REV APP MODIFICATIONS 3	10/17			

architecture

11. MC ANDREW STREET
 15. 541/5200 URBAN DESIGN
 16. ARCHITECTURE
 P. D. W. A. 2017/10/17

PROJECT	ALTERATIONS & ADDITIONS TO RESIDENCE LOT 3 DP 32006, 3 GURA STREET, KIAMA	SCALE	DATE	AB11
DRAWN	ME, P & IWS, K BRADY	DATE	AUG 2017	
CHECKED		DATE		
DATE		DATE		

10 REPORT OF THE GENERAL MANAGER

10.1 Australian Coastal Councils Association - Research Project

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.3 The principles of sustainable development and compliance underpin town planning and local development

Delivery Program: 2.3.1 Conduct development and building assessment/approval functions in accordance with statutory requirements, policies and procedures

Item 10.1

Summary

This report advises of a research project being undertaken to identify appropriate planning responses to the impacts of online short-term holiday rental platforms.

Finance

An indicative cost of Council participating in the research project is \$4,400.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

[That Council endorse the expression of interest to participate in the research project.](#)

BACKGROUND

The Australian Coastal Councils Association Incorporated (ACCA), of which Council is a member, has advised that the University of Sydney and the ACCA are seeking expressions of interest from coastal councils that wish to participate in a research project to identify appropriate planning responses to concerns regarding the impact of Airbnb and similar online short-term holiday rental platforms on coastal communities. The call for expressions of interest has been circulated to Councillors.

The objectives of the research project are to:

- Identify relevant planning responses to the growth in online short-term holiday rental platforms in terms of local government planning frameworks, rating regimes, licensing and regulations, and complaints mechanisms;

Report of the General Manager

10.1 Australian Coastal Councils Association - Research Project (cont)

-
- Define the tools and strategies required to address concerns around the amenity, tourism, infrastructure, cost burdens and potential housing market impacts of growth in short-term, online holiday rental platforms; and
 - Investigate the adaptation of emerging international responses to the growth in short-term, online holiday rental platforms within the local context.

Key outputs of the research project will include:

- A report for participating councils which identifies appropriate planning responses, tools and strategies that can be adopted by coastal councils to address concerns in relation to the impacts of online short-term holiday rental platforms;
- A guideline checklist, in a form developed in consultation with participating councils, which provides a practical framework to assist council's decision-making in relation to these issues; and
- Case studies which illustrate the application of appropriate planning responses to the impacts of on-line short-term holiday rental platforms on local communities.

The NSW Government is presently seeking submissions on options to manage short-term holiday rentals and the submissions and NSW Government findings will be relevant to the research.

Short-term holiday rentals are a significant component of tourist accommodation in the Kiama Municipality and other coastal areas. The growth of short-term holiday rentals has been significant. Council has a chapter of the Development Control Plan (DCP) devoted to short-term holiday rentals with the aim of providing reasonable controls.

Having regard to the significance of short-term holiday rentals to the Municipality and the need to have best practice guidelines and controls applying to this type of development to achieve the desired amenity, social and economic outcomes it is recommended that Council participate in the research project. The cost of participation can be met by funds allocated for strategic planning and economic development.

10.2 Gerringong Men's Shed - Lot 7010, DP1026773 Blackwood Street, Gerringong

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.2 Council embraces good governance and better practice strategies

Delivery Program: 4.2.4 Develop strategic partnerships with regional and other organisations to advance local community priorities

Item 10.2

Summary

This report seeks Council endorsement of the submission of a development application for Council land.

Finance

Not applicable.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council provide owner's consent for the lodgement of the development application for Lot 7010, DP1026773 Blackwood Street, Gerringong.

BACKGROUND

The Gerringong Men's Shed is proposing a 6 metre northerly extension of the men's shed located near Michael Cronin Oval at Gerringong. The extension will provide additional work and storage space.

The lodgement of the Gerringong Men's Shed application requires Council's approval as the owner of the land. The extension is in keeping with the principal building and should not adversely impact on the use of the adjoining reserve.

It is recommended that Council provide owner's consent for the lodgement of application.

10.3 21st Annual Johnny Warren Memorial Cup - request for sponsorship

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.1 Developing and implementing services and programs that promote social cohesion, healthy and active lifestyles for residents of all ages, abilities and interests

Delivery Program: 1.1.3 Provide and promote cultural and artistic activities and programs

Item 10.3

Summary

This report advises of the 21st Annual Johnny Warren Memorial Cup to be held in Jamberoo from 2-3 February 2018 and recommends Council's support.

Finance

The provision of waste and recycling services for the event is approximately \$800.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

Council has received a request from Jamie Warren seeking Council's support for the 21st Annual Johnny Warren Memorial Cup to be held at Kevin Walsh Oval Jamberoo on 2-3 February 2018. The event is held as a fundraiser for the Johnny Warren Football Foundation and attracts approximately 60 teams from the Illawarra Region and from other parts of New South Wales.

Council has been requested to again provide support through the provision of waste and recycling services for the event at a cost of approximately \$800.

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

10.4 FootGolf Australia - request for sponsorship

CSP Objective: 3.0 A diverse, thriving economy

CSP Strategy: 3.3 Promote and support tourism in the local area

Delivery Program: 3.3.2 Maximise the tourism economy through the promotion of the Kiama Municipality as a destination and the provision of product options and experiences for all visitors

Item 10.4

Summary

This report is in response to a request for Council to provide sponsorship to FootGolf Australia and the Jamberoo Golf Club for the International FootGolf World Tour competitions that will be held at Jamberoo Golf Club.

Finance

Sponsorship of \$9000 is being sought and any funding would be from Council's Events & Festivals budget.

Policy

Not applicable.

Attachments

- 1 FootGolf Australia Budget [↓](#)
- 2 REMPLAN report [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council sponsor the FootGolf Australia for a suitable amount to be determined.

BACKGROUND

At the 18 July 2017 Ordinary meeting Council considered a request from FootGolf Australia to provide major sponsorship of \$9000 for the three International FootGolf World Tour competitions to be held at Jamberoo Golf Club in 2017. Following discussion Council resolved to defer this matter for a comprehensive report back to Council on the possible benefits to the community and the submission from Jamberoo Golf Club of a business case including budget details.

FootGolf Australia have provided a budget summary as well as information on several benefits to Council and the community. See attached. No specific business case from Jamberoo Golf Club has been provided.

The cost to FootGolf Australia and the Jamberoo Golf Club to stage the three events is estimated at \$20,815.80. This amount is made up of the following:

- **\$5165** - Airfares and transfers from local accommodation for the two International players who have agreed to support the Open tournament in November 2017.

Supplementary Reports

10.4 FootGolf Australia - request for sponsorship (cont)

-
- **\$4950** - Trophies and adequate prize money to encourage participants.
 - **\$3000** - Portable locker room hire as there are no facilities available on site for the participants.
 - **\$6500** - Signage, banners, advertising, media wall, PA and screen hire.
 - **\$1200** - Video footage and editing

FootGolf Australia also advise that as part of the \$9000 sponsorship package Jamberoo Golf Club is offering a corporate day, for either golf or footgolf, to Kiama Council which is valued at \$6000 and includes green fees for 100 players, 15 golf carts, meal and \$1000 bar tab.

Also included is a one day FootGolf Clinic for 50 junior players selected by Kiama Council and conducted by both International players and other top Australian players. This clinic is valued at \$3000.

A free corporate golf day is not seen as an event that Council would generally host.

Footgolf is growing in popularity and is attracting younger players to not only footgolf but also to the sport of golf and numbers at Jamberoo Golf Club of participants in both sports has increased considerably since the inaugural FootGolf Open in November 2016. The Jamberoo Golf Club has indicated that its increased membership and improved financial position has come about since the introduction of footgolf by the Club.

Bearing the above in mind a clinic provided for local school children to experience footgolf or increase their current footgolf skill levels is seen as a positive benefit of the sponsorship. Council could consider offering a set number of places to each of the local schools to pass on to deserving students who met criteria set by Council.

Current REMPLAN tourism and economic impact forecasting, based on figures received from day and overnight visitors to last year's events provides the following estimates:

- Direct increase in output (purchase of goods and services) of approx. \$0.126M over the three events
- Increase in value-add up to approx. \$0.061M

Overall this is not a major event of significant impact for the wider economy however it does provide a significant boost to the Jamberoo economy through increased visitation to the area for the three-day open event in November 2017 as well as the two events held earlier in the year.

The 2016 event provided significant media coverage for Kiama via radio, television and social media both nationally and internationally and assisted in creating additional brand awareness for both Kiama and Jamberoo and it is anticipated that there will be increased coverage for the 2017 events.

FootGolf Australia
 Member of the Federation for International FootGolf



Australian Open FootGolf | FIG 500 | Jamberoo Golf Club

Budget

Concept	Amount
Air fares Matias Perrone and Sebastian Pelliccioni	\$4,365.80
Prize money	\$4,500.00
Portable locker room hire	\$3,000.00
Media wall, banners and signage	\$4,800.00
Trophies	\$450.00
Advertising	\$800.00
Players transport (taxi or shuttle from to Jamberoo Resort and Kiama to and from Jamberoo Golf Club)	\$800.00
PA and screen hire	\$900.00
Event footage and edition	\$1,200.00
	\$20,815.80

What does Kiama Council receive?

This year we are expecting an increase in both participating players from Australia and overseas (Argentina, Japan and Italy) as well as increased public attendance.

Besides the benefits from foreign and interstate players coming to Kiama for three days.

- Jamberoo Golf Club is offering a corporate day to Kiama Council valued in \$6,000 including:
 - Golf or FootGolf CORPORATE DAY for up to 100 people
 - 15 carts
 - Meal, and
 - \$1,000 bar tab
- FootGolf Australia offers a full day FootGolf clinic for 50 junior players to be selected by Kiama Council. Matias Perrone and Sebastian Pelliccioni and some of the top Australian players will conduct this clinic valued in \$3,000

Please don't hesitate to contact me with questions.

Sincerely,

FootGolf Australia
Leonardo.Fernandez@FootGolf.org.au
 0425 806 917

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 info@FootGolf.org.au
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 M: +61 421 228 027 / +61 425 806 917

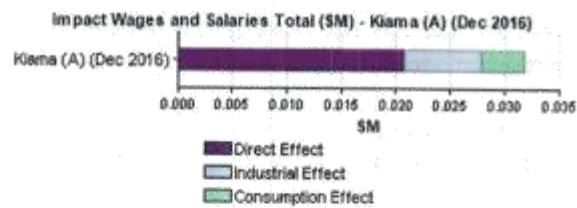
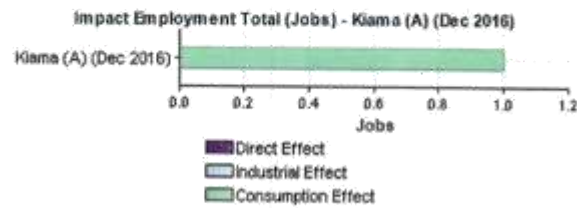
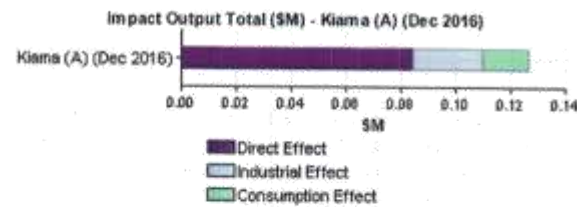
Tourism Impact Summary Report for Kiama (A) (Tourism Activity: 3 days)

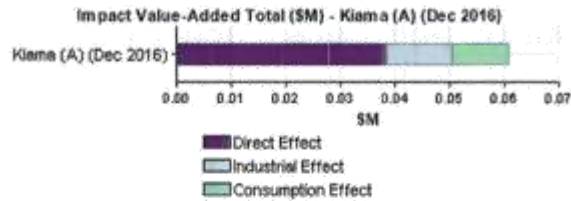
Tourism Impact Scenario

Name Australian Open FootGolf Nov 2017
 Duration 3 days

Direct Impact	Domestic Day	Domestic Overnight	International	Total
Number of Visitors	450	125	3	578
Number of Nights	n/a	3.00	4.00	
Estimated Expenditure per Visitor (\$)	\$71	\$411	\$244	
Total Estimated Expenditure (\$)	\$31,950	\$51,375	\$732	\$84,057

Tourism Impacts





Under this scenario Gross Region Product is estimated to increase by \$0.061 million (0.01%) to \$774.871 million. Contributing to this is a direct increase in output of \$0.084 million, 0 additional jobs, \$0.021 million more in wages and salaries and a boost in value-added of \$0.038 million.

From this direct expansion in the economy, flow-on industrial effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in a further increase to output valued at \$0.026 million, 0 more jobs, \$0.007 million more paid in wages and salaries, and a gain of \$0.012 million in terms of value-added.

These industrial effects represent the following Type 1 economic multipliers:

Impact	Type 1 Multipliers
Output	1.306
Employment	0.000
Wages and Salaries	1.342
Value-added	1.315

The increase in direct and indirect output and the corresponding creation of jobs in the economy are expected to result in an increase in the wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under the scenario are expected to further boost output by \$0.017 million, employment by 1 job, wages and salaries by \$0.004 million, and value-added by \$0.010 million.

Under this scenario, total output is expected to rise by \$0.126 million. Corresponding to this are anticipated increases in employment of 1 job, \$0.032 million wages and salaries, and \$0.061 million in terms of value-added.

The total changes to economic activity represent the following Type 2 economic multipliers:

Impact	Type 2 Multipliers
Output	1.505
Employment	0.000
Wages and Salaries	1.532
Value-added	1.581

Tourism Impact Summary (Tourism Activity: 3 days)

Impact	Direct Effect	Industrial Effect	Consumption Effect	Total Effect	Type 1 Multiplier	Type 2 Multiplier
Output (\$M)	\$0.084	\$0.026	\$0.017	\$0.126	1.306	1.505
Long Term Employment (Jobs)	0	0	1	1	0.000	0.000
Wages and Salaries (\$M)	\$0.021	\$0.007	\$0.004	\$0.032	1.342	1.532
Value-added (\$M)	\$0.038	\$0.012	\$0.010	\$0.061	1.315	1.581

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Statement of Investments - July 2017

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.1 Meeting and reporting against IPART/Fit for the Future benchmarks

Item 11.1

Summary

This report recommends receipt and adoption of the Statement of Investments for June 2017.

Finance

N/A

Policy

Clause 625 of the Local Government Act 1993 (NSW)

Clause 212 of the Local Government (General) Regulation 2005

Kiama Municipal Council – Investment Policy

Attachments

1 Statement of Investments July 2017 [↓](#)

Enclosures

Nil

RECOMMENDATION

That the information relating to the Statement of Investments for July 2017 be received and adopted.

