



# ORDINARY MEETING OF COUNCIL

To be held at 5pm on

**Tuesday 16 May 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

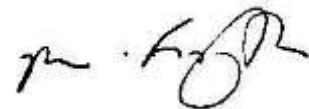
10 May 2017

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 16 May 2017** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully

A handwritten signature in black ink, appearing to read 'm. Forsyth', is written over a faint circular stamp.

Michael Forsyth  
**General Manager**

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	<b>APOLOGIES</b> .....	6
2	<b>ACKNOWLEDGEMENT OF TRADITIONAL OWNERS</b> .....	6
3	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b> .....	7
	3.1 Ordinary Council on 11 April 2017 .....	7
4	<b>BUSINESS ARISING FROM THE MINUTES</b> .....	21
5	<b>PUBLIC ACCESS SUMMARY</b> .....	21
6	<b>MAYORAL MINUTE</b> .....	21
	Nil	
7	<b>MINUTES OF COMMITTEES</b> .....	22
	7.1 Blue Haven Advisory Committee meeting 1 March 2017 .....	22
8	<b>PUBLIC ACCESS REPORTS</b> .....	27
	Committee Of The Whole .....	27
9	<b>REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES</b> .....	28
	9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1) .....	28
	9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area .....	108
	9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) .	129
	9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1) .....	156
	9.5 Alcohol Free Zones - Kiama Municipality .....	175
	9.6 Community Engagement Strategy - Development Assessment .....	182
	9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Secondary Dwelling (10.2017.5.1) .....	187
10	<b>REPORT OF THE GENERAL MANAGER</b> .....	208

---

10.1	Draft Community Strategic Plan, Delivery Plan and Operational Plan review .....	208
10.2	Support Request: Illawarra and South Coast Kneeboard Association.....	227
10.3	Kiama Jazz and Blues Festival .....	229
10.4	Kiama Tourism Advisory Committee .....	231
<b>11</b>	<b>REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES.....</b>	<b>237</b>
11.1	Proposed Lease for Gosse Bros Pty Limited temporary site fencing adjoining Noble Street Development .....	237
11.2	Establishment of an Audit, Risk and Improvement Committee	240
11.3	Financial Report for the period ending 31 March 2017 .....	329
11.4	Statement of Investments - April 2017 .....	343
<b>12</b>	<b>REPORT OF THE DIRECTOR ENGINEERING AND WORKS .....</b>	<b>348</b>
12.1	Adoption of Surf Beach Flood Risk Management Study .....	348
<b>13</b>	<b>REPORT OF THE DIRECTOR COMMUNITY SERVICES.....</b>	<b>357</b>
13.1	Kiama Council Disability Inclusion Action Plan .....	357
13.2	10 <sup>th</sup> Making Cities Liveable Conference – Interstate Conference Presentation .....	369
13.3	Support request: 2017 Relay for Life.....	371
13.4	Kiama Carols by Candlelight.....	373
<b>14</b>	<b>REPORTS FOR INFORMATION .....</b>	<b>380</b>
14.1	Gerringong Library, Museum and Community Facility .....	380
14.2	Cedar Grove Estate access .....	381
14.3	Small Business Commissioner - Outdoor Markets Policy Trial	382
14.4	2017 Illawarra Business Awards Sponsorship .....	386
14.5	Outdoor Table Tennis Table .....	387
14.6	Household Bulky Waste Drop Off Event - 10-18 September 2016 .....	388
14.7	Ocean Lifeguard End of Season Report 2016/2017 .....	393
14.8	Question for future meetings: Sporting fields - future needs ...	394
14.9	Question for future meeting: Revision of the Kiama Health Plan.....	395
14.10	Question for future meeting: Heritage Grants .....	396
14.11	Questions for future meetings register as at 8 May 2017.....	397
14.12	Parking Statistics - March 2017 .....	401
14.13	Parking Statistics - April 2017 .....	402

---

14.14	Minnamurra Progress Association Minutes - meeting 4 April 2017 .....	403
14.15	Jamberoo Valley Ratepayers & Residents Association Minutes - meeting 4 April 2017 .....	406
14.16	South Precinct Minutes - meeting 20 April 2017 .....	411
<b>15</b>	<b>ADDENDUM TO REPORTS .....</b>	<b>414</b>
<b>16</b>	<b>NOTICE OF MOTION.....</b>	<b>415</b>
16.1	Amenities Audit .....	415
<b>17</b>	<b>QUESTIONS FOR FUTURE MEETINGS.....</b>	<b>416</b>
<b>18</b>	<b>CONFIDENTIAL SUMMARY .....</b>	<b>416</b>
18.1	Exclusion Of Press And Public:.....	416
<b>19</b>	<b>CONFIDENTIAL REPORTS.....</b>	<b>417</b>
19.1	Tenders - Management Contract for Werri Beach Holiday Park.....	417
19.2	Council owned land at the corner of Shoalhaven Street and Akuna Street, Kiama (Lot 200 DP 1017091, Lot 100 DP 1211384) and the former Mitre 10 site (Lot 1 DP 50674 and Lot 1 DP 50193) Terralong Street and Akuna Street, Kiama ...	417
19.3	Gold Coast Commonwealth Games Queen's Baton Relay - Council selected Batonbearer .....	417
19.4	Kiama Tourism - Acquisition of Assets.....	418
<b>20</b>	<b>CLOSURE .....</b>	<b>418</b>

**AGENDA FOR THE  
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL  
TUESDAY 16 MAY 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 Ordinary Council on 11 April 2017**

##### **Attachments**

- 1 Minutes - Ordinary Council - 11/04/17 [↓](#)

##### **Enclosures**

Nil

##### ***RECOMMENDED***

That the Minutes of the Ordinary Council Meeting held on 11 April 2017 be received and accepted.

Item 3.1



# MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

## TUESDAY 11 APRIL 2017

Council Chambers  
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1



MINUTES OF THE ORDINARY MEETING

11 APRIL 2017

---

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE  
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,  
KIAMA, ON TUESDAY 11 APRIL 2017 AT 5PM

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

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

**1 APOLOGIES**

Nil

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**3.1 Ordinary Council on 21 March 2017**

*17/110*

**Resolved** that the Minutes of the Ordinary Council Meeting held on 21 March 2017 be received and accepted.

(Councillors Way and Steel)

**3.2 Extraordinary Council on 5 April 2017**

*17/111*

**Resolved** that the Minutes of the Extraordinary Council Meeting held on 5 April 2017 be received and accepted.

(Councillors Way and Brown)

---

**MINUTES OF THE ORDINARY MEETING**

**11 APRIL 2017**

---

**4 BUSINESS ARISING FROM THE MINUTES**

Nil

**5 PUBLIC ACCESS**

Steven Falkiner – Lot 91 DP 229951 No 110 Headland Drive Gerroa – dwelling, swimming pool and pergola (10.2016.288.1) (Item 9.1)

Trevor Hamblen – Lot 50 DP 880425 Belinda Street, Gerringong – 100 bed residential care house facility and associated car parking (10.20165.265.1) (Item 9.2)

**6 MAYORAL MINUTE**

Nil

**7 MINUTES OF COMMITTEES**

**7.1 Kiama Local Traffic Committee meeting 4 April 2017**

*17/112*

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

(Councillors Westhoff and Reilly)

**COMMITTEE OF THE WHOLE**

*17/113*

**Resolved** that at this time, 5.02pm, 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 Watson)

---

**MINUTES OF THE ORDINARY MEETING**

**11 APRIL 2017**

---

**8 PUBLIC ACCESS REPORTS**

*17/114*

**Committee recommendation** that at this time, 5.02pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Brown and Watson)

**9.1 Lot 91 DP 229951 - 110 Headland Drive Gerroa - dwelling, swimming pool & pergola (10.2016.288.1)**

*17/115*

**Committee recommendation** that Council approve development application 10.2016.288.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained within this report.

(Councillors Way and Sloan)

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

Against: Nil

**9.2 Lot 50 DP 880425, Belinda Street, Gerringong - 100 bed residential care house facility and associated car parking (10.2016.265.1)**

*17/116*

**Committee recommendation** that Council approve Development Application number 10.2016.265.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions contained in the report.

(Councillors Westhoff and Brown)

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

Against: Nil

**MINUTES OF THE ORDINARY MEETING**

**11 APRIL 2017**

---

**9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**

**9.3 Planning Proposal - rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo**

*17/117*

**Committee recommendation** that Council nominate Councillor Reilly to present to the Southern Joint Regional Planning Panel in May 2017 the reasons for Council rejecting the subject Planning Proposal.

(Councillors Honey and Rice)

*17/118*

**Committee recommendation** that Council nominate Councillor Watson to present to the Southern Joint Regional Planning Panel in May 2017 the reasons for Council rejecting the subject Planning Proposal.

(Councillors Brown and Steel)

*17/119*

**Committee recommendation** that Council nominate Councillor Sloan to present to the Southern Joint Regional Planning Panel in May 2017 the reasons for Council rejecting the subject Planning Proposal.

(Councillors Way and Rice)

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

Against: Nil

**10 REPORT OF THE GENERAL MANAGER**

**10.1 Formation of Kiama Central Precinct**

*17/120*

**Committee recommendation** that Council endorse the reformation of the Central Precinct and provide:

- \$500 per annum to assist with administration and publicity;
- a second hand notebook computer for minute taking and correspondence; and
- a meeting venue free of charge.

(Councillors Brown and Rice)

---

**MINUTES OF THE ORDINARY MEETING**

**11 APRIL 2017**

---

**10.2 National General Assembly 18-21 June 2017**

17/121

**Committee recommendation** that Councillors Rice and Westhoff attend the National General Assembly of Local Government.

(Councillors Brown and Watson)

**10.3 Acting General Manager**

17/122

**Committee recommendation** that Council appoint the Director Finance, Corporate & Commercial Services as Acting General Manager from 17 May 2017 to 30 June 2017 with the Director Community Services being appointed the Acting General Manager from 1 July 2017 until 24 July 2017.

(Councillors Brown and Way)

**10.4 Circus proposal**

17/123

**Committee recommendation** that Council advise Webers Circus that it will be prepared to provide owner's consent for the lodgement of a development application to use the reserve at Bombo for a circus from 5 – 18 February 2018.

(Councillors Steel and Westhoff)

**11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES**

**11.1 Related Party Disclosure Policy**

17/124

**Committee recommendation** that Council:

1. adopt the Draft Related Party Disclosures Policy,
2. note the Draft Related Policy Party Disclosure Protocol, and
3. arrange for a workshop to be conducted with Councillors.

(Councillors Westhoff and Way)

---

**MINUTES OF THE ORDINARY MEETING**

**11 APRIL 2017**

---

**11.2 Long Term Financial Planning and Revenue Sub-Committee Minutes - Meeting held on 6 March 2017**

*17/125*

**Committee recommendation** that the Long Term Financial Planning and Revenue Sub-Committee minutes be received and the recommendations contained therein adopted.

(Councillors Westhoff and Way)

**11.3 Adoption of Asset Management Plans**

*17/126*

**Committee recommendation** that Council adopt the following Asset Management Plans:

- a) Buildings
- b) Footpaths and Cycleways
- c) Recreation and Open Space
- d) Roads
- e) Stormwater
- f) Other Assets.

(Councillors Westhoff and Way)

**12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS**

Nil

**13 REPORT OF THE DIRECTOR COMMUNITY SERVICES**

**13.1 Ethics Proposal for nursing research at Blue Haven Care Home**

*17/127*

**Committee recommendation** that Council approve the research to be undertaken with the nursing staff of Blue Haven Care, pending the approval of the Ethics Proposal being submitted to the University of Wollongong.

(Councillors Westhoff and Way)

---

**MINUTES OF THE ORDINARY MEETING**

**11 APRIL 2017**

---

**13.2 Kiama Council Art Prize**

*17/128*

**Committee recommendation** that Council considers including \$2,000 in the 17/18 budget towards the cost of implementing an annual art prize.

(Councillors Sloan and Brown)

**13.3 Library Funding**

*17/129*

**Committee recommendation** that Council write to the NSW Premier expressing support for the motion that was carried at the Local Government Conference 2016 'That the NSW Government provides increased recurrent funding for public libraries'.

(Councillors Westhoff and Way)

**14 REPORTS FOR INFORMATION**

*17/130*

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

- 14.1 Parking Signage - Terralong Street Kiama
- 14.2 Regional Ports Strategy
- 14.3 Submission to Department of Environment and Planning - Draft Updates Environmental Planning and Assessment Act
- 14.4 Economic Development Committee Meeting Minutes - Meeting held on 28 February 2017
- 14.5 Liquor Accord Minutes - February 2017
- 14.6 Minnamurra Progress Association Minutes
- 14.7 Jamberoo Valley Ratepayers & Residents Association Meeting - Minutes
- 14.8 South Precinct Meeting - Minutes
- 14.9 Councillor Meeting Register as at 4 April 2017
- 14.10 Questions for future meetings register as at 5 April 2017.

(Councillors Westhoff and Way)

**MINUTES OF THE ORDINARY MEETING**

**11 APRIL 2017**

---

**15 ADDENDUM TO REPORTS**

*17/131*

**Resolved** that at this 5.26pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Brown and Westhoff)

**15.1 Security Services Tender**

*17/132*

**Committee recommendation that :**

1. Council rejects all tenders
2. delegated Council officer/s enter into direct negotiation with the two preferred service providers as per the RFT ranking, on a revised scope of works for the security requirements
3. the General Manager or his authorised representative is delegated to complete the negotiation
4. a final report is prepared for a future Council meeting.

(Councillors Westhoff and Way)

**15.2 Proposed new ambulance facility 206 Terralong Street, Kiama**

*17/133*

**Committee recommendation that Council**

1. authorise the General Manager to negotiate the sale of 206 Terralong Street, Kiama and the purchase of 39 Shoalhaven Street, Kiama and 61 Terralong Street, Kiama
2. respond to the letter from NSW Health Infrastructure dated 7 April 2017 advising of Council's intent to proceed with the land acquisition
3. arrange a valuation of both sites which will form the basis of the negotiated purchase price for both properties
4. receive a further report at the conclusion of the negotiation.

(Councillors Sloan and Way)



**MINUTES OF THE ORDINARY MEETING**

**11 APRIL 2017**

---

**15.3 Walking Tracks and Cycleways Committee meeting 22 March 2017 - minutes**

*17/134*

**Committee recommendation** that Council investigate the feasibility to install a footbridge (or other type crossing) to provide an all-weather connection from the Coastal Walking Track to the north end of Werri Beach.

(Councillors Way and Sloan)

*17/135*

**Committee recommendation** that four signs ("You are here" type) be installed in different locations, starting at the bridge at Darien Avenue Bombo to the grassed lookout on the headland, to direct tourists and visitors around the area.

(Councillors Way and Steel)

**15.4 Statement of Investments - March 2017**

*17/136*

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

(Councillors Westhoff and Way)

**15.5 Lot 31 DP 1164476, Lot 2 DP 907763 & Lot 1 DP 71530, 31 Bong Bong Street & 49 Manning Street Kiama – Demolition of existing building at 31 Bong Bong Street & additions & refurbishment of the existing Grand Hotel, including construction of a 4 storey building containing guest accommodation & 2 levels of basement parking at 49 Manning Street, Kiama (10.2016.243.1)**

*17/137*

**Committee recommendation** that Council refuse Development application 10.2016.243.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, for the following reasons:

1. The proposal breaches height limit prescribed by Clause 4.3 of the *Kiama Local Environmental Plan (LEP) 2011*;
2. The proposal breaches floor space ratio prescribed by Clause 4.4 of the LEP 2011;
3. The proposal is not appropriate in the coastal zone as outlined by Clause 8 of *State Environmental Planning Policy No 71 – Coastal Protection* and Clause 5.5 of the LEP 2011;

**MINUTES OF THE ORDINARY MEETING**

**11 APRIL 2017**

4. The proposal will negatively affect, and not conserve the heritage significance of the Grand Hotel as outlined by Clause 5.10 of the LEP 2011 and Chapter 30 of the Kiama Development Control Plan (DCP) 2012;
5. The proposal has not provided sufficient car parking spaces as prescribed by Chapter 9 of the DCP 2012;
6. The proposed basement car parking areas do not meet relevant engineering standards as prescribed by Chapter 9 of the DCP 2012;
7. Insufficient information has been submitted to ensure compliance with Council's Food Premises requirements as prescribed by Chapter 16 of the DCP 2012;
8. Insufficient information has been submitted to ensure compliance with Council's Waste Management requirements as prescribed by Chapter 11 of the DCP 2012;
9. Insufficient information has been submitted to ensure compliance with Council's Demolition requirements as prescribed by Chapter 2 of the DCP 2012;
10. Construction over the registered right-of-way will inhibit the free liberty and right to use the burdened land;
11. Lot 1 DP 128011 has not been included in the Development Application form;
12. Approval of the application would not be in the public interest.

(Councillors Sloan and Rice)

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

Against: Nil

**15.6 Grant Acceptance Agreement - Jamberoo public pool refurbishment**

*17/138*

**Committee recommendation** that Council give the General Manager delegated authority to enter into a funding agreement to accept the Commonwealth Department of Infrastructure and Regional Development grant funding offer of \$500,000 towards the upgrade of Jamberoo public pool.

(Councillors Westhoff and Way)

**RESUMPTION OF ORDINARY BUSINESS**

*17/139*

**Resolved** that at this time, 5.49pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Westhoff and Reilly)

**MINUTES OF THE ORDINARY MEETING**

**11 APRIL 2017**

---

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

*17/140*

**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 17/110 to 17/139 above.

(Councillors Westhoff and Way)

**16 NOTICE OF MOTION**

**16.1 Request reimbursement of plebiscite costs from State Government**

*17/141*

**Resolved** that Council request the NSW State Government reimburse the Kiama community the cost of the plebiscite (\$150,000) which was essential in maintaining our independence from the NSW Government's proposed amalgamation with the Shoalhaven City Council.

(Councillors Brown and Rice)

**17 QUESTIONS FOR FUTURE MEETING**

**17.1 Office of Environment & Heritage Grants**

Councillor Reilly asked whether his recommendation that Council apply for some of the \$2.6M indirect grants from the Office of Environment & Heritage, has been received and will that recommendation be taken up. The Mayor referred this matter to the General Manager for investigation and report.

**17.2 Implementation of Investment Policy**

Councillor Sloan requested an update on the implementation of the Council resolution regarding the Investment Policy (February 2015): that where possible we invest in local or regional community enterprises/co-operatives and those without an interest in coal seam gas. The Mayor referred this matter to the Director of Finance, Corporate & Commercial Services for investigation and report.

**17.3 Prohibiting the use of helium balloons**

Councillor Sloan requested an investigation of the decision by Bega, Eurobadalla, Shoalhaven and Shellharbour Councils to prohibit the release of helium-filled balloons at Council sponsored functions or Council managed reserves with the view of implementing a similar policy at Kiama. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

**MINUTES OF THE ORDINARY MEETING**

**11 APRIL 2017**

**17.4 Sporting fields - future needs**

Councillor Westhoff requested an investigation regarding whether land has been set aside for sporting fields in the Municipality to meet the future needs of our growing population. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

**17.5 Kiama Aged Care Centre of Excellence**

Councillor Steel requested an update on the proposal raised by Councillor Brown that the clock tower within the subject development be constructed of a basalt like material. The General Manager advised that the plans have been amended such that the tower is to be constructed of basalt like materials.

**18 CONFIDENTIAL SUMMARY**

**19 CONFIDENTIAL REPORTS**

Nil

**20 CLOSURE**

There being no further business the meeting closed at 5.58pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 16 May 2017

.....  
Mayor

.....  
General Manager

**4 BUSINESS ARISING FROM THE MINUTES**

**5 PUBLIC ACCESS SUMMARY**

**6 MAYORAL MINUTE**

Nil

## 7 MINUTES OF COMMITTEES

### 7.1 Blue Haven Advisory Committee meeting 1 March 2017

Responsible Director: Community Services

---

#### Attachments

- 1 Minutes of Blue Haven Advisory Committee Meeting - 1 March 2017 [↓](#)

#### Enclosures

Nil

#### **RECOMMENDED**

That the Minutes of the Blue Haven Advisory Committee Meeting held on 1 March 2017 be received and accepted.

#### **BACKGROUND**

The minutes of the Blue Haven Advisory Committee meeting held on 1 March 2017 are attached for information.



# MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE MEETING

commencing at 6pm on

## WEDNESDAY 1 MARCH 2017

Blue Haven Independent Living Units  
Stage 5 - Level 7

Item 7.1

Attachment 1

---

MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE 1 MARCH 2017

---

MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE OF THE  
MUNICIPALITY OF KIAMA HELD AT BLUE HAVEN ILU,  
KIAMA, ON WEDNESDAY 1 MARCH 2017 AT 6PM

**PRESENT:** Mr A Fowlie (Chairman), Councillor M Honey (Mayor), Councillor K Rice, Councillor D Watson, Mrs J Bartlett, Mr I Pullar, Mrs P Waters, Mr I Wilson, Mrs C Rogers, Mr S Dawson and Mr M Forsyth

**1 APOLOGIES**

Apologies were tendered on behalf of Mr B Wilson, Mrs S McCarthy, Mrs C Crow-Maxwell, Mrs F Whittaker, Mrs N Brennan, Mrs T Sligar and Ms C O'Keefe.

**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 Blue Haven Advisory Committee on 7 December 2016**

*17/064*

*Committee recommendation that the minutes of the previous meeting be confirmed as true and correct.*

)

**4 BUSINESS ARISING FROM THE MINUTES**

Nil



---

**MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE** **1 MARCH 2017**

---

**5 REPORT OF THE DIRECTOR COMMUNITY SERVICES**

**5.1 Director Community Services Report**

17/065

Committee recommendation that the information be noted.

**5.2 Kiama Aged Care of Excellence (KACCOE) - Redevelopment Project Update**

17/066

Committee recommendation that the information be noted.

**5.3 Blue Haven Care Financial Report**

17/067

Committee recommendation that the information be noted.

**6 REPORT OF THE FACILITIES MANAGER**

**6.1 Blue Haven Care Residential - Director of Nursing Report**

17/068

Committee recommendation that the information be noted.

**7 REPORT OF THE MANAGER GOVERNANCE AND STRATEGY**

**7.1 Manager Governance and Strategy Report**

17/069

Committee recommendation that the information be noted.)

**MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE 1 MARCH 2017**

---

**8 REPORTS FOR INFORMATION**

**8.1 Blue Haven Village Residents' Discussion Forum**

*17/070*

Committee recommendation that the information be noted.

**9 GENERAL BUSINESS**

Nil

**10 CONFIDENTIAL REPORTS**

**10.1 Blue Haven Village - Independent Living Units**

*17/071*

Committee recommendation that the information be noted.

**10.2 Blue Haven Care - Aged Care Facility Redevelopment**

*17/072*

Committee recommendation that the information and actions described in the report be noted and endorsed.

**11 CLOSURE**

There being no further business the meeting closed at 6.55pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 16 May 2017

.....  
Mayor

.....  
Chairman

## 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 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

#### Summary

The proposal seeks Council's development consent for the demolition of the existing dwelling and the construction of 16 residential units with associated basement car parking. The capital investment value is \$4.9M. The application has received 12 submissions objecting to the proposal. The application is recommended for approval subject to conditions.

#### Finance

Nil.

#### Policy

- State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- State Environmental Planning Policy No 71 – Coastal Protection
- Kiama LEP 2011.
- Kiama DCP 2012.

#### Reason for Report to Council

The development application is presented to Council for determination as more than 4 submissions were received following neighbour notification and exceeds the staff delegation value of \$2M.

#### Attachments

- 1 10.2016.231.1 - plans and associated documents [↓](#)

#### Enclosures

Nil

### **RECOMMENDATION**

That Council approve Development Application number 10.2016.231.1 pursuant to

Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)

---

[Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions contained at the end of this report.](#)

## BACKGROUND

**APPLICANT:** PSEC Project Services

**OWNER:** I & B Vaseo Pty Ltd

### Development Site

The site is described as Lots 2-3 DP 774101, Part Lot 1 DP 176929 and Lot 1 DP 309656 which is located at 15-17 Bourrool Lane, Kiama. The site is zoned R3 Medium Density Residential pursuant to Kiama LEP 2011.

The site is on the western side of Bourrool Lane and has an overall site area of 1984.9m<sup>2</sup>. The site is predominately rectangular in shape save for Lot 2 DP 774101 which is another small rectangular shaped parcel that extends to the north of the other allotments abutting the lane and the public walkway. Lot 1 DP 309656 currently contains a dwelling proposed for demolition and the remaining allotments are vacant. Lot 2 DP774101 is currently being used for a driveway access to the dwellings at 18 Bourrool Lane.

The site falls 8m from the south-eastern corner to the north-western corner and is largely cleared of vegetation except for some vegetation along the south-western boundary. Due to the age of the existing dwelling and the fact that much of the site is vacant and grassed there is no formal drainage infrastructure. Existing stormwater is disposed of onsite by a mix of absorption and overland flow which drains to the low point in the north-eastern corner.

The site is well located being 800m to the south of the Kiama town centre between Kendall's Beach and Surf Beach. The neighbourhood is a mix of residential apartment buildings, dwelling houses, multi-dwelling housing and a tourist park. Access to the property is gained via Bourrool Lane which currently services 6 dwellings.

The site has a right of carriage way registered over Lots 2-3 DP774101 in favour of the dwellings at 18 Bourrool Lane.

### Description of the Proposed Development

The proposal involves the demolition of the existing dwelling and the construction of 16 residential units in a 4 storey residential apartment building with 40 car parking spaces.

Specifically, the proposed development provides the following:

#### Basement level

- 24 residential car parking spaces;
- 5 visitor spaces;

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- 20 bicycle spaces;
- 12 basement storage spaces for residential apartments; and
- Lift and stair access to floors above.

Ground floor level

- 8 residential car spaces including 4 accessible car spaces;
- 3 visitor spaces;
- 2 x 3 bedroom north facing apartments (G01 and G02) with private open space at finished ground level and direct external access to the deep soil zone and common open space; and
- Common lobby area with lift and stair access.

Level 1

- 4 x 3 bedroom apartments. Each apartment has a northern or eastern or both a northern and an eastern orientation. One apartment (103) has been designed to comply with adaptable housing standards;
- A common lobby area with lift and stair access and access to external barbecue and common open space area via western opening.

Level 2

- Pedestrian entry ramp from street level to common lobby area;
- Common lobby area with lift access;
- Vehicular entry ramp from street level to basement car parking;
- Bin storage area and location for fire hydrant; and
- 4 x 3 bedroom apartments. Each apartment has a northern or eastern or both a northern and an eastern orientation. One apartment (203) has been designed to comply with adaptable housing standards.

Level 3

- 4 x 3 bedroom apartments. Each apartment has a northern or eastern or both a northern and an eastern orientation. One apartment (303) has been designed to comply with adaptable housing standards; and
- A common lobby area with lift and stair access.

Level 4

- 2 x 3 bedroom apartments. One apartment has both a northern and eastern orientation with a north facing roof top terrace for private open space. This apartment (403) has been designed to comply with adaptable housing standards. The other apartment has an eastern orientation with an eastern balcony for private open space and a spiral stair to a roof top terrace above.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- A common roof top terrace accessed from lobby area; and
- A common lobby area with lift and stair access.

The proposed apartment building contains communal open space on both floor levels 1 and 4. Level 1 has barbeque facilities and residents can access the lawn area within the landscaped grounds. Level 4 offers 80m<sup>2</sup> of communal open space which residents can access via the lift. The level 4 space enjoys good solar access year round and provides an elevated outlook through landscaped planter boxes.

### Section 79C Assessment

The development has been assessed in accordance with the heads of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979 (as amended)*, and having regard to those matters, the following issues have been identified for further discussion.

### Relevant Environmental Planning Instruments

- State Environmental Planning Policy No 55 - Remediation of Land

The historical land uses of the site are not known to include any uses likely to give rise to land contamination requiring further investigation or remediation and accordingly the land is considered to be suitable for the development proposed. The existing dwelling on Lot 1 DP 309656 is believed to contain asbestos so the demolition process and waste disposal methods will need to ensure that appropriate safety protocols are employed to reduce the public health risk.

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

The site is located within the coastal zone, as defined by SEPP 71 but not within a Sensitive Coastal Location. The proposal has been considered in relation to the objectives of the SEPP71 and the matters prescribed by Clause 8 and were found to be consistent with these objectives and principles.

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

A BASIX Certificate was lodged with the application which demonstrates that the dwellings have been designed in accordance with BASIX. The required DA commitments identified have been shown on the DA plans.

- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) applies to development for the purpose of a residential apartment building with a residential accommodation component comprising of three or more storeys and containing four or more self-contained dwellings. The proposed development is for a 4 storey residential apartment development consisting of 16 residential apartments so the provisions of SEPP 65 would therefore apply.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)

Part 4 of SEPP 65 states that when consent authority is assessing a residential apartment development they must take into consideration the design quality of the development when evaluated in accordance with the 9 design quality principles set out in Schedule 1 and the Apartment Design Guide (ADG). Furthermore any application for a residential apartment building must be accompanied by design verification statement from a qualified designer verifying that the design of the residential apartment development satisfies these design quality principles.

In this regard a design verification statement and SEPP 65 ADG compliance table has been provided by Patrick Sim of PSEC Project Services (NSW Architects Registration Board Reg. No 6752) verifying that the design quality principles are achieved for the proposed development. This document has been reviewed and was found to be compliant with the design principles and the requirements of the ADG.

### Apartment Design Guide

Clause 30(2)(c) of SEPP 65 states that in determining a development application for consent to carry out a residential apartment development, a consent authority is to take into consideration the ADG. It should be noted that the ADG is a set of guidelines and need not be strictly complied with in every circumstance. Where the proposal departs from some of the recommended standards, this may be acceptable provided that these departures are justified having regard to the objectives of the relevant standards.

The proposal was assessed in accordance with the requirements of this document and was found to be complaint save for a two minor variations which will be discussed below.

<b>Apartment Design Guide Summary</b>			
<b>Control</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
3D-1 Communal Open Space	Min 25% of site area	Site Area: 1984.6m <sup>2</sup> Communal Open Space 468m <sup>2</sup> or 23.5%	Justified
3E-1 Deep Soil Zone	7% of the site area	Deep Soil Zone 539m <sup>2</sup> or 27%	Complies
3F-1 Visual Privacy & Separation	Building Height < 12m 6m setback to side & rear boundaries for habitable rooms & 3m to non-habitable rooms	All setbacks 6m	Complies
4A-1 Solar & Daylight Access	At least 70% of units must receive 3 hours of direct sunlight between 9am-3pm in mid-winter into their living rooms & POS areas Maximum of 15% of	12 of the 16 or 75% of the units achieve this requirement.  None of the apartments will receive no solar	Complies  Complies



## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)

	apartments may receive no direct sunlight between 9am-3pm in mid-winter	access in mid-winter	
4B-1 Natural Ventilation to Habitable rooms	All habitable rooms are naturally ventilated	All habitable rooms have windows for cross ventilation	Complies
4B-2 Layout of single aspect apartments	The layout of single aspect apartments should maximise natural ventilation	Units 103, 203 & 303 are single aspect and north facing. They have been designed to be shallow and wide with a depth of 8m and a width of 12m to allow for adequate air circulation. All other units are dual aspect.	Complies
4B-3 Cross ventilation	At least 60% of apartments are required to be naturally cross ventilated	13 of the 16 units or 81% achieve natural cross ventilation	Complies
4E-1 Private Open Space & Balconies	Minimum balcony & private open space for 2br is 10m <sup>2</sup> with 2m min depth 3br+ is 12m <sup>2</sup> with 2.4m min depth	All balconies and courtyards exceed these minimum requirements. The smallest balcony area is 13m <sup>2</sup> at Unit 104. The depth is 2.895m.	Complies

Item 9.1

### Communal open space area

The ADG requires that 25% of the site area be devoted to communal open space. The site area is 1984.6m<sup>2</sup> therefore 496.2m<sup>2</sup> is the required amount of communal open spaces. The proposal provides 468m<sup>2</sup> or 23.5% of the site area. The communal open space is split with 388m<sup>2</sup> being on the ground floor and the remaining 80m<sup>2</sup> being on the fourth floor roof garden. It is considered that this minor short fall is acceptable given the proximity to the beach and public open space in the immediate locality. The two spaces offer different characteristics with the ground floor area providing barbeque facilities and landscaped grounds to recreate in. The roof garden enjoys strong solar access year round especially during mid-winter and affords users an elevated outlook. The proponents considered increasing the rooftop garden by an additional 29m<sup>2</sup> to make the proposal compliant but decided against it due to potential noise impacts to the adjoining neighbours if large groups where to congregate there and use the space late into the evening. It is considered that the variation to the minimum communal open space area is justified in the circumstances.

### Habitable room depths

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

The ADG requires habitable room depths to be limited to a maximum of 2.5 x the ceiling height. In open plan layouts where living, dining and kitchen are combined the maximum habitable room depth is 8m from a window. Twelve units comply with this requirement but units G01, 101, 201 and 301 all have open plan living areas with a maximum depth of 9m instead of 8m. It is considered that this minor short fall is acceptable as the 4 units in question have a larger floor area than normal 3 bedroom apartments. The designers have also increased the width of the open plan living room in each apartment to 4.5m to create a larger more usable space. The 4.5m width is 12.5% larger than the minimum requirement. These apartments also have 3 aspects ensuring ample opportunity for natural light and cross ventilation. It is considered that the variation to the maximum habitable room depth is justified in the circumstances and that the apartments the subject to the variation will receive a high standard of amenity.

**Kiama LEP 2011**

The subject land is zoned R3 Medium Density Residential pursuant to Kiama LEP 2011. The objectives of the R3 zone are:

1. *To provide for the housing needs of the community within a medium density residential environment.*
2. *To provide a variety of housing types within a medium density residential environment.*
3. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
4. *To provide opportunities for multi-storey residential accommodation in locations close to shops, transport nodes, commercial services, public open space and employment opportunities.*
5. *To provide increased housing choice particularly housing suited to older people and people with a disability.*
6. *To increase the supply of affordable housing.*

It is considered that the proposal is consistent with the relevant zone objectives as it offers housing choice to meet the housing needs of the community in medium density residential environment in a readily accessible location close to shops, beaches and public open space. .

The proposal would be defined as a “residential flat building” which means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Residential flat buildings are a permissible land use in the R3 zone subject to development consent.

Specific Kiama LEP clauses requiring further consideration:

**Clause 4.3** requires that the height of the building shall not exceed the maximum height shown for the land of 11m. The proposal largely satisfies the height clause

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

objectives and responds with a design that steps down the site following the natural slope of the land. Whilst the proposed design is mainly compliant some architectural roof features slightly exceed the 11m height limit. Clause 5.6 allows Council to grant consent to architectural roof features that exceed the height limit set by clause 4.3 and this will be discussed further below.

**Clause 4.4** requires that the floor space ratio of the building shall not exceed the maximum floor space ratio shown for land of 1:1. The proposal satisfies the objectives of the floor space ratio clause and provides a floor space ratio equal to the maximum.

**Clause 4.6** provides Council with a degree of flexibility in applying certain development standards to a particular development to achieve better planning outcomes in certain circumstances. Council has assumed concurrence to vary applicable development standards if they are justified. In this instance no variation to any development standard is proposed.

**Clause 5.5** lists requirements for development within the coastal zone. The proposal is not inconsistent with the objectives of this clause. The proposal does not cause increased coastal hazards or adverse impacts to the coast by way of diminished foreshore access, over shadowing, treatment of effluent or disposal of stormwater. It is considered that the proposal will not diminish the cultural, economic, recreational biological or ecological attributes of the coastal environment.

As mentioned above Clause 5.6 allows Council to grant consent to architectural roof features that exceed the height limit set by clause 4.3. The objectives of this clause specify that it only applies to decorative elements and the majority of the roof features must be contained within the prescribed height limit. A small portion of the roof parapets and balcony shading features exceed the 11m height limit set by Clause 4.3. The minor extent of these decorative roof elements above the 11m height limit is shown below in Figure 1. These roof features add to the external facade by adding visual interest and materials to the higher elements of the proposed building. These features do not include areas included as floor space nor that could be reasonably capable of modification to include floor space. The roof elements also do not unduly increase overshadowing to adjoining properties. No signage is proposed on any of these elements, and these elements are considered to satisfy the requirements of Clause 5.6 and are considered worthy of Council's support.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 



Figure 1 - Architectural Roof Elements which exceed 11m height limit shown in white

**Clause 5.9** stipulates that trees or vegetation in urban areas that do not meet the exempt provisions may not be ringbarked, cut down, topped, lopped, removed or injured or wilfully destroyed without development consent or a permit being granted by Council. The proposal includes a number of species on the site which meet these requirements and an arborist assessment has been provided to Council in support of their removal. Council's Landscape Officer has considered this assessment and supports the vegetation being removed as part of the development approval.

Clause 6.2 lists considerations for proposals which involve earthworks. The proposal involves a significant amount of cut, understood to be 4000 cubic metres, to facilitate the proposed development. A small amount of fill (200 cubic meters) will be utilised in the proposed landscaping with the balance being required to be taken from the site for disposal. The destination of the excess fill material is unknown at this stage but will involve a high number of trucking movements. A condition has been applied requiring a detailed construction traffic management plan to be prepared and approved by Council prior to the release of the construction certificate. Overall it is considered that, subject to the preparation of detailed construction traffic management plan, the proposal meets with the objectives of the clause and the matters prescribed for consideration are satisfied.

#### **Any draft Environmental Planning Instruments**

- Draft State Environmental Planning Policy – Coastal Management

The property is affected by this Draft SEPP. This draft SEPP proposes to replace SEPP 14 Coastal Wetlands, SEPP 26 - Littoral Rainforests and SEPP 71 – Coastal Protection. The proposed development is considered to be consistent with the requirements of the Draft SEPP

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

**Development Control Plans (DCPs)**

- Kiama Development Control Plan (DCP) 2012

The proposed development is considered to be generally consistent with the requirements of Kiama DCP. The principal controls relating to the development are contained in the Apartment Design Guide which prevails over the Kiama DCP in the event of any inconsistency. This has the effect of making many of the Kiama DCP requirements not applicable. To prevent duplication only relevant exceptions will be discussed further below.

Chapter 2- Overall controls

The proposal is considered to be generally compliant with all the requirements set out in this chapter except for a minor encroachment by a corner of the balcony within the 6m front setback on floors 2, 3, 4 and the roof level. The encroachment is very minor being just the point of each balcony and removing the corner of the balcony to comply with the 6m setback would be detrimental to the building design and therefore counterproductive. The requested variation is therefore supported.

The other non-compliance relates to the 6m rear setback at ground level. In this instance the proposed private open space for units G01 and G02 which contains a 1.8m fences are located within this setback. Section 12 permits single storey structures within rear setbacks provided there is no adverse amenity impact for adjoining properties. Given the location at the rear of the site and the adjoining property having a substantial brick garage on a zero lot line along the boundary in adjacent to the private open space the likelihood of adverse amenity impacts are very low. The requested variation is again supported.

## Section 5 - Maintenance of Views and Vistas

This section of Kiama DCP talks about sharing views and vistas where possible, but readily acknowledges that it is not always possible to protect existing views for all people in urban environments. This is especially so in area which have been targeted for higher densities and in this situation it is unavoidable that views will be affected by the new development for certain properties.

The proposal will have a minor impact upon views from most neighbouring properties more so for those located to the south most particularly from 7 Hartwell Crescent. The loss of views associated with the development of the subject property is not unexpected given that one of the primary lots is under developed in the form of an old single storey dwelling and the other primary lot undeveloped in the form of vacant land.

The proposed development largely complies with the height and floor space ratio controls applying to the medium density zone so the view loss is not considered unreasonable in the circumstance. The expectation that the views currently enjoyed by neighbouring properties particularly from 7 Hartwell Crescent will be maintained post development is unrealistic. If a two storey dwelling house was constructed on either Lot 1 DP 309656 or Part Lot 1 DP 176929 the view from 7 Hartwell Crescent would also be lost.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

The proposed development is of a size and scale that will alter some of the existing views within the locality but is not considered to have an unreasonable impact on the views and scenic qualities of the site and the surrounding area.

The following objectives have been considered:

- *To maintain view sharing principles through the development and redevelopment of areas.*
- *To ensure that where practical new development is designed and sited not to significantly alter views (including water and or escarpment views)*
- *To ensure that primary private views are maintained through the addition of new development.*
- *To retain views to and from the water.*

The development will affect the primary view from the first floor of 7 Hartwell Crescent towards Surf Beach and the Kiama Lighthouse but this is unavoidable in the circumstance because as mentioned above, the primary allotments on the subject site are characterised by being undeveloped and underdeveloped. The proposal has been designed to comply with the building envelope controls being height limit, setbacks and floor space ratio. The loss of views to 7 Hartwell Crescent is an unavoidable consequence of the site being developed in accordance with the planning controls. As mentioned above a two storey dwelling with a pitched roof on the subject site would be likely to extinguish the views from this property to Surf Beach.

- *To protect conserve and maintain the landform of the municipality.*

The proposal is consistent with the newer surrounding developments in the area which represents and emerging streetscape guided by the zoning and relevant planning controls.

- *To limit potential for large bulky housing and development.*

The proposal is not out of character with other development in the area with respect to bulk and scale considerations. The proposal is consistent with the relevant planning controls for height and floor space ratio. Whilst the proposed building is larger than the existing single storey dwelling house it is well designed and provides visual interest.

- *To encourage sensitive siting of housing.*

The proposal is not unreasonably sited on the property and complies with setback controls

- *To maintain or enhance significant public view corridors and other opportunistic views available from the public domain.*

The proposal will not result in any unreasonable interference with views available from the public domain.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

In the assessment of the effect on views resulting from the proposal, reference is also made to the view sharing principles handed down in the Land and Environment Court.

*“The control refers to “Tenacity Consulting v Waringah [2004] NSWLEC 140 “which provides the following guiding principles in the assessment of views:*

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

The narrow filter view through existing vegetation out to the north east towards Surf Beach and the Kiama Lighthouse from the first floor at the rear of 7 Hartwell Crescent is considered significant, as it includes glimpses of the shoreline and the locally iconic Kiama lighthouse.

*“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.”*

As mentioned the views are obtained from the first floor at the rear of 7 Hartwell Crescent over the rear property boundary. Please see Photo 1 below. It is thought that the view to Surf Beach would also be experienced to a far lesser extent while seated on the northern side of the living room. Please see photo 2 below. No part of the living room would enjoy any view of the Kiama Lighthouse. The view from the kitchen is fully obscured by existing vegetation and the existing single storey dwelling. Please see Photo 3 below



Photo 1- View whilst standing at the extreme western end of the rear deck

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 



Photo 2 - View whilst standing on rear deck adjacent to living area.



Photo 3 - View whilst standing on rear deck adjacent to kitchen.

*“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”*

The view loss experienced by 7 Hartwell Crescent is considered to be significant and as the view will be totally lost.

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



## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

It is unrealistic to expect that the view to the north east over multiple properties, the closest two of which are undeveloped and underdeveloped, will be preserved. The existing view is narrow, partially obscured by existing vegetation and interrupted by existing dwellings. It would be unreasonable to expect the retention of the existing views from 7 Hartwell Crescent as any development on the adjoining properties is likely to have significant impact on views, with 2 storey development likely to fully obscure views. The proposed development largely complies with all the site controls of Kiama LEP and the requirements of Kiama DCP. The minor non-compliances with Kiama DCP do not contribute to the view loss. The proposal as presented complies with the building envelope created by the building line setbacks and height limit. The design response is considered to be appropriate and reasonable in the circumstances.

Given Council's desire to increase residential densities in the area, evidenced by the R3 medium density zoning, 1:1 floor space ratio and 11m height limit, it is unreasonable to expect views from this dwelling to be maintained in perpetuity. Section 5 of this Chapter outlines controls with respect to maintaining views and vistas. It requires view sharing design principles to be incorporated into the building design where possible but acknowledges that in an urban environment it is not always possible to protect all views for all people. Furthermore exceptions to compliance with view sharing principles may be granted in areas which have been targeted for higher density developments.

Overall the proposal is considered to be a reasonable design response and this assessment has found it to be acceptable in the circumstance having regard to the guiding planning principles set down by "*Tenacity Consulting v Waringah [2004] NSWLEC 140.*"

#### Chapter 5- Medium Density Residential

The controls provided in this chapter of Kiama DCP only apply where the medium density development is not subject to the controls contained in SEPP 65. This means that the requirements of this chapter are only referenced if SEPP 65 or the ADG are silent on controls contained in Kiama DCP. As the proposal is considered to be generally compliant with the requirements of SEPP 65 it is also largely consistent with the requirements set out in this chapter. The assessment of this Chapter will therefore not include the consideration of visual privacy, solar/daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation and storage, building articulation site layout as they are prescribed under clause 6A of *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*. As stated above a copy of the SEPP 65 ADG compliance table prepared by the registered architect is attached.

The design response is considered acceptable having regard to the site constraints created by the topography.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

Chapter 8 – Landscaping

This chapter of the DCP outlines the landscaping information to be provided for different types of developments. Section 5 of this chapter provides design guidelines for residential development which must be incorporated where practical. A landscape plan has been prepared for the proposed development and submitted with the application. The proposed development is compliant with the relevant controls in this Chapter except for non-compliances arising from the location of the proposed driveway within the front setback.

Vehicle access to the proposed development will be directly off Bourrool Lane before the laneway makes the right turn. Vehicles will enter the site and then turn right descending down an internal driveway, which ramps down in a north-east direction to enter one of the two basement car parks within the development. This driveway will run parallel with the western side of Bourrool Lane.

This entry point was chosen to minimise the length of Bourrool Lane impacted upon by the proposed development and prevent additional vehicles needing to make the 90 degree turn down the laneway. As a result of this design solution to the unique traffic situation of the Lane, a driveway is proposed within the building line setback. This results in the proposed development failing to achieve the minimum landscaped requirement of 33% of the area forward of the front building line.