BACKGROUND

Attached is a copy of the Statement of Investments for July 2017.

Investment Commentary

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.

The Reserve Bank board meeting in June decided to leave the cash rate unchanged at 1.50%. There does not appear to be any likelihood of any change in rates moving upward in the short term and the hold on the cash rate is "consistent with sustainable growth in the economy and achieving the inflation target overtime." (1 August 2017 Monetary Policy Decision, Media Release, No. 2017-15).

The Commonwealth Bank is quoting the following rates:

3 Months	6 Months	9 Months	12 Months	18 Months
2.34%	2.42%	2.55%	2.57%	2.63%

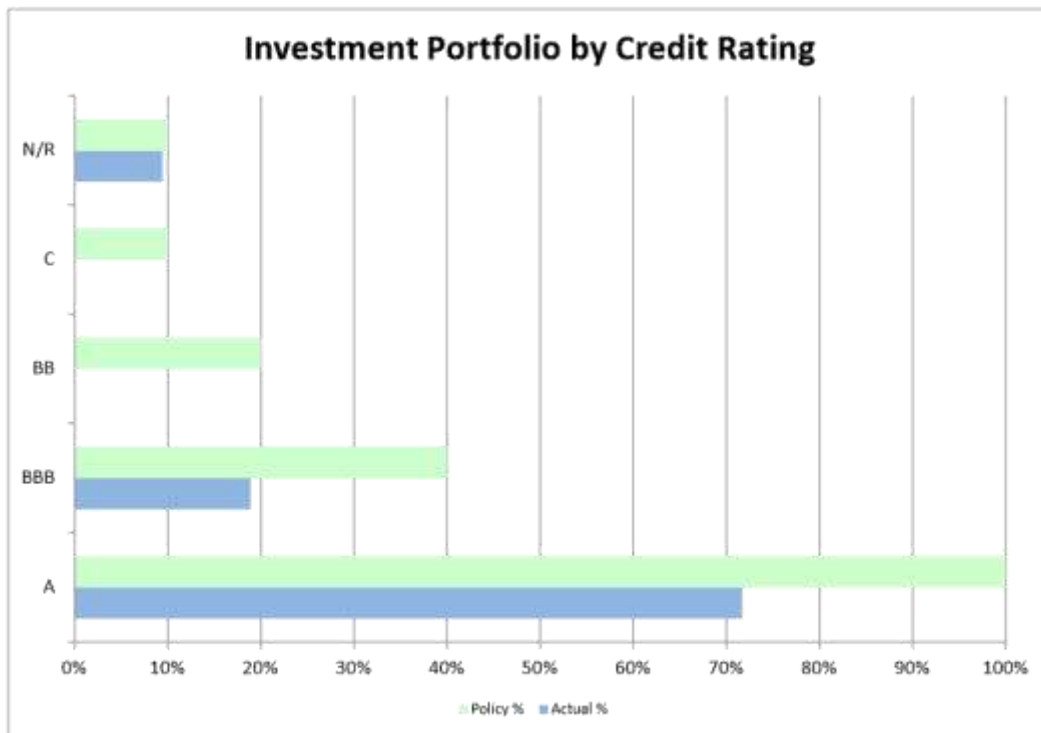
Certification – Responsible Accounting Officer

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.

(b) Council Investments as at 31 July, 2017

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LOGGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	A+	500,000	Term Deposit	12/09/16	13/09/17	366	2.80
AMP	A+	1,000,000	Term Deposit	24/05/17	30/08/17	98	2.50
AMP	A+	1,000,000	Term Deposit	31/05/17	22/11/17	175	2.60
AMP	A+	1,000,000	Term Deposit	08/03/17	06/09/17	182	2.75
AMP	A+	500,000	Term Deposit	22/03/17	18/10/17	210	2.75
Banana Coast Credit Union	N/R	1,000,000	Term Deposit	14/06/17	20/12/17	189	2.82
Beyond Bank	BBB+	1,000,000	Term Deposit	01/03/17	30/08/17	182	2.70
Beyond Bank	BBB+	1,000,000	Term Deposit	29/03/17	04/10/17	189	2.70
Beyond Bank	BBB+	1,000,000	Term Deposit	05/04/17	11/10/17	189	2.70
Bankwest	AA-	1,000,000	Term Deposit	10/05/17	16/08/17	98	2.50
Bank of Qld	A-	1,000,000	Term Deposit	12/07/17	11/04/18	273	2.65
Bank of Qld	A-	2,000,000	Term Deposit	10/05/17	22/11/17	196	2.65
Bank of Qld	A-	1,500,000	Term Deposit	17/05/17	29/11/17	196	2.65
Bank of Qld	A-	1,000,000	Term Deposit	01/02/17	09/08/17	189	2.75
Bank of Qld	A-	1,500,000	Term Deposit	26/04/17	08/11/17	196	2.65
Bendigo	A-	1,000,000	Term Deposit	04/08/16	02/08/17	363	2.70
Bendigo	A-	1,000,000	Term Deposit	04/01/17	04/10/17	273	2.60
Community Alliance Credit Union	N/R	1,000,000	Term Deposit	09/09/16	06/09/17	362	2.85
Community Alliance Credit Union	N/R	1,000,000	Term Deposit	09/09/16	13/09/17	369	2.85
Credit Union Australia	BBB+	1,500,000	Term Deposit	30/01/17	29/11/17	303	2.80
ME Bank	BBB+	1,000,000	Term Deposit	15/03/17	13/12/17	273	2.60
ME Bank	BBB+	1,500,000	Term Deposit	22/02/17	23/08/17	182	2.67
ME Bank	BBB+	1,000,000	Term Deposit	20/04/17	18/10/17	181	2.60
NAB	AA-	1,000,000	Term Deposit	04/01/17	03/01/18	364	2.74
NAB	AA-	1,000,000	Term Deposit	14/12/16	13/12/17	364	2.73
NAB	AA-	1,000,000	Term Deposit	28/09/16	27/09/17	364	2.74
NAB	AA-	2,000,000	Term Deposit	07/06/17	25/10/17	140	2.48
NAB	AA-	1,000,000	Term Deposit	12/10/16	11/10/17	364	2.82
SA Police Credit Union	N/R	1,000,000	Term Deposit	14/06/17	20/06/18	371	2.92
Suncorp	A+	1,000,000	Term Deposit	03/05/17	15/11/17	196	2.61
Suncorp	A+	1,000,000	Term Deposit	31/05/17	06/12/17	189	2.60
Suncorp	A+	1,000,000	Term Deposit	05/07/17	10/01/18	189	2.50
Suncorp	A+	1,000,000	Term Deposit	18/01/17	17/01/18	364	2.70
Total Term Deposits		36,000,000					2.69
TcorpIM Cash Fund	AAA	3,014,886	Cash Fund		AT CALL		2.34
Westpac	AA-	2,779,348	Bank Account	-	AT CALL		0.84
Westpac	AA-	581,579	Maxi Account	-	AT CALL		1.30
Total 'At Call' Funds		6,375,813					1.07
TOTAL CASH & INVESTMENTS		42,375,813			Average Rate- Jul 2017		2.59
					Average Rate- Jul 2016		2.91
TOTAL INVESTMENTS Jun 2017		42,529,873	-0.36%	Change in total investment over prev 1 month			
TOTAL INVESTMENTS Jul 2016		41,395,126	2.37%	Change in total investment over prev 12 months			

Note: The Westpac Bank Account balance shown above of \$2.78M includes deposits at month-end not processed to Council's financial System and cheques that have not been presented.



(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	4,213,510
	Grants	389,611
	Domestic Waste	2,083,279
	Waste & Sustainability	315,791
	Southern Council's Group	2,586,701
Internally Restricted	Blue Haven ILU	4,146,557
	Blue Haven Care-Residential	8,913,296
	Carer Respite Centre	820,565
	Land Development	2,937,484
	Waste Business Unit (Plant Replacement)	1,042,260
	Plant Replacement - Engineers	1,326,661
	Employee Leave Entitlements	2,000,000
	S94 Recoupments	1,422,607
	Carry-over works	2,299,446
	Holiday Parks - Crown Reserves	1,421,581
	Holiday Park - Kendalls Beach	363,657
	Contingencies	779,730
	Computer	679,698
	Property Insurance	120,000
	Community Bus	149,598
	CACP	355,563
	Organisational Development	300,000
	Fleet Replacement	50,000
Unrestricted Funds:	Funds to meet current budgeted expenditure	3,658,219
TOTAL INVESTMENTS		42,375,813

Note:

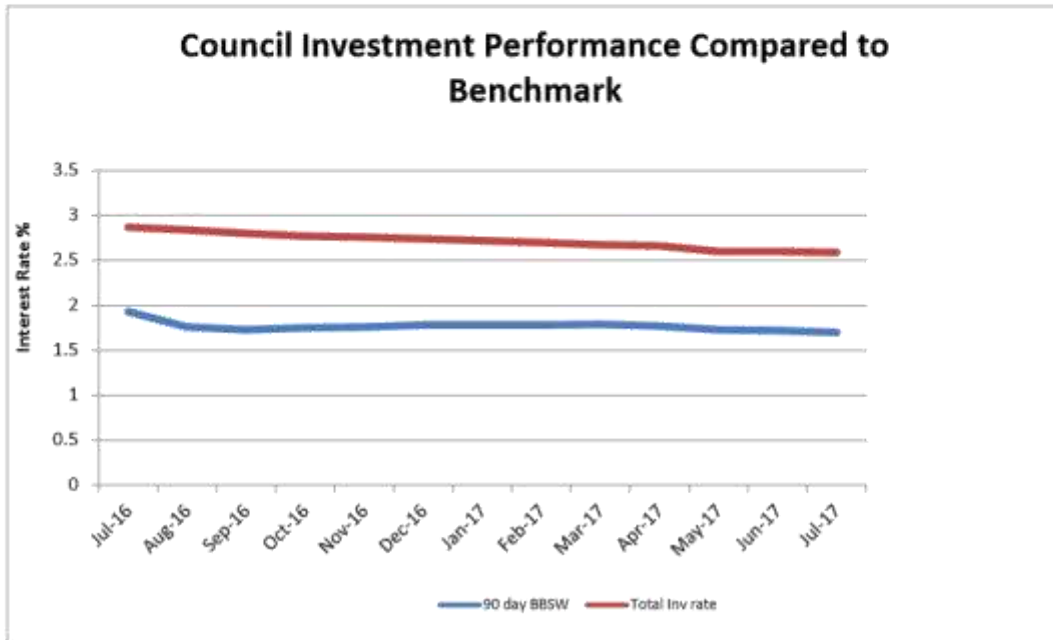
The above Application of Invested Funds reflects audited balances as at 30 June 2016. Actual movement in these balances are recorded at the end of the financial year.

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

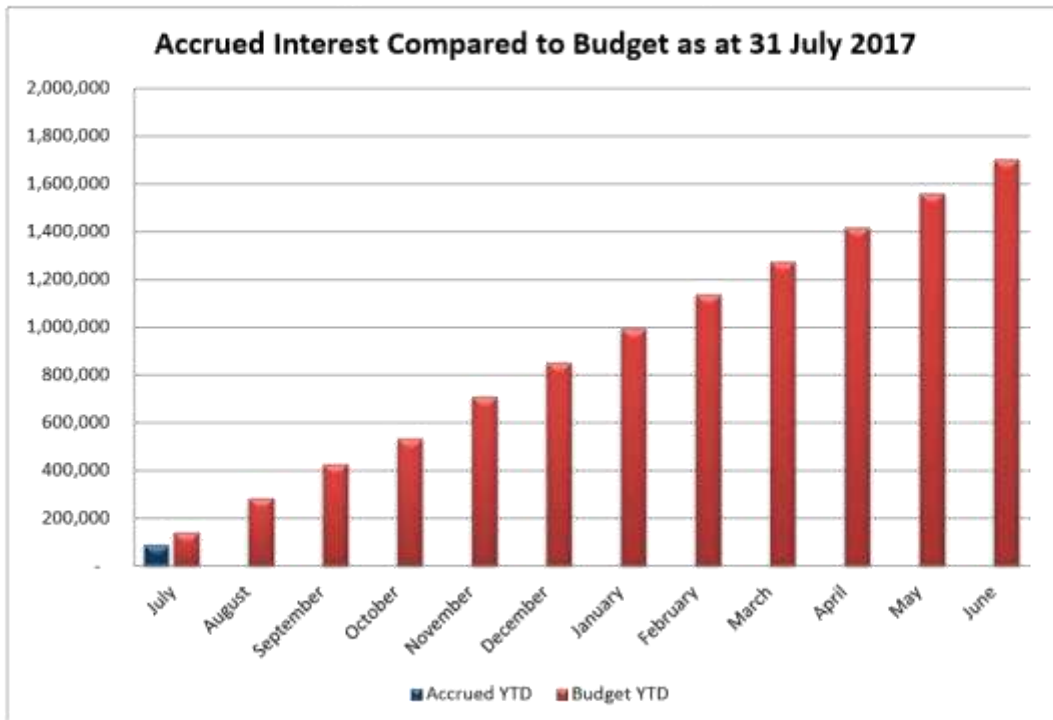
(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	2.59	1.70
3 months	2.60	1.72
6 months	2.64	1.75
12 Months	2.70	1.75



Council has been able to consistently perform above the Reserve Bank 90 day Bank Bill Index.



11.2 Economic Development Australia Conference- Ballarat

CSP Objective: 3.0 A diverse, thriving economy

CSP Strategy: 3.1 Promote and encourage business development and economic prosperity in the local area

Delivery Program: 3.1.3 Encourage business innovation, creativity and diversification opportunities

Summary

This report requests approval for the Economic Development Manager to attend the Economic Development Australia Conference in Ballarat held on 9-12 October 2017.

Finance

Economic Development Budget

Policy**Attachments**

Nil

Enclosures

Nil

RECOMMENDATION

That council endorse the Economic Development Manager's attendance at the Economic Development Australia Conference in Ballarat on the 9-12 October 2017.

BACKGROUND

Economic Development Australia (EDA) is the peak industry organisation dedicated to the professional development of economic development practitioners employed in local government, regional development agencies, state government economic development agencies, and private sector consultants and companies involved in economic development.

EDA is fast growing in membership and is an excellent body for information distribution about economic development initiatives and events. It is very proactive in making submissions to government and is committed to an active and positive role in influencing the economic direction in Australia.

The three-day National Economic Development Conference is the peak annual event for economic development practitioners and decision makers from local government. Hosted by the EDA, the conference is focused on the central themes of:-

- Productivity and its importance to prosperity;

Report of the Director Finance, Corporate and Commercial Services

11.2 Economic Development Australia Conference- Ballarat (cont)

- Bold and Brave – risk taking and tackling new initiatives in innovative and revolutionary ways; and
- Celebrating 10 years of Economic Development Australia.