The proposed site is internalised within a residential setting without a highly visible streetscape. Deep soil zone requirements of the DCP and ADG have been satisfied and appropriate landscaping has been proposed throughout the site. Bourrool Lane has a low traffic volume and significant landscape screening of the development is not considered necessary at street level. Furthermore landscape planting was initially proposed between the driveway and Bourrool Lane along the boundary to clearly delineate public and private space this has since been removed at the request of Council to allow the creation of a public foot path. The creation of a footpath to formally separate vehicles and pedestrians was seen as a better outcome than a 1.2m wide landscape strip as the existing road width of Bourrool Lane is quite narrow and at present no footpath exists. The Lane is frequented by school children attending local schools and to access Surf Beach via pedestrian walkway at the northern end of Bourrool Lane.

Chapter 9- Car Parking

The proposed development satisfies the minimum car parking requirements of Kiama DCP. The development proposes 40 car parking spaces being 32 for residents and 8 for visitors with 4 spaces being accessible spaces. 20 bicycle parking spaces have also been provided along with a car wash bay within one of the visitor car parking spaces.

The proposed car park has been designed to alleviate conflict between pedestrians and users of vehicles. The car park layout is designed appropriately taking into consideration appropriate forward entry and exit and other requirements such as adequate drainage, clearance height. . All things considered the total number, allocation and configuration of car parking spaces proposed for the development is

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

considered acceptable. The design employs the use of 8 stacked car parking spaces to increase the efficiency of the car parking design. These stacked spaces are assigned to individual units to minimise disruption to other users. Only one vehicle is required to be removed to allow another vehicle to exit and this takes place wholly within the site. This arrangement is consistent with the provisions of clause 3.13 of Kiama DCP offering a manageable solution considered suitable in the circumstances.

#### Chapter 11- Waste Management

This chapter contains Council's requirements for waste minimisation, management and recycling for all development within the Kiama Municipality. It specifies the objectives and controls that are required to be addressed when designing, planning, demolishing and constructing development in order to incorporate best practice waste and recycling management into all stages of the development. Each unit has been provided with adequate kitchen space for bin storage and waste separation. A suitably sized enclosed bin storage area has been included into the design of the proposed development adjacent to the main vehicle and pedestrian entry point of the building. This bin storage area is easily accessible to residents via the lift and common foyer areas provided. The enclosure will have hot water for washing and be suitably drained to Sydney Water requirements.

Currently the Council waste service vehicle does not enter Bourrool Lane as there is no turning area provided at the end of the laneway. Residents of Bourrool Lane currently take their bins to either Barney Street or Bourrool Street for weekly collection. The proposed development has been designed to include a right of carriageway over southern corner of the site in favour of Council to allow a Council waste service vehicle to enter and exit the site to complete a turning manoeuvre. The proposal has therefore demonstrated compliance with this Chapter.

#### **Any Planning Agreement**

Nil

#### **Any Matters Prescribed by the Regulations**

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

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

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

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

#### **Any Coastal Zone Management Plan**

Nil

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

**The Likely Impacts of the Proposed Development**

- Streetscape

The design of the proposed development is considered to be reasonable when considered in relation to the context of the site. The bulk, scale and design of the proposal is consistent with relevant planning instruments and is not inconsistent with the streetscape. The lack of landscaping within the front setback is an unavoidable consequence of the sites location on a narrow laneway. The public benefit afforded by the development providing a public footpath and manoeuvring space for a waste service vehicle is significant and justifies the lack of landscaping within the front setback.

- Noise

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

- Privacy and overlooking

No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development. This is discussed further below in the public submissions section.

- Overshadowing

Shadow diagrams have been supplied with the development application which indicates that the overshadowing impacts of the proposed development will be reasonable for adjoining properties. This is discussed further below in the public submissions section.

- Views

The proposal will impact upon views from neighbouring properties more so for those located to the south, particularly from 7 Hartwell Crescent. The loss of views associated with the development of the subject property is not unexpected given that one of the primary lots is under developed in the form of an old single storey and the other primary lot undeveloped in the form of vacant land. The proposed development largely complies with the height and floor space ratio controls applying to the medium density zone so the view loss is not considered unreasonable in the circumstance. The expectation that the views currently enjoyed by neighbouring properties will be maintained post development is unrealistic. This has been discussed above under Chapter 2 of Kiama DCP and is discussed further below in the public submissions section.

- Vehicular access, parking and manoeuvring

As discussed above sufficient car parking is proposed and all manoeuvring is considered to be compliant with AS/NZS 2890.1 – 2004. The driveway gradients are not overly steep and will comply with the relevant requirements. Provision has been

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

made on site to allow a waste services vehicle entering the lane to turn around and leave in a forward direction. Construction vehicles are likely to cause a temporary congestion in the locality that will need to be carefully planned as part of the construction traffic management plan to minimise disruption to neighbours. This is discussed further below in the public submissions section.

- Stormwater management

A satisfactory drainage design has been provided with the application. All stormwater will drain to Bourrool Lane initially before draining via a dedicated piped system to Barney Street.

- Environmental impacts

*Vegetation Removal* – All the existing vegetation on the site is proposed to be removed and replaced with new landscaping as outlined in the landscape plan. This removal of the existing vegetation has been considered by Council's Landscape Officer and no concerns have been raised.

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

*Impact on Water Resources* – A rainwater tank will be provided, as required by Kiama DCP Chapter 18. Stormwater will be conveyed to the drainage infrastructure in the street. Controls will be implemented during construction to minimise sedimentation.

- Social and economic impacts

The proposed development will likely have minimal adverse social or economic impacts. The amenity impacts of the proposed development have been considered in detail and no concerns raised in submissions were sufficient to warrant refusal of the application. The public domain improvements discussed below will provide a positive social benefit in the locality.

- Effect on the public domain

As discussed above the proposal provides for a number of public domain improvements over the current situation. The proposal will formalise access to the dwellings at 18 Bourrool Lane, will provide a 1.2m wide footpath and create a space for waste service vehicles to access the Bourrool Lane and manoeuvre.

- Safety, security and crime prevention

It is not considered that the proposal will result in an increase in the risk of crime or undermine safety in the locality. Currently pedestrians share Bourrool Lane with vehicles raising the chance of potential conflict between vehicle and pedestrians. The proposed development will positively influence pedestrian safety by creating a formalised footpath along the western sided of Bourrool Lane.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

The proposal will activate Bourrool Lane which is currently quite secluded offering natural surveillance of Bourrool Lane and pedestrian laneway through to Bourrool Street. This activation and surveillance will reduce the opportunity for antisocial behaviour and petty opportunistic crime. Bollards and lighting associated with the landscaping will improve resident and pedestrian safety.

The entry is setback from the road and well illuminated. There are no opportunities for perpetrators of antisocial behaviour to hide undetected or entrap residents. The entrance to the building is secure with access restricted to security card carry residents or via security intercom through the entry. Once inside the entry the lift requires a security card to access all the other levels.

The basement car park levels has access controlled via a mesh roller door which residents can open via intercom to admit their visitors. The basements are well illuminated with secure storage areas. A security card is required to access the lifts from these levels.

Fencing, lighting and natural surveillance from the apartments will ensure that the communal open space areas at ground level around the development are safe for residents and their guests to enjoy.

- Construction impacts

Construction works are likely to generate some noise, vibration, traffic and parking issues. Draft conditions have been imposed upon the development consent to ensure that construction works are undertaken only within specified hours to limit undue impacts upon neighbours. Further draft conditions have been applied to the development consent to limit negative impacts upon neighbourhood amenity but they cannot be totally ameliorated. A dilapidation report will be required to be produced prior to construction works commencing to ensure the structural integrity of structures on neighbouring properties are not compromised. Upgrades to Bourrool Lane are required to be completed before full scale construction commences on site. Construction vehicles are likely to cause a temporary congestion in the locality that will need to be carefully planned as part of the construction traffic management plan to minimise disruption to neighbours, drivers and pedestrians. Accredited traffic controllers will be required to be employed to ensure safety for all road and footpath users. Dust is unlikely to be a major problem as only a small area of the ground will be opened but this can be managed on site through the use of water spray. Whilst some disruption to local residents during the construction phase of the development is likely to occur it is considered that adequate conditions of consent can be imposed to ensure that works are undertaken in a manner that does not give rise to undue impacts.

### **The Suitability of the Site for the Development**

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

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

**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, 12 submissions were received which raised the following summarised matters of concern:

- *View Loss*

Concerns were expressed regarding view loss from properties in Hartwell Crescent. Some of these properties enjoy views to the North over the subject site towards the Kiama Township, Surf Beach and the Kiama Lighthouse. The objectors assert that these views are iconic and should be preserved as the development proposal is unreasonable.

Response

The proposed development is permissible in the R3 – Medium Density zone and largely complies with the relevant planning standards applying to the land. The owner is entitled to reasonably develop their land whilst having regard to the applicable planning control which includes an 11m height limit. The expectation that the view currently enjoyed by neighbouring properties will be maintained is unrealistic because the subject property is both under developed in the form of an old single storey and undeveloped in the form of vacant land. The assertion that the projection of architectural roof elements slightly above the 11m height limit set by Kiama LEP and the variation to landscaping in the front setback a Kiama DCP requirement should be fatal to the development proposal so as to maintain a partial view from a neighbouring property is both unreasonable and unrealistic.

- *Overshadowing*

Concerns were expressed regarding overshadowing of surrounding properties on the southern and eastern sides.

Response

The property that will suffer the greatest level of overshadowing is 7 Hartwell Crescent as it is situated to the south west of the subject site. On this property direct solar access will be available to the dwelling from 10am to 3pm and to most of the rear yard from 11am to 3pm on the winter solstice. The shadow cast to the east will have a minimal impact on 19A Bourrool Lane and will not reach the dwelling until approximately 2pm in the winter solstice. Whilst some overshadowing of adjoining properties is unavoidable, the shadow diagrams provided indicate that the extent of the overshadowing will not be unreasonable and complies with the minimum standards.

- *Overlooking/Privacy*

Concerns were expressed regarding overlooking and loss of privacy both visual and acoustic for adjoining properties on the southern side.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

Response

A review of the plans reveals that no living areas or balconies accessible from living areas are orientated to the south. All windows on this elevation relate to bathrooms and bedrooms. The proposal complies with the 6m side setback and is unlikely to give rise to undue loss of privacy to adjoining properties. A communal open space barbeque area is proposed adjacent to the southern fence line but will have a finished level that is approximately 1.5m lower and there will be a 1.8m fence on the boundary. Landscaping also exists on the adjoining property along this boundary and landscaping is proposed on the subject site adjacent to this boundary.

- *Air Pollution from vehicle exhausts*

Concerns were expressed that the increased number of vehicles entering the site because of the development would give rise to excessive exhaust fumes that would adversely impact upon air quality for asthma sufferers.

Response

Given the increased quantum of vehicles likely to be generated post development it is considered to be highly unlikely that adverse air quality will be an issue for surrounding residents. The Traffic Assessment report concludes that the development will generate an additional 10 weekday peak hour vehicle trips. Even if a higher rate is used in the calculation it still only increased the number of weekday peak hour vehicle trips to 13. Thirteen vehicles over a one hour period are unlikely to give a significant negative impact on local air quality.

- *Pedestrian safety*

Concerns were expressed that the increased traffic associated with the development would have a negative impact on pedestrian safety particular.

Response

The proposal will increase pedestrian safety by providing a 1.2m footpath along the eastern boundary. This means that pedestrians no longer have to walk on the road to access the laneway between Barney Street and Bourrool Lane.

- *Traffic and Parking*

Concerns were expressed that the proposal would lead to excessive traffic beyond the safe carrying capacity of the Bourrool Lane and that parking would also become a problem in the local area.

Response

The proposal is providing a vehicle passing bay on Bourrool Lane to allow easier two-way traffic flow. The narrow width and right angle turn in Bourrool Lane were factors in the design decision to locate the vehicle entry on the south eastern corner of the site. The expected number of week day peak hour vehicle trips of the proposed development and the existing developments is not beyond the safe carrying capacity of Bourrool Lane. With respect to car parking they proposed development provides 40 spaces which comply with Kiama DCP requirements and



## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

have been designed in accordance with the relevant Australian Standards. The use of 8 stacked car parking spaces is considered to be an acceptable solution in the circumstances as the manoeuvring does not impact the functionality of the site and is permissible under Kiama DCP. Furthermore Council's Development Engineer has raised no objection to the proposal based on traffic and car parking.

- *Access for emergency service vehicles and safe means of evacuation*

Concerns were expressed that the site location in Bourrool Lane was too tight for emergency service vehicles to be able to access the site to provide assistance. Concerns were also expressed that residents wouldn't be able to safely evacuate in the event of an emergency.

Response

Police and ambulance vehicles are smaller than fire brigade so should have no problems accessing the site and turning around. The fire bridge vehicles will be able to enter Bourrool Lane to access the development then turn around in the proposed right of way created in the south eastern corner of the development for waste service vehicles. A fire hydrant is proposed on the site and is located within the entry area to the bin storage facility. Alternatively given the short length of Bourrool Lane before the proposed development is encountered they may also choose to run hoses from the hydrant in the road.

Evacuation could be achieved by either Bourrool Lane or the public laneway to Barney Street as is the existing situation.

- *Waste*

Concern was expressed regarding waste collection. The issues identified were location of bins presented for collection, noise associated with bin collection and access by waste services vehicles.

Response

As mentioned above a space is being provided in the south eastern corner of the subject site to allow the waste services vehicle to enter Bourrool Lane pick up bins on the subject site then turn around and drive out. The noise associated with waste collection is unfortunately an unavoidable negative associated with the provision of this essential service but is not considered to give rise to excessive noise. The proposal has had due regard to the waste provisions contained in Kiama DCP and an agreement has been entered into with Council for waste collection.

- *Drainage*

Concerns were expressed by neighbours living below the subject site concerning potential worsening of existing drainage problems.

Response

A satisfactory drainage design has been provided with the application. All stormwater will drain to Bourrool Lane initially before draining to Barney Street. Currently stormwater from the roof of the existing dwelling and any other water draining

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

through the site travels as overland flow leaving the site via the low point in the north western corner. The formalising of drainage on the site will likely improved drainage issues being experienced by lower lying neighbours.

- *Inadequate Storage*

Concerns were expressed that the proposed units have insufficient storage.

Response

Each apartment has been designed to have min. 5m<sup>3</sup> storage area within the apartment and dedicated storage area attached to the their parking space in basement or at least 5m<sup>3</sup> often more, which is in accordance with the requirements of the Apartment Design Guide.

- *Lack of provision for clothes drying*

Concerns were raised regarding a lack of clothes drying facilities.

Response

The applicant had provided amended plans demonstrating that each apartment has the required 5 linear meters of outdoor clothes drying facilities with appropriate solar access to facilitate timely drying. The proposed clothes drying facilities are the foldout type and were to be mounted on the balcony walls. Clothes drying on balconies does not accord with Kiama DCP and a condition has been placed on the development consent requiring amended plans be prepared prior to the release of the construction certificate providing 80 linear meters of clothes drying facilities in the ground level communal open space garden area.

- *Negative Impact on Property Prices*

Concerns were expressed by neighbours that approval of the proposed development would negatively impact property prices.

Response

No empirical evidence has been presented that suggests this would be the case, nor is it a consideration under relevant provisions.

- *Illumination*

Concerns were expressed that the illumination of the proposed development would spill on to adjoining properties potentially impacting the darkness of their bedrooms and causing sleep disturbance for residents.

Response

This is unlikely to be the case but a condition has been imposed on the consent ensuring illumination will not cause nuisance to neighbouring properties.

- *Construction Management Issues*

Concerns were expressed in relation to the disruption to local residents during the construction phase of the development. Issues identified included noise, vibration,

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

traffic, parking, dust, safety of the construction site and safety for pedestrians and drivers in Bourrool Lane.

Response

Construction works will generate some noise and vibration conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours. A dilapidation report will be required to be produced prior to construction works commencing. Construction vehicles are likely to cause a temporary congestion in the locality that will need to be carefully planned as part of the construction traffic management plan to minimise disruption to neighbours. Accredited traffic controllers will be required to be employed to ensure safety for all road and footpath users. Dust is unlikely to be a major problem as only a small area of the ground will be opened but this can be managed on site through the use of water spray. Whilst some disruption to local residents during the construction phase of the development is likely to occur conditions of consent can be imposed to ensure that works are undertaken in a manner that does not give rise to undue impacts.

- *Over development which is out of character with local area*

Concerns were expressed that the proposal was over development of the site which is out of character with local area.

Response

The design of the proposed development is considered to be reasonable when considered in relation to the context of the site. The bulk, scale and design of the proposal is consistent with relevant planning instruments and is not inconsistent with the streetscape. The built form is different from the single dwellings in the area but represents the emerging built form that will become more apparent as the area transitions to higher density living as envisaged by the zone objectives and the planning controls.

- *Creation of vehicle passing bays will impact on Hoop Pines*

Concerns were expressed that the creation of vehicle passing bays will impact on two Hoop Pines.

Response

The proponents of the development provided a report from an arborist concerning this issue. Council's Landscape Officer reviewed this document and agreed that the proposal to manage the impact on the Hoop Pines was satisfactory subject to conditions being imposed upon the consent requiring a project arborist to set up the tree protection measures.

- *Excavation to create the passing bays will undermine retaining walls*

Concerns were expressed that the creation of vehicle passing bays will undermine retaining walls on adjoining properties.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

Response

A dilapidation report will be required to be prepared before works commence. The cost of the passing bays and road works will be at the sole cost of the developer taking benefit of the development consent with any damage to retaining wall on adjoining properties will be required to be repaired at the developers expense.

**Internal referrals**

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

- Development Assessment Officer - Building

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

- Development Engineer

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

- Landscape Design Officer

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

- Waste Services Officer

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

**The public interest**

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

**Final comments and conclusions**

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with SEPP No 65 – Design Quality of Residential Apartment Development, Kiama LEP 2011 and relevant chapters of Kiama DCP 2012. The proposed development is permissible in the R3-Medium Density Residential zone and is considered to be consistent with the zone objectives.

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

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

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

### Draft Conditions of Consent

#### General Conditions

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2016.231.1 dated 16 May 2017 except as amended by the following conditions:
- (2) The development shall be completed in accordance with the approved external finishes colour schedule. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.
- (3) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority.
- (4) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to occupy the public road reserve, Bourrool Lane for the purpose of carrying out activities associated with the development. All of the conditions of approval shall be complied with at all times during occupation of the public road reserve.
- (5) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this development consent on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
  - a Motor vehicle insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or Roads and Traffic Authority permit (Including Compulsory Third Party insurance). Primary producer's registration is not valid registration for use on Public Road construction work.
  - b Workers Compensation Insurance.
  - c Twenty Million Dollars Public Liability Insurance.
- (6) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times.
- (7) All building work must be carried out in accordance with the provisions of the Building Code of Australia. In this clause, a reference to the Building Code of

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)

---

Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

- (8) All retaining walls adjacent to Council property or existing public infrastructure shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines.

Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where retaining structures exceed 600mm in height, they shall be designed by an appropriately qualified engineer. Upon completion, the retaining structures shall again be certified by an appropriately qualified engineer as having been constructed in accordance with the approved design.

- (9) Air conditioning units and hot water systems shall not be affixed to external walls of the building or placed on balconies in such a manner they are visible from any public place.
- (10) Storage compartments are to be provided within the basement levels in accordance with the Residential Flat Design Code.
- (11) Switchboards, air conditioning units, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.
- (12) Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of Australian Standard 4282 (as amended) so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.
- (13) The applicant shall ensure that the basement car park complies with the requirements detailed in AS 2890.1 and AS 2890.6 (as amended).

The basements shall be provided with electronic access controls to ensure the safety of occupiers/visitors and to also ensure the availability of off-street parking in accordance with Council's controls.

Forty (40) car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standard 2890 (as amended).

The ceiling of basement car parking levels is to be finished in gloss white paint along manoeuvring paths to increase the effectiveness of lighting.

The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2 (as amended).

- (14) In accordance with the environmental maintenance objectives of 'Crime Prevention through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)

---

buildings, fences, signs and other surfaces of the property within 48 hours of its application.

- (15) The applicant shall prepare and permanently affix a way finding map in the building's central lobby on the ground floor for use by visitors and emergency services personnel.
- (16) Road Occupancy approval, pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council prior to any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of the development.

This shall include, but is not limited to the following activities:

- (a) erect a structure or carry out work in, on or over a public road;
- (b) dig up or disturb the surface of a public road;
- (c) remove or interfere with a structure, work or tree on a public road;
- (d) pump water into a public road from any land adjoining the road; or
- (e) connect a road (whether public or private) to a classified road.

The following items shall be submitted to Council with the Road Occupancy Application, a minimum of five days before approval is required:

- A completed application form;
  - Fees in accordance with Council's adopted fees and charges;
  - A traffic control plan endorsed by a person with Roads & Maritime Services accreditation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTMS Traffic Control at Worksites Manual. This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development;
  - Public liability insurance for an amount of no less than \$20M;
  - Where excavation will take place, a security bond in accordance with Council's adopted fees and charges; and
  - Where road and footpath levels will be varied or the surface is altered, plans and specifications to Council's requirements (which will include, but not be limited to, compliance with relevant Australian Standards and the Building Code of Australia)
- (17) A suitably qualified person shall prepare a Construction Environmental Management Plan (CEMP) and shall be provided to the Principal Certifying Authority for their written endorsement prior to any works commencing onsite.

The CEMP shall include, but not be limited to, the following items:

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- timing and duration of works;
- location of work sites offices, compounds, stockpiles and refuelling areas;
- location of environmentally sensitive areas;
- description of the impacts associated with the construction activities and control measures;
- legislative requirements;
- on-site staff structure and responsibility;
- staff training, awareness and competency requirements;
- emergency planning and response;
- auditing and monitoring; and
- the following supplementary plans:
  - Soil and Water Management Plan;
  - Noise and Vibration Management Plan;
  - Air Quality (Dust Control) Management Plan;
  - Waste Management Plan; and
  - Traffic Management Plan.

The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations are approved by the Principal Certifying Authority. A copy of the approved CEMP shall be forwarded to Council and shall be kept on site at all times.

- (18) The developer shall construct the footpath access driveway in compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's "*Driveway and Footpath Works Procedure Manual*".
- (19) Parking shall be provided on site for a minimum of 40 vehicles in conjunction with the development proposal and as indicated on the approved plans. Of this number 32 car parking spaces shall be reserved at all times for the exclusive use of residents and 8 for their visitors. All spaces shall be clearly marked as either resident parking only or visitor parking only.
- (20) The car parking and manoeuvring area shall be line marked and signposted in compliance with the requirements of the Australian Standards AS 1742.2, AS 1743, AS 1744, AS/NZS 1906.1, AS 1906.2, AS 1906.3, AS 4049.1 and 2890.1 Parking Facilities Part 1: Off Street Car Parking.
- (21) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural



## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)

---

or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.

- (22) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document “*A Model Agreement for Local Councils and Utility/Service Providers*” prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area.
- (23) The developer shall bear the full cost of relocation of any service utilities required in the provision of vehicular access.
- (24) The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.
- In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.
- (25) Sight distances for motorists and pedestrians at each entry to and egress from the proposed development, shall comply with the general requirements of Australian Standard AS2890.1 (specifically Clause 3.2.4).
- (26) All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a ‘Work Zone’, external to the site, may be approved by Council.

The applicant is advised that if a work zone is warranted, an application is to be made to Council at least eight weeks prior to the commencement of works. The application shall detail why a work zone is required and include a suitable ‘Traffic/Pedestrian Management/Control Plan’.

All costs incurred in the preparation of the traffic/pedestrian management/control plan, including any associated fees, shall be borne by the applicant.

- (27) As the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person’s own expense:

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- a. Protect and support the adjoining premises from possible damage from the excavation, and
  - b. Where necessary, underpin the adjoining premises to prevent any such damage.
- (28) The basement car park shall be provided with a minor stormwater system to cater for nuisance flows from the rainfall on the entry ramp and water from cars entering the basement. A higher capacity system such as an automatically activated electric pump with an appropriate safety backup system is also to be provided to remove any overland flows from larger storm events.
- (29) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:-
- a. The variation in hours required.
  - b. The reason for that variation.
  - c. The type of work and machinery to be used.
- (30) Surface water which is likely to discharge from the development site onto the road reserve shall be intercepted at the property boundary and conveyed to the kerb via a pipe outlet.
- (31) The developer at its cost shall, carry out any necessary amplification or upgrading of the downstream drainage system, including the negotiation and dedication of appropriate easements, to ensure that the treatment standards of this development consent are complied with.
- (32) The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.
- (33). Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.
- (34) The developer must design the on-site detention tank to incorporate lockable grates, access for maintenance and a suitably graded invert to prevent ponding.
- (35) The developer must structurally design the on-site detention tank to withstand a T44 load as defined in Austroads. Details shall be provided on the Construction Certificate plans and specifications.
- (36) The vehicle wash bay proposed shall include tap, drain and bunding to permit vehicle washing with waste water disposed of by connecting to the Sydney

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

Water Corporation's sewer. This sewer connect shall be subject to a licensed trade waste agreement with the Sydney Water Corporation.

**Prior to the Issue of a Construction Certificate**

- (1) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 2 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$93,083.30**. The amount of the contribution payable pursuant to this Condition will be indexed on 1 July each year in accordance *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics. The developer should contact Council prior to payment of any Section 94 Contribution to ascertain the exact amount payable.
- (2) The developer shall submit details of all civil engineering works on engineering drawings to the Principal Certifying Authority for approval prior to the issue of the construction certificate.

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

- a The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with Australian Rainfall and Runoff published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);
- b Plan, longitudinal and cross sectional detail shall be provided for the proposed Circulation Roadway, Circulation Aisle, Ramps, Car Parking Aisles and Car Parking Modules;
- c The proposed pavement treatment to the Circulation Roadway, Circulation Aisle, Ramps, Car Parking Aisles and Car Parking Modules. The minimum surface treatment shall cement concrete;
- d The location and reduced level of all services under the control of public utilities or agencies;

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

- (3) The applicant shall submit engineer's details of the foundation based on geotechnical advice prepared by a suitably qualified geotechnical engineer. Such detail/advice is to be provided prior to the issue of a Construction Certificate.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- (4) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate.
- (5) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of “*Section D5 Stormwater Drainage*” of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate.
- (6) The developer shall provide onsite detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the Principal Certifying Authority for assessment and approval prior to the issue of the construction certificate.
- (7) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Principal Certifying Authority for assessment and approval prior to the release of the Construction Certificate.
- (8) The developer shall comply with the design requirements of Council’s “*Water Sensitive Urban Design*” policy in association with the design requirements of “*Section D5 Stormwater Drainage*” of the Kiama Development Code as appended to Kiama Development Control Plan 2012.  
Detail shall be submitted to the Principal Certifying Authority for assessment prior to the release of the Construction Certificate.
- (9) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate.
- (10) Lot 3 in DP774101, Lot 2 in DP774101, Lot 1 in DP176929 and Lot 1 in DP309656 shall be consolidated into one lot prior to the issue of any Construction Certificate.
- (11) The garbage storage room identified on the approved plans shall:
- a. be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- b. have a non-slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary)
- c. be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket and drained to a Sydney Water approved drainage fitting
- d. have coving at all wall and floor intersections
- e. be finished with a smooth faced, non-absorbent material(s) in light colour on the inside and capable of being easily cleaned
- f. be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock
- g. have a self-closing door openable from within the room
- h. be constructed in such a manner to prevent the entry of vermin and
- i. signage on the use of the waste management system shall be displayed in all bin storage rooms.

The bin storage rooms shall be ventilated by:

- a. a mechanical exhaust ventilation system; or
  - b. permanent, unobstructed natural ventilation openings having direct access to external air, and a total capacity.
- (12) Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and obtain approval from an accredited person, a Traffic Control Plan (TCP) in accordance with the State Roads Authority manual "Traffic Control at Work Sites" and Australian Standard AS 1742.3 (as amended). A copy of the approved TCP shall be kept on site for the duration of the works in accordance with Work Cover Authority requirements. A copy shall be submitted to Council for its records.
- (13) Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and receive Council's written approval for a 'Construction Traffic Management Plan', which shall contain details of the following as a minimum:
- required loading zones and parking restriction areas near the development site to allow for manoeuvring and loading/unloading of heavy vehicles associated with the development
  - 'staging' locations, where heavy vehicles wait until such time that adequate space is available adjacent to the development site for loading/unloading
  - traffic management and intersection control near to the development site including the intersections of Bourrool Lane and Bourrool Street (if necessary, subject to proposed loading/staging locations)

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- proposed access routes for heavy vehicles loading/unloading at the site
- hours of truck movements
- consultations made with potentially affected residents in preparation of the Plan.

Copies of the approved CTMP shall be kept on site for the duration of the works, in accordance with Safe Work NSW requirements and copies shall also be forwarded to Council for its records.

Council reserves the right to request modification to the CTMP during the development works, in order to maintain adequate and safe management of vehicular and pedestrian traffic.

- 14) A construction certificate shall not be issued for the subject building until the qualified designer who prepared the 'Design Verification Statement' submitted with the development application, prepares a separate written 'Architectural Finishes Validation Statement'.

The 'Architectural Finishes Validation Statement' shall confirm that the plans relied upon for issue of the construction certificate are not inconsistent with the approved plans described in Conditions 1 and 2 with specific regard to the architectural design elements, colours, finishes and treatments that are provided to the building's exterior.

Where circumstances require, another qualified designer may prepare the written confirmation, subject to receipt of written approval for such a change from Council's Manager Development Assessment.

- (15) Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.
- (16) Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicant's expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.
- (17) Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.
- (18) Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)

---

Principal Certifying Authority prior to Council or an accredited certifier issuing a construction certificate.

The Sydney Water Tap In service can be accessed at:

[www.sydneywater.com.au](http://www.sydneywater.com.au).

- (19) Prior to the issue of the construction certificate for any Bourrool Lane work the developer shall submit to the Principal Certifying Authority:
- a A detailed design plan of the lighting proposed throughout the development that is designed to avoid glare for pedestrians and adjacent . The lighting design shall comply with the Australian Standard AS/NZS 1158.
  - b The developer shall liaise with Council in order to determine the required design treatment for all public lighting.
- (20) The developer shall submit to the Principal Certifying Authority for approval prior to the issue of the construction certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007).
- (21) Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare amended plans providing 80 linear meters of clothes drying facilities in the ground level communal open space garden for use by all units.

### Landscaping Works

- (1) A detailed landscape plan shall be approved by Council prior to release of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama Development Control Plan 2012 and shall be consistent with the landscape concept plan L101, Revision C dated 6/4/17, L102 Revision B dated 16/12/17 & L103 Revision B dated 16/12/17. The landscape plan should ensure a planting of appropriate species to ensure a vegetative privacy screen is created along the eastern boundary of the property.
- (2) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate.
- (3) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent.
- (4) Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)

---

completed in accordance with the approved landscape plans and the conditions of the development consent.

- (5) All landscaping shall be maintained in good order at all times for the life of the development. Any plants that die are to be replaced within 14 days.
- (6) The proposed landscaping shall not impact upon the approved drainage infrastructures.

**Prior to Commencement of Works**

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:
- i The licensee's name and contractor licence number;
  - ii That the licensee has complied with Part 6 of the Home Building Act 1989.
- In the case of work to be done by any other person, the Principal Certifying Authority:
- a Has been informed in writing of the person's name and owner builder permit number;
- or
- b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989.
- (2) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
  - b You must appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
  - c You must notify the Council of the appointment; and
  - d You must give at least two (2) days' notice to Council of your intention to commence work.

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

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



## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

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

- (3) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel.
- (4) A Project Arborist with adequate experience and qualified to a minimum of Level 5 (AQF): Diploma in Horticulture (Arboriculture) shall be appointed prior to the commencement of any works on site. The Project Arborist is responsible for;
- a) The placement of protective fencing for the existing trees to be retained
  - b) The supervision of any tree branch pruning
  - c) The supervision of any tree root severing greater than 50mm diameter
  - d) Recommendation and supervision of tree root barriers if any
  - e) Recommend appropriate treatments as required when construction conflicts with tree protection
  - f) Confirmation that the project arborist has identified to the tree contractor the trees that are to be removed or retained in accordance with the conditions of consent listed above.
  - g) Report attendance and actions by certification to the Principle Certifying Authority prior to issue of the Final Occupation Certificate.
- (5) The developer shall lodge with Council a bond of \$20,000, in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.
- The developer shall submit a dilapidation survey prior to commencement of any work within the road reserve.
- The bond shall be refunded in full subject to the following:
- a) There being no damage to the infrastructure within the road reserve.
  - b) Twelve (12) months has elapsed from the date of issue of the occupation certificate and/or subdivision certificate.
  - c) The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council.
- (6) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

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

- (7) This approval is in respect of the plans submitted with the development application and as modified by the terms of this consent. If for any reason, including the making of alterations necessary to meet the requirements of another Authority, changes to the approved building design layout are proposed, then the approval of Council shall be obtained prior to commencement of any works on site.
- (8) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Maritime Services (RMS) "*Traffic Control at Work Sites*" manual. The traffic control management plan must be designed by an RMS accredited designer and must be provided to Council prior to the commencement of any works.
- (9) Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:
- a. a public sewer, or
  - b. if connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
  - c. if connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.
- (10) Prior to the commencement of any works on the land, a trade waste facility shall be provided onsite to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.
- (11) Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto the public road system. Single sized aggregate, 40mm or larger and placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.
- (12) Prior to the commencement of any works on the subject site, the applicant shall advise Council of any damage to property which is controlled by Council and adjoins the site, including kerbs, gutters, footpaths and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- (13) Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with WorkCover requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the *Local Government Act 1993* shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

- (14) Prior to the commencement of any works, a certificate prepared by the designing structural engineer certifying that the design is in accordance with the geotechnical investigation of the site shall be submitted to the PCA. The designing structural engineer shall also nominate a site classification in accordance with AS2870 – Residential Slabs and Footings.
- (15) The developer shall submit to the Principal Certifying Authority written consent from affected property owners prior to any work being undertaken on adjoining land.
- (16) Prior to the commencement of any works on the development site, the road widening in Bourrool Lane (as shown in Dwg T01-B by PSEC Project Services) shall be completed to the satisfaction of Council. The developer shall obtain a Road Occupancy Permit and provide plans and specifications to Council for its approval prior to the commencement of road works. The developer is advised that all flexible road pavements shall be designed in compliance with the Austroads Technical Report "*Pavement Design for Light Traffic: A Supplement to Austroads Pavement Design Guide*"

### Demolition Works

- (1) Throughout the demolition operations, adequate safety shall be maintained in public places adjoining the site. Safety of the public shall be maintained by providing street closures, hoardings, scaffolding and other types of overhead protection, either singularly or in combination, in accordance with the requirements of Council and AS 2601.
- (2) Security fencing shall be provided around the perimeter of the demolition site and any additional precautionary measures taken, as may be necessary to prevent unauthorised entry to the site at all times during the demolition period.
- (3) Asbestos – Statement Required - No later than seven days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be provided:

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- (a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and
  - (b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.
- (4) Asbestos – Licensed Contractors - Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.
- (5) Asbestos – Notification of Neighbours - Fourteen days prior to the commencement of any demolition works involving asbestos, all immediate neighbours should be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and provided to Council.
- (6) Asbestos – Tip receipts - Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts shall be provided to Council prior to any further building works being undertaken on the site.
- (7) Asbestos – Clearance Certificate - Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.
- (8) Asbestos – Less than 10m<sup>2</sup> of Bonded Asbestos Sheeting - Demolition works involving the removal of less than 10m<sup>2</sup> of bonded asbestos sheeting may be carried out by a licensed builder who has completed an appropriate bonded asbestos removal course.
- (9) Asbestos - Completion of demolition works - Council will monitor and review the demolition of the structure to ensure all conditions of consent application to the removal of asbestos has been satisfied. (dw015.doc)
- (10) Safe access to and egress from adjoining buildings shall be maintained at all times for the duration of the demolition work. (dw020.doc)
- (11) The techniques adopted for stripping out and for demolition shall minimise the release of dust into the atmosphere. (dw030.doc)
- (12) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable legislation and with any relevant recommendations published by the WorkCover Authority. (dw040.doc)
- (13) Removal of asbestos, or of materials containing asbestos fibres, shall be in accordance with the WorkCover Authority code of practice. Disposal of asbestos materials shall be at premises certified to receive asbestos. (dw045.doc)
- (14) Where the demolition site adjoins a public thoroughfare, the common boundary between them shall be fenced for its full length with a hoarding unless the least
-

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the structure. The hoarding shall be constructed of solid materials to a height of not less than 2.4 metres above the level of the thoroughfare at its junction with the hoarding.

- (15) Notices lettered in accordance with AS 1319 and displaying the words "DANGER! DEMOLITION IN PROGRESS", or a similar message, shall be fixed to the fencing at appropriate places to warn the public.

**Development Requirements During Construction**

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards.
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
- (5) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
  - a Preserve and protect the building from damage;
  - b Underpin and support the building in an approved manner, if necessary, and;
  - c At least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
- (6) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level.
- (7) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage.
- (8) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;  
Monday to Friday - 7.00 am to 6.00 pm  
Saturdays - 8.00 am to 1.00 pm  
No construction work is to take place on Sundays or Public Holidays.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- (9) The trees numbered 6 (Bottlebrush) and 7 (Pittosporum) as detailed in the Tree Report by Bohmer's Tree Care dated 19 December 2016 are recommended for removal. However the trees are sited on the adjoining property. The Project Arborist shall assess any the impact of the development on the roots of these small trees and determine the appropriate treatment or removal as agreed by the adjoining property owner.

The banana trees, poplars trees and fruit trees on site shall be removed for the development.

Protection fencing shall be erected around any trees to be retained. The fencing shall be erected prior to the commencement of works. The fencing shall consist of 1.8 metres high cyclone wire supported on galvanised steel posts at a minimum 3.0 metre centres. The fencing shall be a minimum 3 metres from the trunk of each tree. The fence may be extended to enclose groups of trees where necessary. The fencing shall be maintained and remain in situ until all building works are completed.

No machinery, builder's material and/or waste shall be located inside the fencing.

During construction any branches of trees that need pruning for clearance of scaffolding or building shall be removed with the approval and supervision of the Project Arborist. Consensus should be sought when the tree is in a neighbouring property.

During construction any tree roots greater than 50mm diameter that need pruning or severing shall be referred to the Project Arborist for advice on actions or treatments.

Root barrier should be installed to protect built assets. The type, depth and location of any root barrier shall be determined by the Project Arborist.

Gutter guards appropriate to the foliage and fruit of the existing trees on site should be installed in areas likely to be in the fruit/foliage fall area of the existing trees.

During construction any other matter arising that may harm any existing trees shall be referred to the Project Arborist.

- (10) The developer shall provide and maintain temporary fencing around the development site to prevent unauthorised entry into the site by persons or livestock and shall remove the temporary fencing upon completion of all work.
- (11) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times.
- (12) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light-weight materials.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- (13) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
- a Stating that unauthorised entry to the premises is prohibited; and
  - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

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

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

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

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

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

- (16) Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual - 'Soils and Construction (2004) (Bluebook). Construction areas shall be treated/regularly watered to the satisfaction of the principal certifying authority.

- (17) Prior to the positioning of wall panels/ bricks or block work, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from the boundaries, and the dimensions of the building.

- (18) Prior to the placement of any concrete of the basement/ground floor slab, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing that the formwork levels are in accordance with the approved plan.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- (19) Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, a minimum of 1.2 metres wide and separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall, if necessary, ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the RTA manual "Traffic Control at Work Sites" (as amended) and all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all Work Cover Authority requirements are complied with. Council may at any time and without prior notification make safe any such works that are considered to be unsafe and recover all reasonable costs incurred, from the applicant.

Upon completion of the building, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from boundaries.

- (20) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
- a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.
  - b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
  - c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
  - d All the above requirements must be in place for the duration of the construction works.
- (21) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.
- (22) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.
- (23) All new construction work shall make smooth junctions with existing work.
- (24) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to



## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

Kiama Development Control Plan 2012, and civil engineering drawings approved by the Principal Certifying Authority.

- (25) The developer shall undertake engineering inspections, sampling, testing and recording of results of all constructed civil engineering works in accordance with the requirements of the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama Development Control Plan 2012 and civil engineering drawings approved by the Principal Certifying Authority.
- (26) There shall be no loss of support or encroachment of fill onto adjoining properties as a result of excavation or filling within the site.
- (27) All earthworks associated with the development shall be completed in accordance with AS 3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
- (28) Where retaining walls exceed 1.0 metre in height, the wall is to be certified by a practising structural engineer prior to occupation of the building being permitted.
- (29) A survey certificate, signed by a registered surveyor, showing the completed building complying with the building height plane and height requirements of Council's existing height policy must be provided to the Principal Certifying Authority prior to fixing of the roof cladding.
- (30) All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development. (esc010.doc)
- (31) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work. (esc020.doc)
- (32) If the erection or demolition of a building will cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the building and the public place.
- i If necessary, a sufficient awning is to be erected to prevent any substance from, or in connection with, the work falling onto the public place.
  - ii The site of the building is to be kept lit between sunset and sunrise if it is likely to be a source of danger to persons using the public place.
  - iii Any such hoarding, fence or awning is to be removed when no longer required.
  - iv Any proposed hoarding/awning or fence shall be the subject of an application to Council.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

**Prior to the Issue of an Occupation Certificate**

- (1) The BASIX schedule of commitments shall be complied with prior to the issue of any Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed.
- (2) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.  
  
NOTE: A Fire Safety Certificate must be provided in accordance with the Environmental Planning and Assessment Regulations 2000 prior to the issue of an Occupation Certificate excepting Class 1(a), 10(a) & 10(b) structures.
- (3) Prior to the release of the Occupation Certificate the developer shall provide a Compliance Certificate from the Project Arborist detailing the attendance on site and actions performed in accordance with the conditions of the development consent.
- (4) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the release of any Occupation Certificate.
- (5) The developer shall complete all works requires in this consent in the adjoining road reserve prior to the issue of any occupation certificate. Written advice from Council confirming such works have been completed to Council's satisfaction shall be received by the Principal Certifying Authority prior to the release of any Occupation Certificate.
- (6) Prior to the principal certifying authority issuing an occupation certificate (or subdivision certificate, whichever shall occur first), a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.
- (7) Prior to the principal certifying authority issuing an occupation certificate the applicant shall submit to Council two copies of a work as executed plan, certified by a qualified surveyor, which is in accordance with the details contained within Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Engineering Design Guide for Development (as amended).
- (8) The access driveway shall be constructed to meet the design requirements of Council's "*Driveway and Footpath Works Procedure Manual*". The access driveway shall be installed prior to the issue of any occupation certificate.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

(9) Prior to the principal certifying authority issuing an occupation certificate the applicant shall complete the landscaping in accordance with the approved landscape plan.

(10) An occupation certificate shall not be issued for the subject building until the qualified designer who prepared the 'Design Verification Statement' submitted with the development application, prepares a separate written 'End Architectural Finishes Validation Statement'.

The 'End Architectural Finishes Validation Statement' shall confirm that the building's exterior has been constructed and completed in a manner that is not inconsistent with the approved plans described in Conditions 1 and 2 and the plans relied upon for issue of the construction certificate, with specific regard to the architectural design elements, colours, finishes and treatments.

Where circumstances require, another qualified designer may prepare the written 'End Architectural Finishes Validation Statement', subject to receipt of written approval for such a change from Council's Manager Development Services.

(11) Prior to the principal certifying authority issuing an occupation certificate the applicant shall ensure that all applicable Council fees and charges, associated with the development, have been paid in full.

(12) Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent.

(13) The licensed plumber shall provide to the Principal Certifying Authority a Compliance Certificate to certify:-

- Compliance with Sydney Water requirements in regard to rainwater tank installations
- Compliance with technical specifications for rainwater tanks and associated plumbing configurations for the development, prior to the issue of any Occupation Certificate.

(14) Prior to the issue of an Occupation Certificate the applicant shall obtain accurate street numbering for the development from Council's Geographical Information Services section.

(15) The approved manoeuvring area for the waste collection vehicle must be maintained as a manoeuvring area for the life of the development and must not be occupied with vehicles, waste bins, structures, landscaping, and the like. In this regard, a restriction-as-to-user shall be registered on an 88B Instrument for the property. Evidence of this shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- 16) Prior to the issue of any Occupation Certificate, all constructed stormwater pipes within Council land and easements shall be inspected by Closed Circuit Television (CCTV). A copy of the CCTV inspection must be submitted to Council. A written report from the inspector shall accompany the CCTV inspection which identifies all of the defects found. Any infrastructure which does not meet the quality standards, specifications and any other requirements of the Kiama Development Code must either be replaced or repaired to the satisfaction Council. Council will issue advice to the Principal Certifying Authority upon its satisfaction being achieved.
- (17) Prior to the issue of any Occupation Certificate, the developer must provide certification from a suitably qualified and experienced civil and/or structural engineer (Engineers Australia – National Engineering Register) stating that the on-site detention tank has been constructed in accordance with the approved plans and specifications.
- (18) The developer shall construct a 1.2metre wide concrete footpath to Council standards on the development site along the entire frontage to Bourrool Lane. Prior to the issue of any Occupation Certificate the footpath area shall be dedicated as road reserve, with all costs borne by the developer.
- (19) Prior to the release of the Occupation Certificate a Compliance Certificate from the Project Arborist shall be issued to the Principle Certifying Authority detailing the attendance on site and actions performed in accordance with the conditions of the development consent.
- (20) Prior to the issue of any Occupation Certificate, the applicant is responsible for purchasing all 15 x 240L bins to be used in a shared tenancy bin arrangement:
- GARBAGE = 5 x 240L garbage bins to be serviced fortnightly;
  - RECYCLING = 8 x 240L recycling bins to be serviced weekly;
  - FOOD & GARDEN ORGANICS = 2 x 240L organics bins to be services weekly.
- (21) The Occupation Certificate shall not be released until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority. The allocation of car parking spaces on the strata plan shall strictly accord with the allocation arrangements shown on the architectural plans.
- (22) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for on-site stormwater detention system and associated stormwater drainage infrastructure.