It will provide leading edge information and strategies which drive the job creation and investment in a sustainable environment.

The conference provides an excellent opportunity to learn about other successful economic development strategies and provides many opportunities to develop relationships with other like-minded communities and share ideas and projects.

Item 11.2

11.3 17th International Cities, Town Centres and Communities Conference - Melbourne

CSP Objective: 3.0 A diverse, thriving economy

CSP Strategy: 3.1 Promote and encourage business development and economic prosperity in the local area

Delivery Program: 3.1.3 Encourage business innovation, creativity and diversification opportunities

Summary

This report requests Council approval for three staff to attend the International Cities, Town Centres and Communities National Mainstreet Conference to be held in Melbourne from 25-27 October 2017

Finance

Individual attendee's training budget.

Policy

n/a

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse the attendance of three staff to attend the 2017 International Cities, Town Centres and Communities National Mainstreet Conference National Mainstreet Conference to be held in Melbourne from 25-27 October 2017.

BACKGROUND

International Cities, Town Centres and Communities National Mainstreet Conference (ICTC) Mainstreet Australia was established to provide a forum for information exchange, networking and professional development for the people, businesses and projects in Australia traditional main streets and town centres.

The main aims of the organisation are to assist cities, towns and communities to be as environmentally, socially and economically sustainable as possible.

The Conference is in its 17th year and this year the themes are Innovation, Collaboration and Leadership, and will focus on people, connections and communities and making great places to live, work, play and visit.

The conference is for those who lead, plan and develop right through to those who activate, program and manage. The conference will explore how innovation, collaboration and strong leadership help to advance and transform our places into vibrant, livable centres.

Report of the Director Finance, Corporate and Commercial Services

11.3 17th International Cities, Town Centres and Communities Conference -
Melbourne (cont)

The conference has a comprehensive program and most of the sessions have five concurrent streams, which is why it would be beneficial to have Council representatives at most of the sessions relevant to our Council.

In 2015 this conference was held in Wollongong and Council had representatives at most sessions. The feedback from those who attended found this conference one of the most excellent conferences with regard to place making and in providing insight and innovation into the reinvigoration and activation of town centres.

The approximate cost per attendee would be \$2,300 and costs would be allocated to each individual officer's corporate budget.

For more details on the program content please see the ICTC Mainstreet website.

11.4 Iluka Street Tennis Courts

CSP Objective: 3.0 A diverse, thriving economy

CSP Strategy: 3.1 Promote and encourage business development and economic prosperity in the local area

Delivery Program: 3.1.3 Encourage business innovation, creativity and diversification opportunities

Summary

One Stop Tennis Coaching is seeking to enter into an arrangement with Council to allow it to conduct regular tennis coaching lessons at the Iluka Street Tennis Courts.

Finance

Minor positive impact on Council's fee income.

Policy

Local Government Act 1993

Guidelines for the use and hire of public land and property (Dec 2016)

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council approves the issuing of a permit, for a term of 12 months, to One Stop Tennis Coaching to allow it to conduct regular tennis coaching lessons at the Iluka Street Tennis Courts.

BACKGROUND

Council has been approached by One Stop Tennis Coaching, a local tennis coaching business, seeking to enter into an arrangement with Council to allow it to conduct regular private tennis coaching lessons at the Iluka Street Tennis Courts.

Under Council's *Guidelines for the use and hire of public land and property* ("the Guidelines") Council can issue a permit or a licence for the approved use of public property for community, commercial or other purposes, in accordance with the uses listed in the Guidelines.

The Iluka Street Tennis Courts are currently an under-utilised community asset. Council originally leased the courts to the Iluka Tennis Club Inc, however the Club surrendered its lease in 2004. Since that time the courts have been available for casual (hourly) hire directly from Council.

Council has, on two previous occasions (2004 and 2009), sought Expressions of Interest (EOIs) in relation the courts and clubhouse but these were unsuccessful. and was subsequently dissolved in 2007.

Report of the Director Finance, Corporate and Commercial Services

11.4 Iluka Street Tennis Courts (cont)

Council records indicate that since early 2015 the courts have only been hired on two occasions, with total hire fee income of only \$23.

The adjoining clubhouse is currently being used to host and house Boomerang Bags. The applicant has confirmed that access to the clubhouse is not required and as a result the arrangements with Boomerang Bags would be unaffected

Given the applicant is not seeking exclusive access and use of the facilities, but is seeking short term recurring occupation, it would be appropriate under the terms of the Guidelines to issue an Extended Permit to authorize the activity.

Council officers have inspected the tennis court and fencing to assess any liability issues, from a Council perspective, in terms of condition of the facilities. The court surface is in relatively good condition, however some minor works are required to the fencing and gates, including replacement of locks. There are also some overhanging tree branches that could pose a risk and therefore require pruning.

The Guidelines recommend that, prior to issuing an Extended Permit, EOIs be called "...where it is considered there is potential for other interested parties/organisations to undertake the proposed use and where there may be benefit to the community in seeking competitive process". As the current community usage rate is very low, and given Council's previous EOI attempts and that it has not received any other similar requests or enquiries from interested parties/organisations over the last three years, calling for EOIs is not considered necessary. This position can be reassessed at the end of the 12-month permit period.

Council's *Application for permit: Use/Hire of public reserve* sets out the applicable permit fees. Fees vary depending on the permit type and the proposed level of usage. As this is a newly establishing enterprise, it is very difficult to determine the proposed level of usage. It is therefore proposed that the Extended Permit fee of \$600 per year apply. This fee can be reassessed at the end of the 12-month permit period.

11.5 Revotes of Expenditure 2016/17

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.1 Meeting and reporting against IPART/Fit for the Future benchmarks

Summary

This report recommends the revote of expenditure for works not completed in 2015/16 to the 2016/2017 budget year.

Finance

Variations to Council's 2016/2017 Budget.

Policy

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

Attachments

1 Revotes from 2016-2017 operations [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council revote the expenditure items as listed to the 2017/2018 budget year.

BACKGROUND

The purpose of this report is to advise of budget items from 2016-2017 that were not completed in that year and are proposed to be carried forward or for Council to revote to 2017-2018.

The works attached to this report were partially or wholly unexpended at the end of the last financial year, however, not all the funds are automatically carried forward and require Council resolution.

There is \$1,601,229 of works and services not commenced in 2016-2017 that are being requested for revote by Council into the 2017-2018 financial year. This mainly comprises of capital works that Council approved in the 2016-2017 budget.

There are a number of works and services that have been carried out or started in the 2016-2017 financial year that will carry over into the 2017-2018 financial year. A majority of these have been funded by restricted assets or grants. All carried over works were budgeted for in the previous financial year with only the remainder of those budget amounts being spent in the 2017-2018 financial year. The total of the carryover works comes to \$8,085,562 with \$5,952,538 being for the Kiama Aged Care Centre of Excellence project.

REVOTES OF EXPENDITURE FROM 2016/2017 OPERATIONS

	<u>Revenue</u>	<u>Section 94</u>	<u>S94</u>	<u>Grants/</u>	<u>Loans</u>	<u>Restricted</u>	<u>Total</u>
		<u>Recoups</u>	<u>Contribs.</u>			<u>Asset</u>	
<u>Works & Services Not Commenced (Revotes)</u>							
Community & Cultural							
Art Acquisition Fund	800						800
Depot	15,000						15,000
Economic Development	27,000						27,000
Engineering	80,000						80,000
Engineering	90,000						90,000
Engineering	65,000						65,000
Engineering			375,000				375,000
Environment and Health						363,284	363,284
Environment and Health						281,547	281,547
Holiday Parks						8,686	8,686
Holiday Parks						25,778	25,778
Holiday Parks						103,135	103,135
Leisure Centre	15,000						15,000
Leisure Centre	10,000						10,000
Leisure Centre	20,000						20,000
Leisure Centre	40,000						40,000
Leisure Centre	5,000						5,000
Leisure Centre	10,000						10,000
Vehicles	66,000						66,000
	443,800	-	-	375,000	-	782,429	1,601,229

REVOTES OF EXPENDITURE FROM 2016/2017 OPERATIONS

	<u>Revenue</u>	<u>Section 94</u>	<u>S94</u>	<u>Grants/</u>	<u>Loans</u>	<u>Restricted</u>	<u>Total</u>
		<u>Recoups</u>	<u>Contribs.</u>			<u>Asset</u>	
<u>Works & Services commenced but not completed (carryovers)</u>							
Blue Haven Aged Care Facility							
CCTV	20,000					5,888,774	5,888,774
Community Services			15,643				20,000
Engineering	38,180						15,643
Engineering	3,284						38,180
Engineering	248,461						3,284
Engineering	149,261						248,461
Engineering			125,000				149,261
Engineering	22,157						125,000
Engineering	429,488						22,157
Engineering	45,978						429,488
Engineering	126,953						45,978
Engineering	22,000						126,953
Engineering	4,428						22,000
Environment and Health			4,579				4,428
Environment and Health			1,412				4,579
Environment and Health			8,250				1,412
Holiday Parks						25,327	8,250
Holiday Parks						28,259	25,327
Holiday Parks						10,178	28,259
I.T.	814,494						10,178
Library			11,834				814,494
Library			281				11,834
Library			2,995				281
Library			8,173				2,995
Records	25,536						8,173
Youth Services	4,637						25,536
	1,954,857	-	-	178,167	-	5,952,538	8,085,562

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 Purchase of plant equipment

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.4 Manage other assets and infrastructure through the Other Asset and Infrastructure Asset Management Plan

Summary

This report informs council of the process and outcomes of the request for quotations for the purchase of one (1) Backhoe Loader as identified in the 2017-18 Plant Replacement Program.

Finance

The capital expenditure will be made available from the Engineering Services Plant Replacement budget. These purchases were identified and reported in the 17/18 budget.

Policy

The Request for Quotation (RFQ) has been undertaken in accordance with the Local Government (General) Regulation 2005.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council purchase one (1) JCB 3CX T4i Backhoe Loader from JCB Construction Equipment Australia with a capital value of \$188,814 + GST.

BACKGROUND

As part of the 2017-18 Plant Replacement Program, Engineering Services have Plant 9248 Backhoe Loader identified as being at the end of its economic life and programed for replacement.

A specification was developed in consultation with stakeholders to ensure the vehicle will meet the operational needs of the end user.

A RFQ was then placed with the Local Government Procurement (LGP) Vendor Panel system. The request for quotation was sent to all panel members under LGP contract LGP707-3.

Report of the Director Engineering and Works

12.1 Purchase of plant equipment (cont)

The RFQ generated 7 submissions with a median value of \$183,027 + GST each.

All submissions were evaluated using a combination of 6 different criteria including price, specification, warranty, after sales support, Australian content and an operator assessment.

The combined scores for each criteria were then inputted into the LGP evaluation matrix. This produced an overall ranking and recommendation for the vehicle that best meets our requirements.

Item 12.1

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

13.1 Support for the Top End Slam Down Under Masters

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.1 Developing and implementing services and programs that promote social cohesion, healthy and active lifestyles for residents of all ages, abilities and interests

Delivery Program: 1.1.5 Facilitate sport and health related facilities and programs

Summary

This report responds to a request from Wheelchair Sports NSW for sponsorship and support from Council to stage the 2017 Top End Slam Down Under Masters at the Kiama Leisure Centre.

Finance

\$1012 from the Events Budget

Policy

N/A

Attachments

Nil

Enclosures

- 1 Sponsorship request from wheelchair sports NSW for the 2017 Top End Slam Down Under Masters [⇒](#)

RECOMMENDATION

That Council:

- endorse the donation of the court hire fees at the Kiama Leisure Centre for the Wheelchair Sports NSW 2017 Top End Slam Down Under Masters
- assist in promoting the event.

BACKGROUND

Wheelchair Sports NSW has written to Council requesting assistance in staging and promoting the 2017 Top End Slam Down Under Masters. Council has provided similar assistance in the past two years for the event.

This year, they are requesting a donation of the court hire fees for the event to be held on 18 and 19 October, with the provision of 2 courts made available to them from 8:30am through to 2pm each day. The value of the hire of the courts for this period is \$1012. Some weekly programs which utilise the courts may be impacted by the booking.

Report of the Director Community Services

13.1 Support for the Top End Slam Down Under Masters (cont)

Wheelchair Sports NSW have also requested assistance from Council to help promote the event and to provide them with potential accessible accommodation options in the LGA.

Supporting this type of activity is consistent with Council's endeavors to increase the inclusion of people with disability in community life; as articulated in Council's Disability Inclusion Action Plan. It is therefore recommended that Council provide the assistance to stage the event as requested.

Item 13.1

13.2 Gerringong Museum relocation

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.1 Developing and implementing services and programs that promote social cohesion, healthy and active lifestyles for residents of all ages, abilities and interests

Delivery Program: 1.1.4 Provide a range of library resources and services that support our community in recreational and lifelong learning

Summary

As reported to Council in July, the Gerringong Men's Shed and Gerringong Lions Club have requested the Council support to relocate the existing museum. This report provides additional information and seeks Council's endorsement to provide financial and practical assistance for this project.

Finance

Approx \$60,000, as part of the overall project funding for the Gerringong Library, Museum and Community Facility

Policy

Nil

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse the provision of financial and practical support to the project, including laying the concrete slab and hiring specialist equipment.

BACKGROUND

In order to progress the Gerringong Library, Museum and Community Facility project, the existing museum will need to be either demolished or relocated. The bulk of the building is a steel framed shed, which is gyprock lined. There are extensions to the 'shed' on both the northern and western sides. These extensions will still be demolished. The building was erected 25 years ago through the fundraising and labour of volunteers. However, the building is owned by Council.

The Gerringong Men's Shed and Gerringong Lion's Club have requested support to relocate the shed to the site adjacent to the existing men's shed. In the future the shed would be used by both groups, or even all three groups, including the Gerringong Historical Society, for storage and possibly meetings. In the immediate future, during the construction period of the new Library & Museum, it would be used to store the museum collection.

Report of the Director Community Services

13.2 Gerringong Museum relocation (cont)

The Director of Community Services and the Director of Engineering and Works and the Acting Manager Development Assessment, met with representatives of all three groups to discuss the proposal. The Men's Shed has indicated they have sufficient volunteers to be able to strip the inside of the building and disassemble and reassemble most of the building. They would require assistance in regard to the removal and replacement of the roof structure and this may require hiring a crane for the purpose. Temporary fencing and scaffolding would also have to be hired. The club does not have money for these activities. In order to relocate the shed a new slab will have to be laid. An initial quote provided to the club was in the vicinity of \$50,000. The clubs have requested support from Council to fund or lay the slab.