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

88B/88E of the Conveyancing Act 1919 prior to release of the Occupation Certificate

The developer shall prepare an Instrument under Section 88B of the Conveyancing Act 1919, for approval by the Principal Certifying Authority which incorporates the following easements and restrictions on the use of land:

- a Easement for services;
  - b Easement for water drainage;
  - c Drainage easement over overflow paths;
  - d Easement for detention storage;
  - e Easement for water quality;
  - f Right of way;
  - g Positive covenant
  - h Restricted building zone over the 1% AEP flood inundation area of the natural watercourse which prohibits the erection of structures, including fences and the placement of fill;
  - i Restriction on the use of land which defines a restricted building zone;
  - j Restriction on the use of land defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level. The developer shall provide the 1% AEP flood profile of the natural watercourse with superimposed lot boundary location;
  - k Restriction on the use of land over any filled lots which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer;
  - l Restriction on the use of land over Lots which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer;
  - m Restriction on the use of land over sub-surface drainage pipes contained within the building area of allotments; and
  - n Restrictions on the use of land over any lots adjacent to a public reserve stipulating dividing fence type.
- (23) The Occupation Certificate shall not be released until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority. (sub005.doc)
- (24) All landscape works shall be completed in accordance with the approved landscape plan prior to the issue of the Subdivision Certificate. Written certification that the landscape works are complete shall be provided to Council and the Principal Certifying Authority. (sub010.doc)
- (25) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of an Occupation Certificate:

## Report of the Director Environmental Services

- 9.1 Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces (10.2016.231.1)  
(cont)
- 

- a) All relevant Construction and Compliance Certificates (where these have not been issued by Council).
- b) Payment of fees in accordance with Council's adopted fees and charges.
- c) A Final Plan of Subdivision and four (4) copies.

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

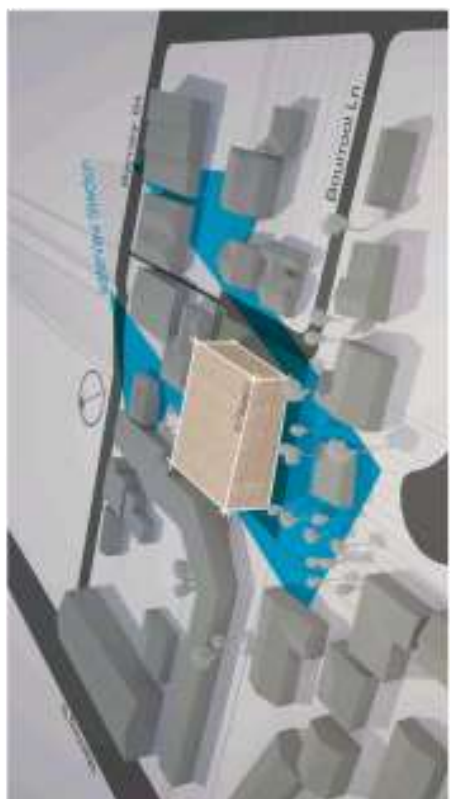
- d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
- e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
- f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
- g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.
- h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
- i) The payment of all required Section 94 Contributions identified in this consent.
- j) An Occupation Certificate for each dwelling to be separately titled.
- k) A conduit plan showing the location of all service conduits laid beneath the constructed road system. (sub020.doc)

)

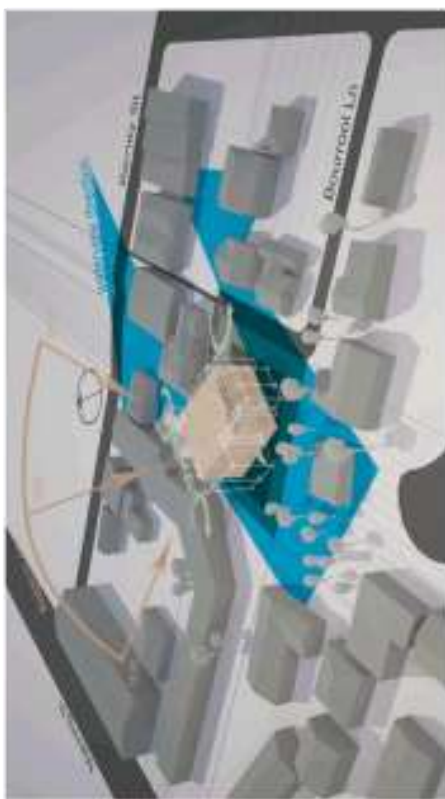


Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)



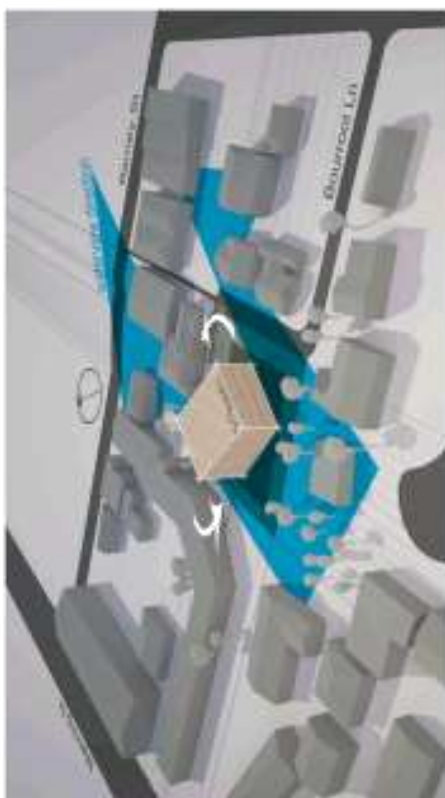
Design site with a "lane" with a platform parallel to the boundaries.



Maximum opportunities of solar and cross ventilation in the design.



Proposed site with 5m setback indicated.



Tread for 'Tear' at 0.5% to meet pedestrian safety and to allow solar access to the proposed apartment.

**PROJECT SERVICES**  
 100/100 WILLIAM STREET, SYDNEY NSW 2001  
 Phone: (61) 2 9235 5298 | [www.psscprojects.com.au](http://www.psscprojects.com.au)  
 Click on the left side of the drawing. Use the right side of the drawing to make any changes to the drawing before printing. Copyright of this drawing and design remains with PSCZ Project Services.

PROJECT NO: 101182018-417-01  
 DRAWING NO: 101182018-417-01-01  
 DRAWING TITLE: 101182018-417-01-01-01  
 DRAWING DATE: 10/11/2017  
 DRAWING SCALE: 1:100  
 DRAWING STATUS: FOR REVIEW

DESIGNED BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

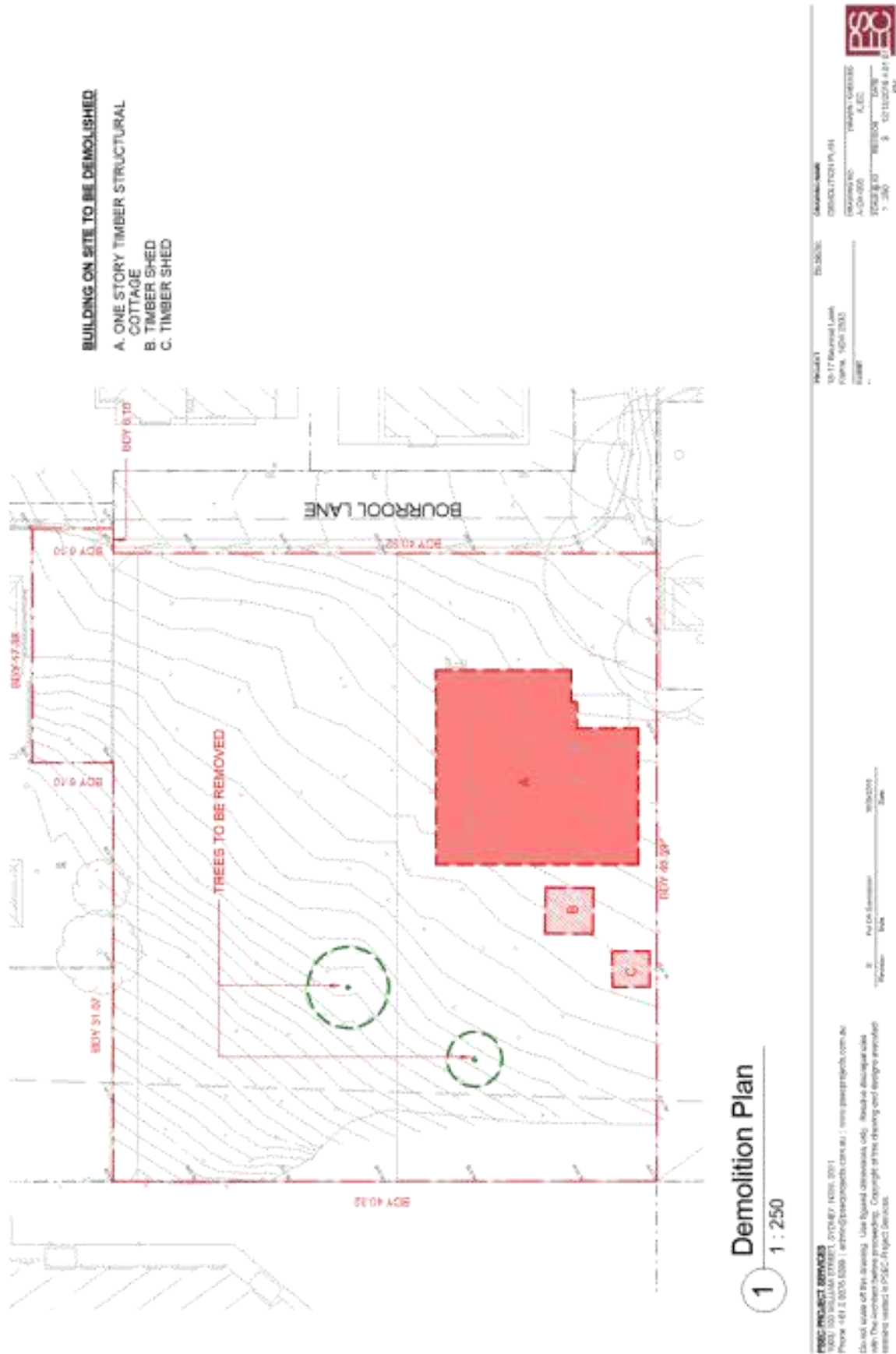
DATE: 10/11/2017

Item 9.2



Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)



Item 9.2

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)



REV G:  
-- BALUSTRADE REMOVED

NORTH ELEVATION  
SCALE: 1:200



EAST ELEVATION  
SCALE: 1:200

PROJECT: 15/17 Wyalla Road, Kiama, NSW 2533  
 DRAWING: 15/17 Wyalla Road, Kiama, NSW 2533  
 DATE: 15/05/2017  
 SCALE: 1:200  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

PROJECT: 15/17 Wyalla Road, Kiama, NSW 2533  
 DRAWING: 15/17 Wyalla Road, Kiama, NSW 2533  
 DATE: 15/05/2017  
 SCALE: 1:200  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

PROJECT: 15/17 Wyalla Road, Kiama, NSW 2533  
 DRAWING: 15/17 Wyalla Road, Kiama, NSW 2533  
 DATE: 15/05/2017  
 SCALE: 1:200  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

Item 9.2

Report of the Director Environmental Services

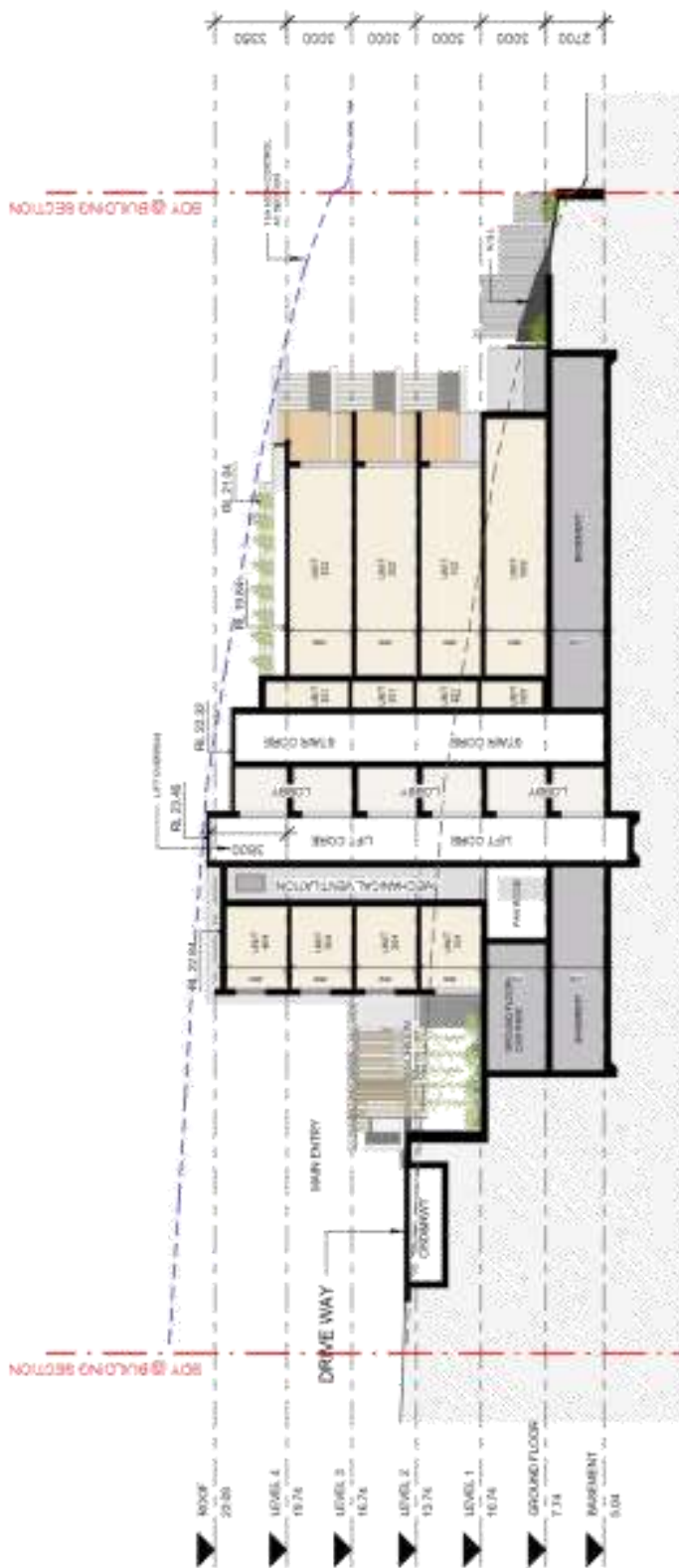
9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)



Item 9.2

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)



SECTION CC  
SCALE 1:200

**PROJECT SERVICES**  
 100/100 WILLIAM STREET, SYDNEY NSW 2011  
 Phone: (61) 2 9231 6536 | [enquiries@pseproject.com.au](mailto:enquiries@pseproject.com.au) | [www.pseproject.com.au](http://www.pseproject.com.au)  
 (avoid use of BSA services) Use licensed overseas only. Results displayed only with the architect before proceeding. Copyright of this drawing and design intellectual remains vested in PSECC Project Services.

**PROJECT** 10-17 Bayswater Lane  
**DATE** 16/04/2017  
**PROJECT NO.** 1-000  
**SECTION** CC  
**DATE** 16/04/2017  
**SCALE** 1:200  
**PROJECT NO.** 1-000  
**SECTION** CC  
**DATE** 16/04/2017  
**SCALE** 1:200

**PREPARED BY** PSECC  
**CHECKED BY** PSECC  
**DATE** 16/04/2017

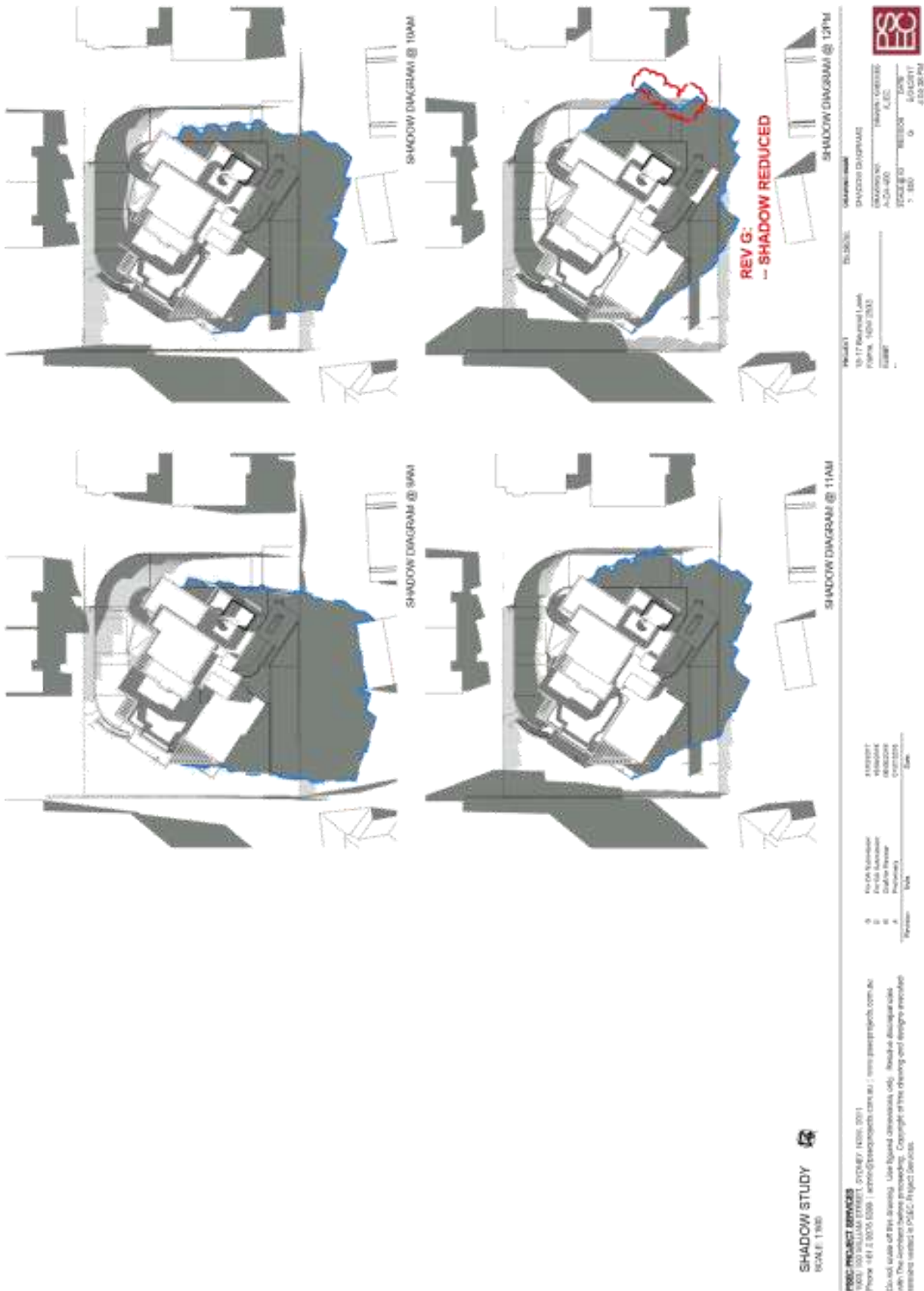
**PROJECT NO.** 1-000  
**SECTION** CC  
**DATE** 16/04/2017  
**SCALE** 1:200

**PROJECT NO.** 1-000  
**SECTION** CC  
**DATE** 16/04/2017  
**SCALE** 1:200

Item 9.2

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)



Item 9.2

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)



Item 9.2

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

**VIEW 1 (MAIN ENTRY)**

**VIEW 2**

**PAINTED WALL WHITE (PWS)**

**PAINTED WALL GREY (PWS)**

**CLADDING IN YELLOW (CLS)**

**GLASS BALUSTRADES (GBT)**

**TIMBER SCREEN (T1)**

**CLADDING IN STONE (CLS)**

**TIMBER FENCE IN LIGHT GREY (T1)**

**POINT FENCE POWDERCOATED IN CHARCOAL (PWS)**

**REV G:  
- CLOTHES LINE  
SPECIFICATION ADDED**

**PERSPECTIVE/COLOUR AND MATERIAL SCHEDULE**

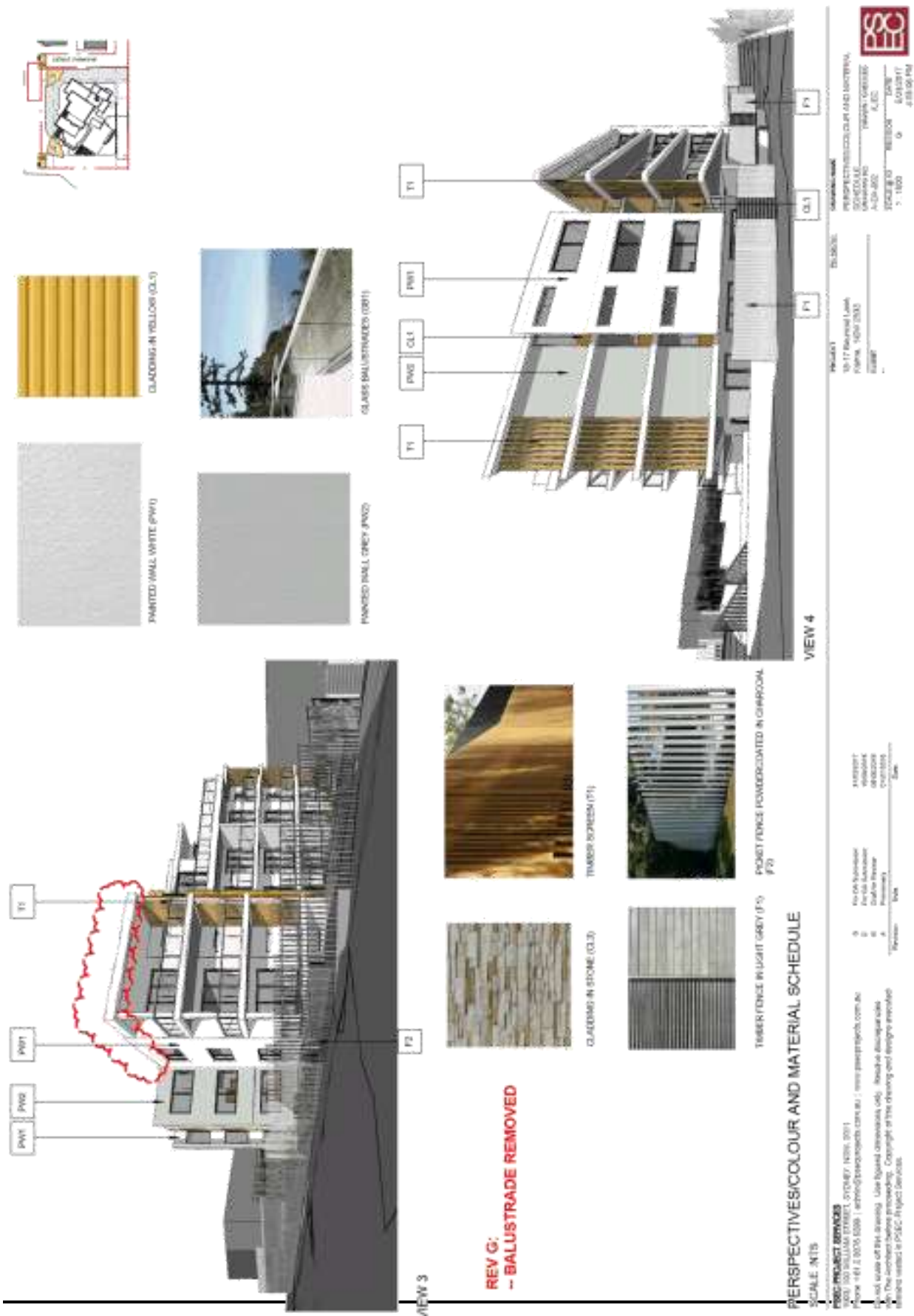
SCALE: NTS

**PROJECT SERVICES**  
 1701/1717 Belconnen Lane  
 Fyshwick ACT 2603  
 Phone: 02 6205 0300 | [info@projectservices.com.au](mailto:info@projectservices.com.au)  
 Website: [www.projectservices.com.au](http://www.projectservices.com.au)  
 Fax: 02 6205 0301  
 Email: [info@projectservices.com.au](mailto:info@projectservices.com.au)  
 Project Number: 1701/1717  
 Project Name: Wyalla Road Residential Release Area  
 Date: 16/05/2017

Item 9.2

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

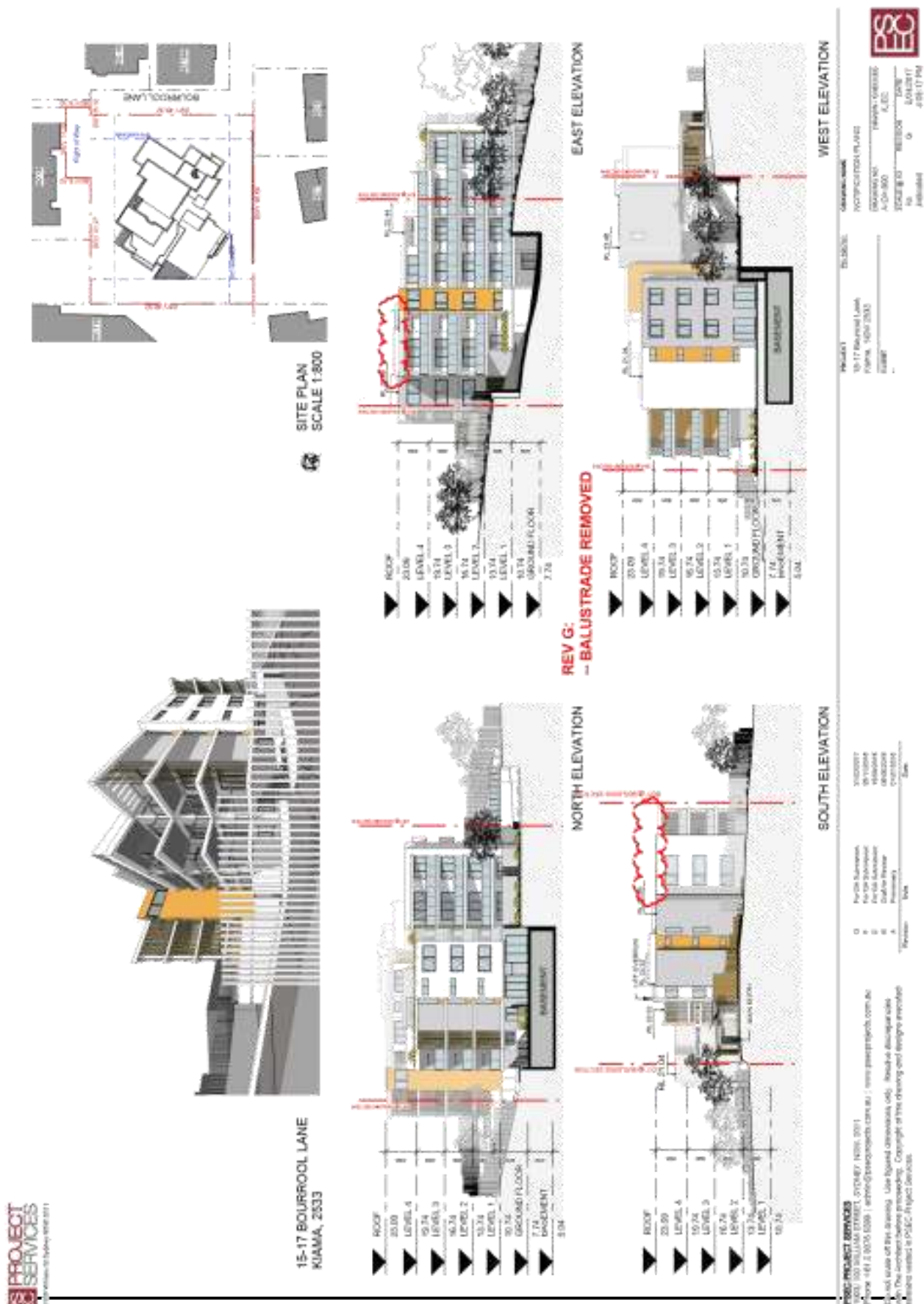


Item 9.2



Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)



Item 9.2

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

---



Item 9.2

Proposed Residential Apartment Development  
At 15-17 Bourrool Lane,  
Kiama NSW 2533

SEPP 65 Design Verification Statement  
Version: A  
Issue Date: 17/09/2016

Prepared for: PSEC Project Services

Prepared by: Patrick Sim (NSW 6752)  
PSEC Project Services  
Suite 1903 /100 William Street,  
Woolloomooloo, NSW 2011

## Report of the Director Environmental Services

## 9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

Version	Revision Date	Description	Initial Name
A	17/09/2016	DA Lodgement	PS

**Executive Summary**

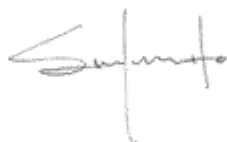
This statement is a supporting document to a development application (DA) for a proposed residential apartment at 15-17 Bourrool Lane, Kiama NSW 2533 (subject site).

The proposed development comprises of 2 levels of basement parking and 4 storeys residential apartments. The design proposes a total of 40 underground parking spaces and 16 apartments.

This statement assesses the proposal against the nine design quality principles (Schedule 1) of the *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP65) (commenced on 17 July 2015); and objectives and design criteria of Part 3 & 4 of *Apartment Design Guide* (ADG) (published by NSW Department of Planning, in July 2015).

Given the compliant in ADG requirements and proposal's design merits, the proposal meets the SEPP65 objectives and the desired future characters of Kiama local government area. The applicant seeks council approval for the development.

This Design Verification Statement is prepared by Patrick Sim (NSW 6752), director of PSEC Project Services, to verify the proposed design meets 9 design quality principles of SEPP65.



Patrick Sim (NSW 6752)  
Director  
PSEC Project Services

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

1. Design Quality Principles

Design Quality Principle 1 – Context and Neighbourhood Character

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

*Responding to context involves identifying the desirable elements of an area’s existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.*

*Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.”*

**Design Response**

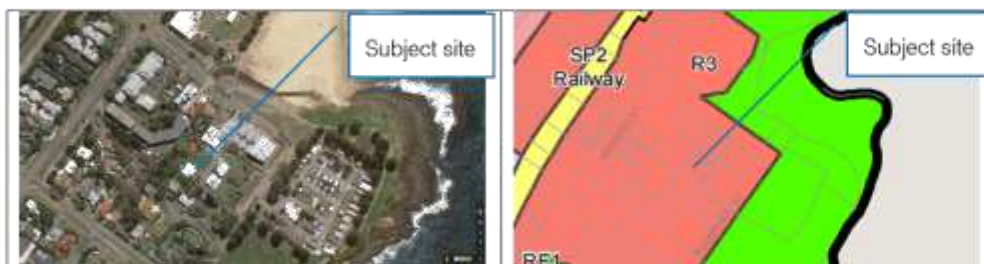
Subject site is known as 15-17 Bourrool Lane, Kiama NSW 2533. It is zoned as R3 Medium Density Residential pursuant to *Kiama Local Environmental Plan 2011 (LEP)*. Residential flat building is permitted under subject site’s zoning (Figure 1).

Subject site is located closed to Kiama Surf Beach and The Pavillion Kiama (Figure 1). It is 1.2km from Kiama Train Station and 1.6km to the main shopping street (Terralong Street). Subject site has views to the north and north east and it sits closed to the recreational walkway along the beach, sport ground and other public domain.

Subject site sits nearly at the centre of the block bounded by Bourrool Street to the southeast, Barney Street to the northeast, Manning Street to the northwest and Farmer Street to the southwest. Access to subject site is via Bourrool Lane which is 6m wide and access from Bourrool Street. There is a pedestrian lane between No. 6 and No.4 Barney Street providing access from Bourrool Lane to public car park of Kiama Surf Beach.

Subject site and its surrounding neighbouring properties are residential use with some 1-2 storeys dwelling houses to the south and some 3 storeys apartments to the north. Based on the zoning objectives, subject site and the adjoining properties are desired for multi-storey residential accommodation and it is desired to provide more housing to meet the need for the community. Dwelling houses are no longer permitted in R3 zone which means the desired future characters of this area will transform from low density dwelling houses, to a medium density housing, such as apartments.

This DA proposes a 4 storey residential development with sixteen 3-bedroom apartments and associated underground parking. By providing housing in the form of medium density, the design meets the zoning objectives, the desired future characters and meeting the local market demand. The residents will be supported by the local bus operating along Manning Street. Kiama Train Station is approximate 15mins on foot and local shopping area at Manning Street and Terralong Street is a few minute further .



Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

Item 9.2



Figure 1 Site Location and Surrounding Context  
(Source: (left) Google Map; (right) Kiama LEP 2011)

**Design Quality Principle 2 – Built Form and Scale**

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

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

**Design Response**

The design process began with the permissible building envelope, with the boundary setback set by the DCP and the height plane set by the LEP.



Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

---

**Item 9.2**

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

---

The envelope then rotated approximately 45 degree to maximise the northern aspect.



The result built form incorporates northern aspect, view and maximises the opportunities for natural cross ventilation.



The rotating envelope also create facades that avoid directly facing adjoining property, creating various setback for better landscaping opportunity.

The existing natural topography slopes from the southern corner to the northern corner. The 11m height control plane follows the natural ground level and sloping towards the north. T



The design stepped at various points of the building to match the existing topographic context.



The final build form is derived from the topography, the orientation and the aim to respect the existing adjoining properties.

The final build form and scale are therefore suitable



Figure 2 Design Concept

## Report of the Director Environmental Services

## 9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

**Design Quality Principle 3 – Density**

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

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

**Design Response**

As mentioned in Principle 1, subject site and its surrounding properties are transforming to medium density characters. The proposed FSR is 1:1 which is complied with the floor space ratio control in Kiama LEP 2011.

The design chooses to provide a better internal amenity rather than a higher number of apartments. All 16 three-bedroom apartments have a minimum internal area of 106m<sup>2</sup>. This is 11m<sup>2</sup> (11.6%) larger than ADG requirements. The proposed development therefore has a lessor density than it would be compare to normal 3-bedroom apartments.

We believe the proposed density has balanced between the zone objectives and amenity of the apartments and therefore it is appropriate to the site.

**Design Quality Principle 4 – Sustainability**

*"Good design combines positive environmental, social and economic outcomes.*

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

**Design Response**

Refer to BASIX certification for compliance in water, energy and thermal comfort performance.

Cross ventilation and solar access reach compliance (refer to ADG compliance table below). Appropriated shading devices are proposed at the northeast and northwest elevations. Vertical screen is proposed at the northwest façade. The proposal has incorporated the passive solar design principle, which increases indoor comfort and helps to reduce energy consumption.

**Design Quality Principle 5 – Landscape**

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

*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.*



## Report of the Director Environmental Services

## 9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

*Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.\**

**Design Response**

The rotated building envelope provides opportunity for landscaping which traditional will be within the setback area. Deep soil area exceeds Council's requirement. With appropriate cutting and filling in soil profile, the design attempts to create "stepping" down terrace along southwest and northwest boundaries. The "stepping" responds to the natural contour and create a more useable and relatively levelled outdoor spaces for future residents.

Planting along boundary fence will enhance privacy of both proposed design and the neighbour properties. Planting is also proposed in front of all habitable windows at ground floor to protect privacy of these apartments.

Refer landscape plan for detail design.

**Design Quality Principle 6 – Amenity**

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

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

**Design Response**

The apartment layout is according to passive solar principle, and the overall performance exceeds ADG requirements. Refer to Compliance Table of Apartment Design Guide in this statement.

Proposed development provides all 3-bedroom apartments with the internal size ranging at 106-124m<sup>2</sup>. The apartment size is larger than the minimum required size (95m<sup>2</sup> for 3-bedroom apartment with 2 bathrooms). Sizes of bedrooms, living area and balconies generally exceed minimum requirements providing better residential amenity.

**Design Quality Principle 7 – Safety**

*"Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose.*

*Opportunities to maximise passive surveillance of public and communal areas promote safety.*

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

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

**Design Response**

Oriented to north and northeast, most of the apartment balconies provide medium level of casual surveillance to Bourrool Lane. Entrance, communal area and public domain are clearly defined and separated by fence. Building entry locates at the southern corner will have direct sight line from Bourrool Street and have clear signage showing building address and name. Access to the building via residential lobby will require security swipe card. Swipe card will also use in the lift when access from the basement parking.

Communal open space is located at ground level and rooftop garden. BBQ and associated facilities incorporated into landscape design and sits near south west boundary. This location can be accessed from residential corridor and it is convenient to use by the residents. Located at the roof level are the secondary communal open spaces, this area can be assessed by using security swipe card. Apartment with ground level private courtyard (UG01 & UG02) can be assessed from the communal open space, as well as the main lobby, further increase the passive surveillance ability to the communal open space.

**Design Quality Principle 8 – Housing Diversity and Social Interaction**

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

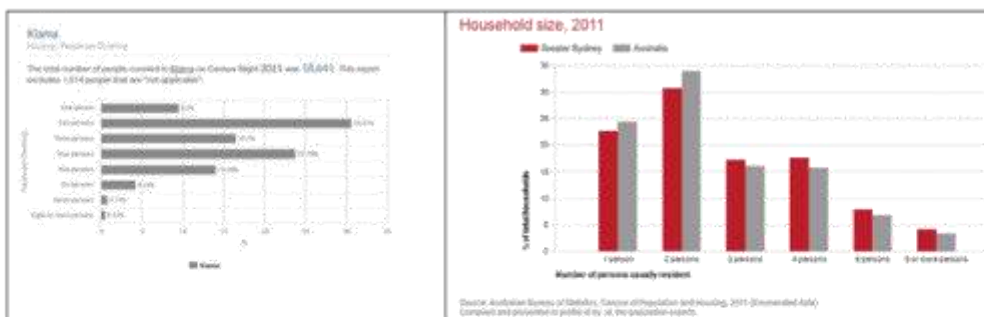
*Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.*

*Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.”*

**Design Response**

The design proposes all 3-bedroom apartments. According to the Census 2011, Kiama has 59.89% of household size of 3 and more people. In particular, 23.78% of household with 4 person in one dwelling. It is the fact that the household size of 3 and more people in Kiama has greater percentage compared with the number in Greater Sydney region. Therefore, the proposed all 3-bedroom apartment design is considered appropriated to meet the local market demand, especially for larger size families.

Kiama has 20.6% of population aged 60 and more (source: Census 2011 on Kiama Council website). It is higher than the 14.7% in NSW. The proposed design has 4 units meeting adaptable unit requirements and 8 units reaching the silver level of *Livable Housing Guidelines* (LHG). The design has considered the local demand, for senior residents and people with less mobility.



Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

Item 9.2



**Design Quality Principle 9 – Aesthetics**

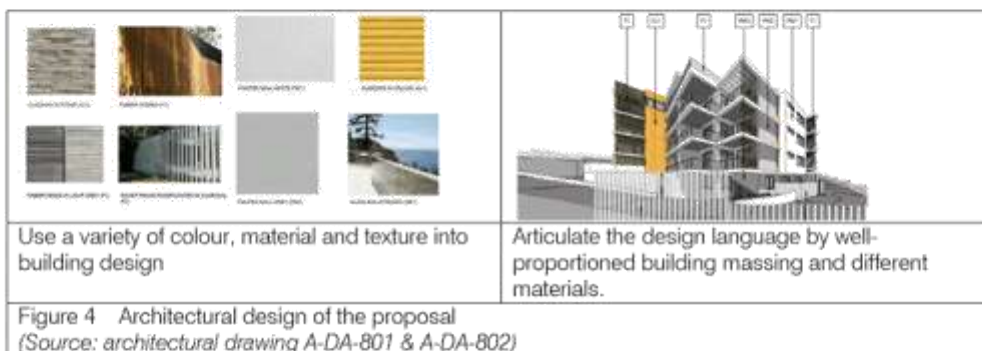
*“Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.*

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

**Design Response**

As mentioned previously, the design is rotated approximate 45° from boundary to capture the northern aspect. As a result, the building has a number of articulations at each corners of building. These corners are expressed in both void (balcony) and solid (living or bedroom), reducing any impact that may have on a traditional linear façade.

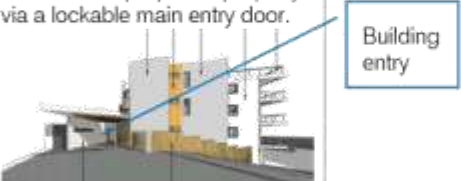
Colour and materials are used to break up the façade, darker colour is used for the base and lighter colour for upper levels. Vertical louvers and horizontal awnings are integrated into the façade, providing both shading & privacy protection and articulations.



Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

2. Compliance Table of Apartment Design Guide (ADG)

Apartment Design Guide			
No.	OBJECTIVES / DESIGN GUIDANCE / DESIGN CRITERIA	PROPOSAL/COMMENT	COMPLIANCE
3A-1	Address Site Analysis Checklist (Appendix 1).	Refer to architectural drawings.	✓
3B-1	Building types and layouts response to the streetscape and site to optimising solar access.	Proposed building orients towards to north to northeast for optimising solar access.	✓
3B-2	Overshadowing of neighbouring properties is minimised during mid winter.	Refer to shadow diagram in architectural set. Compliant.	✓
3C-1	Transition between private and public domain is achieved without compromising safety and security.	<p>The design clearly separates residential use to the public domain.</p> <p>Building main entry locates at the southern corner of subject site where is the immediate access point when accessing from main street via Bourrool Lane.</p> <p>Entry design (as image below) clearly shows address and property name. Future residents will enter the proposed property via a lockable main entry door.</p> 	✓
3C-2	Amenity of the public domain is retained and enhanced.	Setback area will be landscaped. Subject to detailed landscape design.	✓
3D-1	Min communal open space: 25% of site area	<p>Site area: 1984.6m<sup>2</sup></p> <p>Communal open space: 468m<sup>2</sup> (23.5%)</p> <ul style="list-style-type: none"> <li>- Ground floor: 388m<sup>2</sup></li> <li>- Rooftop garden: 80m<sup>2</sup></li> </ul> <p>Given subject site's close proximity to public beach and the exceedance of private open space area, the proposed communal open space at 23.5% of site area is enough and suitable for future resident.</p> <p>There is an opportunity to comply with the 25%. A 29sqm of open space can be added to the rooftop garden. However, after consideration with the potential noise impact to the</p>	Justified.