If the building is not relocated there will still be a cost to Council to demolish the existing building with the associated waste costs. This option capitalises on the willingness of the volunteers to contribute to achieving an outcome that will have ongoing benefit to all three Gerringong groups. In addition, it provides the most cost-effective option for the storage of the museum collection. As the Historical Society does not have the financial reserves to pay for storage, this is a cost that would have to be absorbed by Council to complete the project.

The groups are aware of the need to have DA approval for the relocation of the building. As the Men's Shed currently have a lease to occupy the area of the existing shed, this lease would also need to be renegotiated to include the new site. The three groups propose to have a Memorandum of Understanding to agree to the future usage of the building.

Item 13.2

13.3 Kiama Harbour CCTV state funding application

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.3 We live in a safe community

Delivery Program: 1.3.3 Undertake local community safety initiatives

Summary

This report informs Council of the outcome of the funding application to the state government Community Safety Fund 2017. Unfortunately, our application was not successful in this round.

Finance

N/A

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council defer stage two of the project until funding can be secured, or Council consider a budget allocation in the 2018/19 financial year.

BACKGROUND

In February 2017, a funding application was lodged with the NSW Community Safety Fund for \$10,000 that would be matched dollar for dollar by Council, to finance stage two of the Kiama CCTV Project. The funding body has informed Council that... "The demand from local communities was again very high with almost 100 organisations applying for funding this round. Unfortunately, on this occasion your application was unsuccessful. The widespread level of interest across NSW resulted in many high quality applications not receiving funds. The NSW Community Safety Fund is a four-year program and we encourage your organisation to submit an application to subsequent funding rounds".

13.4 Request for donation - Kiama Library Auditorium

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.1 Developing and implementing services and programs that promote social cohesion, healthy and active lifestyles for residents of all ages, abilities and interests

Delivery Program: 1.1.5 Facilitate sport and health related facilities and programs

Summary

A request (attached) has been received from Mental Health Carers ARAFMI, to use the Library auditorium free of charge to run a carer program, offered at no cost to participants.

Finance

\$456 donation

Policy

Not applicable

Attachments

1 Family Connections program room request September 2017 [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council approve a donation for the use of the Library Auditorium at no charge by Mental Health Carers ARAFMI to run one 12 week program for carers, beginning in September.

BACKGROUND

Council has recently heard from young people of their concerns about the provision of mental health services in Kiama. Although the program proposed by ARAFMI does not target young people, it is an opportunity for a program targeting carers of people with a mental illness to be delivered in Kiama. The 'Family connections' program will run for 2 hours per week for 12 weeks on a Friday morning, starting 1 September. The program is free for participants. ARAFMI is a well-established charity supporting carers of people with a mental illness.



Mental Health Carers
(ARAFMI Illawarra)
1 Atchison St
Wollongong NSW 2500
Ph. (02) 4254 1699
0430 570 702
arafmi_i@bigpond.net.au

19 July 2017

Dear Michelle

Further to our conversation this morning I am writing in regard to the use of one of your Auditoriums. It is to be used for 2 hours a week on Friday mornings, running for 12 weeks, starting on the 1 September 2017.

Mental Health Carers ARAFMI Illawarra is a non for profit charity organisation who provides support for those caring for loved ones suffering from mental illness.

We have been successfully running this twelve week 'Family connections' program in Wollongong and would now like to offer it carers from further down the coast who are finding the distance to Wollongong is just a little too far.

This program is offered to these carers at no cost; hence I am respectfully requesting you let us use this auditorium free of charge.

Please find enclosed a copy of our public liability insurance, the Family Connections program overview and our brochure for your reference.

Thanks, in anticipation.

Fiona Smith
Carer Support Worker
Mental Health Carers ARAFMI Illawarra

13.5 2017 NSW Local Government Awards

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.1 Developing and implementing services and programs that promote social cohesion, healthy and active lifestyles for residents of all ages, abilities and interests

Delivery Program: 1.1.5 Facilitate sport and health related facilities and programs

Summary

This report is to inform Council that the SENTRAL Youth Service's program, SENTRAL Intergen Munchout, received the Heart Foundation Local Government Award 2017 at the recent NSW Local Government Awards.

Finance

\$2,000 prize money

Policy

Nil

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council congratulate Andrew Chatfield, Dylan Powell and Nick Guggisberg on the success of securing the Heart Foundation Local Government Award 2017 for Council.

BACKGROUND

The 2017 Local Government Awards were held in Sydney on Thursday 3 August. One of the award categories included in the awards was the Heart Foundation Award for populations between 10,000 and 30,000 people. Mayor Cllr Mark Honey along with Council's Manager Community & Cultural Development Nick Guggisberg, attended the awards and were very proud to accept the Heart Foundation Local Government Award on Council's behalf. SENTRAL Youth Services Senior Youth Worker Andrew Chatfield and SENTRAL Intergen Munchout Coordinator Dylan Powell, were subsequently presented with the award by Gareth Ward MP during the launch of the SENTRAL Renovations, as the program is funded through a NSW Government Youth Opportunities grant.

It is recommended that Council congratulate SENTRAL's Senior Youth Worker Andrew Chatfield and the program's coordinator Dylan Powell along with their Manager of Community & Cultural Development Nick Guggisberg for the innovative and highly successful program. This is the second year in a row that one of the programs within the Community & Cultural team have won this award.

14 REPORTS FOR INFORMATION

14.1 Thank you letter from The Tourist Attraction Signposting Assessment Committee (TASAC)

Responsible Director: Office of the General Manager

This report is to inform Council that The Tourist Attraction Signposting Assessment Committee (TASAC) held their bi-monthly meeting at Kiama Council on Wednesday, 19 July 2017.

TASAC moves their meetings around the State in order to look at what Communities have on offer and potential signage gaps. Kiama Municipality did not have any items on the Agenda, however discussions were held with regards to new product and attractions.

TASAC was advised of new attractions including the Southern Saddleback Lookout and the Minnamurra Whale Watching Platform.

Saddleback Mountain already has existing TASAC signage (brown tourist sign) and does not require being replaced as Council has sufficient green signs once you enter the parking areas.

The Minnamurra Whale Watching Platform was discussed and as whale season is limited to a few months each year 'a whale watching lookout' TASAC signs was not on the agenda.

Attached is a letter from TASAC Secretary Maria Zannetides thanking Kiama Council for hosting the July meeting.

Attachments

- 1 Thank you Letter - TASAC - Tourist Attraction Signposting Assessment Committee - Meeting of 19 July 2017 - Maria Zannetides - Secretary [↓](#)



20 July 2017

Ms Carole Johnston
Special Events Coordinator
Kiama Municipal Council
Email: carolej@kiama.nsw.gov.au

Dear Carole

Macksville TASAC Meeting – 19 July 2017

On behalf of the NSW Tourist Attraction Signposting Assessment Committee (TASAC), I would like to extend the Committee's appreciation to Kiama Municipal Council for providing the venue for the recent TASAC meeting held in Kiama.

Your assistance in making the arrangements for the meeting and for promoting awareness of it are very much appreciated. Thanks also for your contributions to the discussions on the day and for your efforts to ensure the smooth running of the meeting and the comfort of everyone present.

Yours sincerely

Maria Zannetides
for the Tourist Attraction Signposting Assessment Committee

14.2 Kitchen Caddy Paper BagsResponsible Director: Environmental Services

At its meeting held on 18 July 2017, Councillor Way requested a report on the costing for the provision of paper bags to Kiama ratepayers that could be inserted in the small kitchen caddies and used in conjunction with the green bin OK Organics Kiama program, and the means of distribution.

Kiama Council volunteered to trial paper kitchen caddy liners for the NSW EPA back in June 2014.

A report was submitted to NSW EPA detailing:

- The purpose of the trial.
- The sourcing of the paper kitchen caddy liners locally and overseas.
- The results of the 3 day trial using all kitchen caddy paper samples sourced.
- Results after three days.
- Cost for the provision of bags including minimum ordering quantities required.

Conclusion

Due to the cost, unavailable storage space within Council to store the bags and the inability to provide a “shop front” for residents to purchase bags, it was determined that Kiama Council would not be proceeding with the paper kitchen caddy liner option. Instead, compostable liners made from cornstarch and branded with the Australian Standard 4736 certification were the preferred option.

Council approached the supplier of the compostable liners to liaise with local retailers within the Kiama Municipality to consider stocking this items for residents who wish to purchase a liner for their kitchen caddies.

14.3 Question for future meeting: Commercial/Personal Fitness ReservesResponsible Director: Finance, Corporate and Commercial Services

At Council's Ordinary Meeting of 21 March 2017, Councillor Rice requested a report on the suitability of Ricketts Reserve, Gerroa and Blackhead Reserve, Gerroa being included in the "Policy for the use of public reserves for commercial fitness activities and personal training" ("the policy").

Ricketts Reserve, Gerroa

Ricketts Reserve, Gerroa is currently included within the policy as an approved site for "passive" fitness activities. Under the policy, the definition of passive activities *"...refers to that group of commercial fitness training activities such as Yoga, Tai Chi and Pilates where the range of physical movement is slow and is not based on significant cardiovascular or muscular energy/output"*.

Following an inspection of the site, it is recommended to leave the approved reserve for "passive activities" only due to the size of the reserve and its frequent use by members of the public.

Blackhead Reserve, Gerroa

Blackhead Reserve, Gerroa is not currently included within the policy as an approved site.

Following a site inspection of the reserve, it is recommended that fitness training activities not be approved on site, as the reserve is a designated dog off-leash area, which may be considered a conflict of use.

14.4 Regional Illegal Dumping - Quarterly Report - 1 April – 30 June 2017

Responsible Director: Environmental Services

Illegal Dumping Incidents

During the period 1 April to 30 June 2017 there were 40 reports received relating to Illegal Dumping in the Kiama LGA compared to 48 reported incidents for the same period in 2016. This represents a 17% decrease.

Reported Incidents by Month

	April	May	June
Total reports	9	21	10

Reported Incidents by Day of the Week

Mon	Tue	Wed	Thu	Fri	Sat	Sun
4	12	7	6	6	2	3

It remains consistent that reports are being received early in the week, usually as a result of Illegal Dumping occurring on weekends.

Investigations Carried OutFactory Lane, Jamberoo

An investigation was undertaken into a rural property being used to deposit landfill from numerous unknown sources, and without vetting or verification of the material being received. Several excavation contractors delivered an estimated 800 tonnes of soil and other building and construction rubble to the site. Due to the size and nature of this investigation the EPA has been provided with the preliminary investigation findings, and has taken carriage of the matter as the Appropriate Regulatory Authority (ARA).

Saddleback Mountain Road, Kiama

An investigation was undertaken into the depositing of advertising material that was bundled and undelivered. The perpetrator deposited several bundles on three consecutive weekends from Kiama High School to the Lookout. Strategies were adopted and on the third occasion the perpetrator was identified, interviewed, and issued with a Penalty Notice for \$4,000 in relation to the incidents.

Swamp Road, Jamberoo

There are 2 current investigations underway into incidents of building and construction material dumped in the area. Notices have been issued to obtain further information.

Headland Drive, Gerroa

An investigation into an incident where Council Staff witnessed a person depositing household waste into a Council reserve bin at the location is ongoing. This matter will be finalised in July and the result reported in the September quarter.

Reports for Information

14.4 Regional Illegal Dumping - Quarterly Report - 1 April – 30 June 2017
(cont)**Hot Spot Dumping Incidents**

As a result of the signage placed at Kiama Downs (The Boneyard carpark), there was only 1 reported incident in that area for this period, a reduction of 75% on the Q3 result.

There were 5 further incidents in a previously determined hot spot (Saddleback Mountain Lookout), with strategies continuing to be developed and applied to reduce the occurrence at this location.

There is an emerging trend with an increase in reported incidents at Riverside Drive, Minnamurra. Further data will be collected and strategies employed to deal with this issue.

Illegal Dumping Materials Recovered

Materials Recovered	Number of Incidents
Household Waste	18
Mattresses	3
Other	1
Construction	7
Garden Waste	1
Commercial and Industrial	1
Asbestos	1
Tyres	2
Wood	2
Electronics	0
Soil	1
Liquid	2

An estimated total of 811.78 tonnes of material were illegally dumped in this period, with Council being responsible for the cost of disposal for approximately 6.1 tonnes. The majority of this larger than usual total being attributed to the 800 tonne estimate for one instance of land fill (see investigations for details). A variety of household waste remains the largest contributor.

Illegal Dumping Pro-activity

Pro-active patrols were carried out on 22 occasions, with an additional 10 when performing relief Ranger duties.

In cooperation with the resident, a dual locked gate was established at the entrance to the Kendall's Cemetery Kiama. This will eliminate the occurrence of illegal dumping on private property, and provide the ongoing access required by outdoor staff to maintain the site.

Reports for Information

14.4 Regional Illegal Dumping - Quarterly Report - 1 April – 30 June 2017
(cont)

A number of Regional Illegal Dumping manager and officer meetings and training have been attended to enhance Council's level of response to illegal dumping.

On 20 December 2016, Council officially opened the Community Recycling Centre whereby residents can dispose of many problem household waste. In March 2017, a letterbox drop was undertaken to all households in the urban area of the Kiama Municipality for the distribution of Community Recycling Centre (CRC) brochures.

These brochures provide information on what materials can be taken to the CRC free of charge, many of which are often found illegally dumped. It also included the days and hours of operation.

In May 2017, Council held a free compost giveaway event at the CRC, whereby residents could collect up to 2 bags of compost produced from the OK Organics Kiama program. A survey was conducted at this event to determine attendees (322) knowledge/awareness of the CRC and results show that:

- 54% knew of the CRC:
 - 27% visited within the month
 - 73% visited more than a month ago
- 46% were not aware of the CRC.

The Waste Management Officer attended the NSW EPA Litter Prevention Strategy 2017-20 forum to discuss the consultation draft.

Illegal Dumping Enforcement Actions

Action Type	Number Issued
Formal Warnings	2 – Section 145 POEO - Littering, Sect 143 POEO - Unlawful use of Council Bin
Infringement Notices	1 – Section 143 of POEO – Deposit Waste (over 1 cubic Metre) - \$4000
Referral to EPA	1 – Section 143 – Unlawfully receiving 800 tonnes of landfill

While performing relief Ranger duties 11 parking infringement notices and 2 formal warnings were issued.

Motor Vehicle Usage

During this period a total of 1678 km's were travelled in Kiama Council vehicles in the performance of Illegal Dumping duties. An additional 66 km's were travelled for Ranger Duties relating to Illegal Dumping.

Clean Up and Other Costs

The estimated cost of wages, materials and plant totalled \$14,337.

The actual cost of disposal fees was an additional \$2,415.