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

Item 9.2

Apartment Design Guide																		
No.	OBJECTIVES / DESIGN GUIDANCE / DESIGN CRITERIA	PROPOSAL/COMMENT	COMPLIANCE															
		adjoining neighbour, we decided to maintain the current proposed setback.																
	Min. 50% direct sunlight to the principle usable part of the communal open space for a min. 2h between 9am-3pm on 21 June.	Refer to solar and shadow study in architectural plans.  Area of communal open space with min. 2h of direct sun light: 380m <sup>2</sup> (81.1% of proposed communal open space).  Rooftop garden will receive maximum solar access in mid-winter.	✓															
3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.  Seating; barbecue areas; play equipment or play area; & swimming pools, gyms tennis courts or common rooms.	BBQ facilities, seating, landscaping are incorporated into the design of communal open space. BBQ facilities are located at ground floor communal courtyard near southwest boundary. Subject to detailed landscape design.	✓															
3D-3	Communal open space is designed to maximise safety  Casual visual surveillance	Communal open space is proposed as the form of rooftop garden. This place will be convenient and safe for future residents, by providing swipe card access and being managed by strata.  Balconies face north and northeast providing some casual surveillance to Bourrool Lane.	✓															
3D-4	Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	No public open space is proposed at in this DA.	N/A															
3E-1	Min deep soil zone: <table border="1"> <thead> <tr> <th>Site area</th> <th>Minimum dimension</th> <th>Deep soil zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>less than 500m<sup>2</sup></td> <td>-</td> <td>-</td> </tr> <tr> <td>500m<sup>2</sup> - 1,000m<sup>2</sup></td> <td>3m</td> <td>-</td> </tr> <tr> <td>greater than 1,000m<sup>2</sup></td> <td>6m</td> <td>7%</td> </tr> <tr> <td>greater than 1,000m<sup>2</sup> with significant existing tree cover</td> <td>6m</td> <td>-</td> </tr> </tbody> </table>	Site area	Minimum dimension	Deep soil zone (% of site area)	less than 500m <sup>2</sup>	-	-	500m <sup>2</sup> - 1,000m <sup>2</sup>	3m	-	greater than 1,000m <sup>2</sup>	6m	7%	greater than 1,000m <sup>2</sup> with significant existing tree cover	6m	-	Site area: 1984.9m <sup>2</sup> Proposed deep soil: 539m <sup>2</sup> (27%)	✓
Site area	Minimum dimension	Deep soil zone (% of site area)																
less than 500m <sup>2</sup>	-	-																
500m <sup>2</sup> - 1,000m <sup>2</sup>	3m	-																
greater than 1,000m <sup>2</sup>	6m	7%																
greater than 1,000m <sup>2</sup> with significant existing tree cover	6m	-																
3F-1	Min separation from buildings to the side and rear boundaries: <table border="1"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>up to 20m (5-6 storeys)</td> <td>8m</td> <td>4.5m</td> </tr> <tr> <td>over 20m (7+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 20m (5-6 storeys)	8m	4.5m	over 20m (7+ storeys)	12m	6m	Setback from all boundaries: 6m Compliant.	✓			
Building height	Habitable rooms and balconies	Non-habitable rooms																
up to 12m (4 storeys)	6m	3m																
up to 20m (5-6 storeys)	8m	4.5m																
over 20m (7+ storeys)	12m	6m																

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

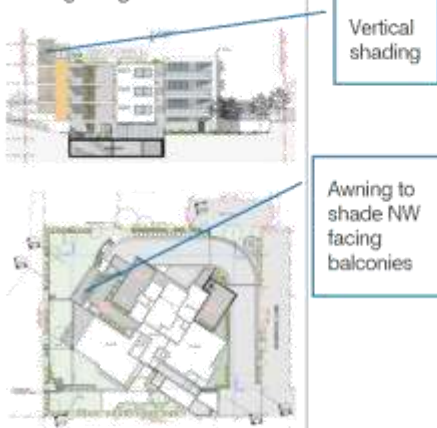
Item 9.2

Apartment Design Guide			
No.	OBJECTIVES / DESIGN GUIDANCE / DESIGN CRITERIA	PROPOSAL/COMMENT	COMPLIANCE
	Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties		
3F-2 Visual privacy & separation	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	The proposed building provides compliant setbacks from all boundaries. Screenings are proposed at boundaries expect main entry point for pedestrian and vehicles. This is to increase privacy to future development and form as design component.	√
3G-1	Building entries and pedestrian access connects to and addresses the public domain	Residential entry is clearly defined and is located at the immediate access point when entering from Bourrool Lane.	√
3G-2	Access, entries and pathways are accessible and easy to identify	Accessible ramp is proposed.	√
3G-3	Large sites provide pedestrian links for access to streets and connection to destinations	No through site link is proposed at this DA. Not applicable.	N/A
3H-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Vehicle access point is proposed according to Council's draft DCP.	√
3J-1	Off street parking (sites within 800m of a railway station or light rail stop in Sydney Metropolitan Area) Min car parking to comply Guide to Traffic Generating Developments or Council's requirement, whichever is less.	Refer to traffic and parking assessment report for compliance.	√
3J-2	Parking and facilities are provided for other modes of transport	Proposed design provides parking spaces for vehicle parking and bicycle.	√
3J-3	Car park design and access is safe and secure	Parking is located at basement with secured and lockable roller door.	√
3J-4	Visual and environmental impacts of underground car parking are minimised	Parking entries are generally below proposed ground level and will be screened by boundary fence. Visual impact is considered minimal.  A mesh roller door is proposed on each entry.	√
3J-5	Visual and environmental impacts of on-grade car parking are minimised	All parking spaces are addressed within basement. No on-grade parking is proposed.	√

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

Item 9.2

Apartment Design Guide			
No.	OBJECTIVES / DESIGN GUIDANCE / DESIGN CRITERIA	PROPOSAL/COMMENT	COMPLIANCE
		These location are generally below boundary fence. It is expected the visual impacts will be minimal.	
3J-6	Visual and environmental impacts of above ground enclosed car parking are minimised	Refer to discussion above.	✓
4A-1 Solar & daylight access	Living rooms and private open spaces of at least 70% of apartments in a building receive a min. of 2h direct sunlight between 9am-3pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government area.	Subject site is within Kiama local government area. Not applicable.	N/A
	In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a min. of 3h direct sunlight between 9am-3pm at mid-winter.	Refer to Solar and Shadow Study in architectural set.  Number of apartments with min. 3h direct solar access at mid-winter: 12 / 16 (75.0%)	✓
	A max of 15% of apartments in a building receive no direct sunlight between 9am-3pm at mid winter	Number of apartments with no solar access at mid-winter: 0 / 16 (0%)	✓
4A-2	Daylight access is maximised where sunlight is limited	Refer to above discussion.	✓
4A-3	Design incorporates shading and glare control, particularly for warmer months	Shading devices such as awnings, balconies, external louvers are incorporated into building design.  	✓
4B-1	All habitable rooms are naturally ventilated	All habitable rooms have windows for cross ventilation.	✓
4B-2	The layout and design of single aspect apartments maximises natural ventilation	U103, U203 and U203 have the depth at 8m and width at 12m to allow for air circulation and to avoid trapped smells.	✓

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

Item 9.2

Apartment Design Guide															
No.	OBJECTIVES / DESIGN GUIDANCE / DESIGN CRITERIA	PROPOSAL/COMMENT	COMPLIANCE												
4B-3 Natural ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	Apartments with natural cross ventilation: Total: 13 / 16 (81.2%)	√												
	Overall depth of a cross-over or cross-through apartment does not exceed 18m. From glass line to glass line.	Max. depth: 18m	√												
4C-1 Ceiling heights	Min. ceiling heights From FFL to FCL <table border="1"> <thead> <tr> <th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed used areas</td> <td>3.3m for ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	Floor to floor level above is 3m. Floor to ceiling height will be compliant.	√
Minimum ceiling height for apartment and mixed use buildings															
Habitable rooms	2.7m														
Non-habitable	2.4m														
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area														
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope														
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use														
4C-2	Ceiling height increases the sense of space in apartments and provides for well proportioned rooms	To detail design.	To detail design												
4C-3	Ceiling heights contribute to the flexibility of building use over the life of the building	The design proposed pure residential use. Considering subject site sits away from main commercial street. It is very likely subject site and its immediate surrounding will remain pure residential character in the foreseeable future.  It is not necessary to provide additional ceiling height for future commercial use from our point of view.	√												
4D-1 Apartment size & layout	Min apartment internal area: <table border="1"> <thead> <tr> <th>Apartment type</th> <th>Minimum internal area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>36m<sup>2</sup></td> </tr> <tr> <td>1 bedroom</td> <td>50m<sup>2</sup></td> </tr> <tr> <td>2 bedroom</td> <td>70m<sup>2</sup></td> </tr> <tr> <td>3 bedroom</td> <td>90m<sup>2</sup></td> </tr> </tbody> </table> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each A fourth bedroom and further additional bedrooms increase the	Apartment type	Minimum internal area	Studio	36m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	The design provides all 3-bedroom apartments (2 bathrooms) with sizes ranging from 106-117m <sup>2</sup> .  Compliant.	√		
Apartment type	Minimum internal area														
Studio	36m <sup>2</sup>														
1 bedroom	50m <sup>2</sup>														
2 bedroom	70m <sup>2</sup>														
3 bedroom	90m <sup>2</sup>														



Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

Item 9.2

Apartment Design Guide			
No.	OBJECTIVES / DESIGN GUIDANCE / DESIGN CRITERIA	PROPOSAL/COMMENT	COMPLIANCE
	<p>minimum internal area by 12m<sup>2</sup> each</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	Every bedroom and living, dining and kitchen has either window or balconies.	√
4D-2	Habitable room depths are limited to a max. of 2.5 x the ceiling height	<p>In open plan layout, the maximum depth from window to the back of kitchen: 9.0 (UG01, U101, U201 &amp; U301).</p> <p>Proposed apartments are larger than a normal size 3-bedroom apartment. The open plan has a 9m depth and the width of living room are 4.5m wide which is 12.5% larger than the requirement.</p> <p>The apartments exceeding this requirement have 3 aspects which allow for good cross ventilation.</p> <p>When considering the above mentioned, these apartments will have good natural ventilation to avoid trapped smell.</p> <p>There for the proposed apartment achieve a high standard of amenity.</p>	Justified.
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Refer to discussion above.	Justified.
4D-3	Master bedrooms, min. area: 10m <sup>2</sup> Other bedrooms, min. area: 9m <sup>2</sup> (excluding wardrobe space)	All bedrooms exceed minimum requirement. Refer to dimension in architectural plans.	√
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	All bedrooms exceed minimum requirement. Refer to dimension in architectural plans.	√
	Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments	<p>Living, dining and kitchen are designed as open plan layout.</p> <p>Minimum width of these area are 4.2m (U103, U203 &amp; U303).</p>	√
	The width of cross-over or cross-through apartments are at least 4m	No cross-over and cross-through apartment is proposed.	N/A

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

Item 9.2

Apartment Design Guide																		
No.	OBJECTIVES / DESIGN GUIDANCE / DESIGN CRITERIA	PROPOSAL/COMMENT	COMPLIANCE															
	internally to avoid deep narrow apartment layouts	Not applicable.																
4E-1	<p>Primary balconies / private open space:</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table> <p>Min. balcony depth to be counted as contributing to the balcony area is 1m.</p>	Dwelling Type	Minimum Area	Minimum Depth	Studio apartments	4m <sup>2</sup>	-	1 bedroom apartments	8m <sup>2</sup>	2m	2 bedroom apartments	10m <sup>2</sup>	2m	3+ bedroom apartments	12m <sup>2</sup>	2.4m	<p>All balconies and courtyards exceed minimum requirements.</p> <p>Min. balcony size: 15m<sup>2</sup> at U104</p>	√
Dwelling Type	Minimum Area	Minimum Depth																
Studio apartments	4m <sup>2</sup>	-																
1 bedroom apartments	8m <sup>2</sup>	2m																
2 bedroom apartments	10m <sup>2</sup>	2m																
3+ bedroom apartments	12m <sup>2</sup>	2.4m																
	Private open space & balconies	See discussion above.	√															
4E-2	Primary private open space and balconies are appropriately located to enhance liveability for residents	Private open space is designed to have direct access to living, dining and kitchen area, enhancing amenity and liveability.	√															
4E-3	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Yes. Refer to Design Quality Principle 9.	√															
4E-4	Private open space and balcony design maximises safety.	Private open spaces are designed to have direct access from living area.	√															
		UG01 & UG02 have additional access to their private open space from communal open space. These area are secured with fence and lockable doors.																
4F-1	Max. number of apartments off a circulation core on a single level: 8	1 lift core is proposed. It serves up to 4 apartments on a single level.	√															
	Buildings of 10&10+ storeys, the max. number of apartments sharing a single lift: 40	The proposed building is 4 storey. Not applicable.	N/A															
4F-2	Common circulation spaces promote safety and provide for social interaction between residents	Communal open space is designed at ground level and on rooftop. There will be seating, BBQ facilities and landscaping provided for leisure and opportunities for social interaction.	√															
		Refer to landscape design.																

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

Item 9.2

Apartment Design Guide													
No.	OBJECTIVES / DESIGN GUIDANCE / DESIGN CRITERIA	PROPOSAL/COMMENT	COMPLIANCE										
4G-1 Storage	<p>Min. storage size is: In addition to storage in Kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1"> <thead> <tr> <th>Living type</th> <th>Storage size (cubic)</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>3</sup></td> </tr> <tr> <td>1 bedroom apartments</td> <td>6m<sup>3</sup></td> </tr> <tr> <td>2 bedroom apartments</td> <td>8m<sup>3</sup></td> </tr> <tr> <td>3+ bedroom apartments</td> <td>10m<sup>3</sup></td> </tr> </tbody> </table> <p>Min. 50% of the required storage is to be located within the apartment.</p>	Living type	Storage size (cubic)	Studio apartments	4m <sup>3</sup>	1 bedroom apartments	6m <sup>3</sup>	2 bedroom apartments	8m <sup>3</sup>	3+ bedroom apartments	10m <sup>3</sup>	<p>All apartments are designed to have min. 5m<sup>3</sup> storage area within the apartment. All apartments have an dedicated storage area attached to the dedicated parking space in basement</p> <p>Refer to table of storage area in drawing A-DA-100.</p>	√
Living type	Storage size (cubic)												
Studio apartments	4m <sup>3</sup>												
1 bedroom apartments	6m <sup>3</sup>												
2 bedroom apartments	8m <sup>3</sup>												
3+ bedroom apartments	10m <sup>3</sup>												
4G-2	Additional storage is conveniently located, accessible and nominated for individual apartments	Each apartment is proposed to have storage within the apartment and within basement.	√										
4Q-1	Development achieve a benchmark of 20% of the total apartments incorporating the <i>Livable Housing Guideline's</i> (LHG) silver level universal design features.	Compliant. Refer to architectural drawings.	√										

**3. Conclusion**

The design generally complies with the 9 quality design principles as stages in SEPP65 and relevant requirements in Apartment Design Guide.

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

---

**9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area**

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

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

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

Item 9.2

### Summary

This report recommends adopting “Chapter 31 – Wyalla Road Residential Release Area” of Kiama Development Control Plan 2012 as exhibited.

### Finance

N/A

### Policy

If adopted, Chapter 31 – Wyalla Road Residential Release Area, will form part of Council’s Development Control Plan.

### Attachments

1 DCP - Chapter 31 [↓](#)

### Enclosures

Nil

## RECOMMENDATION

That Council adopt the amendments to Chapter 31 – Wyalla Road Residential Release Area of Kiama Development Control Plan 2012 as exhibited and outlined in this report.

## BACKGROUND

In August 2014 Amendment No 1 was made to *Kiama Local Environmental Plan (LEP) 2011* which resulted in the rezoning of parts of Lot 105 DP 1206470 and Lot 1 DP 781781 from RU2 Rural Landscape to R2 Low Density Residential. As part of this process Council commissioned a site specific Development Control Plan (DCP) chapter to provide guidance and parameters to potential development on the rezoned site.

At its December 2014 meeting Council endorsed the draft site specific chapter for Wyalla Road to be placed on public exhibition. Accordingly the draft DCP chapter was placed on exhibition from 7 January to 13 February 2015. During the exhibition period 19 submissions were received. At its March 2015 meeting Council resolved to

## Report of the Director Environmental Services

## 9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

---

adopt the draft Chapter 31 site specific controls – Wyalla Road Residential Release Area.

Development Consent was granted to subdivide the site at Council's February 2015 meeting. Subsequently the associated subdivision and engineering works have been completed and the relevant Subdivision Certificates released by Council in July, November and December 2016. All three subdivisions have now been registered with the New South Wales (NSW) Office of the Registrar General.

As land within the subdivision becomes market ready Council Staff have received enquiries regarding the applicable building line setbacks for the residential component of the Wyalla Road subdivision. It is noted that the report to Council's December 2014 meeting outlined that the existing controls for dwellings articulated by other chapters within the DCP 2012 would apply within the Wyalla Road subdivision and as such specific design controls were not included. Upon review of the controls of Chapter 31 - Wyalla Road Residential Release Area and other chapters of the DCP 2012 it would appear that this is not the case. In its current form the DCP 2012 contains no front or rear building line setbacks for the future residential development within the Wyalla Road Residential Release Area.

Having regard to the fact that the area impacted is a greenfield subdivision not effected by existing character requirements, it is considered reasonable that front and rear building line setbacks be 4.5 metres and 6 metres respectively. In order to provide for stacked car parking on site garages and carports will be required to be setback from the front boundary by a minimum of 6 metres. These building line setbacks are considered appropriate as they are consistent with the building lines permissible on the site under the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

It is also an opportune time to address some other minor issues that have arisen since the Chapter was adopted. The proposed changes to the Chapter include:

- Removal of 'Part A –Subdivision' as the subdivisions have now occurred;
- Transfer of Landscaping and Fencing controls from Part A to 'Section 11 – Residential Allotment precinct'; and
- Removal of references to restrictions on the use of land within the seniors living precinct and the creation of an allotment for a community facility from 'Section 12 – Seniors Living Precinct' as these have since been registered with the NSW Office of the Registrar General.

Council resolved to place these amendments on public exhibition at its February 2017 Council meeting. Accordingly the draft Chapter 31 amendments were placed on public exhibition for a period of 30 days from 11 March to 10 April 2017. Upon completion of the exhibition period 2 submissions were received.

Concerns were raised to the removal of controls requiring the establishment of restrictions on the use of land within the seniors living precinct. It was suggested that the objective of these controls be retained and that the controls be reworded to reinforce the restrictions registered with the NSW Office of the Registrar General. The rewording of the existing control to reinforce the registered restrictions rather than requiring the registration of the restrictions is considered appropriate. As per the

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

---

provisions of Clause 21(1) after the draft DCP has been publicly exhibited Council may approve the DCP chapter with such alterations as the Council thinks fit.

Comments were also received regarding; the maintenance of the Environmental Management precinct, stormwater management and the earthworks required for preparing the site. These concerns are related to the preliminary subdivision of the site and in turn the controls contained in Part A of the currently adopted Chapter 31. As part of this amendment it is considered appropriate to remove 'Part A – Subdivision' as the subdivision of the site has now occurred. Ongoing maintenance of the Environmental Management precinct is the responsibility of the landowner. As part of the completed subdivisions stormwater infrastructure has been installed. The adequacy and subsequent maintenance of stormwater infrastructure is determined and carried out by Council's Engineering Department. In conjunction with the existing controls of Chapters 2 and 4 of the DCP the amended controls in Chapter 31 will ensure appropriate earthworks are carried out as well as.

In light of the submissions received, it is considered appropriate to further amend and subsequently adopt the exhibited version of Chapter 31 – Wyalla Road Residential Release Area to reinforce the restrictions registered with the NSW Office of the Registrar General.

Item 9.2



31	Site Specific Controls – Wyalla Road Residential Release Area
----	---

Item 9.2

Attachment 1

- This Chapter was adopted by Council on 17 March 2015.
- Amendment No 1 was adopted by Council on xxx and becomes effective from xxx

31.1

**31**

**Wyalla Road**

**Item 9.2**

**Attachment 1**



---

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

---

Table of Contents

SECTION 1 – CHARACTER STATEMENT ..... 4

SECTION 2 – RELATIONSHIP WITH OTHER PLANNING INSTRUMENTS AND POLICIES .... 4

SECTION 3 – DEVELOPMENT PRECINCTS ..... 5

PART A – OBJECTIVES AND CONTROLS FOR DEVELOPMENT WITHIN PRECINCTS..... 6

SECTION 4 – RESIDENTIAL ALLOTMENT PRECINCT ..... 6

SECTION 6 – SENIORS LIVING PRECINCT ..... 9

SECTION 7 – ENVIRONMENTAL MANAGEMENT PRECINCT ..... 13

Item 9.2

Attachment 1

### Section 1 – Character Statement

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

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

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

### Section 2 – Relationship with other planning instruments and policies

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

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

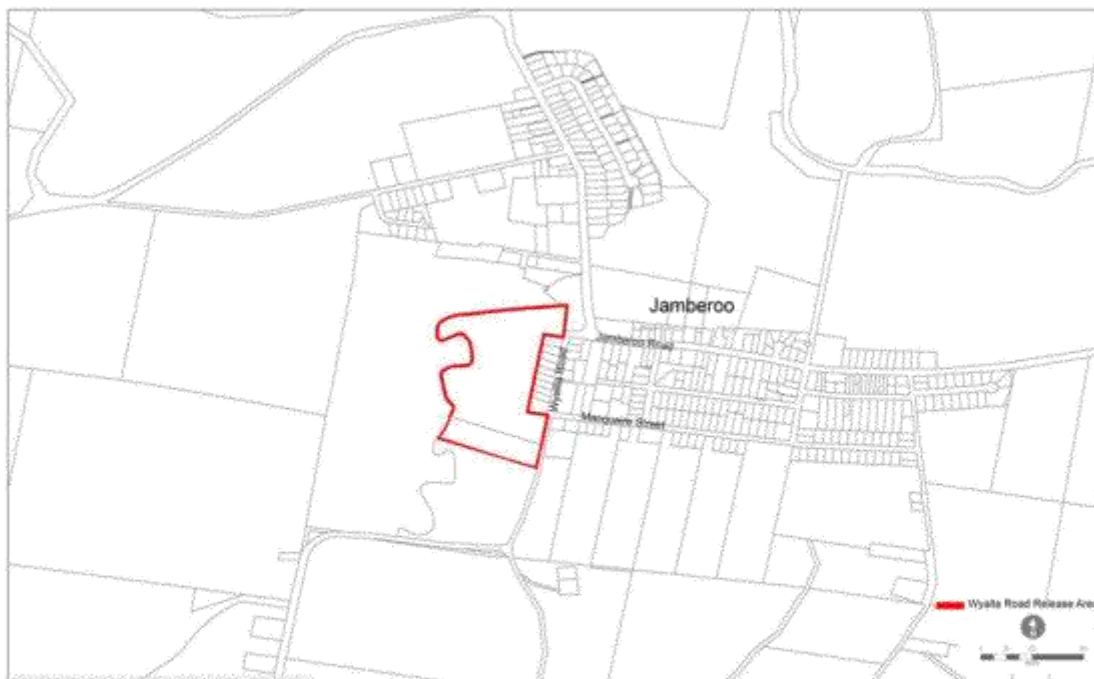


Figure 1: Site Plan

### Section 3 – Development precincts

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



Figure 2: Precincts

31.5

Table 1: Desired Future Character

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

Item 9.2

Attachment 1

## PART A – OBJECTIVES AND CONTROLS FOR DEVELOPMENT WITHIN PRECINCTS

Part B applies to development within the following precincts:

Section 4 - Residential Allotment Precinct

Section 5 - Seniors Living Precinct

Section 6 - Environmental Management Precinct

### Section 4 – Residential Allotment precinct

In addition to controls outlined in other chapters of this document the following controls apply:

### 5.1 Building siting and setbacks

#### Objectives

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

#### Controls

- C1 Development must be consistent with the desired future character for the precinct (refer to Table 1). One way of achieving this is to establish visual corridors between neighbouring built elements by way of a 1.5 metre side boundary setback.
- C2 Buildings must not require more than 2m cut or fill. Instead the building must step down with the slope as demonstrated in the following diagram:

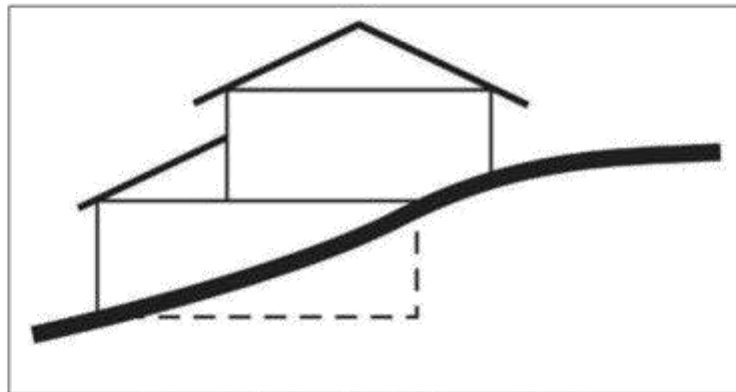


Figure 4: Sloping sites building configuration

- C3 Dwelling houses and ancillary development must have a minimum front building line setback of 4 metres. Garages and carports must have a minimum front building line setback of 6 metres.
- C4 Dwelling houses and all ancillary development (including garages/carports) must a rear building line setback of 6 metres.
- C5 Development is to comply with all other relevant building line setback requirements contained within Chapter 2.

### 5.2 Building form

#### Objectives

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

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

- To ensure buildings are of an appropriate bulk and scale.

**Controls**

- C6 The facades of buildings are to be articulated to contain fenestrations the provide opportunity for casual surveillance of the public domain.
- C7 Entrances are to be well defined through use of materials, finishes and building articulation.
- C8 Built form is to be consistent with the low density residential streetscape character that occurs in the Jamberoo village area.
- C9 Garage doors are to be less than 50% of the width of the building when facing the street.
- C10 Pitched roof forms are encouraged in order to be consistent with the desired future character for the precinct (refer to Table 1)

5.3 Materials and finishes

**Objectives**

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

**Controls**

- C11 Buildings are to use materials and finishes that are sympathetic to the surrounding rural and natural settings.
- C12 Rainwater tanks must be screened from street-view.
- C13 The use of stone and wooden building materials is encouraged in order to be consistent with the desired future character for the precinct (refer to Table 1). The reflectivity controls contained in Chapter 2 will also need to be complied with.

5.4 Waste management

**Objectives**

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

**Controls**

- C14 A waste management plan is to be prepared in accordance with DCP 2012.
- C15 Provision of adequate bin storage areas/enclosures are to be provided behind the building line in accordance with the waste management plan provided with the development application.
- C16 Bin storage areas/enclosures are to be provided so that bins cannot be seen from the street.

## 5.5 Parking and access

### Objectives

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

### Controls

C17 Development must demonstrate compliance with the relevant requirements of Chapter 9.

## 5.6 Fencing

### Objectives

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

### Controls

C18 All fencing located behind the front building setback must be no higher than 1.8m at any point along the fence measured from the lowest point on the highest side.

C19 The overall design of front fences must complement existing structures, landscaping and the general streetscape.

C20 Front fences must contain open form sections to increase visibility for security purposes.

C21 Gates for vehicular entry shall only open inwards onto the property and shall enable the gates to open with vehicles fully off the road.

## Section 6 – Seniors Living Precinct

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

### 6.1 Restriction on the use of lots/dwellings in this precinct

### Objectives

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

### Controls

- C22 The use of the dwellings/lots in the Senior Living Precinct is to be limited to Seniors or People with a disability (as per the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 or any subsequent policy which replaces this policy).

## 6.2 Building design

### Objectives

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

### Controls

- C23 All dwellings in this precinct must be designed and constructed to meet State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 or any subsequent policy which replaces this policy. Standards identified include but are not limited to AS 1428.1 and AS 4299 as amended.
- C24 All dwellings in this precinct must be designed and constructed in keeping with the 'indicative' layouts provided in Appendix 1 of this chapter. (Note these designs may have minor amendments to those shown herein to ensure, compliance with appropriate standards, solar access, site variations etc).

## 6.3 Building siting and setbacks

### Objectives

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

### Controls

- C25 Development must be consistent with the desired future character for the precinct.
- C26 A minimum front building line setback for senior living dwellings is to be 2.5 metres.
- C27 No side setback is required when any of the following conditions are met otherwise a 0.9m side setback applies:
- It is demonstrated that the amenity of the adjoining allotment(s) are not compromised by reduction of solar access or privacy;
  - Where an easement for access and maintenance is provided on title of the adjoining allotment, a zero side setback may be applied to that one side only for the single storey component of the dwelling;
  - Where the adjoining allotment has a masonry wall, without openings, built to the boundary, a zero side setback may be applied to that one side only for the single storey component of the dwelling so long as drainage and fire rating is satisfactorily addressed."



C28 A rear building line setback of 1.5 metres for a building up to 4.5 metres in height is prescribed.

#### 6.4 Built form

##### **Objectives**

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

##### **Controls**

- C29 Garages are to be setback 3 metres from the front façade to reduce visual dominance on the streetscape.
- C30 Building facades facing streets are to be well articulated through the use of materials, finishes and fenestrations.
- C31 The facade of a building on a corner lot is to address both streets and be articulated to contain fenestrations that provide opportunity for casual surveillance.

#### 6.5 Materials and finishes

##### **Objectives**

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

##### **Controls**

- C32 Buildings are to use materials and finishes that are sympathetic to the rural and natural setting to land west of the release area.

#### 6.6 Open space and landscape

##### **Objectives**

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

##### **Controls**

- C33 Minimum 15% of site must be landscape area, of which at least half must receive direct sunlight.

- C34 Provide screening of buildings, ancillary structures and/or rainwater tanks through landscaping to minimise impact on neighbours.
- C35 Landscaping is to assist in stormwater management where possible.
- C36 The site must contain a minimum private outdoor space area of 20sqm with direct sunlight.
- C37 Utilise planting of species of local provenance for where possible.
- C38 The streetscape design is to provide appropriate landscaping that is easily maintained through selection of tree species and does not impact upon utilities or services.

## 6.7 Waste management

### Objectives

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

### Controls

- C39 Bin storage areas/enclosures are to be provided in accordance with controls defined elsewhere in DCP 2012 and any associated guidelines.
- C40 A waste management plan is to be prepared for the community centre and adequate space for waste storage provided.
- C41 Bin storage areas/enclosures are to be provided so that bins are not visible from the street.

## 6.8 Parking and access

### Objectives

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

### Controls

- C42 Dwellings must be accessed in accordance with Australian Standard AS1428.
- C43 Each dwelling must provide car parking for at least one vehicle behind the building line.

## 6.9 Onsite community facility

### Objectives

- To ensure provision of an allotment that accommodates a community facility to cater for the need of the future residents of senior living precinct of the Wyalla Road Residential Release area.

- To ensure a common building (community facility) is provided (designed and constructed by the applicant) for the residents of the Seniors Living Precinct.
- To ensure that the common building (community facility) is in the "joint" ownership of the allotments of the Seniors living Precinct.
- To ensure that the "joint" ownership of the common building (community facility) is reflected in the title of these lots and the owners are made aware of this on purchase.
- Ensure parking is provided so that visitors do not compromise the movement of vehicles along local streets.

#### **Controls**

- C44 A building is to be provided (designed and constructed to agreed specifications) that accommodates seating for up to 60 people, a kitchen, toilet and storage room.
- C45 That the ownership/care/control and maintenance of this building is attached through a legal mechanism to the allotments in the Seniors Living Precinct. Information reflecting these arrangements is clearly articulated to all purchasers of these lots.
- C46 A minimum of one car parking space is to be provided on site.

### **Section 7 – Environmental Management precinct**

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

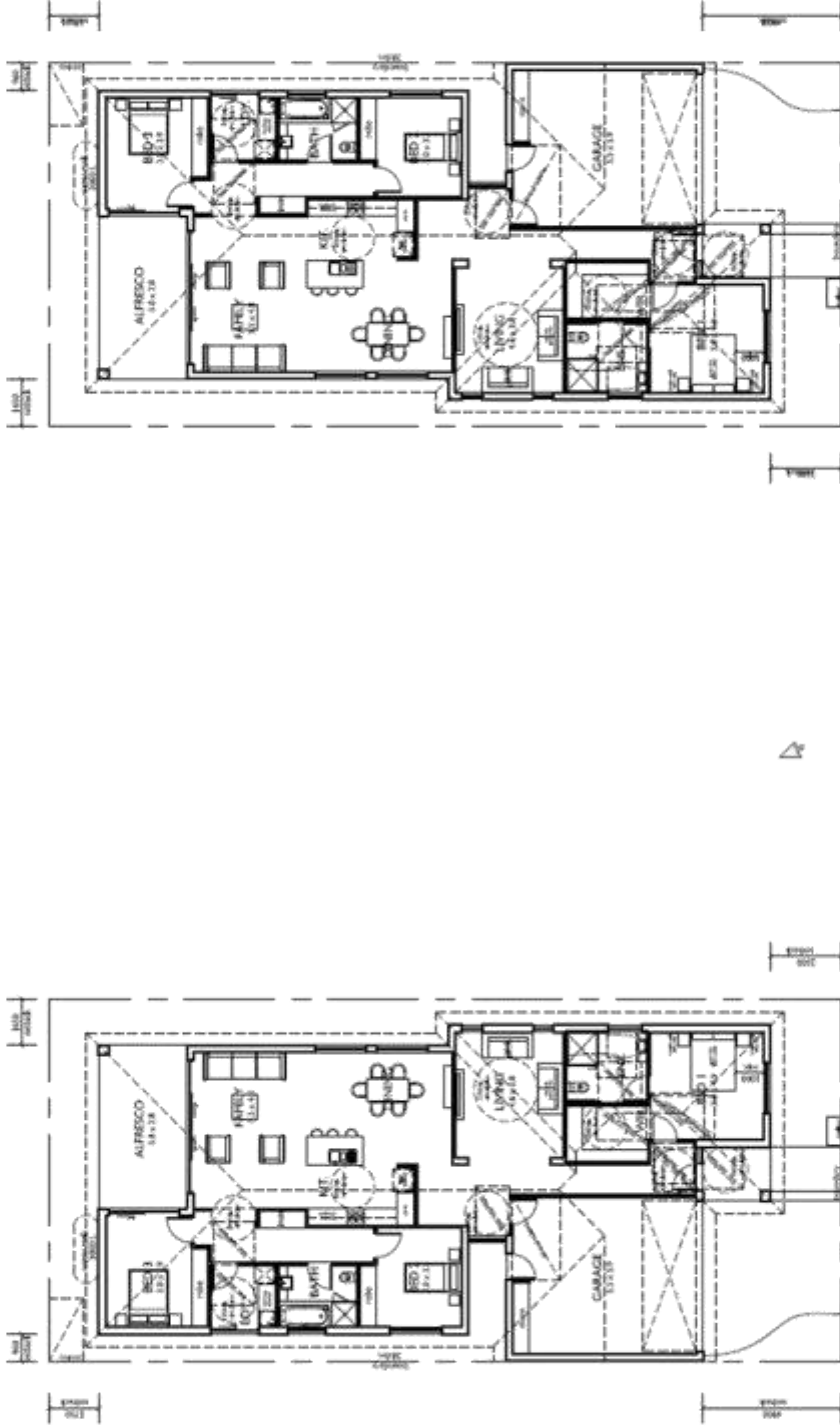
#### **Objectives**

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

#### **Controls**

- C47 The landscape is to be designed to accommodate ease of management and so that a fire hazard is not created.
- C48 Provide bushfire protection for the Residential Allotment Precinct and Seniors Living Precinct.
- C49 Provide for a pathway/cycleway through this area which follows the permitter access road to exit onto the southern access point to Wyalla Rd, seats/tables etc.
- C50 Provide some seating/picnic tables in this area.
- C51 Provide stormwater detention and runoff from roads, if required.

Appendix 1 – Indicative concept designs for Seniors Living Precinct

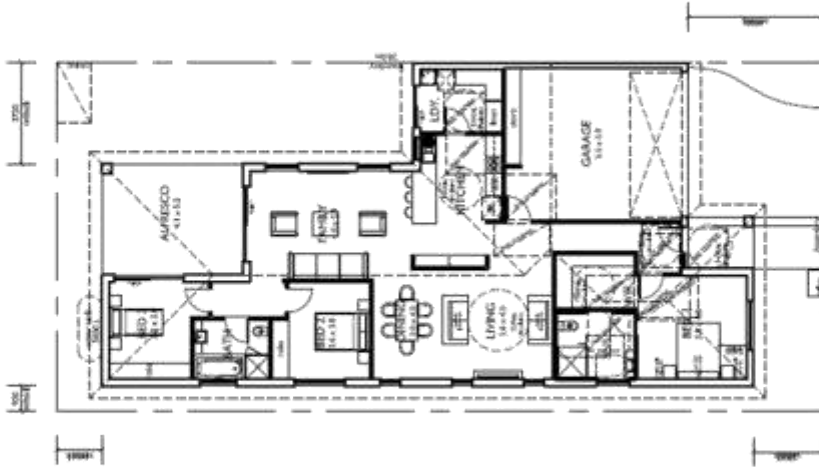


CONCEPT FLOOR PLAN - A  
MIRRORED  
1:200 @ A3

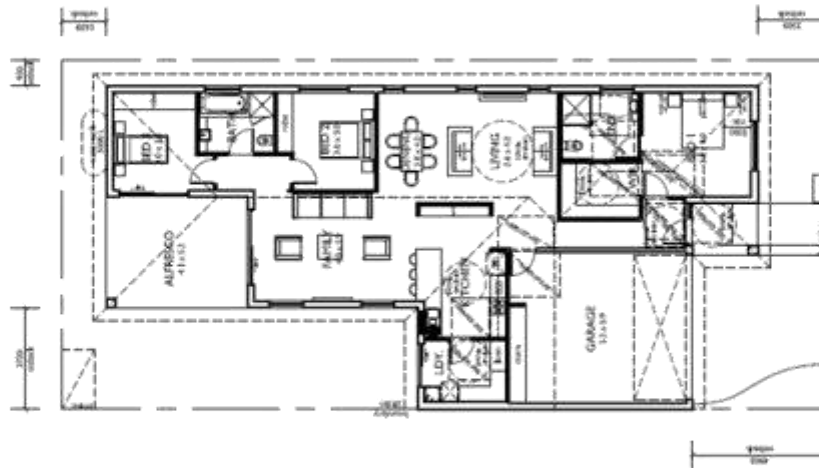
CONCEPT FLOOR PLAN - A  
1:200 @ A3

31.20

Appendix 1 – Indicative concept designs for Seniors Living Precinct



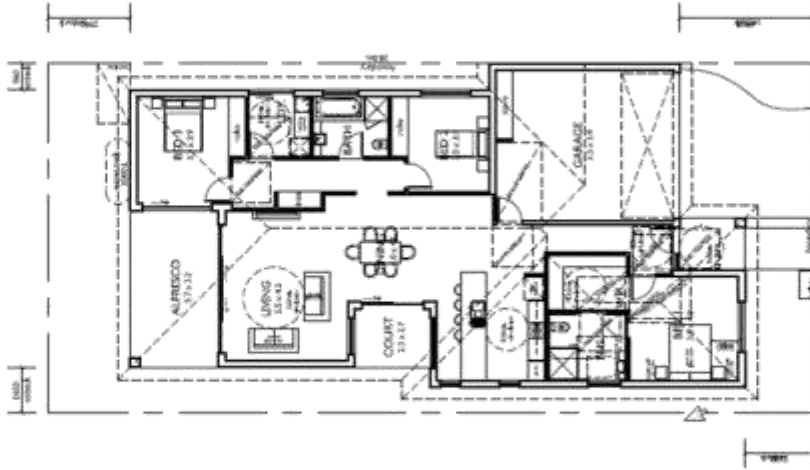
CONCEPT FLOOR PLAN - B  
MIRRORED  
1:200 @ A3



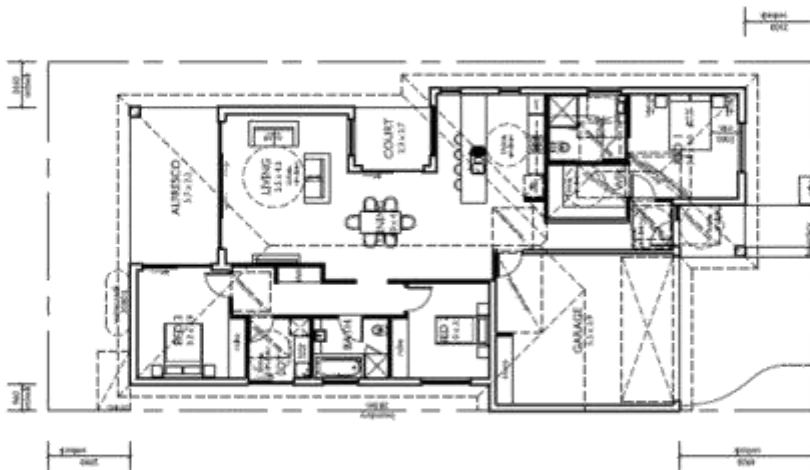
CONCEPT FLOOR PLAN - B  
1:200 @ A3

31.21

Appendix 1 – Indicative concept designs for Seniors Living Precinct



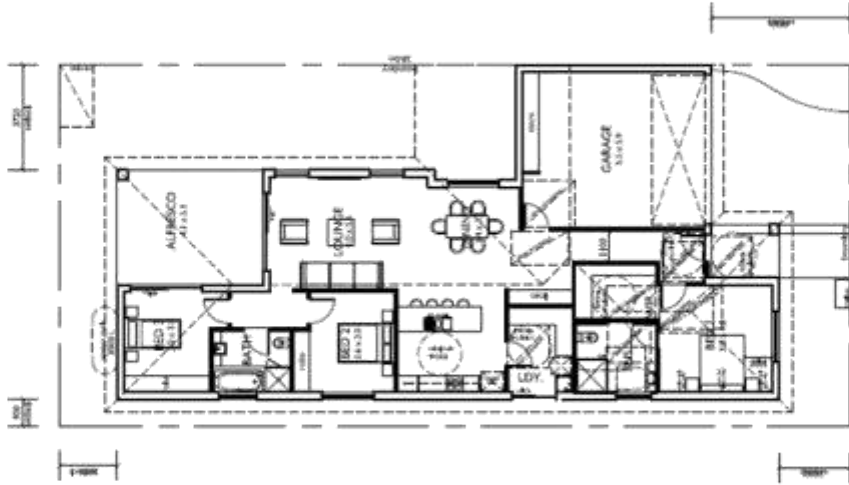
CONCEPT FLOOR PLAN - C  
MIRRORED  
1:200 @ A3



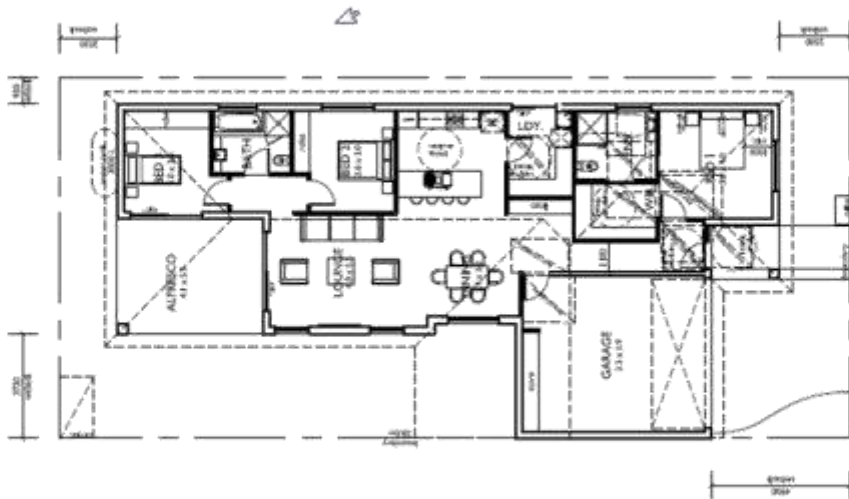
CONCEPT FLOOR PLAN - C  
1:200 @ A3

31.22

Appendix 1 – Indicative concept designs for Seniors Living Precinct



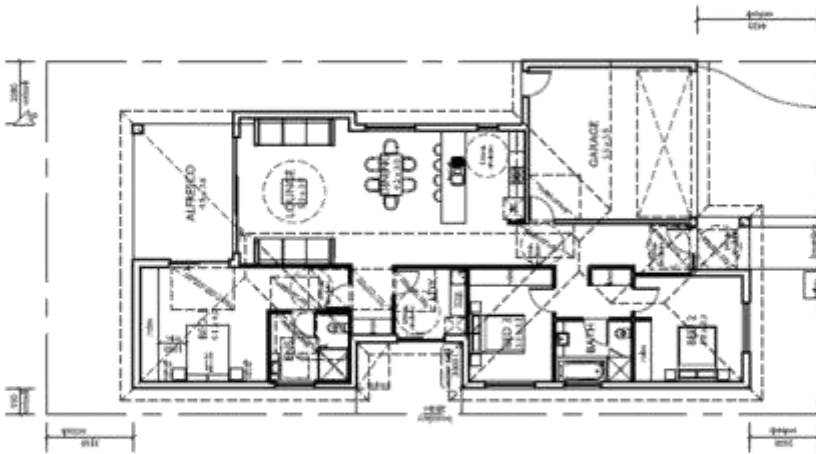
CONCEPT FLOOR PLAN - D  
MIRRORED  
1:200 @ A3



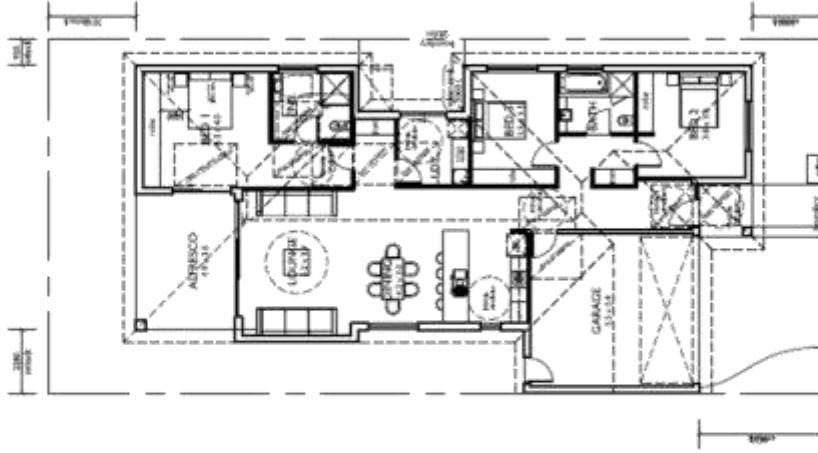
CONCEPT FLOOR PLAN - D  
1:200 @ A3

31.23

Appendix 1 – Indicative concept designs for Seniors Living Precinct



CONCEPT FLOOR PLAN - E  
1:200 @ A3



CONCEPT FLOOR PLAN - E  
MIRRORED  
1:200 @ A3

31.24



**9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1)**

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Item 9.3

**Summary**

This report deals with a development application for the construction of a rural dwelling house and access driveway under Section 80 of the Environmental Planning and Assessment Act and recommends approval subject to conditions.

**Finance**

N/A

**Policy**

N/A

**Reason for Council Report**

Four submissions have been received in opposition to the development application.

**Attachments**1 10.2016.325.1 - plans [↓](#)**Enclosures**1 10.2016.325.1 - applicant's justification for CI 4.6 [⇒](#)**RECOMMENDATION**

That Council approve Development Application number 10.2016.325.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of this report.

**BACKGROUND****APPLICANT:** Allen Price & Scarratts**OWNER:** Mr M D & Mrs K J Harris**Development Site**

The property is described as Lot 390 DP 1131790 and Lot 38 DP 111258 which is located on the eastern side of Jamberoo Road. The northern-most section of the property is opposite Jamberoo Recreation Park. The south eastern corner of the site fronts Minnamurra Lane where a formal driveway access to the development site is proposed.

The site is zoned predominantly RU2 Rural Landscape with small pockets of E2 & E3 Environmental Conservation & Management area pursuant to Kiama Local

Report of the Director Environmental Services

9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

---

Environmental Plan (LEP) 2011. The primary slope of the subject land falls to the west which gradually becomes steeper and is intersected by gullies and creeks.

The property is surrounded by rural properties containing farm dwellings and buildings used for farming purposes. Both of the subject lots are vacant and contain sparse vegetation and clear open undulating pasture. There are naturally occurring watercourses and dams located toward the west on the allotments, in areas that are distant from the proposed development site. The subject development site would be located on the eastern side of the hillcrest of the allotment.

The combined area of Lot 38 and Lot 390 are:

- 36.017ha by DP111258;
- 36.426ha by current Deposited Plans; and
- 38.69ha by survey.

Overall the property is less than 10% deficient in achieving the development standard of Clause 4.2A Kiama LEP 2011 which requires a minimum of 40ha to construct a dwelling within this zone. A variation on the allotment size under Clause 4.6 of Kiama LEP 2011 is sought by the applicant, and is supported by staff for approval.