14.5 Minnamurra Progress Association - Minutes

Responsible Director: Office of the General Manager

The minutes of the Minnamurra Progress Association Annual General Meeting held on 4 July 2017 are enclosed for Councillors' information.

Enclosures

- 1 Minnamurra Progress Association - Annual General Meeting - Minutes 4 July 2017 [⇒](#)

Item 14.5

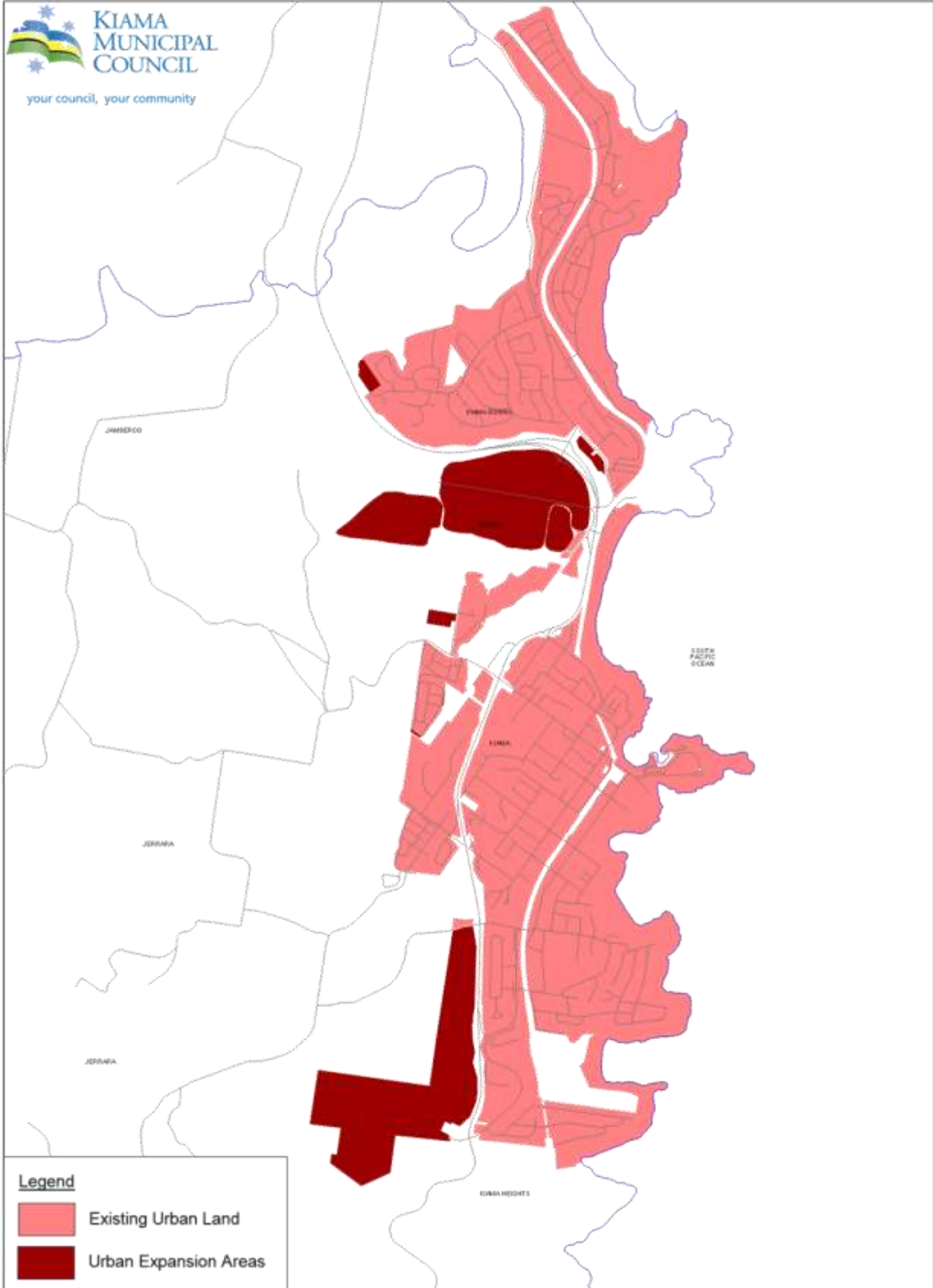
14.6 Question for Future Meeting - Town and Village BoundariesResponsible Director: Environmental Services

At its meeting held on 20 March 2017, Councillor Reilly requested a map or maps be provided that clearly delineates town and village boundaries in our LGA. That is to say, maps with lines marking the borders as described in the Kiama Urban Strategy.



The attached maps have been prepared in response and clearly delineate the boundaries of towns and villages in the Municipality. The areas coloured pink show land that is currently zoned R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, B1 Neighbourhood Centre, B2 Local Centre, B7 Business Park, RE1 Public Recreation, RE2 Private Recreation, IN2 Light Industrial and IN4 Working Waterfront (i.e. existing urban land). The areas coloured maroon show land that is included in the Kiama Urban Strategy for urban expansion.

Attachments

- 1 Map 1 [↓](#)
- 2 Map 2 [↓](#)
- 3 Map 3 [↓](#)



Legend

-  Existing Urban Land
-  Urban Expansion Areas



Copyright LPI NSW 2017 Compiled by Kiama Council
Date: 28/07/17
Scale: 1:25000

Town Boundaries Map
Map 1 of 3

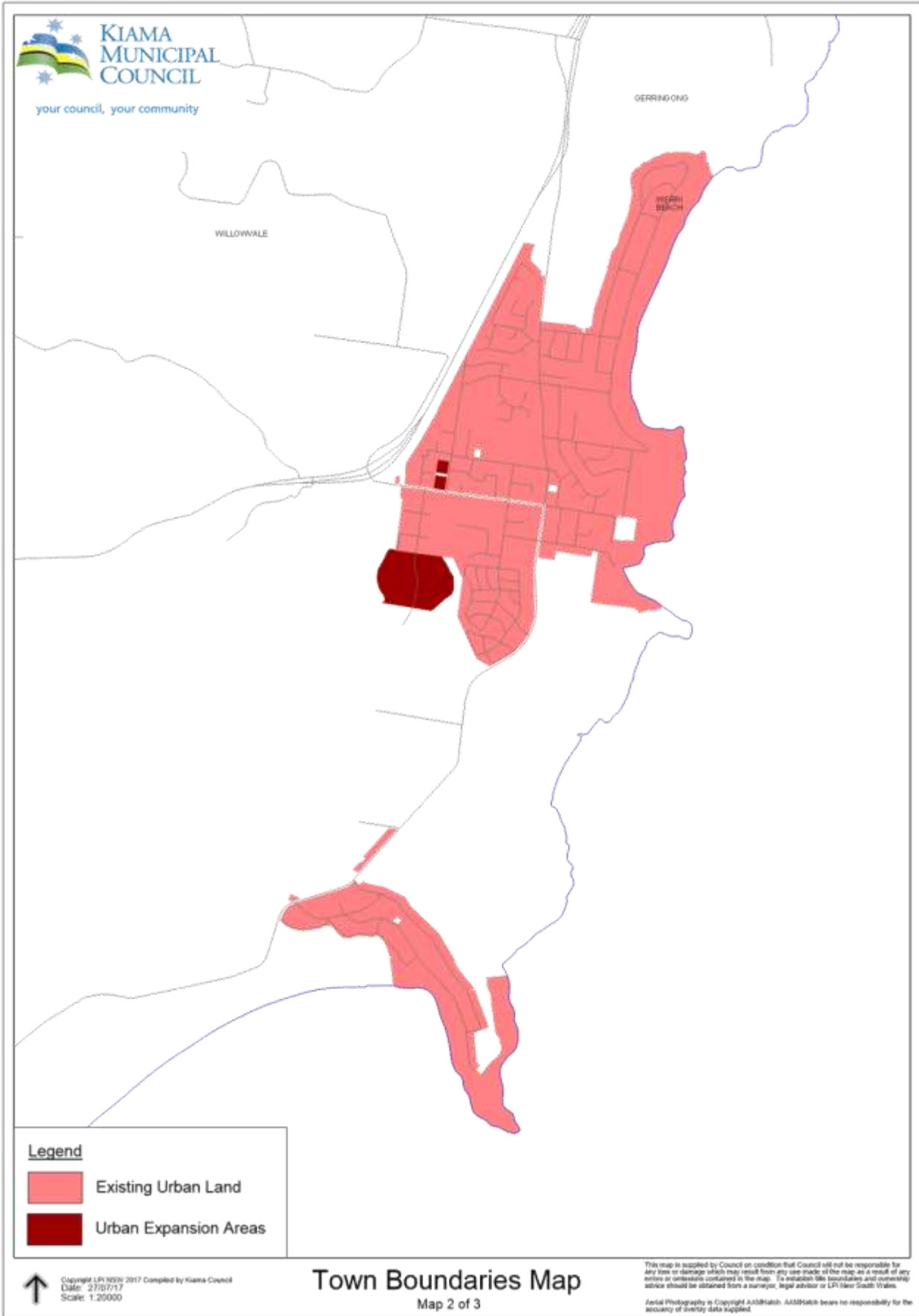
This map is supplied by Council on condition that Council will not be responsible for any loss or damage which may result from any use made of the map, as a result of any errors or omissions contained in the map. To establish title boundaries and ownership advice should be obtained from a surveyor, legal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

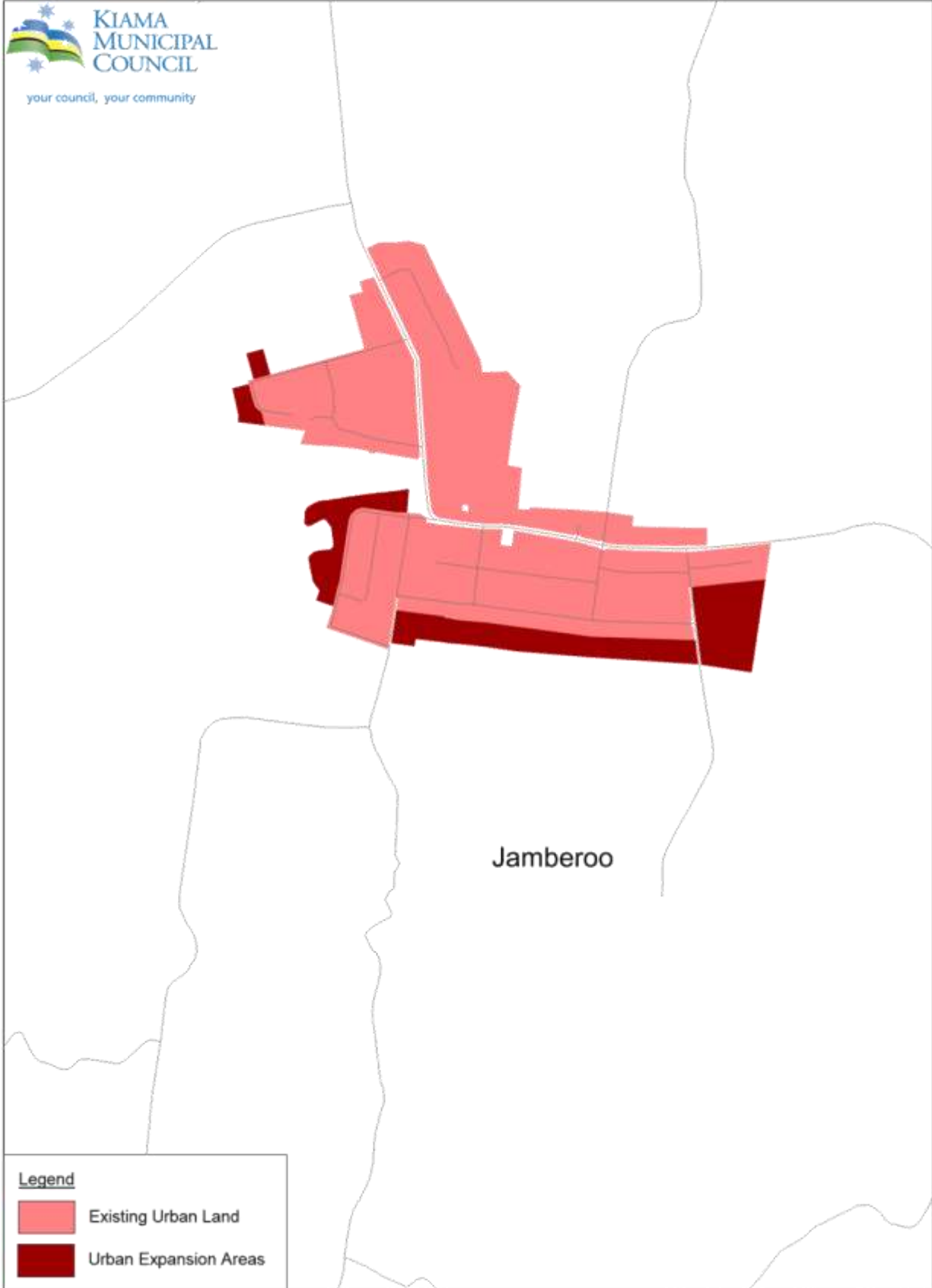
Aerial Photography is Copyright AerialMatch. AerialMatch bears no responsibility for the accuracy of overlay data supplied.

3/2017
Kiama


Item 14.6

Attachment 1





Legend

-  Existing Urban Land
-  Urban Expansion Areas



Copyright LPI NSW 2017 Compiled by Kiama Council
Date: 27/07/17
Scale: 1:10000

Town Boundaries Map

Map 3 of 3

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

Aerial Photography is Copyright AAS/Match. AAS/Match bears no responsibility for the accuracy of overlay data supplied.

Item 14.6

Attachment 3

14.7 Incorporation of additional Lot and DP for adopted Optus Lease at Kiama Sports Complex

Responsible Director: Finance, Corporate and Commercial Services

At its 22 June 2017 Ordinary Meeting, Council approved of entering into a five (5) year lease with Optus Mobile Pty Limited for the erection of an antenna and ODU cabinet on Part Lot 12, DP708075 at the Kiama Sports Complex.

Subsequent to Council's approval to enter into the lease, Council officers requested Optus to relocate the ODU cabinet to an alternate site at the Complex to minimise the visual impact of the unit.

The relocation of the ODU cabinet means that it will now be erected on a different Lot and DP than Part Lot 12, DP708075.

As a result, Council should note that the lease approved on 22 June 2017 will also need to include Part Lot 1 DP256557 as part of the leased premises.

14.8 Liveable Cities ConferenceResponsible Director: Community Services

The 20th Making Cities Liveable conference was held 10 – 11 July in Brisbane. The Director Community Services provided a presentation to the conference entitled 'Caring for an ageing population and community heritage', focused on the redevelopment of the Kiama Hospital site. The paper discussed the opportunity for Council to develop the site to meet the needs of the ageing population, while also creating employment, restoring a neglected heritage item (Barroul House) for community benefit, and partnering with the Local Health District to ensure the ongoing provision of local community health services from the site. In this one project Council is able to demonstrate many of the aspects that contribute creating a healthy city.