### **Description of the proposed development**

It is proposed to construct a single storey rural dwelling on the subject land over two adjacent parcels of land in their ownership - being Lot 38 DP 111258 and Lot 390 DP 1131790 at No 1096 Jamberoo Road, Curramore. The proposed development would be located east of the highest hillcrest within the allotment and wholly within the RU2 Rural Landscape.

Whilst the property address is off Jamberoo Road, it is intended to construct an internal access road from the proposed building to enable entry to the site from Minnamurra Lane in the south-east corner of the property. The applicant has submitted a comprehensive design rationale for the chosen site location of the proposed dwelling and access driveway.

The proposed 260m<sup>2</sup> single storey, 4 bedroom brick dwelling would be clad with a green coloured sheet metal roof and be serviced by associated rainwater tanks and on site effluent disposal.

The design of the proposed dwelling would be consistent with the style of dwellings in the area and has a relatively low profile.

The applicant contends that the proposed development will be suitably screened by strategically planted landscaping and it would not be expected that the amenity of the adjacent property would be undermined. A satisfactory landscape plan has been submitted and is endorsed by assessment officers.

### **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:

Report of the Director Environmental Services

9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

---

### Relevant Environmental Planning Instruments

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

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

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

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

- State Environmental Planning Policy (Rural Lands) 2008

The proposal facilitates the orderly and economic use and development of the land for rural and related purposes.

- Kiama Local Environmental Plan 2011

The subject development site is located in zoned RU2 Rural Landscape pursuant to Kiama LEP 2011. The proposal is permitted with consent in the zone and is considered to be consistent with the zone objectives.

Specific clauses requiring consideration:

**Clause 4.2A** permits a dwelling house to be erected on a RU1, RU2 and E3 zoned lot subject to either the lot complying with the Lot Size Map or permissibility before gazettal of Kiama LEP 2011 or is an existing holding.

The combined area of both lots is approximately 38.69ha (once consolidated as 1 single allotment by title). The applicant has provided reasonable justification that the size of the combined lots has merit for dwelling entitlement under Clause 4.6 – Exceptions to Development Standards.

The applicant's submission under Clause 4.6 is summarised below:

*"The objectives of clause 4.6 are as follows:*

- to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- to achieve better outcomes for and from development by allowing flexibility in particular circumstances*

*Compliance with this development standard 4.2A(3)(a) is considered to be **unreasonable** and **unnecessary** in the circumstances of this case, for the following reasons:*

- *The development areas in all instances (DP111258, DP1131790 and by survey) are in excess of 36ha which is less than a 10% deficiency in the 40ha development standard. It should be noted that the certificate of title for both lots cautions that they are limited titles where the boundaries have not been investigated by the registrar general (Section 28T(4) of the Real Property Act 1900).*
- *The areas of these lots have been further calculated by survey to conclude a combined total of 38.69ha which is approximately 3% less than 40ha development standard.*

## Report of the Director Environmental Services

## 9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

- 
- *These deficiencies of area are negligible and unlikely to detract from the purpose of the zone objectives.*
  - *This proposal is for a building on a rural property which is consistent with neighbouring developments where the land is used for the purpose of agriculture.*
  - *There will be no land use conflict between existing agricultural practices and the proposed dwelling house as it allows for efficient management of the agricultural practices.*
  - *The neighbouring allotments which contain dwellings are all less than the 40ha minimum for the zone they are located in. The subject lot of this development application is significantly larger in area than the adjoining lots in the vicinity with most being 20-30ha lots.*
  - *The rural amenity of the region will be maintained by the scale of this proposal and will not adversely impact on the public interest or diminish Council's strategic planning objectives.*

*The proposed development will not be contrary to public interest because it is consistent with the objectives of the zone in which the development is permissible and it is compatible with the character of the locality.*

*It is the applicant's contention that strict compliance with the 40ha development standard in this case is unreasonable and unnecessary. Overall, the variation of the lot size development standard of 40ha contained within Clause 4.2A(3)(a), in the circumstances of this case, does not undermine Council's established planning principles or the objectives of the zone.*

*Under Section 79(C) of the EP&A Act, there are several heads of consideration which need to be taken into account in assessing an application, and similarly in proposing an application; these are the environmental planning grounds upon which development is assessed and determined.*

*Our application has demonstrated that it complies with the provisions of the Kiama LEP 2011, excluding the contravention of the 40ha development standard. The provisions of Kiama DCP have been achieved in this development. There are no draft Environmental; Planning instruments which this development would contravene.*

*Further, the physical and visual environmental impacts of the development have been addressed both through the application plans and the statement of environmental effects – there is sufficient environmental planning grounds for Council to be assured that there will not be an adverse impact upon either the natural or built environmental as a result of this development.*

*With regard to social and economic impacts upon the locality, this proposal is considered to have a positive impact though the management of the land in an appropriate manner, though the construction of a new dwelling house which will have an immediate economic impact upon the business environment as well as the occupation of the dwelling house will have a positive on-going economic impact into the future. The land retains its primary productive capacity and the location of a*

Report of the Director Environmental Services

9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

---

*dwelling house as provided maximises the potential for the land to be maintained for grazing and dairy production.*

*The objections to this proposed development application have been addressed and mitigation measures proposed in relation to visual prominence and proximity to neighbours, which leads one to the conclusion that it is not likely to have an adverse social impact upon the adjacent and nearby rural residents.*

*It is our contention that there are sufficient environmental planning grounds to justify contravening this development standard, given the circumstances of this case.”*

### **Council’s assessment comments**

The applicant has provided justification based on established planning principals that the objectives of the subject zone under Clause 4.6(3) are met in this development proposal. The justification provided includes arguments why the development standard is both unreasonable and unnecessary in the case of this development as well as providing sufficient environmental planning grounds to justify contravening the development standard. *(Please refer to a more detailed submission by the applicant as enclosure with this report).* It is therefore recommended that the exception to development standard 4.2A be supported for approval by Council.

#### *Other relevant LEP Clauses*

**Clause 4.3** requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map. The proposal does not exceed the height shown on the Height of Buildings Map.

**Clause 4.4** requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio (FSR) map. The proposal does not exceed the floor space ratio shown for land on the FSR map.

**Clause 6.4** lists considerations and requirements for land which has been identified as “Biodiversity land” on the Terrestrial Biodiversity Map. The proposed development would be located. The proposal meets with the objectives of the clause in that the development would be located approximately 270m from the mapped “Biodiversity Land”

**Clause 6.5** lists considerations and requirements for land which has been identified as riparian land and watercourses. The proposal meets with the objectives of the clause as the proposed dwelling would be located approximately 270m from the nearest riparian watercourse.

### **Development Control Plans (DCPs)**

Kiama Development Control Plan (DCP) 2012

#### **Chapter 6 Rural Development Overall Objectives**

- *To protect agricultural land and restrict its fragmentation for purposes other than primary production.*
- *To ensure that development does not inhibit the use of agricultural land for agriculture.*

## Report of the Director Environmental Services

## 9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

- 
- *To minimise the risk to development posed by climate change and natural hazards such as acid sulphate soils, bush fires, flooding, sea level rise and associated rise in water tables, and land instability.*
  - *To maintain, protect and improve the natural environment including native vegetation and riparian land.*
  - *To ensure that all new development adopts best practice design criteria for climate change. • To protect threatened species, endangered ecological communities, natural habitat and riparian corridors, waterways and wetlands.*
  - *To protect and enhance the character of the Kiama area's coastal and rural scenic visual landscapes.*
  - *To protect rural residential amenity.*

**“Application Objectives:** *The applicant contends that the proposed development would achieve the objectives of this DCP chapter in that the development would not be out of character with the surrounding rural environment and would not fragment the rural / agricultural land. The development would be situated on a cleared open pasture area and strategically obscured by landscape screening.*

*The proposed dwelling in this location would not impact on the category 3 watercourse. Acid sulphate soils are not found in this location. Relevant expert consultant assessments have been undertaken for bushfire and effluent disposal and accompany this application”.*

**“Section 1 - Design and Siting Controls for Rural Dwellings/Alterations Objectives**

- *To ensure that rural housing and ancillary development is designed and sited to protect agricultural land.*
- *To ensure that all rural housing and ancillary development does not impact on existing and any possible future agricultural uses on the land on which it is sited or adjoining lands.*
- *To protect and maintain Kiama's scenic rural landscapes and low density rural residential character.*
- *To minimise the impact of rural residential development on agricultural land and land occupied by native vegetation, endangered ecological communities and threatened species.*
- *To minimise the potential for land use conflict between rural dwellings and agricultural activities carried out or likely to be carried out on adjoining land.*
- *To protect rural residential amenity.*
- *To protect rural heritage items and their rural landscape settings.”*

**“Application Objectives:** *It is the applicant’s contention that this proposal protects and maintains the productive capacity of the rural land, through minimising fragmentation of the agricultural landscape, and by placing the proposed dwelling in a suitably clear space within relatively close proximity to property boundaries. The entire property is currently managed as open pasture and the design of the dwelling*

## Report of the Director Environmental Services

## 9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

---

would not interrupt the natural environment and the rural amenity of the surrounding area would be reasonably preserved.

The proposed internal access road would be adjacent to the driveway at No.255 Minnamurra Lane. The positioning of the driveway from Minnamurra Lane reduces the length of construction of the internal property access and reduces the visual impact of the access from Jamberoo Road. The traffic speeds and traffic volumes on Minnamurra Lane are significantly lower than Jamberoo Road and this is considered to be a much safer access location than Jamberoo Road with clear sight distances for vehicles entering and exiting the subject and neighbouring properties”.

**Non-Compliance with Chapter 6 Rural Development Controls**

There are 2 non-compliances of development controls identified in the development proposal. The applicant has provided specific justification to demonstrate that the development meets the objectives of Chapter 6 – Rural Development:

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

The applicant seeks a variation for Control C17 for the following reasons:

- *“Agricultural activities currently undertaken on the subject land involves the grazing of cattle. Locating the proposed dwelling into a position where it is 150m from property boundaries with other agricultural pursuits would place the proposed dwelling within the centre of the property where it would be highly visible from Jamberoo Road and would likely interfere with on-going agricultural activities on the land.*
- *Compliance with Control C17 would result in the dwelling & associated effluent disposal area being moved closer to watercourses and E2, E3 zones.*
- *Compliance with Control C17 would likely lead to greater site disturbance where there would be more extensive cut & fill due to steeper adjacent slopes for the construction of the dwelling and the access road.”*
- *“Gaining access from Jamberoo Road would have significant traffic conflict implications and result in a more visible and longer driveway construction.*
- *The predominant reason the proposed dwelling house has not been located within the otherwise acceptable 150m acceptable construction locale, relates to the visual prominence and difficulty of creating safe vehicle access.*
- *A dwelling constructed within that triangle illustrated on the site plan would be highly visible particularly from Jamberoo Road. Jamberoo Road is an RMS controlled high volume road. Access to the dwelling site would be problematic*

## Report of the Director Environmental Services

## 9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

---

*from that road with potential issues with sight distance and the speed zone, potentially requiring upgrade works on Jamberoo Road with regard to a right / left turn bay (BAR/BAL). Jamberoo Road is a controlled road where Minnamurra Lane is a local road, providing access to fewer rural dwellings. Access from Minnamurra Lane is much safer than any location on Jamberoo Road, where Council is the road authority.*

- *The proposed dwelling location is generally flat and beyond the brow of the hill where it is not likely to be highly visible from Jamberoo Road. There will be a maximum 650mm cut or fill for dwelling house construction, and the driveway can be readily constructed from Minnamurra Lane without significant damage to the environment.”*

**Council’s assessment comments** - The combined allotment shapes are irregular as is the topography of the land within the allotments. The applicant contends that if compliance with the abovementioned controls were achieved, the combined 150m buffer zones would result in only a small triangular area of land left available for the development within the steeper, more exposed slopes of the allotment. Assessment has revealed that compliance with the 150m buffer zones would in this instance result in greater site constraints and greater site disturbance.

It is therefore considered that the applicant has provided sufficient justification based on sound town planning principals for the chosen site location.

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

The applicant further justifies the variation for Control C17 by referring to the abovementioned Control C18:

- *“The proposed dwelling is to be constructed approximately 90m from the dwelling to the east and in excess of 350m from any other dwellings or ancillary buildings on adjoining properties. It is anticipated that the construction of the dwelling in this location will encourage any agricultural activities to take place on the western and northern areas of the site and limit any impact on the eastern property; and*
- *It would be expected that the planting of a 20m vegetation buffer as indicated on the proposed landscape plan would satisfy this control.”*

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

The applicant provides the following justification in relation to control C20:

- *“The proposed dwelling is to be constructed approximately 83m from the dwelling to the east which is less than the 100m requirement. Variation of this control is sought.*



## Report of the Director Environmental Services

## 9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

- 
- *It is considered that the amenity of the occupants on the adjoining property will not be compromised by proposing the dwelling house within 83m of that adjoining dwelling.*
  - *The proposed dwelling is approximately 83m to the closest dwelling house (that located upon Lot 4 DP 621070). Relocating the dwelling further to the west to achieve the 100m buffer would increase the visual prominence of the dwelling, pushing it over the brow of the hill where it will become visible from Jamberoo Road.*
  - *The amenity of neighbours would be protected through the provision of the proposed landscape buffer to screen the dwelling location. Privacy is also maintained through the minimisation of high use rooms on the eastern elevation, to reduce the potential for overlooking and it is noted that the closest dwelling has a garage and screening between the house and the boundary with Lot 38.*
  - *The visual impact of the dwelling house would be minimised from Minnamurra Lane through screen planting. The dwelling has been located so that it is not on the top of the hill within the property. From outside the property, particularly Jamberoo Road, the dwelling should not be visually prominent, as the dwelling is located over the brow of the hill and has the benefit of the visual backdrop of the escarpment to the south and east to provide a high horizon line above the proposed development.*
  - *Rural amenity will be maintained with this setback, the variation is not significant, and the impacts associated with relocation are higher and of likely more environmental significance than the proposed location.*
  - *The western facade of adjacent buildings at No.255 Minnamurra Lane consists of a garage wall and covered outdoor area which are solid brick walls.*
  - *There is also a storage shed. No windows which face the proposed dwelling.*
  - *The wall of the covered outdoor area contains louvres which ensure additional privacy for the occupants.*
  - *The proposed dwelling contains moderately sized windows facing the nearest dwelling to the east. The location of these windows, current and future vegetation between the two properties, and the absence of facing windows, will ensure that adequate amenity is achieved for both properties.*
  - *It should also be noted that the neighbouring dwellings, which have been constructed at No 255 and No 261 Minnamurra Lane, are approximately 70m apart. The setback provided in this proposal of 90m assists to maintain their privacy.*
  - *The proposed screen plantings between the two properties ensure the amenity of these residents is protected.*
  - *The principle views from the proposed dwelling are to the north and west. Furthermore, the dwelling is located within an existing fenced paddock area*

## Report of the Director Environmental Services

## 9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

---

*where complying with the 100m setback requirement would require removal and realignment of current internal fencing.*

- *The applicant believes that the objectives of development control plan are achieved and that this variation of Control 20 is reasonable, in relation to the neighbouring dwellings & proposed screen planting, and is worthy of Council's approval."*

**Council's assessment comments**

The underlying objective of the 100m buffer between rural dwellings was established in the DCP to protect the amenity of existing rural developments. The extent of the non-compliance of 83m would not be a significant variation from the Control particularly if it is the applicant's intention to plant and maintain a 20m wide plantation screen which would ameliorate any additional amenity impacts. This would be a recommended condition on the development consent if approval is given. It is therefore considered that the applicant has provided sufficient justification based on sound town planning principals for a variation to Control C20.

**Any matters prescribed by the Regulations**

Nil

**The likely impacts of the proposed development**

- Streetscape and visual impact assessment

The scale of the proposed development is relatively modest in context with the size of the allotment, particularly when viewed from Jamberoo Road, adjacent to the Jamberoo Recreation Park gates, where the view line distance diminishes the scale of the dwelling within the landscape. The revised landscape plan would address screening of the dwelling from the north view catchment area.

The revised landscape plan would also address views from the south of the allotment when viewed from Minnamurra Lane. Assessment of the landscape plan has revealed that there would be further necessary revisions of the landscaping plan to obscure the dwelling. Consent conditions to further revise the landscape plan would need to be applied should development consent be granted.

Control C7 requires that rural dwellings and ancillary development must be designed and sited to protect their impact on the natural environment and the scenic landscape and be clustered rather than dispersed over the property. The proposed development would appear to be clustered together with the dwellings off Minnamurra Lane and positively responds to this development objective.

- Noise

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

## Report of the Director Environmental Services

## 9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

---

- Privacy and overlooking

Given the spatial separation of the proposed development to adjacent dwellings together with the proposed 20m landscape buffer indicated on the landscape plan, no significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development.

- Views

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

- Vehicular access, parking and manoeuvring

Sufficient car parking is proposed.

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

- Stormwater management

A satisfactory drainage design has been provided with the application.

All stormwater will drain to the proposed 100,000 litre tanks. A satisfactory stormwater concept plan has been submitted and would be endorsed with the plans if the development is approved.

- Environmental impacts

*Vegetation removal* – No vegetation is to be removed.

*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 would prevent significant impacts on soil resources.

- Social and economic impacts

The proposed development will likely have minimal adverse social or economic impacts. The amenity impacts of the proposed development have been considered in detail and no concerns raised in submissions would warrant refusal of the application.

### **The suitability of the site for the development**

The site is mapped as being bushfire prone but is considered a low bushfire risk. A bushfire assessment accompanies this application as a prudent measure. The site is not known to be impacted by any other reasonably expected hazard — the land is not mapped as being flood prone or within a flood plain. Acid sulphate soils are not on this land or within its vicinity.

The site is serviced (overhead electricity & telephone) and it is not likely that the proposed development would place unrealistic or unreasonable demands upon the existing infrastructure network. Potable water would be collected and stored on site for domestic purposes. Town water is not available to the property. An onsite effluent

## Report of the Director Environmental Services

## 9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

---

treatment system is proposed which is capable to treating effluent from the dwelling house without adverse environmental consequences.

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

**Submissions**Public submissions

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, 4 submissions were received which raised the following (summarised) matters of concern:

**Item 1** - Non-compliance with Kiama DCP 2012 – Control C17 and C20.

**Council's assessment comment** - The applicant has sought variations in regard to the above development controls. The combined allotment shapes are irregular as is the topography of the land within the allotments. The applicant contends that if compliance with the abovementioned controls were achieved, the combined 150m buffer zones would result in only a small triangular area of land left available for the development within the steeper, more exposed slopes of the allotment. Further, it is noted that the majority of dwellings in this locality do not comply with this requirement which has not diminished achievement of the general objectives for rural lands.

Assessment has revealed that the applicant has provided sufficient justification based on sound town planning principals for the chosen site location.

**Item 2** - The dwelling would be highly visible in the proposed location and should not be located on a ridge, saddle or knoll.

**Council's assessment comment** - The proposed site location of the development has been carefully considered by both the applicant and Council's assessment officer.

The proposed development would be located to the eastern side of the knoll on the subject allotment and would be visible from Jamberoo Road at a distance of approximately 600-700m, where the view line distance diminishes the scale of the dwelling within the landscape.

The revised landscape plan attempts to address this development exposure when viewed from the North approaches on Jamberoo Road. The chosen house site would blend with the back-drop of the escarpment to the south when viewed from the northern approaches along Jamberoo Road (from Croome).

The development is proposed to be located on the eastern side of the knoll and finished in earthy colour tones that would minimise the visual intrusion.

The southern approaches along Minnamurra Lane are proposed to be landscaped and would obscure more of the local views of the proposed development site.

Assessment of the development application confirms that the strategic landscape screening incorporated in the development would minimise visual exposure more so than if compliance with the rural buffers were to be achieved.

Report of the Director Environmental Services

9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

---

**Item 3** - There are many alternative sites available that would satisfy the rural buffer requirements of C17 & C20.

**Council's assessment comments** - The availability of alternative sites has been explored by the applicant who contends that other alternative development sites would result in deeper excavations, greater site disturbances, longer access driveways and greater visual exposure to a larger visual catchment area. Alternative development siting would also result in a less safe vehicle access point off Jamberoo Road.

**Item 4** - Minnamurra Lane is a narrow roadway with many dangerous spots and is inadequate as a result of the volume of traffic grown from past developments.

The applicant has made the following comments in regard to Item 4:

*“Concern has been raised in submissions that Minnamurra Lane is at times, impacted by inundation and it would therefore be unsafe with the additional loading generated by the traffic movements associated with an additional dwelling house. It is acknowledged that in an emergency the landowner has secondary egress via Jamberoo Road, however there is no intention to formalise that as the primary access. It is unlikely that 6–9 daily traffic movements would lead to further deterioration of Minnamurra Lane or exacerbate traffic conflict, and it is our contention that the number of traffic movements on Minnamurra Lane are within the environmental capacity of this local road.*

*The submission also make reference to there being an existing access point on Jamberoo Road which is currently used to move cattle from this property to others owned and managed by the property owner, and provide that this access should be utilised as the principle access to the dwelling house proposed in this application.*

*While it is acknowledged that there is a farm gate on Jamberoo Road, this use is intermittent and would have a lower usage than a dwelling house in terms of traffic generation. As provided above, it would be expected that RMS would require a higher standard of entry (e.g. BAR/BAL) for a dwelling house, and the driveway construction from that point to a dwelling would likely require extensive cut which would have a more significant environmental impact than the proposed location.”*

**Council's assessment comments** - The applicant's submission is in regard to access is considered reasonable. The objector's concern regarding access via Minnamurra Lane would not warrant Council refusing the development application.

**Item 5** - Concern about dust impacts from the access driveway

*“An additional concern related to the potential for dust generation from the use of the driveway and the impact that may have on the nearby residents. The internal property access is proposed to be 200mm compacted gravel which is a standard accepted by Council and used in this rural area. This standard is suitable for use in this circumstance as the land is gently sloping and the driveway is not in close proximity to the nearby houses – at the closest approximately 50m.*

*The slope of the subject land does not require the internal property access to be finished with a bituminous seal, though it is noted that the two closest neighbours*

Report of the Director Environmental Services

9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

---

*have chosen that type of finish for their roads, though many others in the locality are gravel.*

*The proposed 20m wide landscape buffer will have ameliorative impacts in this regard filtering the dust and mitigating adverse amenity impacts.”*

**Council's assessment comments** - There are many examples where gravel is used in the rural areas for driveway access. Council would not object to the proposed driveway construction as indicated on the plans. It is acknowledged that the submitted hydraulic plan does address drainage along the access track to prevent future erosion and dust issues arising from the driveway access.

### Internal referrals

- Subdivision and Development Engineer

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

- Landscape Design Officer

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

- Strategic Planning

*The subject development application has come in over Lot 38 DP111285 and Lot 390 DP1131790 however the proposed dwelling and access road is only on Lot 38 which is what I have done the search over.*

*Area of Lot 38 = 20.12ha*

*Zoned RU2/E3*

*The land is not an existing holding on its own or with Lot 390 . There is another parcel of land to the south that with these 2 lots form the whole of the holding so it does not comply with Clause 4.2A (3)(d).*

*Subject land does not include the lot to the south of the holding – of which a house is already constructed which would have exhausted that entitlement in any event.*

*The land has been in its current form for a very long time and has had no subdivision activity. Therefore it does not comply with any of the other subclauses under clause 4.2A.*

*In accordance with the above the land does not have an entitlement under Clause 4.2A of Kiama LEP 2011.*

*Worth noting is that both lots together are 38.74ha which may allow for a dwelling under a different clause (clause 4.6 variation)*

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

### The public interest

The proposal is considered to be consistent with all relevant Environmental Planning Instruments and Development Control Plans, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant

Report of the Director Environmental Services

9.3 Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road (10.2016.325.1) (cont)

---

adverse social and economic impacts, is suitable for the site and therefore is considered to be consistent with the public interest.

#### **Final comments and conclusions**

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant DCPs. The proposed development is consistent with the objectives of the LEP 2011 - RU2 Rural Landscape zone.

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

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



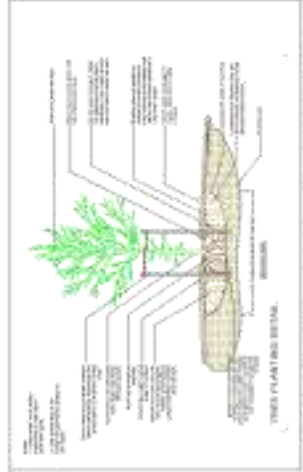


**REMARKS:**

- THE PROPOSED LANDSCAPE DESIGN FOR THE JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN WILL BE COMPLETED AND REVISED ON THE LATEST AVAILABLE DATE.
- THE PROPOSED DWELLING IN LOCATES OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN. THE LOCATION OF THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN. THE LOCATION OF THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN.
- THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN. THE LOCATION OF THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN.
- THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN. THE LOCATION OF THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN.

**VEGETATION REMOVAL:**

- THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN. THE LOCATION OF THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN.
- THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN. THE LOCATION OF THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN.
- THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN. THE LOCATION OF THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN.
- THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN. THE LOCATION OF THE PROPOSED DWELLING IS LOCATED OUTSIDE OF THE 10M ZONE POWER LINE CORridor WITHIN THE PROPOSED JAMBEROO ROAD CURRAMORE RESIDENCE CONCEPT PLAN.



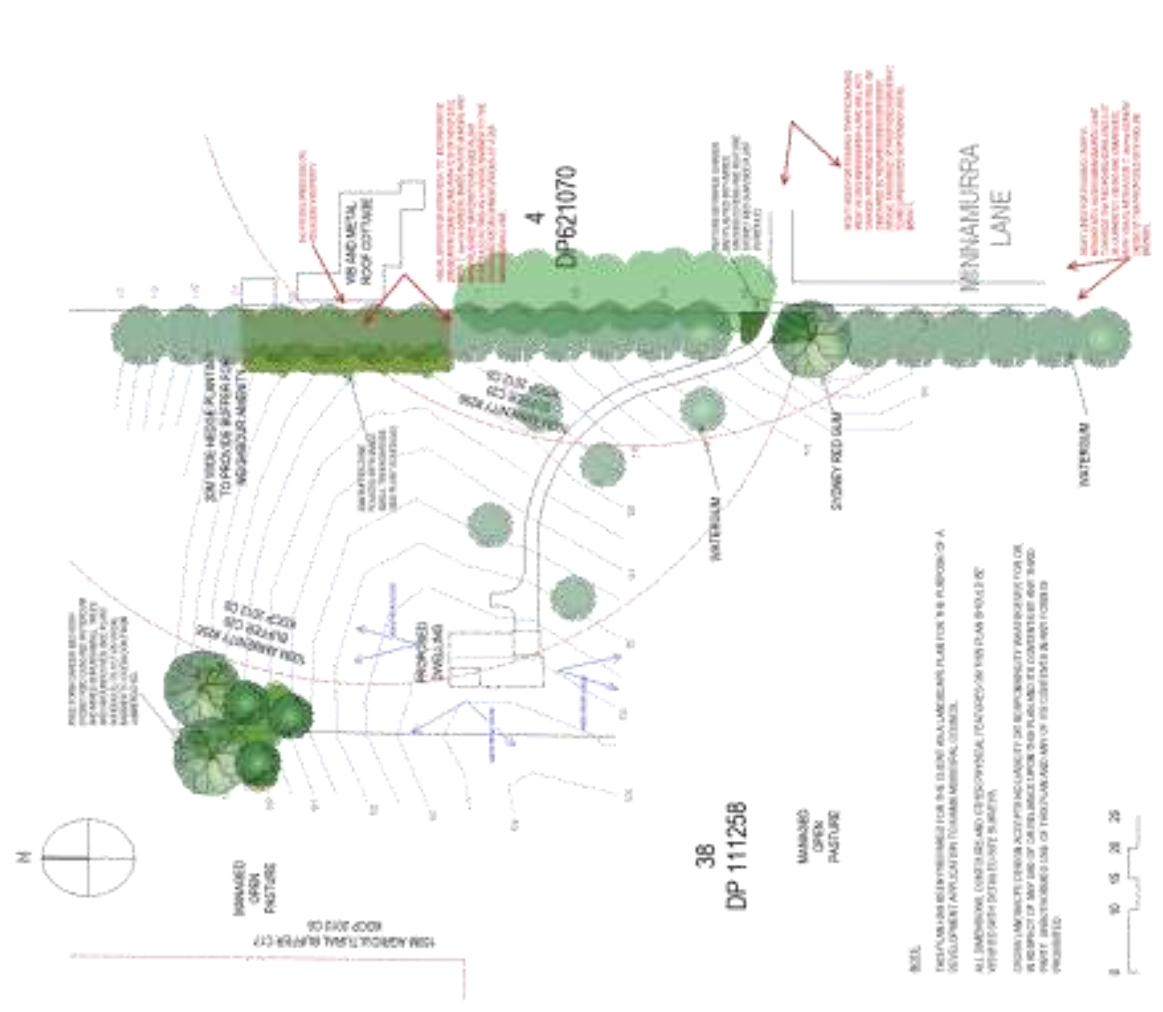
CLIENT DETAILS	CONTRACTOR	SHEET NO.	SCALE
MARSH HILLS		1/1/1	1:1000
REFERENCE DATE	DRAWN BY	DATE	DATE
	A. CROSS		

Item 9.3

PLANT SPECIES	PLANT SPECIES	PLANT SPECIES	PLANT SPECIES	PLANT SPECIES
WATERHAM	STONY RED GUM	WATERHAM	STONY RED GUM	WATERHAM
<i>Thaunthaun</i>	<i>Styphalegium</i>	<i>Thaunthaun</i>	<i>Styphalegium</i>	<i>Thaunthaun</i>
CHERRY TREE	WATERHAM	STONY RED GUM	WATERHAM	STONY RED GUM
<i>Coccinifera</i>	<i>Thaunthaun</i>	<i>Styphalegium</i>	<i>Thaunthaun</i>	<i>Styphalegium</i>

JOB DESCRIPTION	CLIENT DETAILS	CONTRACTOR	SHEET NO.	SCALE
DA LANDSCAPE PLAN	MARSH HILLS		1/1/1	1:1000
REFERENCE DATE	DRAWN BY	DATE	DATE	DATE
	A. CROSS			

Attachment 1



JOB DESCRIPTION	CLIENT DETAILS	CONTRACTOR	SHEET NO.	SCALE
DA LANDSCAPE PLAN	MARSH HILLS		1/1/1	1:1000
REFERENCE DATE	DRAWN BY	DATE	DATE	DATE
	A. CROSS			

**CROSS LANDSCAPE DESIGN**

10/10/2016 10:10:10 AM

10/10/2016 10:10:10 AM

10/10/2016 10:10:10 AM

JOB DESCRIPTION	CLIENT DETAILS	CONTRACTOR	SHEET NO.	SCALE
DA LANDSCAPE PLAN	MARSH HILLS		1/1/1	1:1000
REFERENCE DATE	DRAWN BY	DATE	DATE	DATE
	A. CROSS			

Attachment 1



### Schedule of External Finishes

Lot 38 Jamberoo Road, Curramore  
 401746 – Harris

Bricks – Austral: Old Colonial Buff	
Roof – Colorbond: Cottage Green	
Gutter – Cottage Green	
Fascia – Surfmist	
Garage Door – Surfmist	
Windows – Surfmist Matt	

Item 9.3

Attachment 1

**Newcastle Office**  
 98 Huntingdale Drive, Thornton NSW 2322  
 PO Box 340, East Maitland NSW 2323  
 P 02 4918 2200  
 F 02 4028 6345  
 DX 21627 Maitland

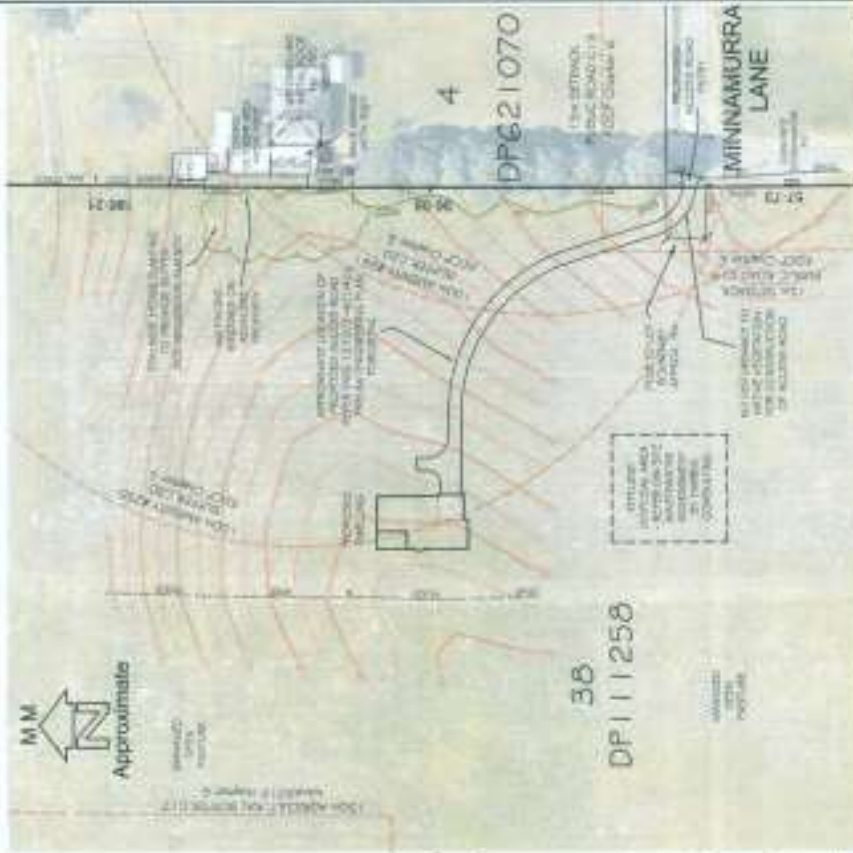
**South Coast Office**  
 142 Lake Entrance Road,  
 PO Box 175, Oak Flats 2529  
 P 02 4330 4800  
 F 02 4337 9652  
 DX 5153 Wollongong

**Sydney Office**  
 Suite 1, 62 Norwest Boulevard,  
 PO Box 7994, Baulkham Hills NSW 2153  
 P 02 8848 4000  
 F 02 9634 5511  
 DX 9964 Norwest

**ACT Office**  
 AX3 Business Centre Building  
 2 Level 1, Cor. Gladstone & Tennant Street  
 PO Box 1224, Fyshwick ACT 2609  
 P 02 6143 2060

Newcastle Quality Construction Pty Ltd ABN 61 903 487 232 Trading as McDonald Jones Homes B14 41628, McDonald Jones Homes Pty Ltd ABN 59 089 524 050, McDonald Jones Homes Pty Ltd (South Coast) ABN 47 132 941 965  
 McDonald Jones Homes Pty Ltd (Sydney) ABN 47 132 976 480, McDonald Jones Homes Pty Ltd (Colorbond) ABN 49 132 923 336, McDonald Jones Homes Pty Ltd (ACT) ABN 46 143 792 205  
 Registration No. 4234, Newcastle Architect, Thomas Jones B14

# PROPOSED RURAL DWELLING & ACCESS ROAD LOCATION, LANDSCAPE & SITE ANALYSIS PLAN



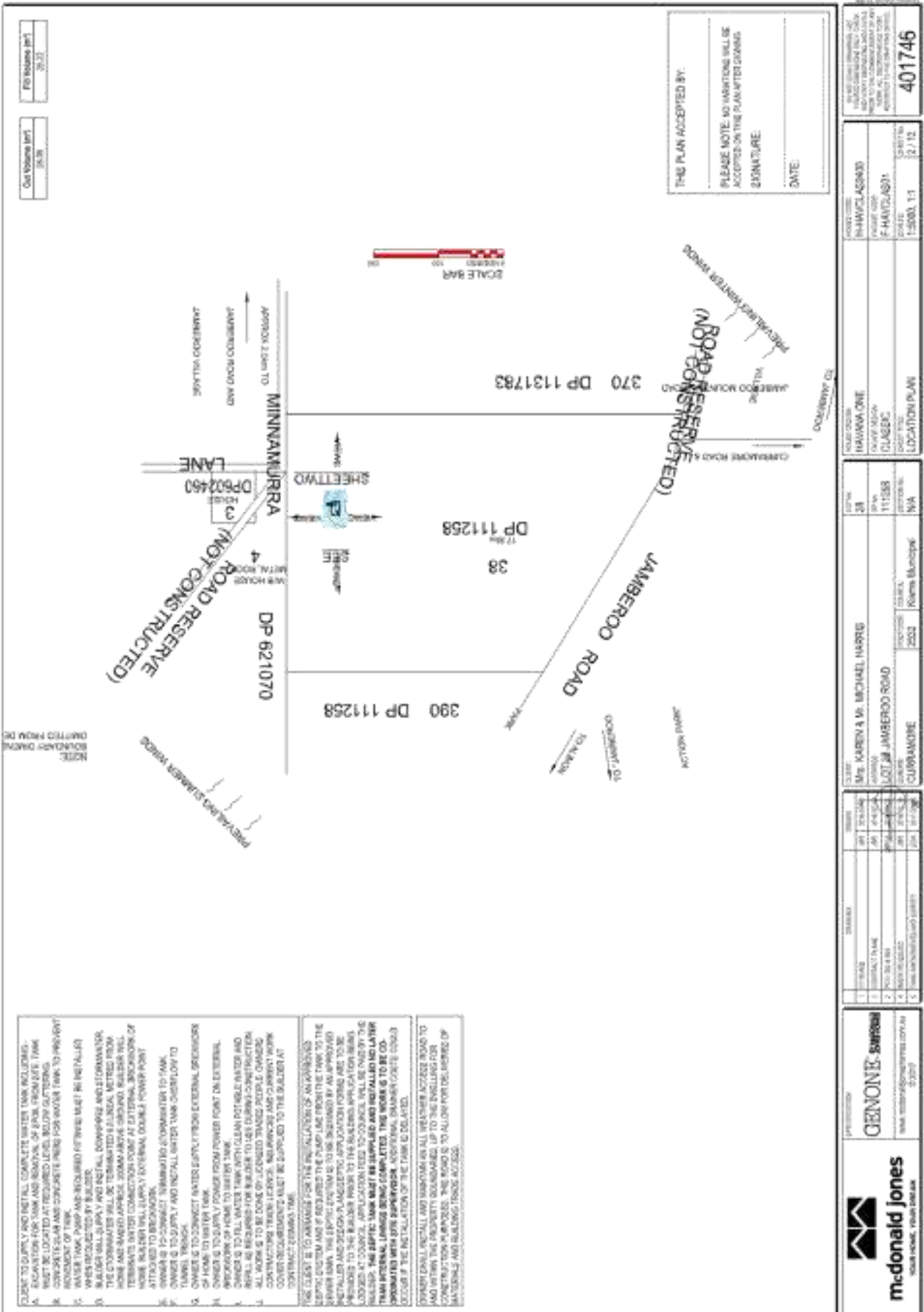
**NOTE:**  
This plan was prepared for Mrs K Harris in accordance with a development application to the Council.  
The information shown on this plan is not suitable for any other purpose.  
The property dimensions, contours and other physical features have been compiled from existing information and have not been verified by field survey.  
The dimensions, areas and total number of lots shown on this plan are subject to field survey and also to the requirements of Council and any other authority which may have requirements under any relevant legislation.  
In particular, no reliance should be placed on the information on this plan for detailed design or for any financial dealings involving the land.  
Allen Price & Scarratt Pty Ltd therefore disclaims any liability for any loss or damage whatsoever or howsoever incurred, arising from any party, using or relying upon this plan for any purpose other than as a document prepared for the sole purpose of accompanying an application to Council for development and which may be subject to alteration by Council beyond the control of Allen Price & Scarratt Pty Ltd.  
Unless stamped by Council, this plan is not a plan of an approved development.  
This plan is an integral part of the application.

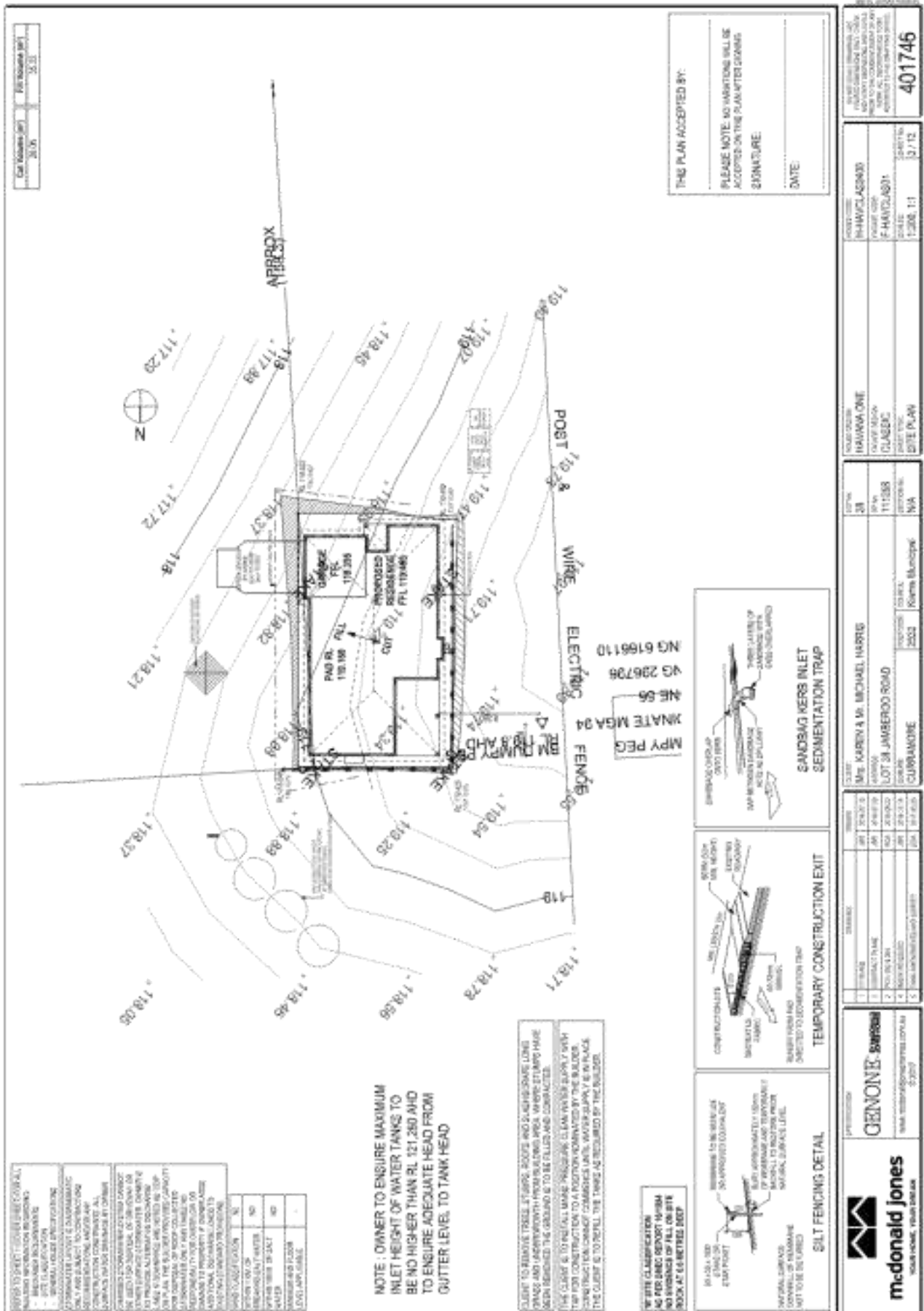
DATUM: APPROXIMATE A.M.D.  
ORIGIN: INTERPOLATED FROM TOPOGRAPHIC MAP  
CONTOUR INTERVAL: 0.5 METRES

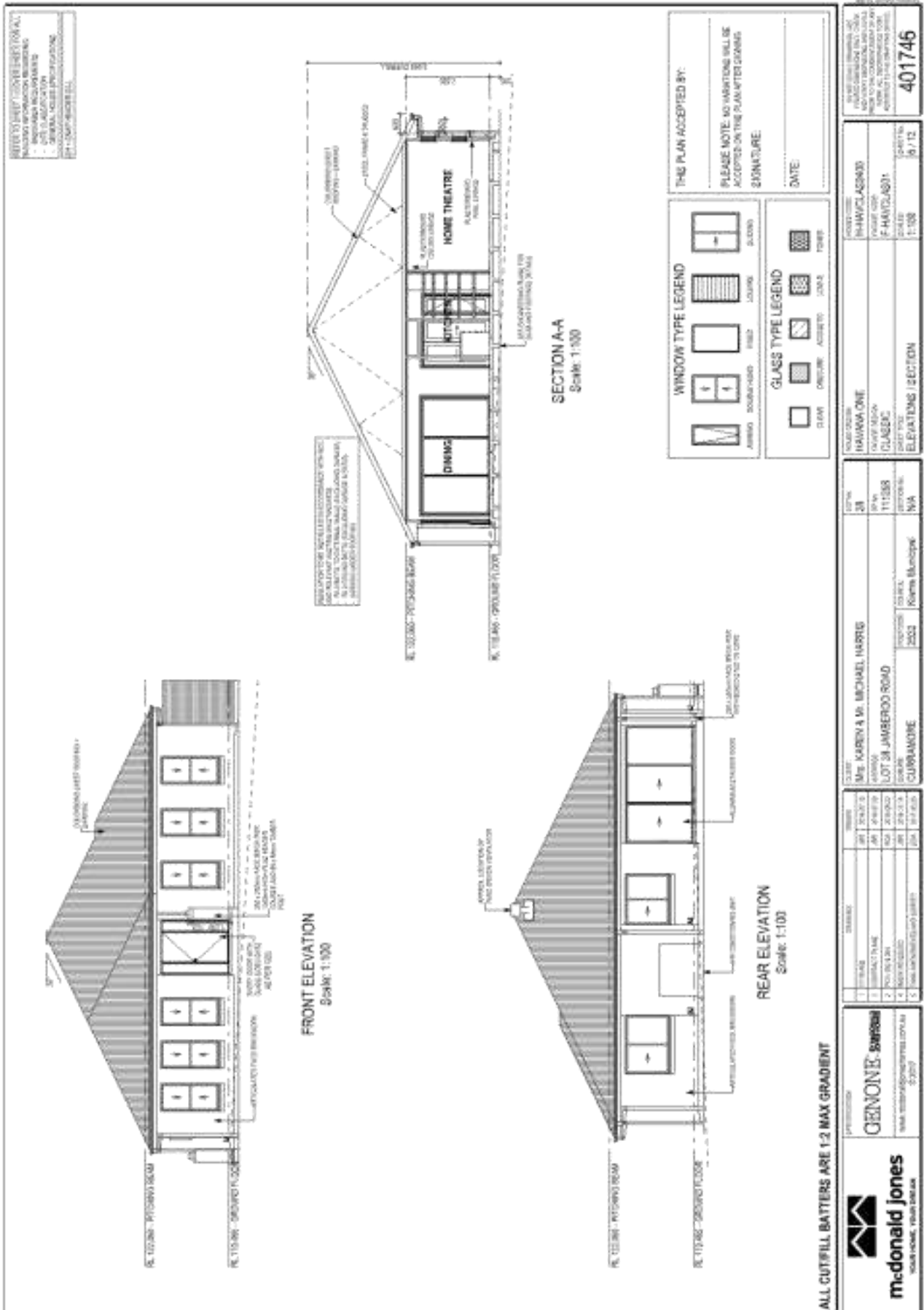
REV	DESCRIPTION	BY	DATE
P1	DWG TRACED/REPRODUCED	DS	22/11/2016
P2	(DWELLING DESIGN REVISION)	DS	08/12/2016

LOCATION, LANDSCAPE & SITE ANALYSIS PLAN RATIO: <b>AS NOTED</b> PROPOSED RURAL DWELLING & ACCESS ROAD OVER LOT 38 DP 111258 & LOT 390 DP 1131790 AT No. 1096 JAMBEROO RD CURRAMORE FOR MRS K HARRIS		DATE OF PLAN 15 JAN 2016
DRAWING NUMBER 127207-03		SHEET <input type="checkbox"/> REVISION OF 1 P2







**LEFT ELEVATION**  
Scale: 1:100

**RIGHT ELEVATION**  
Scale: 1:100

THIS PLAN ACCEPTED BY:

PLEASE NOTE: NO VARIATIONS WILL BE ACCEPTED ON THE PLANNING DRAWINGS.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

ALL CUTFILL BATTERS ARE 1:2 MAX GRADIENT

PROJECT NO.	401745	CLIENT	Mrs. KAREN & Mr. MICHAEL HARRIS	LOT NO.	38
DATE	27/12/12	ADDRESS	LOT 38 JAMBEROO ROAD	STATE	NSW
DESIGNER	GENONE SWANSON	CITY	CURRAMORE	POSTCODE	2203
CONTACT NAME	GENONE SWANSON	LOCALITY	Curramore	REGION	N/A
PHONE NO	02 9330 2000	STATE	NSW	LOCALITY	Curramore
MOBILE NO	04 3830 2000	POSTCODE	2203	LOCALITY	Curramore
FAX NO	02 9330 2000	LOCALITY	Curramore	LOCALITY	Curramore
EMAIL	genone@genoneswan.com.au	LOCALITY	Curramore	LOCALITY	Curramore

WINDOW TYPE LEGEND

AWING	SCREENED	FIXED	LOUVER	SLIDING

GLASS TYPE LEGEND

CLEAR	OBTUSE	AGGREGATE	TINTED	POWER

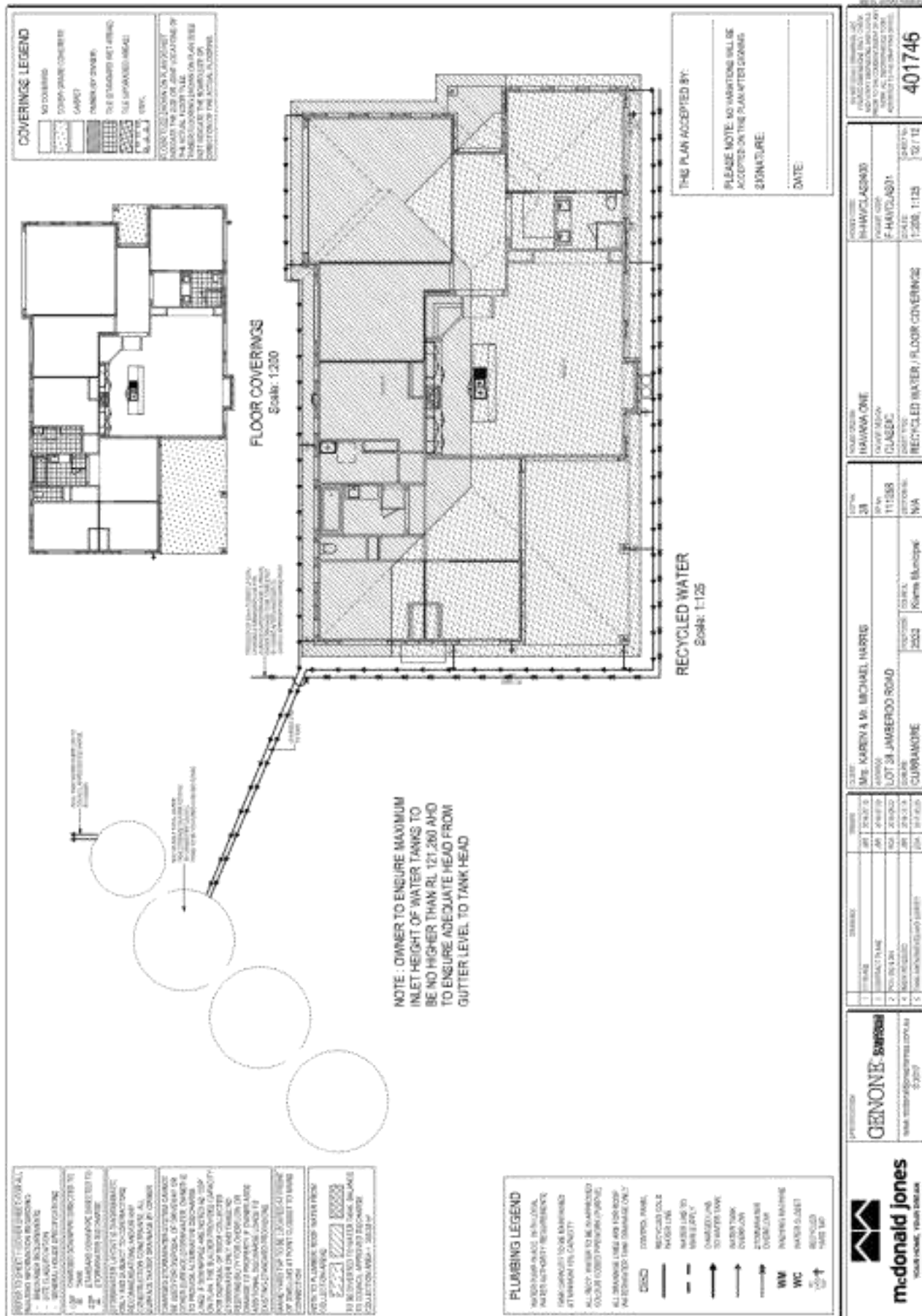
GENONE SWANSON

www.genoneswan.com.au

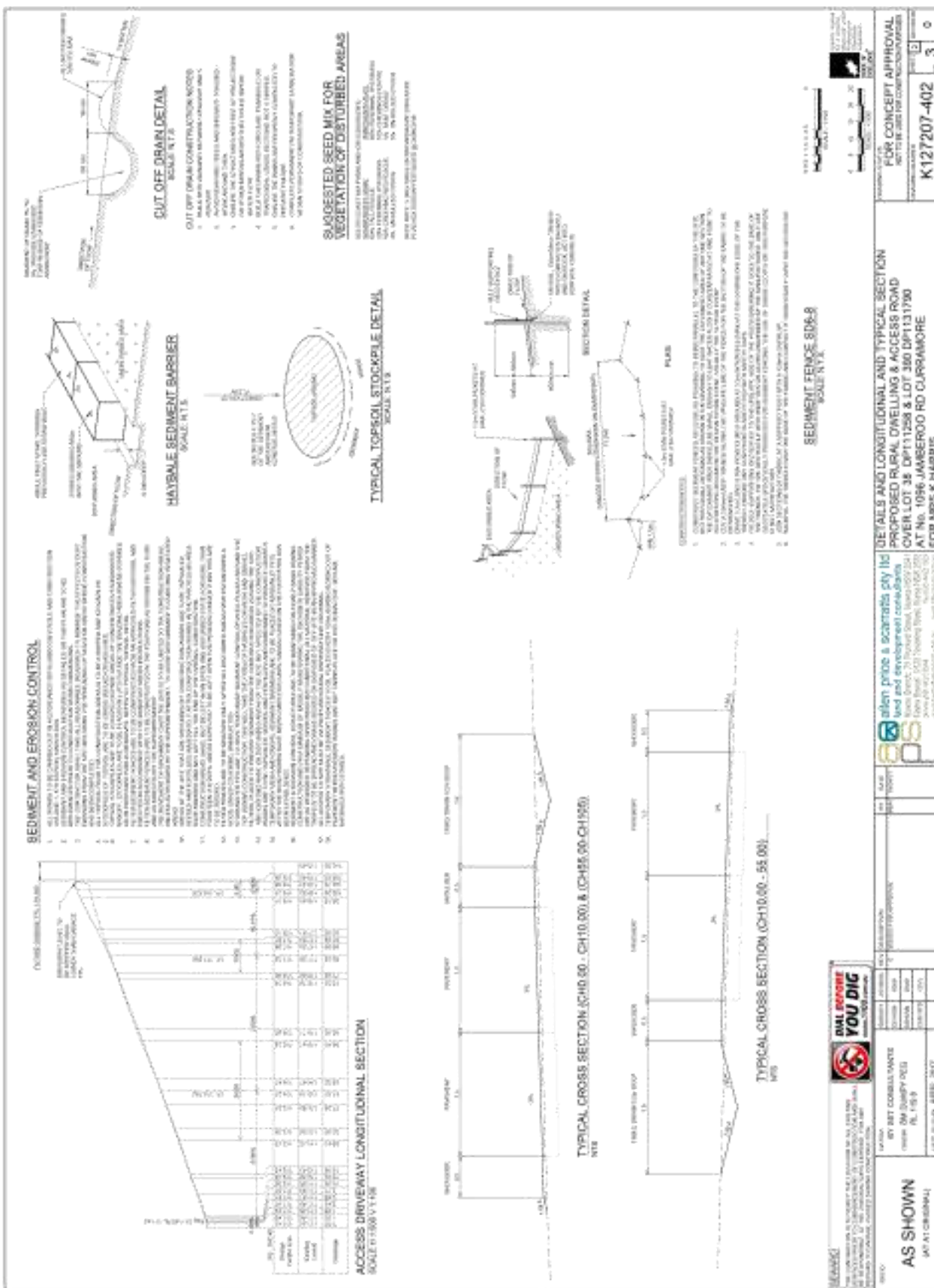
2012

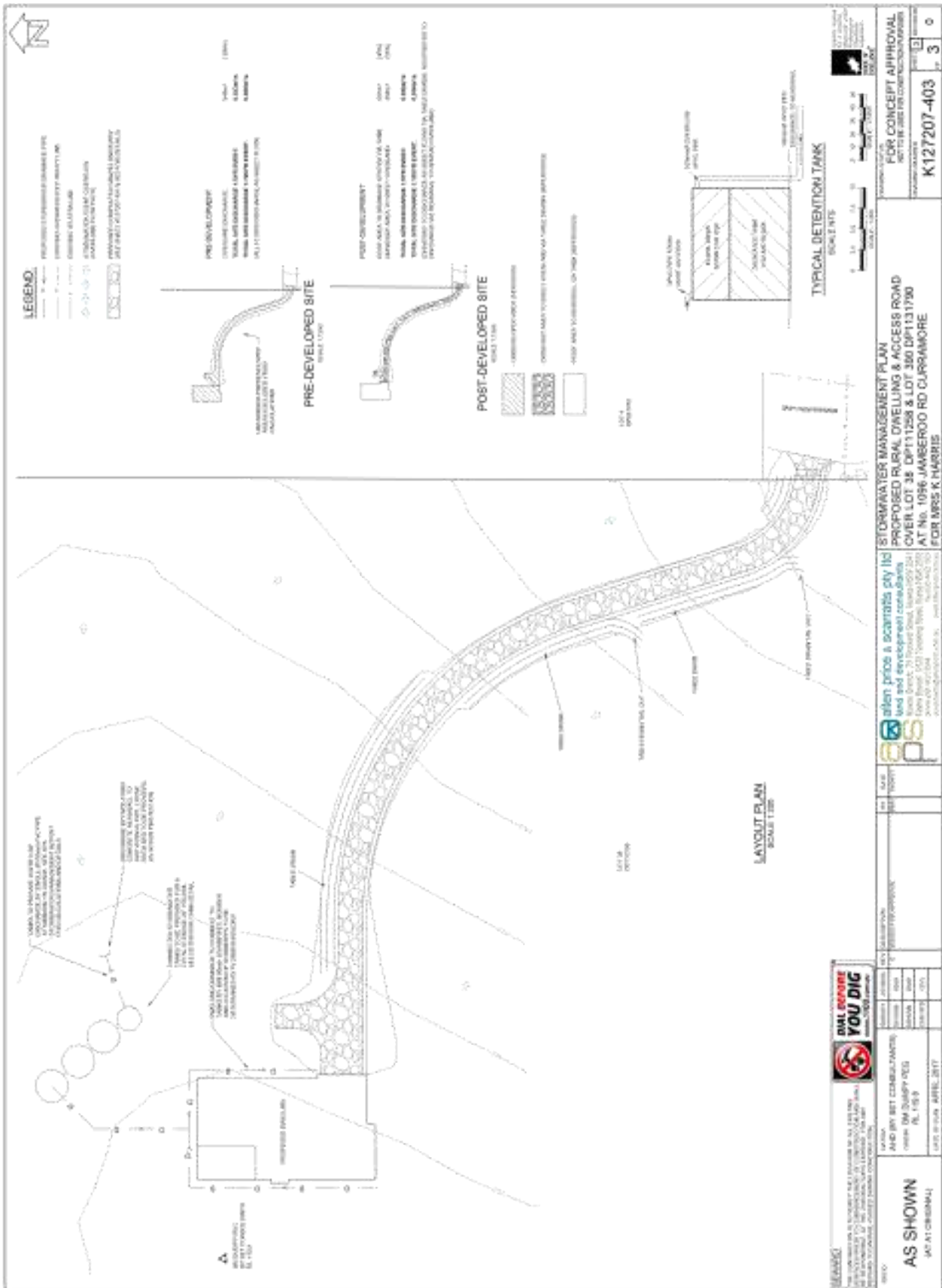
mcdonald jones

YOUR HOME. YOUR DREAM

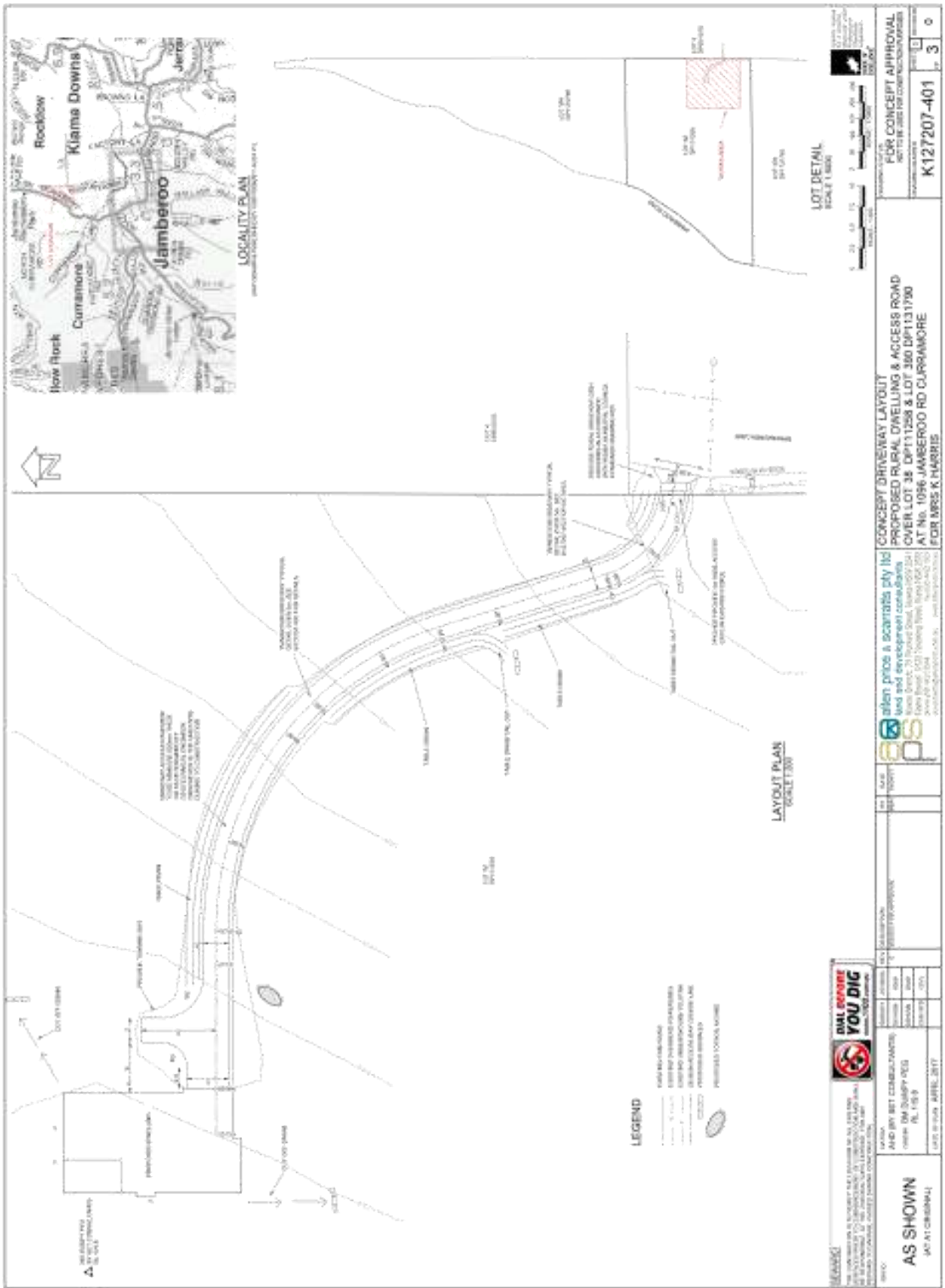








Attachment 1 Item 9.3



Attachment 1 Item 9.3

**9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1)**

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

**Summary**

This report reviews DA 10.2016.320.1 which seeks consent for demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall. The report recommends that Council approve DA 10.2016.320.1 subject to conditions.

**Finance**

N/A

**Policy**

N/A

**Reason for the report**

This report is submitted to Council following the receipt of 4 submissions objecting to the application.

**Attachments**

- 1 10.2016.320.1 - plans [↓](#)
- 2 10.2016.320.1 - photo attachment [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council approve development application 10.2016.320.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained at the end of this report.

**BACKGROUND**

**APPLICANT:** Mr P Perrie

**OWNER:** Mr R Barker

An application has been received for the demolition of an existing dwelling and construction of a new dwelling, swimming pool and retaining wall on the above property.

The site has an existing 2 storey dwelling and is bounded by residential dwellings to the east, west and south, with Werri Lagoon and rural land to the north.

Report of the Director Environmental Services

- 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1) (cont)

---

### Property information

The property is described as Lot 270 DP 14188 – 45 Werri Street Werri Beach. The zoning of the property is R2 Low Density Residential pursuant to Kiama LEP 2011. The area of the property is approximately 935m<sup>2</sup> and is irregular in shape.

The site is currently occupied by an existing dwelling and slopes gently downwards from front to rear.

### Description of the proposed development

The proposal involves the demolition of an existing dwelling and erection of a new dwelling with a swimming pool and retaining wall.

### Section 79C assessment

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

### Relevant Environmental Planning Instruments

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

The site is located within the coastal zone, as defined by SEPP 71. The proposed development is considered to meet the objectives and requirements of the SEPP.

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

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

- Kiama LEP 2011

The subject land is zoned R2 Low Density Residential under Kiama LEP 2011.

Clauses 4.3 Height of Buildings maximum of 8.5m - the proposed maximum height is approx. 7.9m.

Clause 6.7 – the property is affected by a Foreshore Building Line (FBL) of 15.0m above the mean high water mark. The proposed development is located outside of that FBL.

Clause 4.4 Floor space ratio (FSR) maximum of 0.45:1. The proposed FSR is 0.31:1 which is compliant.

The proposal is permissible with consent.

### Any draft Environmental Planning Instruments

- Draft State Environmental Planning Policy – Coastal Management

The proposed development is considered to be consistent with the requirements of the draft SEPP.

Report of the Director Environmental Services

- 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1) (cont)

---

### Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The proposed development satisfies the objectives and performance controls within the DCP. See specific comments below regarding the second storey.

### Chapter 2 – overall controls

#### Section 5 - Maintenance of Views and Vistas

Comment: The proposed development is of a size and scale that will not significantly alter the main views within the locality and will not have an unreasonable impact on the views and scenic qualities of the site and the surrounding area.

View impact is discussed in detail under Visual Impact.

The following objectives have been considered:

- *To maintain view sharing principles through the development and redevelopment of areas.*

**Comment** – The development will not unreasonably affect the primary views from adjoining properties and therefore satisfies this objective.

- *To ensure that where practical new development is designed and sited not to significantly alter views (including water and or escarpment views)*

**Comment** – The proposal will, but not unreasonably, interfere with the views currently enjoyed by properties at Nos 43, 47, 22 & 24 Werri Street.

- *To ensure that primary private views are maintained through the addition of new development.*

**Comment** – Primary views will not be unreasonably affected by the proposal.

- *To retain views to and from the water.*

**Comment** – Primary views will not be affected. Some view loss of the rural lands and lagoon will occur.

- *To protect conserve and maintain the landform of the municipality*

**Comment** – The proposal is consistent with surrounding developments in the area.

- *To limit potential for large bulky housing and development*

**Comment** – The proposal is not out of character with other development in the area with respect to bulk and scale considerations.

- *To encourage sensitive siting of housing.*

**Comment** – The dwelling is not unreasonably sited on the property.

- *To maintain or enhance significant public view corridors and other opportunistic views available from the public domain.*

## Report of the Director Environmental Services

- 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1) (cont)

---

**Comment** – There is no unreasonable interference with views available from the public domain.

In the assessment of the effect on views resulting from the proposal, reference is to be made to the view sharing principles handed down in the Land and Environment Court.

*“The control refers to “Tenacity Consulting v Waringah [2004] NSWLEC 140 “which provides the following guiding principles in the assessment of views:*

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

Response: The views of the lagoon could be considered highly valued. The primary views from 43 & 47 Werri Street are considered to be to the north at the rear of the properties looking out towards the lagoon and rural land. The primary views from 22 & 24 Werri Street are to the front of the property, north looking towards the rural and lagoon views over the top of existing dwellings on the opposite side of the street.

*“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.”*

In response, and given the current existing two storey dwelling located on 45 Werri Street, the views from 22 & 24 Werri Street will be affected, but not totally removed. The views are from the front of the dwellings. It is unrealistic to expect that the whole view to the north of the dwellings in Werri Street should be preserved in total, as this view is already currently impeded by the existing dwelling and other dwellings in Werri Street that punctuate the view. The partial view loss to 43 & 47 Werri Street results from a view line across the rear side boundary between these properties and the subject property. It would be unreasonable to expect the retention of existing views in those directions, as the development on this property is significantly set back from Werri Lagoon.

*“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”*

Response: The view loss experienced by 43, 47, 22 & 24 Werri Street is not considered to be significant. A portion of both rural land and the lagoon views will be

## Report of the Director Environmental Services

- 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1) (cont)

lost, in varying degrees, by each property. Reasonable views to the rural land and lagoon will still be available to each property.

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

Response: There are no breaches to the Kiama LEP 2011 and Kiama DCP 2012.

The proposal as presented complies with the building line setbacks and the design response is considered to be appropriate and reasonable in the circumstances.

#### Section 7 – Building Lines

Comment: The proposed development complies with required building line setbacks.

#### Variation Chapter 4 – Overall Controls

Control C2 – Generally, where development greater than single storey is proposed, that component greater than one storey shall be located within 12.0m of the applicable front building line.

The proposal does not comply with this standard and a variation request has been included by the applicant. This control is not a mandatory requirement, moreover where there is a non-achievement of the control, more scrutiny is placed on the design in order to preserve privacy and overshadowing outcomes.

The applicant provided the following justification:

*The amended plans have reduced the kitchen ceiling height to 2400mm to reduce the proposals bulk, there is no privacy screen proposed because there are good view lines to the north east, it is felt that the neighbours existing privacy would be sufficient to provide privacy, but the issue could be dealt with by condition.*

Comment: The justification provided has been considered and deemed to be well founded and therefore supported in this instance with the inclusion of a condition to provide privacy screens 1.5m in height on the first floor terrace area.

#### **Any planning agreement**

Nil

#### **Any matters prescribed by the regulations**

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

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



Report of the Director Environmental Services

- 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1) (cont)
- 

### **Any Coastal Zone Management Plan**

Nil

### **The likely impacts of the proposed development**

#### Visual impact

To assist Council in its consideration of the visual impacts of the proposal, site inspections were undertaken from the following properties:

- 45 Werri Street Werri Beach (existing dwelling).
- 47 Werri Street Werri Beach (property to the east).
- 24 Werri Street Werri Beach (property to the south).

Comment: The proposed development will have limited impact on significant views. The principle view lines from 45 and 47 Werri Street lie to the North, not across the boundary of the subject property. The properties at 22 and 24 Werri Street are located on the opposite side of the road and will retain views similar to those currently available. The visual impact concerns raised in submissions have been assessed and are not considered to be significant enough to warrant refusal of the application.

#### **Public domain**

The proposed development will not significantly affect views from the public domain.

- Noise

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

- Privacy and overlooking

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

- Overshadowing

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

- Views

The proposal is considered to be of a scale and size that is not out of character with the surrounding area. The proposed development is consistent with other 2 storey development in the street with the roof designed to be in keeping with the streetscape and to minimise view loss. The dwelling has been designed such that the building remains under the permissible height. The dwellings on the south side of Werri Street have partial views above existing roof lines to the north as they are in a more elevated position and the adjoining property to the west and east have uninterrupted views out to the lagoon to the north. Given the topography of the land,

## Report of the Director Environmental Services

## 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling &amp; construction of new dwelling, swimming pool &amp; retaining wall (10.2016.320.1) (cont)

the views from neighboring properties will not be unreasonably obstructed by the proposal. Concerns have been raised with the inclusion of the swimming pool at the rear of the property in an elevated position. The applicant has provided amended plans with a rear portion of the fence along the eastern side boundary being reduced from 1.8m to 1.2. A condition to reduce the 1800mm high privacy screen to a lesser height of 1500mm would still provide privacy but also lessen the impact of the swimming pool.

**View from the public road reserve Werri Street**

The site already has an existing two storey dwelling for some time and the proposed dwelling, swimming pool and retaining wall will not obstruct views currently enjoyed from the public domain of Werri Street.

- Vehicular access, parking and manoeuvring

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

- Stormwater management

A satisfactory concept drainage design has been provided with the application.

- Environmental impacts

*Vegetation Removal* – No vegetation is to be removed.

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

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

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

- Social and economic impacts

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

**The suitability of the site for the development**

As discussed throughout this report, the development is of a size, bulk, scale and sitting that are considered to be reasonable having regard to the site. The development is proposed within the R2 Low Density Residential zone and bounded by residential dwellings and Werri Lagoon. The site is considered to be suitable for the proposed development.

**Submissions**Public Submissions

Notification letters were sent to neighboring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification

## Report of the Director Environmental Services

## 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling &amp; construction of new dwelling, swimming pool &amp; retaining wall (10.2016.320.1) (cont)

---

period, 4 submissions were received which raised the following (summarised) matters of concern:

Item 1:- “*View sharing*”

Comment: - This matter has been discussed in detail within this report and the proposal does not constitute an unreasonable view loss.

Item 2:- “*Excessive overall height of the proposed dwelling*”

Comment: - The design complies with the height requirements of maximum 8.5m as it has a maximum height of approx. 7.9 m.

Item 3:- “*scale and bulk of proposed dwelling*”

Comment: - This matter has been discussed in detail within this report and it is considered that the overall development is of a size, bulk and scale in keeping with the character of the area.

Item 4:- “*streetscape incompatibility*”

Comment: - The proposal complies with relevant setback and height provisions, has significant articulation and is of a contemporary design that would be expected in such a location. It is considered that the development will not have a substantial or unacceptable impact on the streetscape.

Item 5:- “*design requirements*”

Comment: - The design is not unlike other dwellings within the locality.

Item 6:- “*low reflectivity roof colour*”

Comment: - The applicant provided modified plans which have provided for a roof colour being that of a dark colour (Basalt) to address Council’s DCP requirements.

Item 7:- “*overshadowing concerns*”

Comment: - Shadow diagrams have been provided and the shadowing impact is considered to be reasonable and in accordance with adopted requirements.

**External referrals**

Nil

**Internal referrals**

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

- Subdivision & Development Engineer

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

**The public interest**

The proposal is considered to be consistent with relevant Environmental Planning Instruments and DCP 2012 and is not expected to cause significant adverse impacts on the visual amenity of the area or streetscape. The proposal is considered to be

## Report of the Director Environmental Services

- 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1) (cont)

---

suitable for the site having regard to the zoning. The proposed development is therefore considered to be consistent with the public interest.

**Final comments and conclusions**

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposed development is consistent with Kiama LEP 2011 and relevant DCP 2012.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised in relation to the environmental impact of the proposal, particularly the likely visual impacts or view loss.

Concerns raised in submissions have been considered and do not warrant refusal of the application.

The proposed development is considered to be acceptable and approval is recommended subject to the inclusion of the following conditions to be included:

- (1) The applicant shall provide a privacy screen 1500mm on the first floor level terrace on both side boundary locations. Such detail is to be provided on the Construction Certificate plans to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.
- (2) The applicant shall reduce the height of the 1800mm part of the swimming pool privacy screen to 1500mm. Such detail is to be provided on the Construction Certificate plan to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.

**Draft conditions of development consent****General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2016.288.1 dated - except as amended by the following conditions:
- (2) The development shall be completed in accordance with the approved colour schedule.

**Prior to commencement of works**

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:
  - i The licensee's name and contractor licence number;
  - ii That the licensee has complied with Part 6 of the Home Building Act 1989.In the case of work to be done by any other person, the Principal Certifying Authority:
  - a Has been informed in writing of the person's name and owner builder permit number;

## Report of the Director Environmental Services

- 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1) (cont)

or

- b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989.
- (2) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
- b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
- c You **must** notify the Council of the appointment; and
- d You **must** give at least two (2) days' notice to Council of your intention to commence work.

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

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

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

- (3) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

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

- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate. (pt034.doc)
- (5) The applicant shall provide a privacy screen 1500mm on the first floor level terrace on both side boundary locations. Such detail is to be provided on the Construction Certificate plans to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.
- (6) The applicant shall reduce the height of the 1800mm part of the swimming pool privacy screen to 1500mm. Such detail is to be provided on the Construction

## Report of the Director Environmental Services

- 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1) (cont)
- 

- Certificate plan to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.
- (7) Details of compliance with condition of consent (1) under the heading Swimming Pool shall be shown on the plans and provided to the Accredited Certifier prior to the release of the Construction Certificate.
- (8) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
  - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - c Stating that unauthorised entry to the work site is prohibited.
- Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee.
- (9) Details of compliance with conditions of consent under the heading Bush Fire Hazard Management and AS3959 – Building in Bush Fire Prone Areas shall be provided to the Accredited Certifier prior to the release of the Construction Certificate.
- (10) Prior to issue of a Construction Certificate a suitably qualified Geotechnical engineer shall review and certify the infiltration component of the concept stormwater plans by Bilkey Reilly & Associates Pty Ltd, Reference 17025-C1 issue A & 17025-C2 issue A dated March 2017. Such detail/advice is to be provided to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.

**Demolition**

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

**Asbestos – Statement Required**

No later than seven days prior to the demolition of any building or structure, a written statement must be provided to the Principal Certifying Authority:

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

**Asbestos – Licensed Contractors**

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

Report of the Director Environmental Services

- 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1) (cont)
- 

### **Asbestos – Notification of Neighbours**

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

### **Asbestos – Tip receipts**

Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts shall be provided to Council prior to any further building works being undertaken on the site.

### **Asbestos – Clearance Certificate**

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

### **Asbestos – Less than 10m<sup>2</sup> of Bonded Asbestos Sheeting**

Demolition works involving the removal of less than 10m<sup>2</sup> of bonded asbestos sheeting may be carried out by a licensed builder who has completed an appropriate bonded asbestos removal course.

### **Completion of demolition works**

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

### **Stormwater management**

- (1) Stormwater shall be connected in accordance with the approved stormwater drainage plan.

### **Inspections**

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

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

### **Building construction**

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

## Report of the Director Environmental Services

- 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1) (cont)
- 

- (3) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level.
- (4) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage.
- (5) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
- Monday to Friday - 7.00 am to 6.00 pm  
Saturdays - 8.00 am to 1.00 pm
- No construction work is to take place on Sundays or Public Holidays.
- (6) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled.

**Swimming pool**

- (1) The swimming pool shall be fenced in accordance with the NSW Swimming Pools Act 1992.
- (2) The fences, gates and latches for the swimming pool shall be provided and constructed in accordance with the provisions of Australian Standards AS 1926 - Fences and Gates for Private Swimming Pools.
- (3) All excavations shall be enclosed with a temporary fence during construction of the pool.
- (4) The swimming pool shall not be filled with water until the permanent safety fence has been erected.
- (5) An instructional poster for resuscitation which bears the words "*Young Children Should Be Supervised When Using This Swimming Pool*", together with details of resuscitation techniques for adults, children and infants shall be located in a prominent position within the pool enclosure.
- (6) The swimming pool overflow water is not to interfere with any adjoining property.

**Bushfire Hazard Management**

- (1) New construction shall comply with Section 3 & 5 (**BAL 12.5**) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A 3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.



## Report of the Director Environmental Services

- 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1) (cont)

---

**Erosion and sedimentation controls/soil and water management**

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

**Site facilities**

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

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

**Prior to occupation**

- (1) A contribution pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94A (Indirect Contributions) Plan shall be paid to Council prior to the issuing of any Occupation Certificate. The total contribution required for the development is \$8,820.00

The amount of the contribution shown on the development consent will be indexed to the time of payment in the following manner:

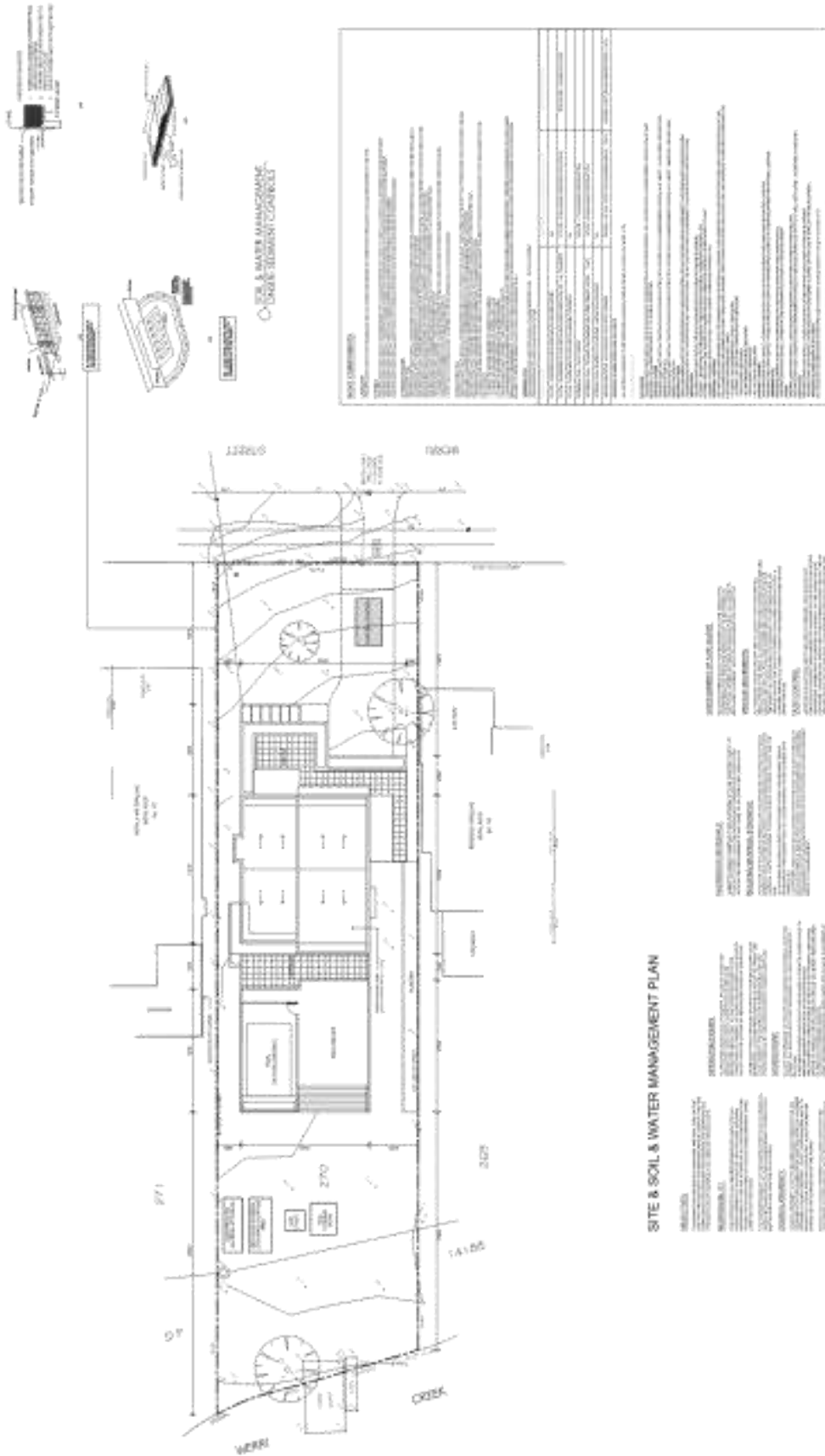
$$\text{Contribution (at time of payment)} = \frac{C \times \text{CPI}_P}{\text{CPI}_c}$$


## Report of the Director Environmental Services

- 9.4 Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall (10.2016.320.1) (cont)
- 

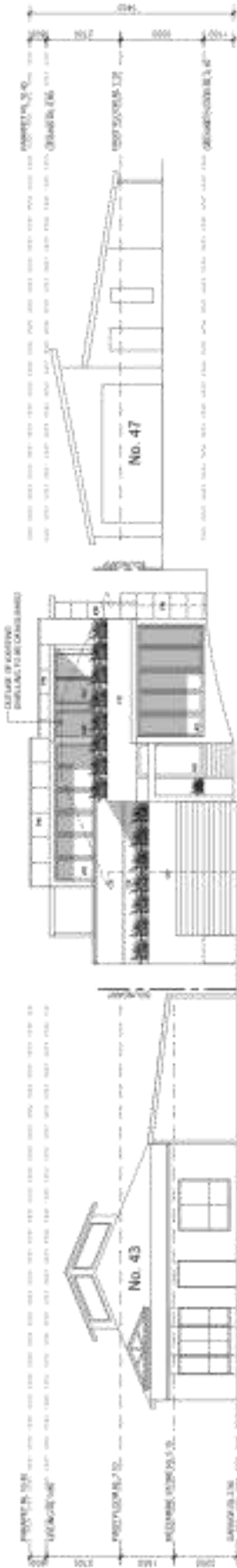
Where:

- C = The original contribution amount as shown in the development consent.
- CPI<sub>P</sub> = The *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of payment.
- CPI<sub>c</sub> = The *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of issue of the development consent.
- (2) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to release of the Final Occupation Certificate.
- Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet.
- (3) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed.
- (4) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.

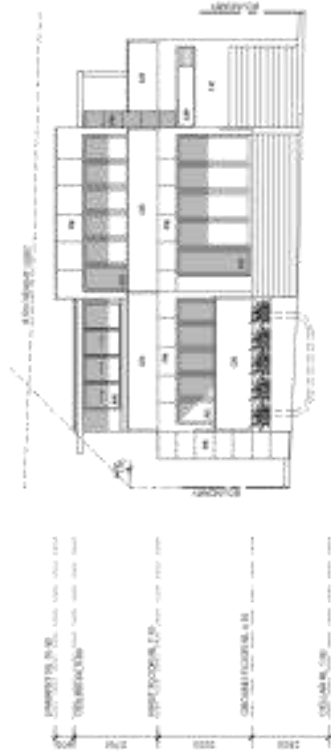


AMENDMENTS	ARCHITECT: PHILIP PERRIE REGISTERED ARCHITECT 5611 SUITE 3 710 NEW SOUTH HEAD ROAD ROSEBAY TEL: 0410 562 877 EMAIL: philip.perrie.architect@bigpond.com	CLIENT: ROSS BARKER	PROJECT: PROPOSED RESIDENCE	SHEET No: 107	
	DRAWING: SITE & SOIL & WATER MANAGEMENT PLAN	DATE: NOV. 16	ADDRESS: 45 WERRI STREET WERRI BEACH		

LEGEND	
1/4" = 1'-0"	EXISTING DWELLING
1/8" = 1'-0"	NEW DWELLING
1/16" = 1'-0"	NEW SWIMMING POOL
1/32" = 1'-0"	NEW RETAINING WALL
1/64" = 1'-0"	NEW ROOF
1/128" = 1'-0"	NEW FLOORING
1/256" = 1'-0"	NEW WALLS
1/512" = 1'-0"	NEW CEILING
1/1024" = 1'-0"	NEW LIGHTING
1/2048" = 1'-0"	NEW PAINT
1/4096" = 1'-0"	NEW LANDSCAPING



SOUTH ELEVATION



NORTH ELEVATION

AMENDMENTS		CLIENT: ROSS BARKER	DRAWING: ELEVATIONS		DATE: NOV. 16		PROJECT: PROPOSED RESIDENCE	SHEET No: 104
No.	Description		Scale	Date	Scale	Date		
0		1:100 @ A2	0	1	2	3	ADDRESS: 45 WERRI STREET WERRI BEACH	
1			1	2	3	4		
2			2	3	4			
3			3	4				
		ARCHITECT: PHILIP FERRIE REGISTERED ARCHITECT 5611 SUITE 3 7110 NEW SOUTH HEAD ROAD ROSEBAY TEL: 0410 562 877 EMAIL: philip.ferrie@bigpond.com	SCALE: 1:100 @ A2		DATE: NOV. 16			

LEGEND	
1	PROPOSED NEW DWELLING
2	EXISTING DWELLING
3	EXISTING DRIVEWAY
4	EXISTING DRIVEWAY
5	EXISTING DRIVEWAY
6	EXISTING DRIVEWAY
7	EXISTING DRIVEWAY
8	EXISTING DRIVEWAY
9	EXISTING DRIVEWAY
10	EXISTING DRIVEWAY
11	EXISTING DRIVEWAY
12	EXISTING DRIVEWAY
13	EXISTING DRIVEWAY
14	EXISTING DRIVEWAY
15	EXISTING DRIVEWAY
16	EXISTING DRIVEWAY
17	EXISTING DRIVEWAY
18	EXISTING DRIVEWAY
19	EXISTING DRIVEWAY
20	EXISTING DRIVEWAY
21	EXISTING DRIVEWAY
22	EXISTING DRIVEWAY
23	EXISTING DRIVEWAY
24	EXISTING DRIVEWAY
25	EXISTING DRIVEWAY
26	EXISTING DRIVEWAY
27	EXISTING DRIVEWAY
28	EXISTING DRIVEWAY
29	EXISTING DRIVEWAY
30	EXISTING DRIVEWAY
31	EXISTING DRIVEWAY
32	EXISTING DRIVEWAY
33	EXISTING DRIVEWAY
34	EXISTING DRIVEWAY
35	EXISTING DRIVEWAY
36	EXISTING DRIVEWAY
37	EXISTING DRIVEWAY
38	EXISTING DRIVEWAY
39	EXISTING DRIVEWAY
40	EXISTING DRIVEWAY
41	EXISTING DRIVEWAY
42	EXISTING DRIVEWAY
43	EXISTING DRIVEWAY
44	EXISTING DRIVEWAY
45	EXISTING DRIVEWAY
46	EXISTING DRIVEWAY
47	EXISTING DRIVEWAY
48	EXISTING DRIVEWAY
49	EXISTING DRIVEWAY
50	EXISTING DRIVEWAY
51	EXISTING DRIVEWAY
52	EXISTING DRIVEWAY
53	EXISTING DRIVEWAY
54	EXISTING DRIVEWAY
55	EXISTING DRIVEWAY
56	EXISTING DRIVEWAY
57	EXISTING DRIVEWAY
58	EXISTING DRIVEWAY
59	EXISTING DRIVEWAY
60	EXISTING DRIVEWAY
61	EXISTING DRIVEWAY
62	EXISTING DRIVEWAY
63	EXISTING DRIVEWAY
64	EXISTING DRIVEWAY
65	EXISTING DRIVEWAY
66	EXISTING DRIVEWAY
67	EXISTING DRIVEWAY
68	EXISTING DRIVEWAY
69	EXISTING DRIVEWAY
70	EXISTING DRIVEWAY
71	EXISTING DRIVEWAY
72	EXISTING DRIVEWAY
73	EXISTING DRIVEWAY
74	EXISTING DRIVEWAY
75	EXISTING DRIVEWAY
76	EXISTING DRIVEWAY
77	EXISTING DRIVEWAY
78	EXISTING DRIVEWAY
79	EXISTING DRIVEWAY
80	EXISTING DRIVEWAY
81	EXISTING DRIVEWAY
82	EXISTING DRIVEWAY
83	EXISTING DRIVEWAY
84	EXISTING DRIVEWAY
85	EXISTING DRIVEWAY
86	EXISTING DRIVEWAY
87	EXISTING DRIVEWAY
88	EXISTING DRIVEWAY
89	EXISTING DRIVEWAY
90	EXISTING DRIVEWAY
91	EXISTING DRIVEWAY
92	EXISTING DRIVEWAY
93	EXISTING DRIVEWAY
94	EXISTING DRIVEWAY
95	EXISTING DRIVEWAY
96	EXISTING DRIVEWAY
97	EXISTING DRIVEWAY
98	EXISTING DRIVEWAY
99	EXISTING DRIVEWAY
100	EXISTING DRIVEWAY



EAST ELEVATION



WEST ELEVATION

AMENDMENTS		CLIENT: ROSS BARKER	DRAWING: ELEVATIONS		DATE: NOV. 16		PROJECT: PROPOSED RESIDENCE	SHEET No: 105
No.	Description		Scale	Date	Scale	Date		
0		1:100 @ A2	0	1	2	3	ADDRESS: 45 WERRI STREET WERRI BEACH	
4			4					

**10.2016.320.1**

**Item 9.4**

**Attachment 2**



**Photo taken in front of No 24 Werri Street, Werri Beach  
looking towards No 45 Werri Street, Werri Beach  
(arrow pointing to existing dwelling)**

## 9.5 Alcohol Free Zones - Kiama Municipality

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

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

### Summary

This report seeks Council consideration and a resolution for the re-establishment of existing 3 alcohol free zones in the Kiama Municipality – being at Kiama CBD, Kiama Downs and Werri Beach areas which expired on 6 May 2017.