Several other presentations also focused on the ageing population and the need to focus on liveability in housing, transport and social connection.

Other conference papers had a range of themes, but strongly represented were issues relating to community engagement and 'smart cities'. One of the keynote speakers was Cat Matson, the Chief Digital Officer from the City of Brisbane. She spoke about the importance of understanding digital technologies as enablers and not as an outcome in themselves. She challenged the audience to consider how data sensors and technology will actually improve liveability, as opposed to assuming that collecting data is always going to be an improvement. However, the message was very strong that 'smart cities' are going to be an inevitable part of the future and now is the time to be considering what that should look like in our own areas.

Several presentations highlighted approaches to planning and place-making that engaged and involved the community in different ways and showcased examples that have addressed large scale changes due to anticipated population increases. Examples were from diverse areas, including Parramatta, Toowoomba and Kunanurra. The theme highlighted the need for Councils to be proactive in their engagement and to bring together all aspects of social, environmental and physical planning to have a holistic approach to creating liveable cities.

14.9 SENTRAL Youth Services receive \$3000 donation from The Rotary Club of MinnamurraResponsible Director: Community Services

This report is to inform Council of the recent donation of \$3000 provided to SENTRAL Youth Services from The Rotary Club of Minnamurra. The donation was made to assist with the refurbishment of the Centre and for the purchase of equipment, furniture and home wares that will further assist Youth Workers to deliver programs and activities, and was in response to recent positive media stories about the service and its programs and as The Rotary Club of Minnamurra is soon to be disbanded. The Club wanted to assist the service in delivering its key programs and continuing to reach positive outcomes for young people in the community.

Item 14.9

14.10 Question for Future Meeting - helium balloon usage regulation

Responsible Director: Environmental Services

At its meeting held on 18 July 2017, Councillor Rice requested that a report be provided that outlines some of the specific scientific evidence behind the regulation of helium balloon usage by the NSW Government and other councils in our coastal region. Could the report also include names of those regional coastal councils who have regulated helium balloon release.

A report is currently being prepared and will be reported to the September Council meeting.

Item 14.10

14.11 Emailing of Rates Notices

Responsible Director: Finance, Corporate and Commercial Services

With the ever increasing cost of postage, the delivery of notices sent electronically has increased in popularity. Working with Print Mail Logistics Ltd, Council is now able to deliver rates notices to our rate payers by email. The benefits of this being reduced postage costs and faster delivery and less impact on the environment.

Rate payers are able to opt in for email delivery through an online registration form.

The registration form can be accessed using one or more of the following options:

- Following links on Councils Website
- Following instructions from a marketing advertisement
- Scanning a QR code on the paper copy of the rates notice
- <https://registrations.pml.com.au/kiama>

14.12 Local Government Regional NAIDOC AwardsResponsible Director: Community Services

This report is to inform Council of the successful staging of the 2017 Local Government Regional NAIDOC Awards held at the Fraternity Club in Wollongong on the 22 July, and that the 2018 Awards are to be hosted by Kiama Council.

The Awards are organised and staged in partnership with Wollongong, Shellharbour, Shoalhaven and Kiama Councils, with each council taking turns to host the awards.

Each year one of the ceremonies carried out at the awards is the handing over of the 'Message Stick' from the current host council to the following years host council. The Message Stick symbolizes the honor of hosting the event and the responsibility to lead the organising of the event. At the 2017 Awards, Wollongong Lord Mayor Councillor Gordon Bradbery OAM passed the Message Stick over to Kiama Councillor Neil Reilly.

Among the 2017 award recipients was one group and one person from Kiama LGA. The judges made a decision this year to have a highly commended in the Male Aboriginal Young Achiever of the year due to the high caliber of finalists, and this was awarded to Jackson Tikkeros. The winner of Outstanding Contribution to Reconciliation was the Djirang Dance Ensemble from Gerringong Public School. Djirang Dance Ensemble were amongst the performers at Kiama Councils 2017 Sorry Day event held on 26 May.

14.13 Leisure Centre - proposed additional car parking spacesResponsible Director: Engineering and Works

At its meeting held on 18 July 2017, Council resolved (OC-17/080) to receive a report regarding providing effective lighting in the south-west end of this carpark following an investigation by Council officers.

Council is currently surveying the proposed carpark site at the Kiama Leisure Centre and this will include a services search of the area to confirm availability of an existing power supply. At this stage the existing electrical supply has not been confirmed however if this option is not available it may be possible to install independent solar lights to activate the area and improve safety and security of the users. It is estimated that solar lights could cost approximately \$5,000 each and it would be advisable to install at least 4 (total cost \$20,000) to provide adequate lighting to the area.

14.14 Question for Future Meeting: Cost of installing guarding and a platform at the lookout point along the Bombo walking trackResponsible Director: Engineering and Works

At Council's meeting held on 18 July 2017, Councillor Steel requested a report on the construction of a lookout platform at the Bombo Headland north of the Sydney Water treatment plant

A similar structure was built at Minnamurra Headland last year with the assistance of the Minnamurra Lions Club. At that location a 5 x 4 metre platform was built with Council supplying the materials and the Lions Club carrying out the work.

It is considered that the Minnamurra Lions Club have the appropriately qualified and experienced tradesmen to carry out the work under Council's supervision.

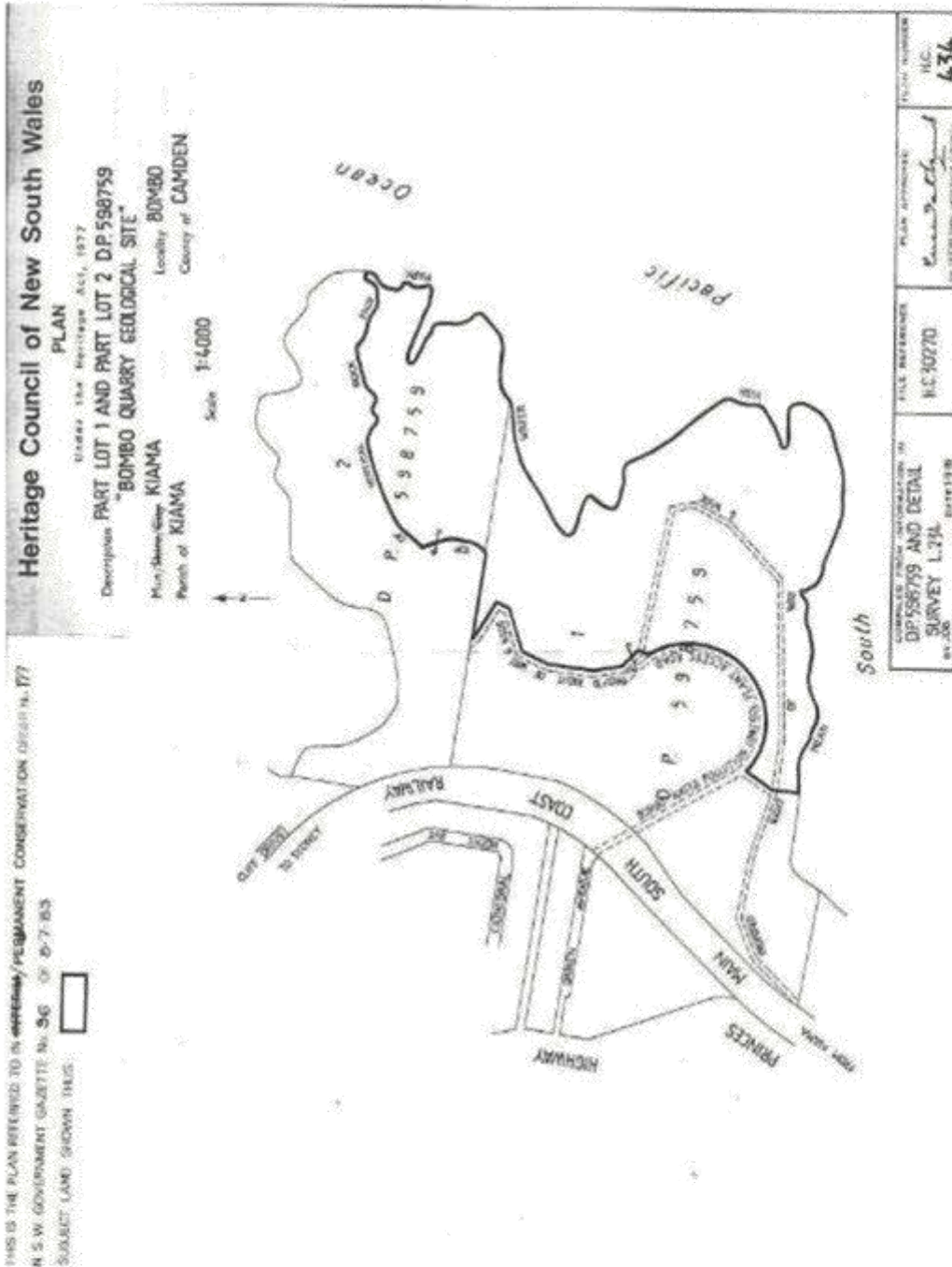
Based on the same specifications as the Minnamurra Headland project the estimated cost of material supply is \$21,000. This includes an amount for interpretive signage on whale species and migratory habits.

There are no funds allocated in the current budget for this project. If this project was approved funds would need to be allocated in future budget reviews. If council supports this project and subject to available funds, Council will approach the Lions Club to seek their support to construct the platform.

The area proposed for the viewing platform is not listed in the heritage plan as shown on the attached plan and can be approved under the Infrastructure SEPP.

Attachments

- 1 Bombo Quarry Plan [↓](#)



PCO Plan Number 177
Image by: Heritage Council of NSW

Reports for Information

14.15 Minnamurra Progress Association Meeting - Minutes

Responsible Director: Office of the General Manager

The minutes of the Minnamurra Progress Association meeting held on 1 August 2017 are enclosed for Councillors' information.

Enclosures

- 1 Minnamurra Progress Association Minutes - Meeting 1 August 2017 [📎](#)

Item 14.15

14.16 Register of amenities in the Local Government AreaResponsible Director: Engineering and Works

At its meeting held on 18 July 2017 it was Moved by Councillor Brown and seconded by Councillor Watson that Council:

1. *Conduct an amenities audit to determine adequacy. That is, "is the facility meeting the needs of its users?" If not, "what is required to ensure the facility is adequate?"*
2. *Seek community input into "the adequacy of our facilities and whether new facilities are required and whether existing facilities are no longer required".*
3. *Request the NSW Government to provide adequate and necessary amenities at Minnamurra Railway Station.*

The Motion was put and Carried.

In response to the motion put forward by Councillor Brown and Councillor Watson the following information is provided.

Council Staff are currently compiling a register of the amenities in the Kiama local government area. This register will collect the baseline data required to make an informed decision on the adequacy of the amenities. The information collected includes:

- a. Location
- b. Age of infrastructure
- c. Type e.g. male, female, disable access
- d. Condition of assets including finishes
- e. Capacity and availability
- f. Cleaning schedule
- g. Proposed upgrades if required
- h. Cost of work

It is expected that this register will be completed by end of August, 2017 which will include the onsite validation of the information collected.

Subject to the findings of the asset review, the information regarding the proposed actions for each of the amenities will be made public, through social media, advertising, public forums etc. to seek community feedback.

Council has made application under the "*Stronger Country Community*" grant for funds to be made available for the demolition and construct new amenities at the North Street Reserve Minnamurra, which is in close proximity to the railway station and popular recreation space. In addition, Council has written to both the Local Member Mr. Gareth Ward and Sydney Trains requesting that amenities be provided at Minnamurra railway station.

14.17 South Precinct Meeting - Minutes

Responsible Director: Office of the General Manager

The minutes of the South Precinct meeting held on 20 July 2017 are enclosed for Councillors' information.

Enclosures

- 1 Minutes - South Precinct Meeting - 20/07/17 [⇒](#)

14.18 ICAC - Lobbying Local Government Councillors - A guide for Councillors, constituents and other interested partiesResponsible Director: Office of the General Manager

From time to time I have received enquiries from Councillors on the appropriate manner to communicate with potential applicants on development and other matters.

In 2006 the Independent Commission Against Corruption (ICAC) released a guide for councillors, constituents and other interested parties on lobbying local government councillors. A copy of the guide has been enclosed with the business paper.

The guide states that transparency is a useful means of governing accountability and perceptions of fairness in lobbying processes. There are a number of ways councillors can help ensure transparency while being lobbied. These include:

- documenting meetings with proponents
- generally conducting meetings in official locations such as council premises
- having other people present during meetings
- inviting applicants who have approached them for a meeting to discuss a significant development to write to council seeking a meeting with all councillors and relevant staff
- providing copies of information presented during lobbying meetings to council officers for consideration and assessment (if required), distribution to other councillors and filing as part of council's records
- asking people who have requested a meeting to put their arguments in writing
- making a declaration at a council meeting about lobbying activities they have been engaged in that are not part of council's formal process

Enclosures

- 1 Lobbying local government councillors [⇒](#)

14.19 Question for future meeting: Potential use of former Fulton Hogan Princes Highway Gerringong siteResponsible Director: Office of the General Manager

At the Council meeting on 18 July 2017, Councillor Way requested a report on the potential acquisition from Roads & Maritime Services (RMS) of the former site office and surrounding area formerly occupied by Fulton Hogan on the Princes Highway, Gerringong for use by local sporting groups.

The subject land is known as Lot 12 DP1165635 and has an area of 3.645ha. The land is zoned Primary Production (RU1) under the provisions of the Kiama LEP 2011. The zoning permits the land to be used as a recreation area. The site is burdened by major gas and electricity easements which severely constrain the site and remove approximately 30% of the site from development and use. As a result of the impact of the easements it is likely that only one playing field could be provided on site.

The land has vehicle access by the service road which runs nearly parallel to the on ramp to the new highway. The land can be accessed from the Gerringong township via Belinda Street and a highway underpass. A plan showing the site is attached.

At the Council meeting of 22 June 2017, Council agreed to the following recommendation of the Economic Development Committee:

“That Council arranges a meeting with the RMS to facilitate discussion to identify sites that they own or control that may be surplus to their needs.”

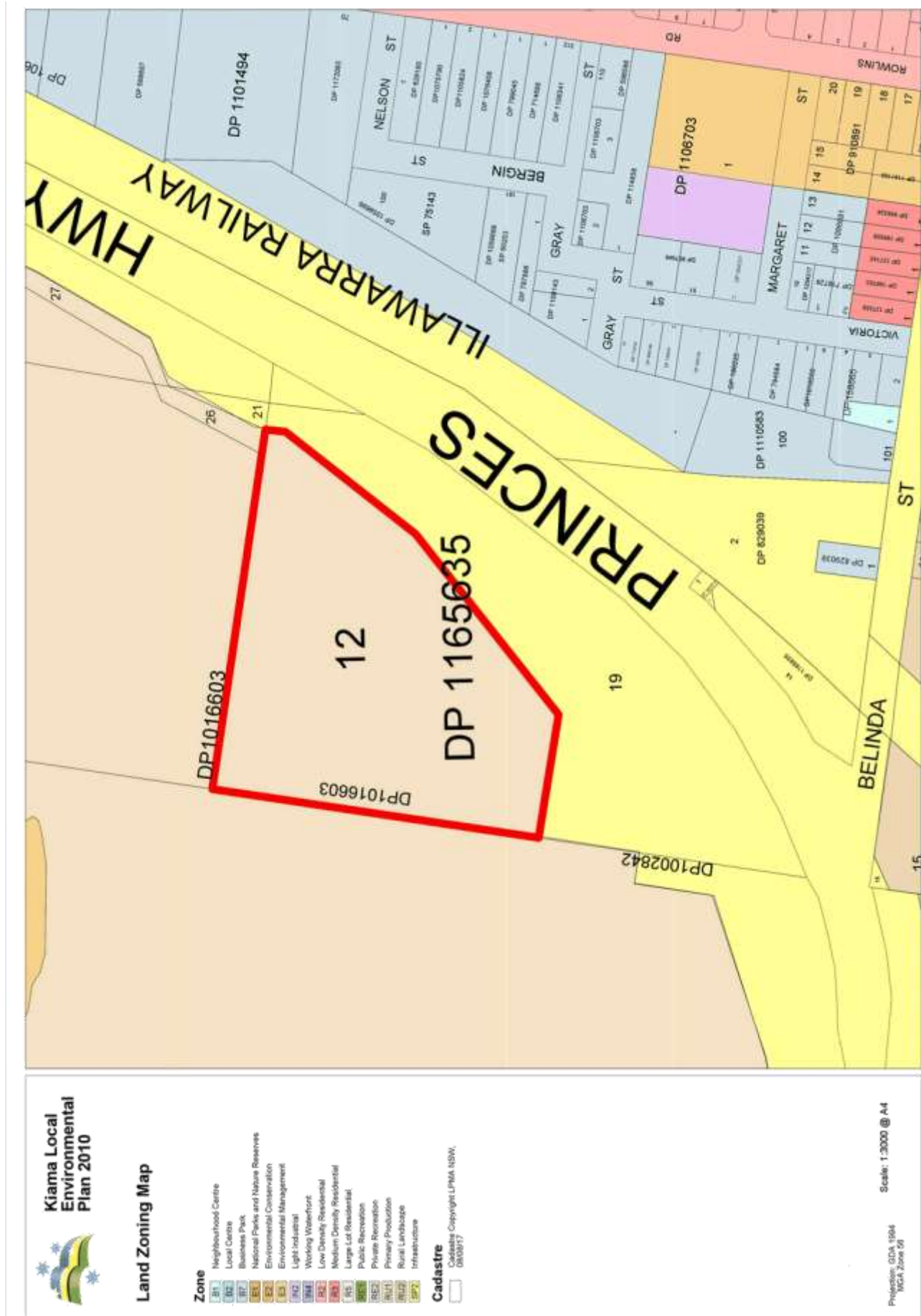
As a result, the Economic Development Manager had discussions with the RMS Regional Commercial Officer Commercial and Property who advised that the subject land is in fact being considered for disposal.

The process to allow this to happen is:

1. A road declaration (Parliamentary process) and title registration.
2. Remediation of the land and all assessments done with there being legal access to the road.
3. Once all approved RMS will run a clearance on the site and offer it to other operational units within the RMS to make sure that no other section requires this space.
4. The site will then be listed with their Sydney Sales team to proceed to public auction.

Attachments

- 1 Site zoning map [↓](#)
- 2 Site aerial map [↓](#)
- 3 Site diagram [↓](#)



Item 14.19

Attachment 1



Subject Site



Projection: GDA 1984
MGR Zone 58

City of Klarna
LPAW NSM 062817
Scale: 1:500 @ A4

This map is provided for Council as a reference tool. Council will not be responsible for any loss or damage which may result from any use made of this map as a result of any errors or omissions contained in this map.
To establish site boundaries, level, ownership, and other information should be obtained from a surveyor, legal adviser or D'Urban South West.
Map & graphics Copyright Klarna Municipal Council and others under license.
All rights reserved. Contact: planning@klarna.nsw.gov.au



Attachment 3 Item 14.19

14.20 ALGA Conference Report - Councillor Rice

Responsible Director: Office of the General Manager

Attached for Councillor information is a report on the Australian Local Government Association National General Assembly attended by Councillors Rice and Westhoff as well as Acting General Manager, Kerry McMurray.

Attachments

- 1 Conference Report [↓](#)

Australian Local Government Association National General Assembly 2017

I spent two days at the ALGA conference along with Kerry McMurray and Mark Westhoff. The theme of the conference was Building Tomorrow's Communities.

Sir Peter Cosgrove opened the conference and spoke of the need to recognise women in society by nominating them for Honours and Awards. Women working in male dominated industries are typically under-represented in the awards.

David O'Loughlin, ALGA President, advised that Local Government must be prepared to change and adapt so that the community desire to be involved in consultation can be properly met. He noted that the presence of the Productivity Commission at the Regional Forum preceding the conference indicates their realisation that regions must become engaged in building this country.

Fiona Nash, Minister for Local Government and Territories, and Minister for Regional Development outlined the opportunity of the Building Better Regions fund. Partnerships are very valuable in obtaining this funding, with the first round of funding showing strong commitment by Local and State Government to the jointly funded projects.

Laura Tingle provided an analysis of government today, based upon her experience in political journalism. She reiterated the theme I commonly hear these days, that people have lost faith in governments. The major parties are openly changing their policies to attract votes in the Senate. The Federal Budget has seen the Coalition move to the centre. To rebuild community faith in the political process will require a government that can prove itself competent through achieving delivery outcomes.

Mark Jamieson, Mayor Sunshine Coast Council, described the project to rebuild central Maroochydore as a Smart City on 53Ha of reclaimed Golf Course Land. With fibre optics, pneumatic garbage disposal and other utilities underground it aims to meet sustainability needs and resident's desire for an efficient connected city. See their website for the full range of digitised sensors and solutions being planned.

Three speakers spoke at the Smart Cities Panel Session.

Brook Dixon of Delos Delta, claimed that even small towns can become Smart Cities, but a digital city strategy needs to be developed first, as a template for further action. Begin here and now, and then as the digital democracy develops, momentum will rapidly gather.

Peter Runcie of CSIRO's data 61, described it as employing 1100 people around Australia in computer science areas. They are developing systems for sensor control and signage of car parking facilities, sensor driven garbage bin compaction and use of autonomous vehicles. Peter spoke of the vast amount of data that is readily available through sensors, cameras, apps or open data and how valuable this Big Data can be to Local Government for a wide range of real time monitoring and comparisons once harvested systematically.

James Kavanagh from Microsoft, gave several examples of cities using computer technologies for their communities. Adelaide live streams town hall meetings so that people can participate remotely. Kiama trialed such technology once for a public access meeting, but has done nothing with it since. There are good apps that have been developed to integrate people with disability, orient tourists and provide language interpretation in galleries. These designs for people with different ability can benefit everybody. But the technology should come second, first is the conversation with the community so that the desired experience can be designed.

There was 50 million in Federal funding for Smart Cities and communities launched several months ago It is a seed project and further funding will be likely based upon the response to this.

In contrast to James Cavanagh's digital enhancement of town hall meetings, Shaun Callanan of Chunky Media, claims that social media is the new town hall. He says that digital must be at the heart of all place making strategies if younger stakeholders are to be reached. Time spent managing social media must be budgeted for, with media content made to match audiences. Facebook reaches 15M Australians. With a Business or Ad account, your actual Audience Insights (demographics/preferences) can be accessed and your messages tailored accordingly. Snapchat provides the opportunity to use geofilters. You can select a particular geographic area and have the geofilter available for use by all snap chatters there for a purchased quantity of time (identifies their location and is badged by your business). The National Conference Centre cost \$20 for 4 hours. We could do this for the next World Surfing League titles. It would work exponentially to promote Kiama and good times surfing both locally and worldwide. To download the presentation go to chunky.media/nga17.

Three speakers presented on Governance in a Digital Age.

Jacob Boyle, adviser on domestic cyber policy to Prime Minister and Cabinet, described Australia as a nation with the cyber security skills and knowledge to thrive in a digital age. However, cybercrime has a \$1B annual impact. In the event of a major cyberattack there is a 24/7 hotline for assistance from the Commonwealth 1300Cyber1.

Phil Rodriguez of Amazon Web Services, advised us that Amazon is the largest supplier of cloud services in Australia. Data can be kept in Australia and can be encrypted before storage.

Stewart Mort, Optus Cybersecurity Director told an eye opening tale of being able to obtain compromising information about a large organisation's IT systems through making several phone calls to staff over a period of time, claiming to be involved in an IT upgrade process. Staff must know that even seemingly innocuous information about systems etc. should never be given to people they do not personally know as little bits add up. Cloud storage of an organisation's data is safer because it is encrypted.

On Day 2, Bill Shorten, Opposition Leader acknowledged the 189 thousand people employed by Local Government across Australia. He advocates constitutional recognition of Local Government and is an advocate of BIG town hall meetings. He believes people's main concerns in order are jobs, health and price of energy. Labor wants every community to tell their MP's the top three priorities for that postcode along with some ready to go strategies. Regional inequality frustrates the Australian sense of a fair go. I can hear his voice as I type that!

Three speakers spoke on Building Liveable Communities

Dean Landy, architect and author of the book *Creating Vibrant Communities*, began by defining the ideal village centre as a walkable vibrant place. Communities respond best to smaller options not malls. Towns need to be commercially viable and offer lifelong learning opportunities. Sound like Kiama? Buildings need to respond to the life that is already going on in the spaces and not the other way around. A liveable community is not where you live but how you live.

Georgia Sedgemen, Tract Consultants, town planner was involved in the Liveable Sydney 2016 study. <https://www.domain.com.au/news/liveable-sydney/> suburbs were ranked for liveability using indicators such as views, crime, telecommunications, access to retail, culture etc. The most important indicator turned out to be telecommunications. Low crime rate came in second and tree cover came in third. Wow! Kiama has it all!

Dr. Ian Winter, Executive Director of Australian Housing and Urban Research Institute (AHURI) advised that people in the bottom 40% of income levels who spend over 30% of total income on housing are experiencing housing affordability stress. 72% of private renters fit this definition. The proportion of households in these circumstances is getting worse. This stress increases the effect of other urban stressors on the household and predisposes them to creating disorder such as messy/rubbished property, noise and crime. There is a pressing need to educate the community that affordable housing is necessary everywhere, so that essential workers such as teachers, nurses, police etc. can afford to live close enough to where they work without experiencing transit stressors as well.

In the afternoon, out of interest, I went to the luncheon and session for growth area councils. My sister was one of the speakers.

Anthony Albanese MP, Shadow Minister for Transport and Infrastructure listed his three priorities for growth areas, Infrastructure, Transport and City Development. A dedicated infrastructure fund is needed to get infrastructure developed in a timely manner.

Rebekha Sharkie MP, Member for Mayo spoke of the issues experienced by growth areas that are distant from work centres, like Mt Barker and Victor Harbor in SA. She described them as dormitory suburbs in which people leave and return in the dark. Insufficient planning of family facilities is the norm and transport is inevitably poor. She welcomed the new Select Committee on Regional Development and Decentralisation and urged towns to make submissions to it.

Janet Rice, Victorian Greens Senator and spokesperson for Transport and Infrastructure, pointed out that the cost of servicing blocks is much higher for blocks in outer areas and this can influence affordability. However, outer developments have the advantage of being able to factor in sustainability and a transport spine right from the start, provided there is a commitment to thinking of these future needs early in the planning process.

General discussion and questions followed in which the Growth Areas Alliance was encouraged to be more vocal to Parliament because they have a very large population behind them. All speakers agreed that the quality of life in Australia's newest suburbs is sub-optimal with essential infrastructure, community and recreational services insufficient to meet the needs of their growing populations.

That concluded my note taking and I trust that some of this information will be useful to you.

Kathy Rice

14.21 Making Cities Liveable Conference Report - Councillor Rice

Responsible Director: Office of the General Manager

Attached for Councillor information is a report on the Making Cities Liveable Conference attended by Councillor Rice and Acting General Manager, Clare Rogers.

Attachments

- 1 Conference Report [↓](#)

Making Cities Liveable Conference 2017

Clare Rogers and I attended the 10th Making Cities Liveable Conference in Brisbane recently.

Many of the presentations by keynote speakers on the first day referred to The New Urban Agenda, a rationale and agreement underlying sustainable development. Although it seemed to me that many of the early presentations were packaging the same material in different ways, it reminded me that the concept of The New Urban Agenda needs to be understood so I'll explain it briefly.

It is predicted that 70% of the world's population will live in cities by 2050. The United Nations has worked for over 40 years to address the inequality, falling quality of life and unsustainability that rapid urbanisation has presented throughout the world. More recently, this has extended to addressing the impact of cities on the environment, since cities are responsible for two thirds of the world's energy consumption.

In October 2016, Australia and 166 other countries agreed on The New Urban Agenda at the Habitat III conference in Quito, Ecuador. The Agenda is a 20-year roadmap to guide sustainable development globally. It aligns with the October 2016 Paris Climate agreement and the United Nations Sustainable Development Goals of September 2015. Together these agreements aim to make human settlements inclusive, safe, resilient and sustainable.

All levels of government need to play their part, as sustainability involves housing affordability, planning and transport, economic development, public health and education, with many of them linked together in delivering sustainability. Local government can lead the way on issues of liveability, climate change mitigation and social cohesion, much as Kiama is attempting to do as a Healthy City.

In opening the conference, Iain Butterworth reminded us of the importance of realising that "change can be made by myself and within my sphere of influence". Our Council's sphere of influence is significant.

Peter Ellyard a somewhat dated "futurist", had a couple of good points. 1. That rural liveability is still very important as net migration from rural areas affects cities. 2. Now is a good time for liveability entrepreneurs as the market wants to buy liveability (low energy/convenient solutions)

Economic development through technology was the theme of Cat Mason, Brisbane's Chief Digital Officer. Cities generate mostly small businesses that can thrive if they are very adept with social media. The customer service obligation of digital communications is far higher than it ever was, with rapid response time being essential. A Smart city connects and empowers its people and makes it easy to do business. She introduced Ubegin.com, an online community that utilises a collaborative approach to achieving common goals on the ground, for global good.

Amy Child, Senior Transport Planner ARUP, discussed the decline in designing for walking. Cities were once designed for walkability, but planning for cars has reduced this emphasis. Suburbs with a higher Walk Score are desirable and higher priced. (<https://www.walkscore.com/>) It is worth increasing walkability

because eyes on the street give a high sense of safety. Mapping apps similar to Kiama's dementia friendly maps (<http://ourplacemap.com/>) can help cities modify areas that feel unsafe for walking.

Melanie Lowe, Lecturer in Public Health, Australian Catholic University Melbourne, discussed the new urban agenda and presented some alarming statistics on the ecological footprint of consumers in developed countries. Australia's carbon footprint ranks highly. <http://canadiancor.com/found-enemy-heshe-us-consumer/>

Peter Smith, CEO City of Port Phillip Victoria, spoke of the benefit of place-making for cities to build and retain community capacity. For regional towns wishing to retain a broader cross section of residents he posed the question. Will start-ups go to a town that is known as a great place for raising a family? NO! To avoid the city becoming too narrow in its perspective he encouraged councils to support community directed activities and pop ups, trying to support them and process requests promptly. Being attentive to these requests is responding to community ideas and a good way to begin designing from social life and not for it. A liveable city should have niches for the expression of all residents. He recommended avoiding perceiving NIMBY's as threats because each petitioner is passionate and may end up contributing energetically to a shared solution.

The later sessions of the conference consisted of concurrent sessions and I will comment on some recurring themes of these rather than on individual presentations. I was interested in exploring community engagement and participation and I was not very impressed with the consultation behind Melbourne's Fisherman's Bend Growth Area. Whilst positive features like walk and cycle-ability and public transport were considered in the planning, it appeared there had been very little early community engagement.

Planners behind the new suburb of West Toowoomba seemed to do a better job with seeking community input. Michelle Milton, Senior Planner, Toowoomba Regional Council, discussed how the demographic that doesn't usually participate in consultations were engaged. They contacted all youth, arts and educational institutions and took interested respondents on bus trips of the greenfield area. Short video and Instagram competitions on How do you imagine tomorrow? took place. Workshops based on SIM city, LEGO and corflute cut outs were conducted and regular infographic updates were provided to the community. <http://yoursay.tr.qld.gov.au/imaginetomorrow/videos/1800>

The Lock the Gate strategy for community engagement was presented as a mechanism for engaging isolated people. Tanya Crosbie, Byron Bay Shire Council Economic Development and Tourism Coordinator explained that people could become isolated for many reasons so attempts to reach any identified isolated groups will be limited. She outlined how Lock the Gate engages everyone by being a community driven process that involves people talking to neighbours until everyone has been contacted. She talked of maintaining positivity throughout change in the agricultural community by implementing a program of farmers talking to farmers. A similar approach can be used with elderly people. The content of community engagement needs to be easy to understand and age appropriate.

Talking with neighbours was also the theme of Andrew Heslop's presentation. Andrew founded Neighbour Day in 2003, after the remains of an elderly woman were found in her home, two years after her death.

Neighbours Day is scheduled for the last day of March each year and its message to all is that the community you want starts at your front door. Relationships Australia administer the day in the interest of building better relationships, promoting respect and understanding and protecting vulnerable members of the community. All that is required is a conversation with neighbours or even inviting them over. It would be useful if Kiama Council alerted residents to this day next March.

Dean Landy architect and Urban Planner presented some digital tools for community engagement and place making. To him, a vibrant community is one in which people's physical and mental health improves through their active engagement and social inclusion. Some progress in this direction can be achieved digitally. Crowd funding is one digital way that desirable community projects can be begun by the community. Dean and his colleagues have developed Tribus an online platform for communities to post and develop projects for their local area. He is trialling it in several Victorian towns.

Usage of data for Local Government planning and liveability was explored by Bruce Mills, Manager Place Services Parramatta. Once the data needed can be articulated, a wealth of usable information may be found in the existing CRM (Customer Relationship Management) data and Development Application (DA) data. This may be useful for sifting out data relevant to another issue, e.g best locations for uninterrupted footpath upgrades throughout Paramatta's growth explosion. App. technology like that used for pothole reporting, can locate hotspots for anything that can be geospatially mapped such as illegal dumping. The younger population can be encouraged to participate in planning through usage of digital methods to canvass opinion. e.g video competition to Imagine Ermington. <https://goo.gl/Rzjy1s>

Walkshops as stimulus to plan for walkability were a project of The Heart Foundation that has now reached the end of its funding. Annie Kentwell from the ACT took us on a quick walk and asked us to record every feature we noticed that discouraged walking. Busy Roads, Lifts in view before stairs, new developments limiting pedestrian passage, emphasis on cars restricting pedestrian usage were all discussed. Annie is happy to conduct walkshops with local council staff for a negotiated fee.

There was another interesting session on encouraging walking by Rayoni Nelson and Alice Woodruff from VicHealth. They reported on programs that used various nudges like Myki money or a newspaper for the train to entice particular target audiences to walk more. Two booklets available from VicHealth explain the programs clearly. They are both downloadable online and are entitled Applying Nudge Theory to Walking and Change to Walking.

Several presenters explored features of liveable cities and place making in cities.

Dr. Natalie Allen from New Zealand presented the findings of her research of the factors influencing housing choice. People are choosing for supermarket convenience, school location, availability of essential infrastructure and convenience to neighbourhood amenities. Integrating dwellings with infrastructure is challenging, as it is not all provided managed and maintained by a single body and often lags behind development making delivering liveability problematic. Town centres become more liveable than neighbourhoods do. She sees a role for liveability entrepreneurs.

Various speakers made some valuable points about place making. We could be doing a bit more of this in Kiama.

In the modernisation of Karratha WA, a central corner site had been reserved for a hotel, but was unbuilt upon initially. It became so well used by the community that the precinct was redesigned to include it as the town square. Design from use not for use.

In trying to create places that people will love, the things that feel good need to be respected. People like places that are Safe and Clean, Easy to get to, Central, have comfortable Seating and Shade and have Something to do.

Liveable places are welcoming – to all users, wayfinding is easy and within them places to work, play and interact can be found.

Pop Ups are a fun way to achieve community activation, increase physical activity and to try out potential new uses of space. Such activities can be used to assess whether there is a need for something more enduring along those lines in the community. They might occur in response to a community request (temporary fenced dog park or outdoor cinema) or be offered to diversify the experience of a particular demographic, e.g offering a circus game and activity kit such as the Create Crate for a community parent group to use in a particular space. (goldenplains.vic.gov.au)

I will conclude by briefly discussing two presentations that relate to liveability and climate. Meg Argyriou and Adam Majcher from Climate Works Australia stated that statistically, most Australians believe we should be doing more about climate change. We need to present possible solutions and solvability when we discuss options with the community. In a similar manner to the Lock the Gate community engagement strategy discussed earlier, these discussions are most likely to be successful when they occur amongst peers. This perspective could be important to us as we begin to include our community in the City Power Partnership we are about to embark upon.

Trees in the environment have an impact on climate, they cool and shade cities and promote relaxation. Dr. Rosemary Kennedy, Subtropical Cities Consultancy, spoke on greening the interactional space between multi story buildings and the street. The interactional zone occurs at the entry area of apartment buildings and it is where intergenerational and social activities occur. The trend with areas of increased density seems to be that poles, wires and hardstand parking requirements are decreasing the greenery and comfort that once fringed residential areas. The human scale experience in higher density areas is now less inviting. Rosemary believes that local levels of vegetation should be replaced or improved. Even with Kiama's two and three story developments we are seeing vegetation reduction happen, with developers arguing their way out of having to replace greenery on their own property. This could result in a cumulative and precedential reduction in trees and to the appeal of neighbourhoods. To keep our cool, we should be insisting upon our planning requirements for deep soil zones and supporting a more liveable community in the process.

Kathy Rice

14.22 Questions for future meetings register

Responsible Director: Office of the General Manager

Attached for Councillor information is the Questions for Future Meetings Register as at 9 August 2017.

Attachments

- 1 Register as at 09 08 17 [↓](#)

Questions for Future Meetings Register

16/73192

No	Details	Actions
21 March 2017		
17.4	<p>Car Parking Councillor Sloan requested an investigation and report on other tourist towns of similar size and nature as Kiama that have paid parking. The Mayor referred the matter to the Director Finance, Corporate and Commercial Services for investigation and report.</p>	Re-allocated to DEW for report to September meeting
17.6	<p>Emery Park and Beach Head Reserve Councillor Rice requested a report on the potential for Emery Park and Black Head Reserve in Gerroa to be included as reserves suitable for fitness training. The Mayor referred the matter to the Director Engineering & Works for report.</p>	Reported to August 2017 meeting
22 June 2017		
17.3	<p>Gerringong Library and Museum visit Councillor Reilly requested that a site visit by the Councillors to the Gerringong Museum be organised, as the Museum Committee have extended them an invitation. The Deputy Mayor referred this matter to the Director Community Services for action.</p>	Visit organised for Monday 17 July 2017. Visit is in the Councillor Events calendar and a reminder email was sent on Monday 10 July
17.4	<p>Cedar Grove access Councillor Steel requested a report addressing the items raised by Mr Friedlieb, particularly how they relate to Council's adopted policies. The Deputy Mayor referred this matter to the Director Environmental Services for investigation and report.</p>	Reallocated to DEW to be reported to September 2017 meeting
17.12	<p>Westonprint closure - retaining historical information Councillor Way requested that Council liaise with the Weston family to make arrangements to retain the historical information relating to the Kiama area that would no longer be required by Westonprint. The Deputy Mayor referred this matter to the Director Community Services for investigation and report.</p>	DCS and the Library have contacted Mr Colin Weston.
18 July 2017		
17.1	<p>Bombo walking track – name Councillor Steel requested that a report be provided on suggested names for the walk between Darien Avenue and the Bombo quarry look out, where the new signs will be placed. The Mayor referred this matter to the Director Engineering & Works for investigation and report.</p>	Formal naming process to be commenced and report to Council upon recommendation from Geographical Names

No	Details	Actions
17.2	<p>Helium balloon usage regulation Councillor Rice requested that a report be provided that outlines some of the specific scientific evidence behind the regulation of helium balloon usage by the NSW Government and other councils in our coastal region. Could the report also include names of those regional coastal councils who have regulated helium balloon release. The Mayor referred this matter to the Director Environmental Services for investigation and report.</p>	<p>Board Reported to August 2017 meeting</p>
17.3	<p>Regulating dual occupancy development - Jamberoo DCP and Kiama LEP requirements Councillor Rice requested a report be provided that details why a Planning Proposal is needed to amend the Kiama LEP 2011 in order for it to best support any new Jamberoo DCP in regulating dual occupancy developments on new greenfield releases in Jamberoo. The Mayor referred this matter to the Director Environmental Services for investigation and report.</p>	<p>Report to August 2017 meeting</p>
17.4	<p>Platform at Bombo walking track Councillor Steel requested a report be provided on the cost of installing guarding and a platform at the lookout point along the Bombo walking track. The Mayor referred this matter to the Director Engineering & Works for investigation and report.</p>	<p>Report to August 2017 meeting</p>
17.5	<p>Minnamurra Quarry site - BMX track Councillor Way requested a report on the potential use of the Minnamurra quarry site for a BMX track for the local youth. The Mayor referred this matter to the Director Engineering & Works for investigation and report.</p>	<p>Report to September 2017 meeting</p>
17.6	<p>Potential use of former Fulton Hogan Princes Highway site, Gerringong Councillor Way requested a report on the potential acquisition from Roads and Maritime Services, of the former site office and surrounding area formerly occupied by Fulton Hogan on the Princes Highway Gerringong, for use by local sporting groups. The Mayor referred this matter to the General Manager for investigation and report.</p>	<p>Reported to August 2017 meeting</p>
17.7	<p>Kitchen caddy paper bags Councillor Way requested a report on the costing for the provision of paper bags to Kiama ratepayers that could be inserted in the small kitchen caddies and used in conjunction with the green bin OK Organics Kiama program, and the means of distribution. The Mayor referred this matter to the Director Environmental Services for investigation and report.</p>	<p>Reported to August 2017 meeting</p>

15 ADDENDUM TO REPORTS

16 NOTICE OF MOTION

16.1 Deputy General Manager

Clr Neil Reilly has submitted the following Notice of Motion for Council's consideration:-

MOTION

That Council appoint a suitably qualified Deputy General Manager from our Directors who has the full delegated authority of the role of General Manager in appropriate circumstances, as determined by the General Manager.

Signed Councillor Neil Reilly

16.2 Council owned land

Clr Neil Reilly has submitted the following Notice of Motion for Council's consideration:-

MOTION

That the Council owned land opposite Iluka Reserve, on the Western Side of Riverside Drive, be investigated for development as a matter of urgency.

Signed Councillor Neil Reilly

Item 16.2

17 QUESTIONS FOR FUTURE MEETINGS

18 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 15 August 2017

PROCEDURE

- Recommendation to go into Closed Committee.
- Mayoral call for Public Representations.
- Consideration of Representations and issues to be removed from Closed Committee.
- Recommendation to exclude Press and Public if required.
- Closed Committee discussions if required.

18.1 Exclusion Of Press And Public:

RECOMMENDATION

That in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public on the grounds detailed under the report headings as detailed below.

19.1 CONSTRUCTION OF NEW BRIDGE APPROACH ROADS AND DEMOLITION OF EXISTING CARRINGTON FALLS BRIDGE

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

19.2 NETWORK REFRESH WIDE AREA NETWORK TENDER

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

19.3 ILLAWARRA PILOT JOINT ORGANISATION - PANEL FOR CODE OF CONDUCT REVIEWERS

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

19.4 ORGANISATION STRUCTURE

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

19 CONFIDENTIAL REPORTS

19.1 Construction of new bridge approach roads and demolition of existing Carrington Falls bridge

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.1 Manage road infrastructure through the Road Asset Management Plan

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

19.2 Network Refresh Wide Area Network tender

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.4 Manage other assets and infrastructure through the Other Asset and Infrastructure Asset Management Plan

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

19.3 Illawarra Pilot Joint Organisation - Panel for Code of Conduct Reviewers

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.2 Council embraces good governance and better practice strategies

Delivery Program: 4.2.1 Manage effective risk framework across council

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

19.4 Organisation Structure

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.2 Council embraces good governance and better practice strategies

Delivery Program: 4.2.2 Manage an effective workforce in an environment of continuous improvement

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to personnel matters concerning particular individuals (other than councillors).

20 CLOSURE