### Finance

The cost associated with the alteration, supply, updating and installation of alcohol-free zone signs will be allocated from the 2016/2017 Environmental Services budget.

### Policy

To validly establish an alcohol-free zone Council must comply with the procedures set out in Sections 644 to 644C of the Local Government Act and the Ministerial Guidelines on Alcohol Free Zones as issued by the Department of Local Government.

### Attachments

1 AFZ - maps [↓](#)

### Enclosures

Nil

## **RECOMMENDATION**

That:

1. Council adopt the proposal to establish three alcohol-free zones as indicated on maps 1 & 1b (Kiama), 2 (Kiama Downs) and 3 (Gerringong) attached to the report with an exemption to apply to licensed outdoor eating licenses as issued by Council, subject to compliance with approval conditions.
2. The proposed alcohol free zones for the Akuna Street car parking area be revoked once construction work commences on the subject site.
3. The alcohol free zones are to be in place for a duration of 4 years and to commence 7 days after the publication of a notice in the local newspaper and subject to compliance with the implementation requirements as required by legislation and the Ministerial Guidelines on alcohol free zones dated February 2009.

## **BACKGROUND**

Council at its meeting held on 21 March 2017 considered a report and resolved to commence the process to re-establish existing 3 Alcohol-Free Zones (AFZs) in the Kiama Municipality – being at Kiama CBD, Kiama Downs and Werri Beach areas as outlined on the maps. Excluded from the provision of the alcohol free zones are any

## Report of the Director Environmental Services

## 9.5 Alcohol Free Zones - Kiama Municipality (cont)

tables or chairs on any existing or future footpath areas which are licensed by Council for the purpose of food and alcohol consumption.

For Council to validly re-establish each AFZ it must comply with the procedures set out in Sections 644 to 644C of the Local Government Act and the Ministerial Guidelines on AFZ issued by the Department of Local Government dated February 2009.

This included consultation with interested parties as outlined in the guidelines and legislation and for Council to give formal consideration to any submission made before making a determination namely:

- 1) Publish notice of the proposal in the newspaper circulating the area allowing inspection of the proposal and inviting representations or objections within 14 days from the date of publication. The notice should state the exact location of the proposed AFZ and the place and time at which the proposal may be inspected.

To comply with this requirement notification was placed in The Bugle on 8 April 2017 with submissions closing on 28 April 2017. Notification was also placed on public exhibition on Council's website.

No submissions were received.

- 2) Send a copy of the proposal to:
  - a) The Officer in Charge of the Police Station within or nearest to the proposed zone. This was previously undertaken and Council has received a response including the required application from the Superintendent NSW Police, Lake Illawarra Local Area Command that recommends the re-establishment of the existing 3 existing AFZ in the Kiama Municipality. This was previously reported to Council at its meeting of 21 March 2017.
  - b) Liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zone and invite representations or objections within 30 days (from the date of sending the copy of the proposal).

Letters were sent to these businesses on the 3 April 2017 and submissions closed on 28 April 2017.

No submissions were received. However one phone call was received requesting clarification of a matter relating to the consumption of alcohol in a licensed outdoor eating area.

**Council's resolution to establish an Alcohol Free Zone**

After complying with the procedures set out in Section 644 to 644C of the Local Government Act, Council may by resolution, establish an AFZ. The resolution establishes the AFZ in accordance with the terms of the Act. It is recommended that Council proceed with this resolution.

After the Council resolution Council must publicly advertise the establishment of an AFZ by notice published in a newspaper circulating in the area that includes the zone. The AFZ will not operate until 7 days after the publication of the notice and not until the roads and car parks affected are adequately signposted.



Report of the Director Environmental Services

9.5 Alcohol Free Zones - Kiama Municipality (cont)

---

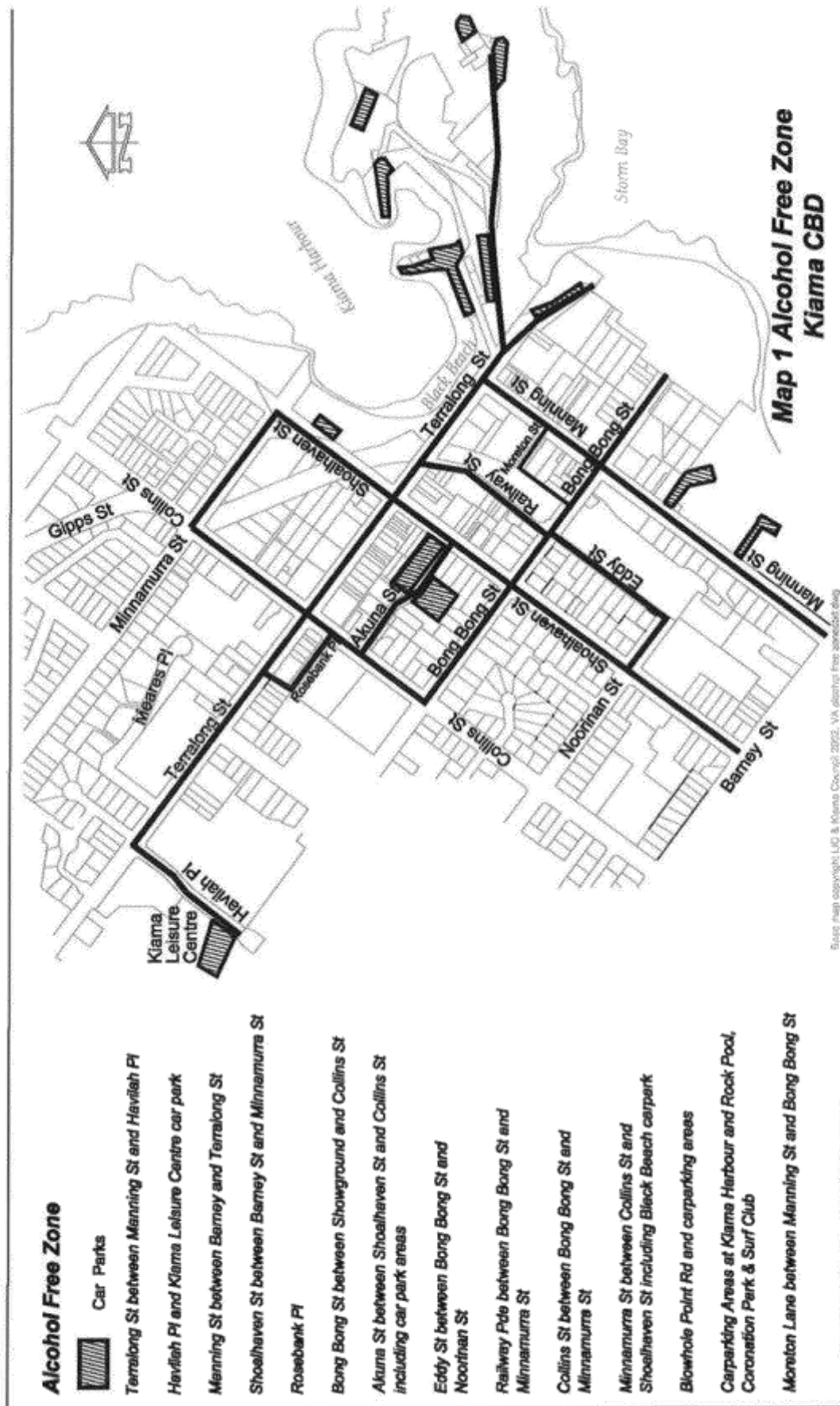
Council is required to consult with the Police regarding the placement of signs. Signs designating an AFZ must indicate that the drinking of alcohol is prohibited in the zone, the starting and finishing dates for the operation of the zone, and the applicable penalty.

**Conclusion**

As supported by the NSW Police Lake Illawarra Local Area Command and as no submissions were received objecting to the proposal it is recommended that Council resolve to adopt the proposal to re-establish the existing three AFZs in the areas as outlined in this report.

The AFZs are to be for duration of 4 years and to commence 7 days after the publication of a notice in the local newspaper and subject to compliance with the implementation requirements as required by legislation and the Ministerial Guidelines on alcohol free zones dated February 2009

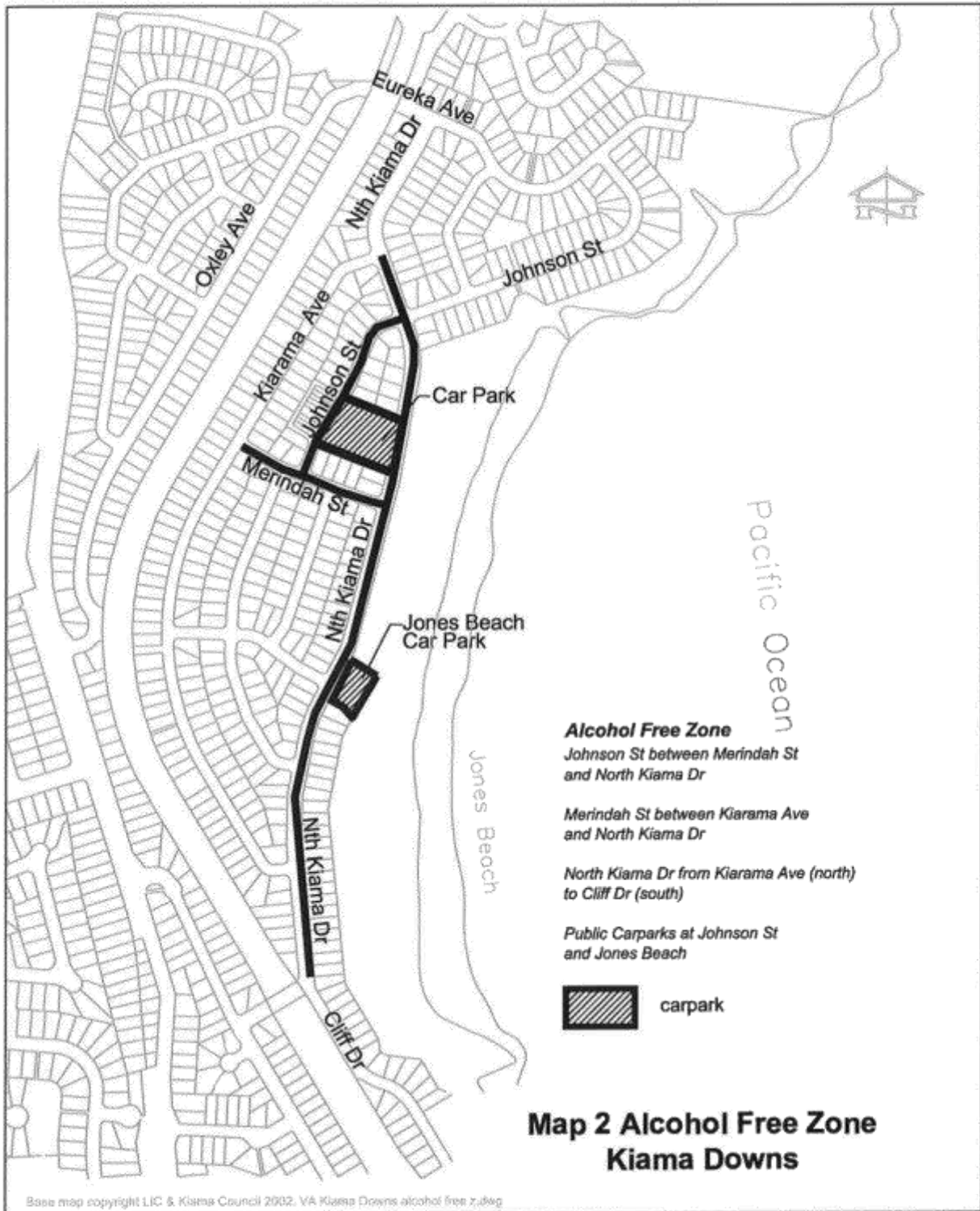
Excluded from the provisions of the AFZs are tables or chairs on any existing or future footpath areas licensed by Council for the purpose of food and alcohol consumption.





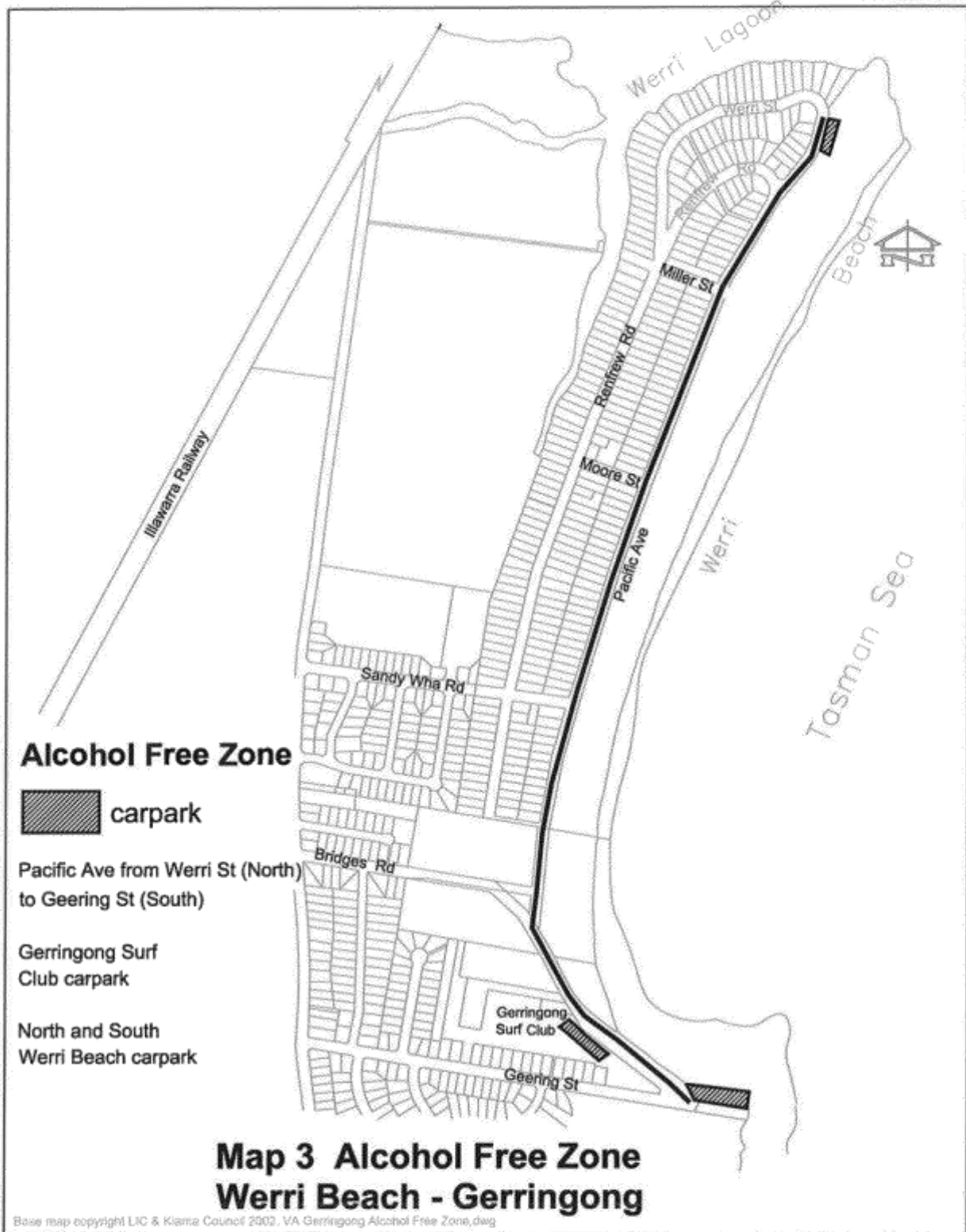
Item 9.5

Attachment 1



Item 9.5

Attachment 1



Item 9.5

Attachment 1

**9.6 Community Engagement Strategy - Development Assessment**

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

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

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

Item 9.6

**Summary**

This report reviews Council's notification and community information of development application protocols and policies and suggests amendments to meet community expectations.

**Finance**

N/A

**Policy**

Some amendments to Kiama Development Control Plan 2012 are suggested.

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

That Council endorses the recommended actions as detailed in the report in order to improve the availability and notification of development application information.

**BACKGROUND**

This report is to advise Council that a meeting was held on 2 May 2017 between the Mayor, Councillor Honey, the General Manager, Council officers, representatives of the South Precinct Committee ("the Committee") and the Jamberoo Residents and Ratepayers Association ("the Association") regarding issues associated with, and enhancements proposed for, Kiama Council's Community Engagement Strategy.

The principal issues raised centered around the availability of development application and assessment information and the way that Council currently manages the notification, assessment and submissions of development applications. Advice was received that the Committee and Association were also representing the views of the Minnamurra Progress Association and the newly formed Kiama Residents Association.

Representatives from the Committee and Association acknowledged the improvements in the availability of information in the DA Tracker module that Council has adopted over the previous 2 years and made suggestions as to how the system

Report of the Director Environmental Services

9.6 Community Engagement Strategy - Development Assessment (cont)

---

might be improved. During the meeting a number of recommendations aimed at enhancing Council's current procedures were presented.

These recommendations are listed below with staff comment as required.

**Part 1 - Kiama Council Online DA Tracker & Online Submissions**

***Recommendation 1: That the "Associated Documents" currently available as a combined pdf file on the DA Tracker be available separately and labelled individually.***

**Comment:** The principal reason for the conjoined provision of associated documents within a DA submission was to make it as easy as possible for the applicant to provide an electronic file to Council incorporating all of the associated documents within one pdf format document. This also allows for the less complicated transfer of electronic files into Councils electronic records management system by records staff, which is already a time consuming exercise. Whilst relevant documents are contained in one folder, all documents are present and identified in this container. This methodology has been considered to be the best fit in regard to provision of information to the community and the registering of documents in Councils records management system.

**Recommended Action:** That no changes be made to the current method of providing associated documents in Council's DA Tracking system.

***Recommendation 2: That Council include on the DA Tracker, determination documentation (conditions of consent, final approved plans, Section 79c assessments etc), relating to how and why final determinations were made.***

**Comment:** It should be noted that the Department of Planning has indicated that they will be extending the current Planning Portal to include DA documentation in all Local Government Areas. It is anticipated the documentation will be standardized across the State, however no implementation date has been put forward.

In the interim, it is possible to have the above documents provided within the DA Tracker system.

However, there may be privacy and sensitivity issues relating to making some of these documents available. Approved plans would need to be redacted to exclude residential floor plans. Section 79C reports may include photographs and identify properties/owners which made submissions in regard to applications. For the purpose of consistency and to reduce the need for additional vetting of all assessments, if Section 79C assessments were to be made available, it should be in their original, complete format.

Currently anyone who makes a submission receives advice regarding the determination of the application and is invited to contact Council should they require a copy of the consent or any further information. Determination advice is also provided in the local paper for anyone who was not provided a submission.

**Recommended Action:**

- 1) That Section 79C assessments be made available on Council's DA Tracker.
- 2) That development consents be made available on Council's DA Tracker.

Report of the Director Environmental Services

9.6 Community Engagement Strategy - Development Assessment (cont)

---

- 3) That approved plans (excluding any floor plans for residential development) be made available on Councils DA Tracker.

**Recommendation 3: That Council allow and actively promote online submissions for matters on exhibition and that the submission forms and political donation declarations be accessed directly from the DA Tracker or other Council pages dealing with public exhibitions such as for Planning Proposals and LEP amendments.**

**Comment:** There are IT issues associated with this recommendation and may require software upgrade, however the action would be positive for both the community and staff and would readily enable all submissions to be viewed on line. It is noted that this is also one of the aspirations of the “planning portal” and it has been advised to Councils, that at some future time, all applications will be lodged via this portal.

**Recommended Action:** Staff will investigate necessary actions to provide the opportunity for online submissions, political donations declarations and on line viewing of submissions.

#### Part 2 - DA Notification Policy

**Recommendation 4: That Council amend the DCP sections relating to DA Notifications in a way that:**

- 1) **Extends the definition beyond the current “adjoining or neighbouring” so that owners and occupiers and others affected by a development can be informed when needed.**

**Comment:** The current DCP and adopted practice allows the assessing officer to identify any property that may be detrimentally impacted by a development proposal and for that property owner to be notified. The current process involves the initial desktop consideration of the properties to be notified followed by on-site verification and possible extension of the notification area where necessary. This is currently covered in the DCP by the term “neighbouring land” ie land in close proximity to the subject site. The wording could be further clarified if desired.

- 2) **The policy contains a matrix for notification related to the different “levels” of significance of the DA.**

**Comment:** In assessing the properties to be notified, the assessing officer has regard to the type and scale of development and possible impacts. Whilst a matrix scenario is not considered necessary, wording in the DCP could be amended to reflect consideration of scale and possible impact when assessing properties to be notified.

**Develops guidelines for flexibility in notification when there is a significant degree of community interest – i.e. not limited to a defined area. This would include such things as developments that might impact on “iconic” locations.**

**Comment:** See comments above. Further, judgments are made as to whether the level of community interest in an application, is such that the matter should be referred to Council, even though it would sit within the delegation parameters set by Council. This could be further clarified in the DCP.



Report of the Director Environmental Services

9.6 Community Engagement Strategy - Development Assessment (cont)

---

**3) Provides extended periods of notification of developments lodged close to the Christmas New Year period (see examples in attachments).**

**Comment:** Currently any notifications for DAs which would include the Christmas /New Year period are automatically extended from 14 days to 28 days. This is not formally advised in Kiama DCP 2012, and could be reflected in amended wording.

**4) Ensures that the details provided with written and other notification, indicate clearly the location when the postal/roadside address for the development does not properly indicate the location of the development and its proximity to places that may be impacted.**

**Comment:** The above comments refer to rural properties and to assist in clarifying location, Council will include an approximate distance from the nearest cross Street, and if within close proximity to the coastline, ie 400 metres, give an approximate distance from the coastline.

Further, properties receiving direct notification and the various Committee notifications currently receive a copy of the site plan and external configuration of the development. This includes distances from property boundaries, roads etc. The newspaper list of received applications provides the description included on the application form and includes Lot and DP as well as street number or rural address. Council also provides a map of existing applications under notification on its web site and can include this advice in notifications.

**Recommended Action:** Staff will provide a further report to Council outlining proposed changes to those clauses in Chapter 2 of Kiama DCP 2012 dealing with the notification of development applications and possible changes to web site. In the interim, the above practices have been put into place.

**Part 3 - Additional Website Information**

**Recommendation 5: That the register of approvals with “variations to development standards” (as per Planning Circular PS 08-014) be made available on the Council website when updates are prepared and the current archive of the register be placed on line.**

**Comment:** Staff provide a spreadsheet to the Department of Environment and Planning on a quarterly basis which identifies any Kiama LEP 2011 Clause 4.6 Variations to Development Standards approved by Council by delegation or Council consent. Staff will investigate how this information may be made available on our website in accordance with the request.

**Recommended Action:** Staff will investigate the mechanism to have this register placed on the web site and carry out installation if readily achievable.

**Recommendation 6: That Council include a link to the NSW Department of Planning & Environment’s “Planning Portal” to facilitate “one stop shop” land information access by residents.**

**Comment:** The Planning Portal forms a part of the Department of Environment and Planning website and is a central location for all Councils general planning documents. Kiama Council is already linked to the portal. The Department of Planning is constantly upgrading features on the portal in line with legislative

Report of the Director Environmental Services

9.6 Community Engagement Strategy - Development Assessment (cont)

---

changes and the future provision of on- line lodgement of DAs will be also part of Councils involvement in the portal framework.

**Recommended Action:** Staff continue to provide an active position in respect to the provision of information to the Planning Portal and place a link to the site on Councils website.

**Recommendation 7: That Council establishes a register, updated on a regular basis and accessible on the Council Website, of dwelling growth and locations within the Municipality. The register is to be matched to the predictions and guidance incorporated within the Kiama Urban Strategy (KUS) showing progress towards meeting the targets established by the KUS.**

**Comment:** In addition to the variation to development standards spreadsheet staff investigate ways to make a spreadsheet available identifying the current position of the KUS.

**Recommended Action:** Staff will investigate the mechanism to have this register placed on the web site and carry out installation if readily achievable.

**9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Secondary Dwelling (10.2017.5.1)**

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

**Summary**

The proposal seeks Council's development consent for the erection of a secondary dwelling. The capital value of the development is \$145,000 and no submissions were received. The application is recommended for approval subject to conditions.

**Finance**

Nil

**Policy**

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX).
- State Environmental Planning Policy No 71 – Coastal Protection.
- State Environmental Planning Policy No 14 – Coastal Wetlands.
- State Environmental Planning Policy (Rural Lands) 2008.
- Kiama LEP 2011.
- Kiama DCP 2012.

**Reason for Report to Council**

The development application is presented to Council for determination as the proposal seeks approval to erect a secondary dwelling outside the registered building envelope created via a restriction as to user under the Conveyancing Act 1919. The registered building envelope is exhausted by the existing dwelling. Council is the authority with the power to vary this restriction as to user to allow the secondary dwelling to be erected. Council lifted a similar restriction on the adjoining property in 2002.

**Variations to Policy**

The proposal only seeks one minor variation which is to Kiama DCP – 2012, Chapter 6 – Rural Development, Control C20 which provides that dwellings must be at least 100m from dwellings on adjoining properties. The proposed secondary dwelling will be approximately 50m from the adjoining dwelling but separated by outbuildings and vegetation. There are no privacy concerns and the adjoining neighbours raised no objection to the proposed position.

**Attachments**

- 1 10.2017.5.1 - plans [↓](#)

**Enclosures**

Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Secondary Dwelling  
(10.2017.5.1) (cont)

---

1 10.2017.5.1 - deposited plan⇒

### RECOMMENDATION

That Council approve development application number 10.2017.5.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions contained at the end of this report.

### BACKGROUND

**APPLICANT:** SET Consultants Pty Ltd

**OWNER:** Mrs R Burns

The property is described as Lot 1 DP 832012 which is located at 12 Thornett Way, Kiama Downs.

The overall site is 44.39 hectares and is irregular in shape. The site currently contains an existing dwelling and several outbuildings. It is bounded by Minnamurra River to the north, rural holdings to the east and west and the Gainsborough residential housing estate to the south. The site contains a large expanse of low lying land adjoining the Minnamurra River. Much of this area is in a natural state and contains ecological significant native vegetation subject to frequent inundation during flood events. The land where the secondary dwelling is proposed is not subject to flooding and does not include any significant native vegetation.

The site is split zoned being E2 Environmental Conservation on the low lying portion and E3 Environmental Management on the higher land pursuant to Kiama LEP 2011.

Access to the property is gained from Thornett Way. The site has water, sewer, electricity and telecommunications.

The site is subject to the following known constraints.

- Bushfire affectation.
- Flooding affectation.
- Restriction as to User.
- Areas mapped in Kiama LEP 2011 as terrestrial biodiversity/riparian land and watercourses/acid sulphate soils.

### Description of the proposed development

The proposal involves the erection of a single level secondary dwelling finished in muted earthy tones containing 2 bedrooms with a floor area of approximately 114m<sup>2</sup>. The proposed dwelling is a cantilever design projecting over a small embankment with an outdoor deck facing north looking towards the river. The external colours and finishes are proposed to be:

- Walls – Hardies Cladding in “Dulux paper bark”;
- Roofing – Colorbond in “Shale Grey”;

## Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Secondary Dwelling  
(10.2017.5.1) (cont)

- 
- Facade - Colorbond in “Shale Grey”;
  - Decking – Mod Wood in “Black Bean”.

Adequate space exists onsite for vehicle parking and private open space. Waste collection will be via Council’s regular residential domestic waste service contract which services the Gainsborough estate residential area.

**Section 79C assessment**

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

**Relevant Environmental Planning Instruments**

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

The site is located within the coastal zone, as defined by SEPP 71 but not within a Sensitive Coastal Location. The proposal has been considered in relation to the objectives of the SEPP71 and the matters prescribed by Clause 8 and were found to be consistent with these objectives and principles.

- State Environmental Planning Policy No 14 - Coastal Wetlands

Part of the property, but not the proposed building envelope, is affected by this SEPP. Whilst the proposal involves clearing of native vegetation to construct the secondary dwelling the vegetation proposed to be removed is not coastal wetland species. The vegetation to be removed is a mix of Illawarra subtropical rainforest species that was planted approximately 10-15 years ago and contains numerous weeds. The proposed development is considered to be consistent with the requirements of the SEPP.

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

A BASIX Certificate was lodged with the application which demonstrates that the dwellings have been designed in accordance with BASIX. The required DA commitments identified have been shown on the DA plans.

- State Environmental Planning Policy No 55 - Remediation of Land

The land is considered suitable for the proposed use.

- State Environmental Planning Policy (Rural Lands) 2008

The proposal facilitates the orderly and economic use and development of the land for rural and related purposes. Approval of the dwelling will not compromise the agricultural potential on the properties in the locality.

- Kiama LEP 2011

The subject land is split zoned E2 Environmental Conservation and E3 Environmental Management pursuant to Kiama LEP 2011. The proposal will be situated in the E3 zone where it is a permissible land use. The proposal is considered to be consistent with the E3 zone objectives.

## Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Secondary Dwelling  
(10.2017.5.1) (cont)

---

Specific clauses requiring consideration:

**Clause 5.4(9)** lists requirements for secondary dwellings providing that they must not exceed 60m<sup>2</sup> or 100% of the floor area of the existing dwelling. In this instance the existing dwelling is approximately 250m<sup>2</sup> and the proposed secondary dwelling is compliant with this control being approximately 114m<sup>2</sup>.

**Clause 6.1** lists requirements for land affected by Acid Sulphate Soils. The proposed building envelope for the secondary dwelling is identified as being a Class 5 Acid Sulphate Soil due to it being within 500m of the adjacent Class 2 & 3 land. The proposal will not cause any works to occur below 5 metres AHD which will lead to a lowering of the water table below 1m on adjacent Acid Sulphate affected land so this clause need not be considered further.

**Clause 6.3** lists requirements for the development of land which is at or below the known flood planning level. A significant portion of the subject site is flood affected but the proposed building envelope is located within a flood free portion. There are no further requirements to satisfy in relation to this clause.

**Clause 6.4** lists considerations and requirements for land which has been identified as "Biodiversity land" on the Terrestrial Biodiversity Map. A significant portion of the subject site is identified as being high conservation value biodiversity land but the proposed building envelope is located away from this constraint. A Flora and Fauna Assessment Report prepared by Kevin Mills & Associates, Ecological & Environmental Consultants has been submitted with the application. This report found that the site was suitable for the proposed development and would not lead to an undue negative impact upon the nearby ecological significant vegetation communities. The proposal therefore meets with the objectives of the clause and the matters which are required to be satisfied prior to issue of consent.

**Clause 6.5** lists considerations and requirements for land which has been identified as riparian land and watercourses. Given the low lying nature of much of the site being adjacent to the Minnamurra River a significant portion of the subject site is identified as being riparian land but again the proposed building envelope is located clear from this constraint. The proposal therefore meets with the objectives of the clause and the matters which are required to be satisfied prior to issue of consent.

**Schedule 1** – Additional permitted uses provides that dwelling houses, dual occupancy or place of public worship is permissible in the E3 zoned portion of the site. The proposal is not inconsistent with these provisions and the permissibility of a secondary dwelling is not reliant upon this Schedule as it is permissible by virtue of the land use table attached to the E3 zone.

### **Any draft Environmental Planning Instruments**

- Draft State Environmental Planning Policy – Coastal Management

Part of the property but not the building envelope is affected by this Draft SEPP. This draft SEPP proposes to replace SEPP 14 Coastal Wetlands, SEPP 26 - Littoral Rainforests and SEPP 71 – Coastal Protection. The proposed development is considered to be consistent with the requirements of the Draft SEPP.

Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Secondary Dwelling  
(10.2017.5.1) (cont)

---

### Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The proposed development is considered to be consistent with the provisions of Kiama DCP 2012. The relevant provisions will be briefly discussed below.

#### *Chapter 2- Overall Controls*

This chapter of the DCP outlines general controls that apply to all types of development throughout the Local Government Area. The only control applicable to the development is the 15m building line setback to a public road and the requirement to use low reflective materials, both of which the proposal complies with. The proposal therefore considered to be consistent with the objectives requirements of this chapter.

#### *Chapter 4 – Low Density Development*

This chapter of the DCP outlines general controls that apply to low density developments including secondary dwellings. Most of the controls are aimed at maintaining amenity for future occupants and adjoining neighbours in urban environments so have limited application for a secondary dwelling in a rural setting. The proposed design enjoys good solar access to living areas and includes a 54m<sup>2</sup> north facing deck. There is ample opportunity for future occupants to recreate outside and park their vehicles. The proposal therefore considered to be consistent with the objectives requirements of this chapter.

#### *Chapter 6 – Rural Development*

This chapter of the DCP outlines general controls that apply to all kinds of rural development. The proposal satisfies the following requirements of the Chapter:

- Sections 1-2 - Design, Siting and Setback Controls;
- Section 3 - Access and Services Infrastructure;
- Sections 4-7 - Water Supply and Effluent;
- Sections 8-14 Environmental Considerations and Natural Hazard.

The only variation relates to the requirement to locate dwellings and ancillary structures more than 100m from dwellings on adjoining properties. The site for the proposed secondary dwelling has been chosen based on an assessment of the available site area that is free from environmental constraints such as flooding, riparian land, biodiversity, acid sulphate soils, etc. The subject site will be approximately 50m north-east from the closest neighbouring dwelling house and separated by outbuildings and vegetation meaning there is little visual connect or privacy impacts. These property owners were notified of the proposal and raised no objection to the proposal in the desired location. The applicant has formally requested a variation to this requirement based on the specific site conditions. Furthermore they have been able to demonstrate that the location for the secondary dwelling being 50m from both the existing dwelling on the site and the adjoining neighbour was chosen to maximise privacy for all parties. The requested variation is considered reasonable and worthy of Council's support.

Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Secondary Dwelling  
(10.2017.5.1) (cont)

---

#### *Chapter 8 – Landscaping*

This chapter of the DCP outlines general controls that apply to landscaping. A landscape plan has been prepared for the proposal and is considered acceptable. The landscaping proposes the use of appropriate native species as compensatory planting for the vegetation proposed to be removed to accommodate the dwelling. The landscape plan is consistent with the bushfire assessment report and will further break up any minor visual impact the dwelling may present.

#### *Chapter 11 – Waste Requirements*

This chapter of the DCP outlines general controls that apply to waste minimisation, management and recycling. The proposal will dispose of waste via the Kiama Council domestic waste service. Adequate space is available to store the waste receptacle and no further issues are envisaged.

#### **Any Planning Agreement**

Nil

#### **Any matters prescribed by the Regulations**

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

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

#### **Any Coastal Zone Management Plan**

Nil

#### **The likely impacts of the proposed development**

- Streetscape

The design of the proposed development is considered to be reasonable when considered in relation to the context of the site. The bulk, scale and design of the proposal is consistent with relevant planning instruments. Due to the siting of the proposed secondary dwelling it will largely be invisible from the street until you reach the northern end of Thornett Way.

- Noise

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

- Privacy and Overlooking

No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development. The proposal will be approximately 50m from the closest neighbour on the western side furthermore the dwelling is orientated to the north looking out towards the Minnamurra River.



## Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Secondary Dwelling  
(10.2017.5.1) (cont)

---

- Overshadowing

The proposal will not lead to any overshadowing issues.

- Views

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

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is available on site. The existing dwellings car parking arrangements remain unaltered. Manoeuvring is compliant with AS/NZS 2890.1 – 2004 and the existing driveway is compliant with the required gradients.

- Stormwater Management

All stormwater will be directed to rainwater tanks initially with any surplus to be disposed of onsite.

- Environmental Impacts

*Vegetation Removal* – Part of the property but not the proposed building envelope is covered by ecologically significant vegetation communities. Whilst the proposal involves clearing of native vegetation to construct the secondary dwelling the vegetation proposed to be removed does not include any ecologically significant vegetation communities. The vegetation to be removed is a mix of Illawarra Subtropical Rainforest species that was planted approximately 10-15 years ago and contains numerous weeds. A Flora and Fauna Assessment Report prepared by Kevin Mills & Associates, Ecological & Environmental Consultants submitted with the application found that the site was suitable for the proposed development and would not lead to an undue negative impact upon the nearby ecological significant communities.

*Fauna Impacts* – A Flora and Fauna Assessment Report prepared by Kevin Mills & Associates, Ecological & Environmental Consultants submitted with the application found that it is unlikely that the proposal will affect any fauna or their habitats.

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

*Impact on Water Resources* – A rainwater tank will be provided, as required by Kiama DCP 2012 (Chapter 18). Stormwater will be disposed of onsite. Controls will be implemented during construction to minimise sedimentation. The site is connected to Sydney Water's sewer and water service.

- Social and Economic Impacts

The proposed development will likely have a positive social and economic impact in the locality. The amenity impacts of the proposed development have been considered in detail and no concerns are raised.

## Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Secondary Dwelling  
(10.2017.5.1) (cont)

---

- Agricultural land productivity

The site overall is largely in a natural state and is presently not used for much agriculture. The proposed location of the secondary dwelling will not have a significant impact upon the existing and future agricultural uses of the lot. The dwelling is sited near other dwellings and will form a small cluster of rural residential development. The dwelling location is steep and includes a mix of weeds and existing native vegetation of planted approximately 10-15 years so has little agricultural value.

- Safety, security & crime prevention

The proposed development will have a positive impact on crime and safety in the locality as it will provide another dwelling that will improve passive surveillance and security of the property generally.

- Construction impacts

The proposal is unlikely to give rise to undue construction impacts other than some minor noise disturbance to neighbours subject to construction activities being undertaken within the approved hours and appropriate sedimentation and erosion control measures being implemented.

**The suitability of the site for the development**

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

- Bushfire

Much of the site is covered in natural vegetation and impacted by bushfire. The development application included a Bushfire Risk Assessment prepared by Level 3 Accredited Bushfire Planning & Design Practitioner. This assessment concluded that the bushfire risk was high with a Bushfire Attack Level was 29. The report recommended a combination of mitigation measures to ensure an appropriate level of safety for future occupants of the dwelling consistent with the requirements of *Planning for Bushfire Protection 2006* and *Australian Standard AS3959-2009*. These measures included vegetation management practises, minimum construction standards, minimum access standards and provision of a dedicated water supply for firefighting purposes. The recommendations of this report are included as conditions on the recommended development consent.

- Flooding, terrestrial biodiversity, riparian land and acid sulphate soils

As discussed above a significant portion of the overall property is low lying in parts being bounded by the Minnamurra River and covered in ecologically significant native vegetation communities. As a consequence of these riparian environmental influences it is subject to extensive flood affectation and acid sulphate soils are present. The location of the proposed dwelling is however on higher ground away from the riparian area and ecologically significant native vegetation communities and is not subject to flooding and acid sulphate soils.

## Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Secondary Dwelling  
(10.2017.5.1) (cont)

---

- Restriction as to user

The subject site contains a restriction as to user created in the early 1990's when the parent lot was subdivided to create this allotment and the adjoining land to the west was created. The terms of this restriction stipulate that no dwelling house may be erected outside of a small area shown in the south-eastern corner of the subject site. This building envelope now contains a dwelling house and the proposal seeks to expunge this restriction as to user to allow the erection of this secondary dwelling approximately 50m to the west of the existing dwelling. The reason that the restriction as to user was applied to the subdivision is unknown but is thought to relate to a desire to restrict future dwelling houses to the higher portions of the subject site free from the environmental constraints discussed above. The adjoining property to the west was also subject to a similar restriction when the lot was created. The restriction on the location of a dwelling house on the adjoining property was lifted after a development application for the re-subdivision of the property was approved by Council in 2002. The closest neighbours to the proposed secondary dwelling would be the adjoining neighbours to the west approximately 50m away. These people were notified as part of the application process and raised no objection to the proposal in the location shown. Council is the authority with the power to vary this restriction and it is considered appropriate for Council to do so in the circumstance to allow the secondary dwelling in the location proposed.

**Submissions**Public Submissions

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period no submissions were received.

**External referrals**

Nil

**Internal referrals**

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

- Development Assessment Officer - Building

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

- 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**

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

## Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Seconday Dwelling  
(10.2017.5.1) (cont)

---

**Final comments and conclusions**

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with the relevant State Environmental Planning Policies, Kiama LEP 2011 and relevant chapters of Kiama DCP 2012. The proposed development is permissible in the E3 Environmental Management zone and is considered to be consistent with the zone objectives.

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

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

**Draft Conditions of Consent****General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2017.5.1 dated – 16 May 2017 except as amended by the following conditions: (g005.doc)
- (2) The development shall be completed in accordance with the approved colour schedule. (g014.doc)
- (3) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate. (g030.doc)
- (4) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (5) The developer shall provide and maintain temporary fencing around the development site to prevent unauthorised entry into the site by persons or livestock and shall remove the temporary fencing upon completion of all work. (g140.doc)

**Prior to the release of the Construction Certificate**

- (1) A Waste Management Plan shall be prepared and approved by Council prior to release of the Construction Certificate.
- (2) The development is to incorporate the following amendments and the amended plans are to be submitted to the Principal Certifying Authority, for approval, prior to the issuing of a Construction Certificate:
  - a suitable clothes drying facility of 8 lineal meters, not visible from a public place, outside of the main private open space area with good solar access.

## Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Seconday Dwelling  
(10.2017.5.1) (cont)

- 
- an enclosed accessible storage area of a minimum 8 cubic meters in addition to the kitchen cupboards and bedroom wardrobes,
  - a letterbox in accordance with Australia Post requirements,
  - a bin storage location screened from view from any public place,
  - demonstration that the proposed dwelling satisfies Australian Standard AS4299-1996 Adaptable Housing.
- (3) Prior to the issue of the Construction Certificate the applicant shall extinguish the restriction on the use of the land thirdly referred to in the applicable 88B instrument associated with Deposited Plan 832012.

**Bonds and Contributions**

- (1) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 3 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$6,648.81**. (bo005.doc)

**Prior to Commencement of Works**

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:
- i The licensee's name and contractor licence number;
  - ii That the licensee has complied with Part 6 of the Home Building Act 1989.
- In the case of work to be done by any other person, the Principal Certifying Authority:
- a Has been informed in writing of the person's name and owner builder permit number;
- or
- b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989. (pt005.doc)
- (2) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
  - b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
  - c You **must** notify the Council of the appointment; and
  - d You **must** give at least two (2) days' notice to Council of your intention to commence work.

## Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Seconday Dwelling  
(10.2017.5.1) (cont)

---

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

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

Should you appoint Council as the Principal Certifying Authority, relevant inspection fees will be required to be paid at the time of lodgement of this form.  
(pt020.doc)

- (3) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate. (pt034.doc)
- (4) A sign must be erected in a prominent position on the site on which building work is being carried out:
  - a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
  - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - c Stating that unauthorised entry to the work site is prohibited.

**Note:** Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee. (pt060.doc)

- (5) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel. (pt062.doc)
- (6) Details of compliance with conditions of consent under the heading Bush Fire Hazard Management and AS3959 – Building in Bush Fire Prone Areas shall be provided to the Accredited Certifier prior to the release of the Construction Certificate. (pt065.doc)
- (7) Submission of stormwater disposal details for disposal of stormwater on site, designed by a suitably qualified person. Details are to be provided to the satisfaction of the Principal Certifying Authority, prior to the release of the Construction Certificate. (pt067.doc)

### Utility Servicing

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to issue of the final Occupation Certificate. (us005.doc)

## Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Seconday Dwelling  
(10.2017.5.1) (cont)

---

**Inspections**

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

**NOTE:** Should you choose Council to be your Principal Certifying Authority for this development you will be advised of the required building inspections and applicable fees at the time of that appointment. (bu015.doc)

**Building Construction**

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)
- (6) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)
- (7) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;  
Monday to Friday - 7.00 am to 6.00 pm  
Saturdays - 8.00 am to 1.00 pm  
No construction work is to take place on Sundays or Public Holidays. (bu151.doc)
- (8) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)

**Erosion and Sedimentation Controls / Soil and Water Management**

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
  - a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.

## Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Seconday Dwelling  
(10.2017.5.1) (cont)

- 
- b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
  - c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
  - d All the above requirements must be in place for the duration of the construction works. (esc005.doc)
- (2) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work. (esc020.doc)

**Bushfire Hazard Management**

- (1) The development shall be completed in accordance with "*Planning for Bush Fire Protection 2006*," *Australian Standard AS3959 -2009 - Construction of Buildings in Bushfire Prone Areas* and the conclusions and recommendations contained in Section 4 pages 17-19 (inclusive) of the *Bushfire Risk Assessment* prepared by SET Consultants Pty Ltd dated 9 January 2017.

Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified and experienced Bushfire Planning & Design Accredited Practitioner stating that all works required to mitigate the risk of bushfire have been completed in accordance with the abovementioned documents. (bhm005.doc)

**Landscaping Works**

- (1) All landscape areas shown on the approved landscape plans (drawing numbers 16-1226/1) or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions. (lw015.doc)
- (2) The landscaping shall be maintained actively and regularly for a period of 52 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)
- (3) At the end of the 52 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)
- (4) Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent. (lw170.doc)
- (5) The trees in the footprint of the dwelling shall be removed to the extent as shown on the Landscape Plan prepared by Captivate Landscape Design drawing No. 16-1226/1. No cleared vegetation shall be dumped in the salt marsh to the north or to the east of the fig tree.



## Report of the Director Environmental Services

9.7 Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Seconday Dwelling  
(10.2017.5.1) (cont)

---

**Vegetation Management**

- (1) The development shall be completed in accordance with the conclusions and recommendations contained in Section 4 pages 8-9 (inclusive) of the Flora and Fauna Assessment prepared by Kevin Mills and Associates Ecological and Environmental Consultants dated November 2016.

Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified and experienced Flora and Fauna Assessment Practitioner stating that all works required to mitigate the risk of negative impact on endangered ecological communities has been completed in accordance with the abovementioned document. (vm005.doc)

**Site Facilities**

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times. (sf010.doc)
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other lightweight materials. (sf015.doc)
- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
  - a Stating that unauthorised entry to the premises is prohibited; and
  - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

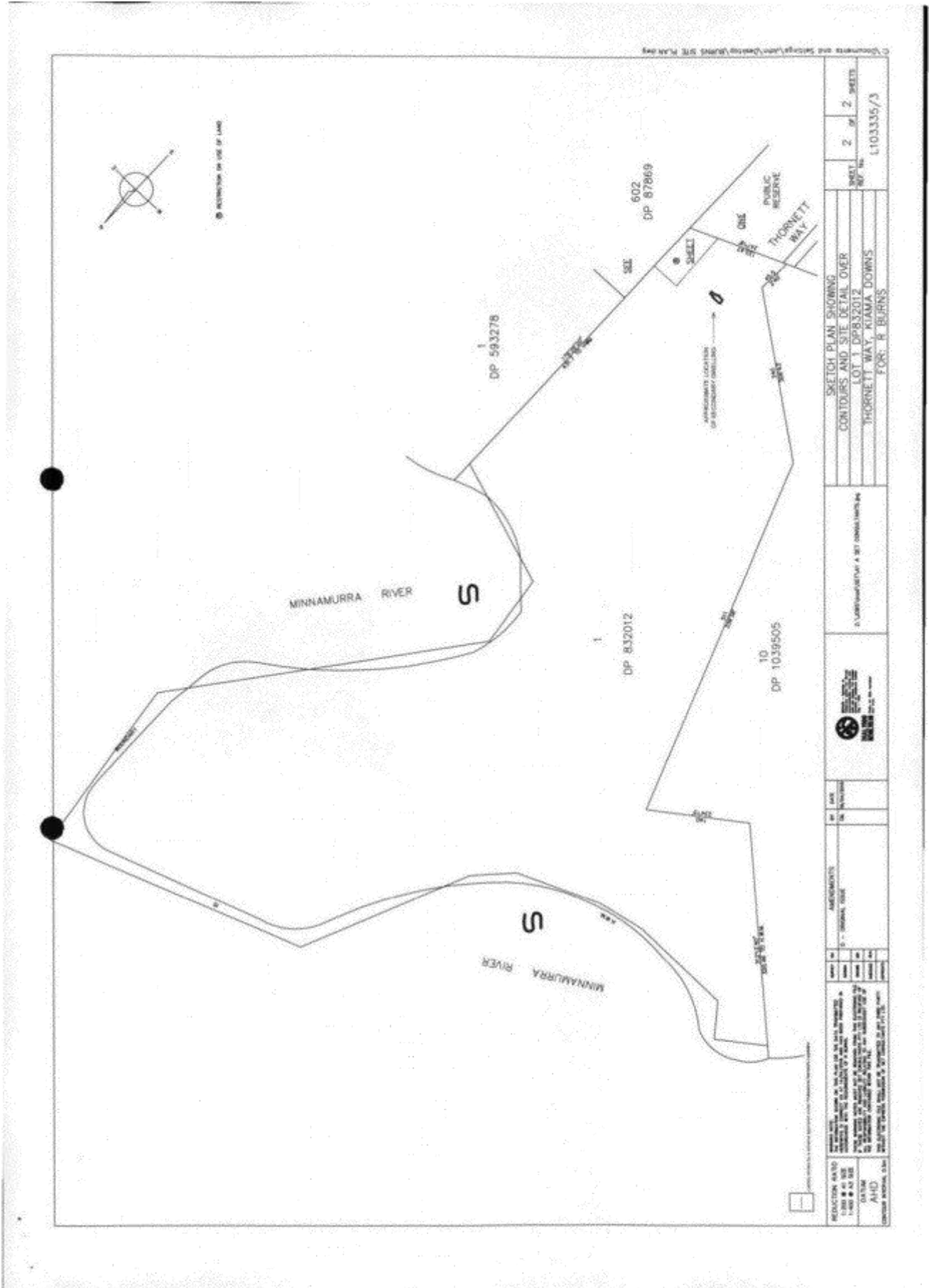
Any such sign is to be removed when the erection or demolition of the building has been completed. (sf020.doc)

**Prior to Occupation**

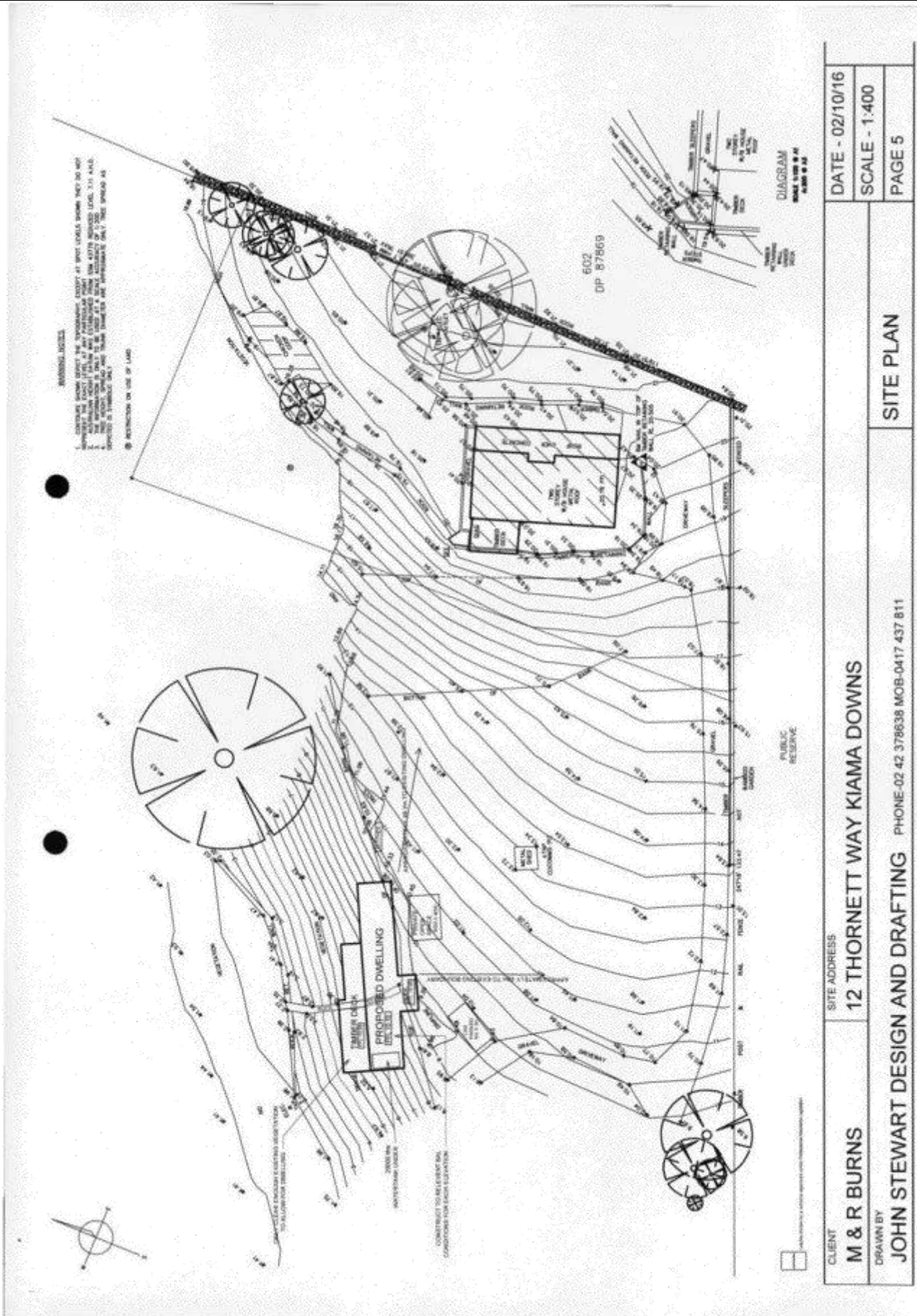
- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to release of the Final Occupation Certificate.

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)

- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)

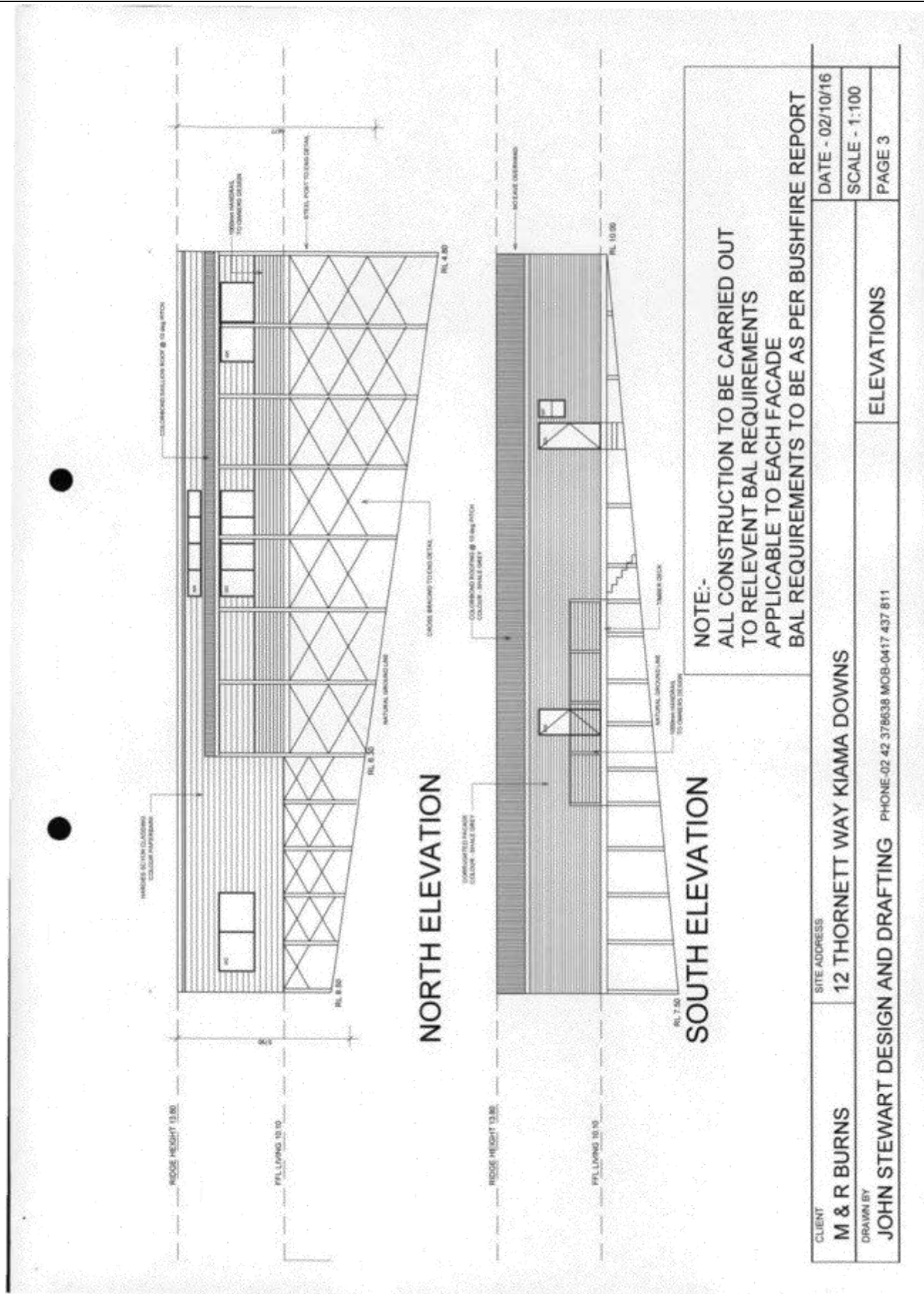


Attachment 2 Item 9.7

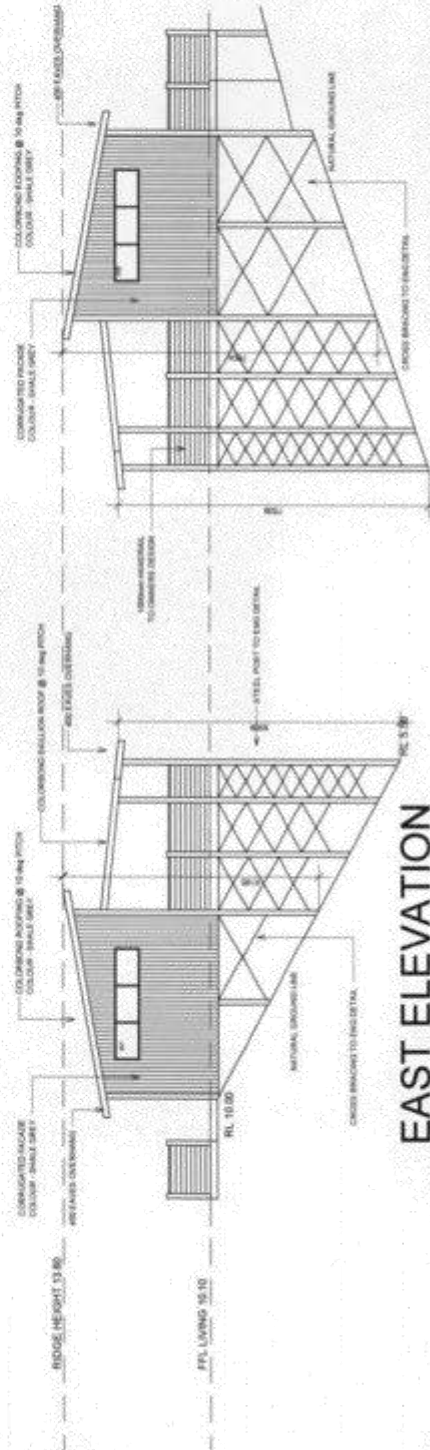


Item 9.7

Attachment 2



CLIENT	M & R BURNS	
DRAWN BY	JOHN STEWART DESIGN AND DRAFTING	
SITE ADDRESS	12 THORNETT WAY KIAMA DOWNS	
PHONE	PHONE-02 42 378638 MOB-0417 437 811	
DATE	02/10/16	
SCALE	1:100	
PAGE	3	



WEST ELEVATION

EAST ELEVATION

**NOTE:-**  
 ALL CONSTRUCTION TO BE CARRIED OUT  
 TO RELEVANT BAL REQUIREMENTS  
 APPLICABLE TO EACH FACADE  
 BAL REQUIREMENTS TO BE AS PER BUSHFIRE REPORT

CLIENT	SITE ADDRESS	DATE - 02/10/16
M & R BURNS	12 THORNETT WAY KIAMA DOWNS	SCALE - 1:100
DRAWN BY	ELEVATIONS	PAGE 4
JOHN STEWART DESIGN AND DRAFTING PHONE-02 42 378638 MOB-0417 437 811		

### BASIX COMMITMENTS

**SITE DETAILS**  
 Site Area = 446514 sqm  
 Roof Area = 191 sqm  
 Conditioned floor = 102 sqm  
 Unconditioned floor = 12 sqm  
 Garden and Lawn = 100 sqm

**FIXTURES**  
 Showerheads to be 3 star (6 but <= 7.5 l/min)  
 All taps and basin taps to be 4 star  
 Toilet Flushing System to be 4 star

**ALTERNATE WATER**  
 Rainwater tank-20000lts 191 sqm to be directed to tank  
 Toilets, outdoor tap and laundry to be fixed to tank

**WINDOWS**  
 all windows to be single clear improved aluminium  
 U VALUE 6.44 SHGC 0.75

**HOT WATER**  
 gas instantaneous 4 star  
 none nominalled

**HEATING AND COOLING**  
 none nominalled

**VENTILATION**  
 mechanical ventilation to kitchen manual on/off switch

**LIGHTING**  
 Fluorescent or LED

**COOKING**  
 gas cooktop and electric oven

**SECTION A/A**

**ROOF PLAN**

**INSULATION**

CEILING TO HAVE AT LEAST R1.5 (60) ROOF TO HAVE 50mm FOIL BLANKET FLOOR INSULATION (FRAMED) TO BE R3.0 OR R1.50 INCLUDING CONSTRUCTION WALL INSULATION (FRAMED) TO BE R1.50 OR R1.30 INCLUDING CONSTRUCTION

ALL INSTALLATION SPECIFIED MUST BE INSTALLED IN ACCORDANCE WITH PART 3.12.1.1 OF THE BUILDING CODE OF AUSTRALIA

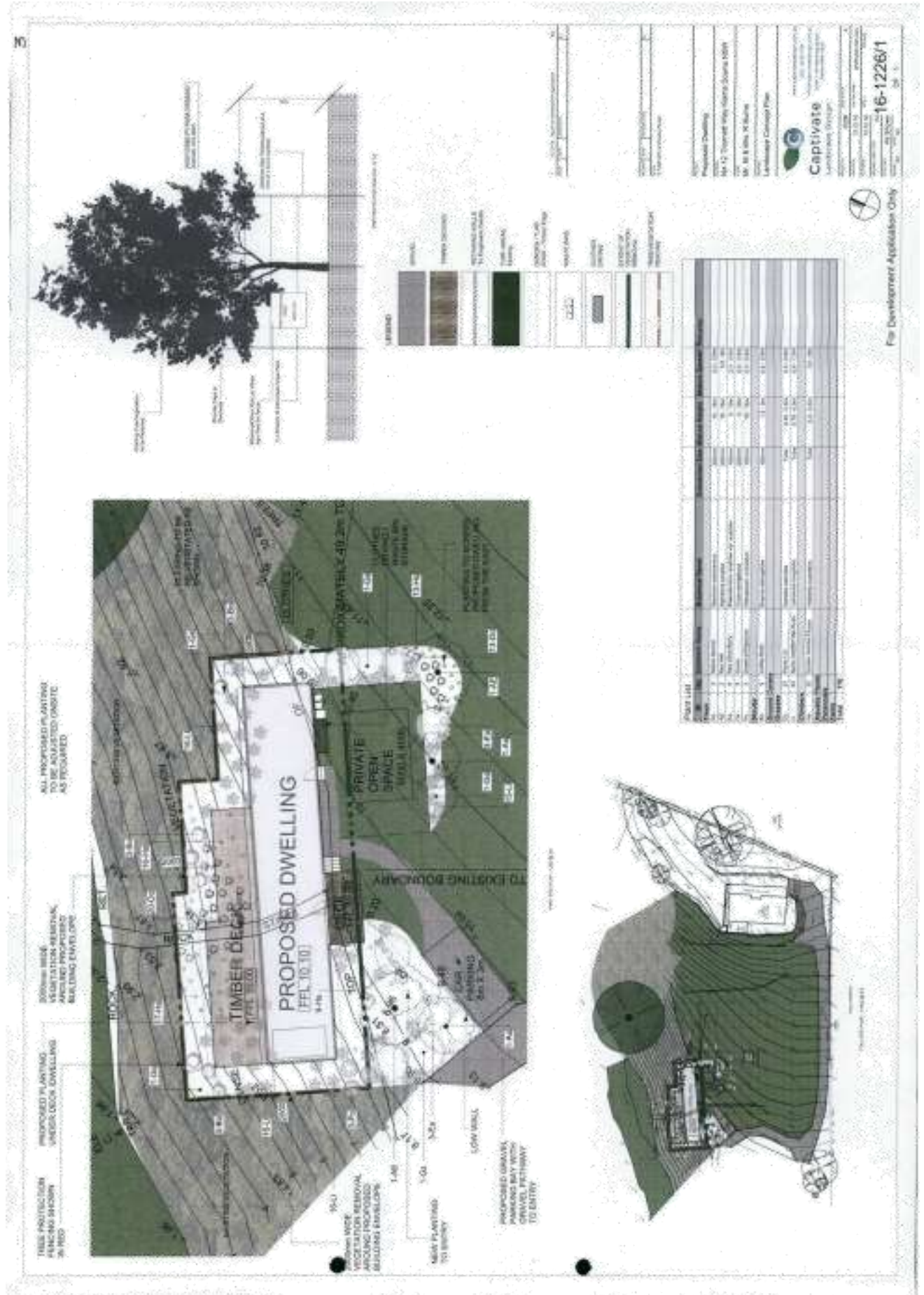
**CLIENT**  
 M & R BURNS

**SITE ADDRESS**  
 12 THORNETT WAY KIAMA DOWNS

**DRAWN BY**  
 JOHN STEWART DESIGN AND DRAFTING PHONE-02 42 378638 MOB-0417 437 611

**DATE** - 02/10/16  
**SCALE** - 1:100  
**PAGE** 6

**DETAILS**



Item 9.7

Attachment 2

## 10 REPORT OF THE GENERAL MANAGER

### 10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review

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

CSP Strategy: 4.14 Ensure continual improvement of Council's Integrated Planning and Reporting framework to meet the Community's long-term vision for Kiama Municipality

Delivery Program: 4.14.1 Ensure compliance with, and continual improvement of, the Integrated Planning and Reporting Framework

#### Summary

This item recommends endorsement of the Draft Community Strategic Plan for 2017-2027, Delivery Program for 2017-2021, Operational Plan for 2017/2018 and Resourcing Strategy for public exhibition.

#### Finance

The report includes the full budget proposed for the 2017/2018 year.

#### Policy

Sections 402 to 405 of the *Local Government Act 1993* define the process, content and timeframes for these integrated plans. The points in those sections of The Act relating to purpose of plans, timing of reviews, exhibition periods and consideration of submissions received are:

s.402 Community Strategic Plan:

- (1) *Each local government area must have a community strategic plan that has been developed and endorsed by the council. A community strategic plan is a plan that identifies the main priorities and aspirations for the future of the local government area covering a period of at least 10 years from when the plan is endorsed.*
- (2) *A community strategic plan is to establish strategic objectives together with strategies for achieving those objectives.*
- (5) *Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. The council may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new community strategic plan, as appropriate to ensure that the area has a community strategic plan covering at least the next 10 years.*
- (6) *A draft community strategic plan or amendment of a community strategic plan must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the plan or amendment is endorsed by the council.*

s404 Delivery Program:

- (1) *A council must have a program (its "delivery program") detailing the principal activities to be undertaken by the council to implement the strategies established*



## Report of the General Manager

## 10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review (cont)

---

*by the community strategic plan within the resources available under the resourcing strategy.*

- (3) *The council must establish a new delivery program after each ordinary election of councillors to cover the principal activities of the council for the 4-year period commencing on 1 July following the election.*
- (4) *A draft delivery program must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the delivery program is adopted by the council.*

## S405 Operational Plan:

1. *A council must have a plan (its “operational plan”) that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.*
2. *An operational plan must include a statement of the council’s revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.*
3. *A council must prepare a draft operational plan and give public notice of the draft indicating that submissions may be made to the council at any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.*
5. *In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan*

**Attachments**

Nil

**Enclosures**

- 1 Draft Community Strategic Plan - CSP - 2017-2027 [⇒](#)
- 2 Draft Delivery Plan 2017-2018 and Operational Plan 2017-2021 [⇒](#)
- 3 Draft fees and charges 2017-2018 [⇒](#)
- 4 Delivery Plan and Operational Plan Income and Expenditure information 2017-2018 [⇒](#)
- 5 Draft Workforce Management Plan 2017-2021 [⇒](#)
- 6 Asset Management Strategy 2017-2027 [⇒](#)
- 7 Draft Long Term Financial Plan 2017-2018 to 2026-2027 [⇒](#)

**RECOMMENDATION**

## That Council:

1. [places the draft Community Strategic Plan 2017-2027, Delivery Program 2017–2021, Operational Program 2017-2018, Workforce Management Plan 2017-](#)

## Report of the General Manager

## 10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review (cont)

- 
- 2021, Long Term Financial Management Plan, Strategic Assets Management Plan, and draft Schedule of Fees and Charges 2017/2018 on public exhibition for 28 days from Wednesday 17 May until Thursday 15 June 2017,
2. seeks the comments of the community on the content of the draft documents, and
  3. a further report be provided to Council prior to the end of June 2017 outlining any comments received during the exhibition period and putting forward a Community Strategic Plan 2017-2027, Delivery Program 2017-2021, Operational Program 2017-2018, Workforce Management Plan 2017-2021, Long Term Financial Management Plan, Strategic Assets Management Plan, and draft Schedule of Fees and Charges 2017/2018 for adoption.

Item 10.1

**1. BACKGROUND**

Under Sections 402 to 406 of the Local Government Act 1993, Council is required to prepare a set of Integrated Plans including:

- a) a Community Strategic Plan (CSP) for at least 10 years
- b) a Delivery Program (DP) for 4 years, and
- c) an Operational Plan (OP) for 1 year.

Kiama Council's Community Strategic Plan is the overall planning document that sets out the shared vision of Council and the community, for the Municipality. The first CSP was adopted in 2011 and was revised in 2013.

For the 2017-2027 CSP, community priorities have been identified through community surveys, satisfaction research and workshops. These consultations focussed on the major themes of civic leadership, social, environmental and economic issues.

A broad range of goals have emerged that will need committed and careful implementation by Council in collaboration with the community and a range of organisations and government agencies.

The Delivery Program 2017-2021 systematically translates the goals of the CSP into activities that Kiama Council will undertake. It is supported by a four year Resourcing Strategy covering Council's Asset Management, Long Term Financial Planning and Workforce Planning.

The Draft Operational Plan 2017-2018 completes the planning documents and details the activities to be undertaken during the financial year. It includes Council's detailed annual budget. The 2017/2018 Fees and Charges are available in a separate document.

This three tiered process ensures that there are clear links between the long term goals of the community and the activities of Council.

Council is required to publicly exhibit these draft Plans for 28 days or more and to advise the public so that they might provide comment on them, to Council. After

## Report of the General Manager

## 10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review (cont)

---

exhibition (and before the end of the financial year), Council must adopt the CSP, DP and OP after considering any submissions that have been made.

Until an Operational Plan has been adopted, Council is not able to make a rate or charge and these rates and charges must be made before 1 August in the year to which they apply.

Council is also required to adopt a 4-year Resourcing Strategy that includes the Long Term Financial Plan, Workforce Management Plan and Strategic Asset Management Plan. These define the resources required to implement the strategies of the Community Strategic Plan. The Resourcing Strategy Plans are now presented for adoption.

Item 10.1

## 2. REVIEW OF COUNCIL'S STRATEGIC PLANS

While the vision, values and mission of Council have remained as the enduring base of Council's operations, significant changes have been incorporated into the DP 2017-2021 following the review of the previous DP. Statistical and informational details have been updated throughout and the activities and resources have been refined for a clearer focus on the services and facilities that have been prioritised in community consultations.

In August 2016, Council engaged IRIS Research to undertake a social research to better understand residents' perception of, and satisfaction with Council services and facilities. This provided valuable direction to improve Council's 32 services and facilities.

IRIS Research reported that Kiama Council rated significantly higher than other regional councils for residents' overall satisfaction and also for high satisfaction with 19 of the compared 24 services and facilities. Following analysis of results, 8 areas requiring particular focus to improve resident satisfaction were identified. The draft strategic plans now in consideration have specifically addressed these 8 challenges. Some examples of this response are:

### **Responsiveness to community needs**

A 1% efficiency saving requirement has been imposed across all Council funded services to ensure financial viability and capacity to respond to emerging needs.

### **Informing the community of Council's decisions**

In 2017-18 a range of improvements will be made to ensure Council's communications are more accessible for all residents. This includes beginning changes to website, some forms and publications, to provide easy read and plain English options. Communication through local newspapers and Council newsletters will continue, reflecting these as the most important sources for information as identified in the IRIS Research findings. All Council's social media sites will be reviewed to ensure they also contribute to the challenge of better informing residents of Council's decisions. Council will continue to support the Council's endorsed South Precinct and newly formed Central Precinct which regularly meets to have input into relevant local matters. Council will also continue to liaise with and respond to the

Report of the General Manager

10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review  
(cont)

---

Minnamurra Progress Association and Jamberoo Valley Ratepayers Association on matters of local importance.

**Consulting with the community**

Council's Engagement Strategy guides all staff in the minimum requirements to sufficiently consult with the community. In 2017-18 this strategy will be reviewed and a new training program completed, to ensure all consultations meet these standards.

**Encouraging local businesses and jobs**

As the implementation of the Kiama Economic Development Strategy continues, in 2017-18 it will be seeking to streamline administrative procedures of Council on businesses and complete a demand study to identify options for supply of employment land. Professional training will be provided for the agribusiness sector to increase economic output. Council will also ensure at least 4 purchasing tenders prioritise local providers.

**Maintenance of public toilets**

The programmed maintenance for public toilets will continue to address cleanliness, damage and deterioration. The frequency of cleaning of public toilets in high demand areas will be reviewed.

**Parking in town centres**

In 2017-18 Council will focus on accessible parking in town centres, reviewing all and planning an improvement program. Council will continue to investigate the provision of additional carparking in the town centres, having regard to the development proposals for the existing carparks in Shoalhaven Street and Akuna Street, Kiama. Council is to complete an expansion of the Figtree Lane carpark in Gerringong.

**Maintenance of local roads**

The maintenance of roads, footpaths and cycleways addresses damage and deterioration on a programmed and risk management basis. The draft budget for 2017-18 allocates \$3,041,067 for rural, regional and local road maintenance and resealing.

**Provide public toilets**

Three adult change and toilet facilities are to be provided in Jamberoo, Gerringong and Kiama in the next 2 years and a review of all public toilets is to be undertaken to assess accessibility and set a program for improvements.

**Fit for the Future**

The 2017/2018 Draft Budget has been prepared with two primary objectives:

1. To resource the commitments of the draft Delivery Program 2017/2021
2. To implement the Fit for the Future Improvement Strategy as submitted by Council in November 2016.

The 2017/2018 Draft Budget delivers on both of these objectives.

## Report of the General Manager

10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review  
(cont)

In relation to the financial indicators contained in the Fit for the Future Reform, Council has worked tirelessly over the past 12 months to implement the range of strategies to improve the long-term financial sustainability of the organisation. Council's adopted Long Term Financial Plan 2017/2018 – 2026/2027 meets all of the Fit for the Future benchmarks as shown below:

Fit for the Future Indicators	Benchmark	2017-18 Budget	Meets or exceeds Benchmark
<b>Operating Performance ratio</b>	Greater than 0%	1.58%	YES
<b>Own Source of Revenue</b>	Greater than 60%	76.67%	YES
<b>Building and Asset Renewal Ratio</b>	Greater than or equal to 100%	100.12%	YES
<b>Infrastructure Backlog Ratio</b>	Less than 2%	1.25%	YES
<b>Asset Maintenance Ratio</b>	Greater than or equal to 100%	102%	YES
<b>Debt Service Ratio</b>	Greater than 0% BUT less than 20%	3.97%	YES
<b>Real Operating Expenditure</b>	Decreasing trend	Decreasing	YES

Whilst achieving the benchmarks is a significant achievement, Council is committed to the ongoing implementation of the adopted improvement program. When fully implemented it will further enhance and strengthen Council's sustainability into the future, ensuring it can maintain and improve services to our community.

### 3. RESOURCING STRATEGY

The 3 essential components of the Resourcing Strategy define the financial, human and physical assets that will be required by Council to meet its strategic goals. They are:

- **Long Term Financial Plan (LTFP)**, which projects financial forecasts for the Council and is a key information source to set strategic goals in a financially sustainable, fiscally responsible and effective manner. The LTFP connects the available and projected financial resources with Council's current and long term commitments as well as future goals.

## Report of the General Manager

## 10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review (cont)

- **Workforce Management Plan**, which defines the human resources required to facilitate the achievement of the goals, strategies and objectives of Council's Community Strategic Plan. The draft Workforce Management Plan, will assist Council in reinvigorating the workforce to ensure the achievement of Council's strategic objectives within financial resources.
- **Strategic Asset Management Plan**, which defines the resources necessary to attain sustainability in the management of Council's physical assets. Its goal is to ensure these assets are effectively managed at the least cost and risk and to best contribute to Council's decision making on services and facilities for the current and future community.

Item 10.1

**4. TIMETABLE**

The following timetable has been proposed for the process:

Ordinary Council Meeting to consider Draft Community Strategic Plan 2017–2027, Draft Operational Plan 2017/2018 and Resourcing Strategy	5pm Tuesday 16 May 2017
Public Exhibition of Draft Community Strategic Plan, Draft Operational Plan 2017/2018 and Resourcing Strategy	17 May 2017 - 15 June 2017
Ordinary Council Meeting to adopt Community Strategic Plan 2017–2027, Operational Plan 2017/2018 and Resourcing Strategy	5pm Thursday 22 June 2017

The public will be invited to provide comment on these draft documents that will be on public exhibition in the Council office, the libraries, community centre and online. Precinct Committees, Ratepayer groups, relevant government agencies and other community groups will be advised by email or mail. Public notices in print and electronic media will advise the general community.

**5. REVENUE POLICY – BUDGET FOR 2017/2018 YEAR****Introduction**

The Revenue Policy section of the Draft Operational Plan 2017/2018 is a key component, comprising the estimates of income and expenditure as well as details of Council's plans for fees and charges, borrowings, private works and other matters.

As in previous years, the estimates of income and expenditure have been based on the existing departmental basis. Each section has been separated from the others and a summary sheet provides a snapshot of the total budget proposals.

The budget papers are submitted in two parts, these being:

## Report of the General Manager

10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review  
(cont)

- 
- (i) **The General Manager's Report** which deals with the overall budget situation and broad policy issues which affected the budget.

It is recommended that this report be read first as it provides a general overview of the various factors taken into account in the development of the estimates.

- (ii) **The Estimates Papers** which provide comparisons with the 2016/2017 original budget and projected figures for that year, as well as the 2017/2018 estimates.

I would be pleased to provide any additional information or explanation for Councillors if required and would be pleased to make myself or the staff available for discussions on request.

As stressed in the previous years, the traditional sources of revenue are not maintaining an appropriate link to the cost increases which Council has to face each year and if Council was reliant on these traditional sources as its only form of income, there would be serious difficulties.

The ratepegging legislation means that the annual percentage rate increases are usually below the percentage cost increases indicated in most cost indices. The Financial Assistance Grant (FAG) has marginally increased from \$1,193,144 in 2003/2004 to an estimated \$1,439,000 in 2017/2018 (Table D).

As Council is aware the Federal Government has frozen the indexation of financial assistance grants for 3 years. 2017/18 should see the indexation re-established and it has been estimated that this will increase Council's grant by \$19,000 in 2017/18.

In preparing the budget, consideration has been given to financial health indicators with the emphasis being placed on asset maintenance and renewal. The Office of Local Government has focused on a Council's capacity to maintain/renew existing assets in implementing its structural reform "Fit for the Future" program.

In proposing any new capital works, consideration of the ongoing maintenance costs and depreciation and the ability to meet these costs needs to be given.

It should be noted that some of the works planned for the current year may be carried over to 2017/2018. These are **not** included in the Operational Plan pending completion of the current year and may be included at the first quarterly review next year or on completion of the statements of account for the current year, subject to a review of the Council's financial position at 30 June 2017.

**Format of budget****(a) Projected budget estimates**

The estimates have been prepared on a consolidated basis including projected expenses and revenues for all of Council's functions.

There are five functional sections based on Council's principal activities, with each detailing estimated operational and capital expenditures. Projected sources of revenue are shown for each section, showing operating revenues (rates, fees, charges, etc.), grants, loans and various contributions expected to be received next year.

## Report of the General Manager

10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review  
(cont)

---

The estimates papers for 2017/2018 commence with a summary sheet which identifies the total income and expenditure for each of the five functional sections plus a further expenditure total for the depreciation costs for the year.

These functional figures have then been combined to show the overall impact of the total estimates of income and expenditure.

Council must ensure that operating revenues meet operational expenditures over the long term to ensure that funds are available for asset maintenance and renewal. It is becoming increasingly difficult to achieve this objective because of the constraints outlined above and the high annual depreciation expense. As part of the "Fit for the Future" program, Council has undertaken a review of depreciation to ensure that it is not over-estimated and that the life cycle and residual value of assets are appropriate. A focus on the proper allocation of funds to capital renewal has also been taken.

**(b) Council's financial position**

Since 1993, Australian Accounting Standards have required Councils to include depreciation "above the line" as an operating expense. The subsequent requirement over a number of years to revalue Councils' infrastructure, property, plant and equipment at fair value has impacted substantially by increasing the value of assets held. The impact on the annual budget results in a total estimated depreciation of \$6.45M in 2017/2018.

**Key factors affecting the 2017/2018 budget**

There are a number of continuing issues which impact on Council's budget. These are listed below:

- Ratepegging Legislation. The NSW Government has announced a rate variation increase of 1.5% for 2017/2018
- the erosion of Commonwealth Financial Assistance Grants over many years including a freeze on increases during the past 3 years
- increased statutory charges
- legislative changes transferring responsibilities to Councils without adequate revenue
- excessive and increasing reporting requirements
- the need for technological change
- employment cost increases
- staff skill shortages
- the need to allocate sufficient funds for the maintenance/renewal of major assets
- managing community expectations.

**Rating Policy**

The rate calculations have been applied across all four rating categories (Residential, Farmland, Business and Business – Commercial/Industrial). The



## Report of the General Manager

10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review  
(cont)

statutory interest rate which Council can charge for overdue rates has yet to be announced. It is currently 8% for 2016/2017 and it is recommended that the maximum percentage allowed, be adopted.

Council has successfully applied the “base charge” rating system for the last eighteen years and it is applied again in 2017/2018. It applies to residential and farmland rates. For properties categorised as business-ordinary, there is no base amount but rates are charged on an ad valorem basis. For properties categorised as business-commercial/industrial a minimum rate of \$702 is proposed for each such affected property in 2017/2018. A common base charge of \$702 will apply to all residential properties and properties categorised as farmland.

Full details of the rating policy are shown in the Draft Operational Plan.

The rates levied in the 2017/2018 year will be based on land values totalling \$4,649,383,419 as at 1 July 2016 as determined by the Valuer General’s Department.

**Loan/debt servicing**

Major capital works over the past decade have generally been financed either by operations run by Council which are self-supporting or by other revenue sources, particularly land development. At this stage Council is proposing to borrow new funds in 2017/2018 of \$32.5 million for the Blue Haven Kiama Centre of Excellence in Aged Care and Gerringong School of Arts Museum and Library project.

**Restricted assets**

The following restricted or separately identified assets (reserve funds) were held by Council at the end of 2015/2016:

<b>Externally Restricted</b>	S94 Developer Contributions	4,213,510
	Grants	389,611
	Domestic Waste	2,083,279
	Waste & Sustainability	315,791
	Illawarra Pilot Joint Organisation	2,586,701
<b>Internally Restricted</b>	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

## Report of the General Manager

10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review  
(cont)

S94 Recoupments	1,422,607
Carry-over works	2,299,446
Holiday Parks - Crown Reserves	1,421,581
Holiday Park - Kendall's 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

Item 10.1

**Developer contributions (Section 94)**

For a number of years the contributions from developers under Section 94 of the Environmental Planning and Assessment Act have declined as the availability of land for development was reduced. During 2016/2017 there has been the development of the Cedar Grove Estate in Kiama, Wyalla Road Estate in Jamberoo and an upturn in multi-unit development in addition to some significant infill subdivision which will have an impact on Section 94 contributions.

The budget for next year utilises Section 94 recoupments of \$150,000. Comparisons with usage of these funds in previous years are shown on Table A.

**Fees and charges**

(a) **Fees and charges proposed for 2017/2018** are detailed in the document "2017/2018 Fees Schedule" which is part of the Revenue Policy in the Draft Operational Plan.

**(b) Other Fees and Charges**

Reference should be made to the Draft Operational Plan for details of policies applied for fees and charges. Council staff have reviewed the fees structure in the light of costs involved in providing the services and with a general application of the "user pays" principle where appropriate. GST has had to be considered and a number of services have had the tax applied. These are identified in the fees schedule. On average other fees and charges have increased by 3% on 2016/2017.

Some of Council's fees and charges are statutory charges set by Government agencies. Not all statutory charges for the 2017/2018 year have been finalised by Government agencies. Given these fees are legislated, they will be automatically updated into the final version of the Schedule of Fees and Charges.

Report of the General Manager

10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review  
(cont)

---

### Capital/Asset Renewal Works

Capital New and Renewal Schedules are attached to the draft OP and show total estimated capital expenditure of \$45.8M for 2017/2018 including asset renewal works.

### Kiama Holiday Parks

The Holiday Parks are a major benefit for all ratepayers as detailed below:

- the Holiday Parks operate at no cost to ratepayers. The Holiday Parks will contribute an estimated \$2.2M to Council's general revenue during the 2017/2018 year. These funds assist in maintaining and developing Crown Reserves within the Council area.
- if these funds were not available, rates would have to be significantly increased and/or service levels reduced.
- operating revenue received from the Holiday Parks was approximately \$1.5M in 1994/95. In 2017/2018 it is expected to be approximately \$8.9M.

A table showing these contributions since 1997/1998 is attached. (Table C)

### Recycling and Waste Collection Unit

The Recycling and Waste Business Unit has operated well over the past 12 months. The restricted asset or reserve has grown from \$418,000 in 1998/1999, to \$1,042,260 in 2015/2016.

Expenditure of approximately \$405,000 is anticipated for purchase of equipment in 2017/2018.

### Land Development Program

The Land Development Program has provided Council with the opportunity to finance a significant proportion of capital new and renewal works that would otherwise need to be ratepayer funded. This has enabled Council to maintain a reasonably high level of capital works. The Delivery program and the Long Term Financial Plan are dependent on residentially zoned land owned by Council at Spring Creek being developed in the near future.

## 6. COMMENTS ON THE DRAFT STRATEGIC PLANS AND RESOURCING STRATEGY AND RESOURCING STRATEGY

It is suggested that the Draft Strategic Plan, including the Estimates of Income and Expenditure and Notes attached should be read in conjunction with this report as they together provide a very good overview of the draft programs and services proposed.

During the proposed exhibition period Councillors may review the various elements for consideration of amendments, adjustments, exclusions and additions at the meeting in June.

In terms of the budget, the following points are made:

## Report of the General Manager

## 10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review (cont)

- 
- the total estimated operating and capital expenditure is approximately \$99M (excluding depreciation)
  - the financial health and sustainability ratios are all met.
  - a surplus budget is projected. This is after use of some of Council reserves for priority capital works and capital renewal works and allowing for a 1.5% increase in rate revenue approved by the Office of Local Government.
  - a review of services and staffing levels needs to be ongoing as budgetary pressures increase.
  - the Engineering and Works new capital works totals \$34,257,062, the capital renewal program for infrastructure and operational works totals \$11.3M. There is a strong emphasis on new capital works including the Kiama Centre of Aged Care Excellence and the Gerringong Library projects.
  - Council and the community have been benefiting from income from land development programs. This is a finite resource. It is important that profits from land development is effectively managed and kept in reserve for necessary capital renewal of existing assets. Council's Business Units continue to provide an essential and vital contribution to Council's overall revenue.
  - Council's broad community service functions including youth services, library service and cultural development will continue.
  - Council's new integrated Blue Have Care Aged services including the Aged Care Facility and Home Care Services will be further developed and progressively implemented. The NDIS commencement will challenge this service to adapt to the new models of care provision.
  - a number of activities to promote the environment and sustainability will be carried out.
  - Council has commenced the major Centre of Aged Care Excellence project at the Kiama Hospital site with the demolition and site preparation works being carried out. The development involves the erection of a new 134 bed Aged Care Facility, restoration of Barroul House and construction of 59 independent living units. \$8.1M from Council's Blue Haven Aged Care reserves are proposed to be expended on the project during 2017/2018. Council is also intending to borrow \$30M in the coming year for the project.
  - Council has recognised the substantial importance of tourism to Kiama's economic future and is taking on the strategic leadership from 1 July 2017 with an advisory committee and a Tourism and Events Manager. Council aims to build on the achievements of Kiama Tourism and the local tourism sector.
  - Council is presently participating in a Joint Organisation of Councils pilot program also involving Wollongong, Shellharbour and Shoalhaven City Councils. The pilot program sponsored by the NSW Government is continuing and legislation to formally recognise joint organisations is being awaited.

## Report of the General Manager

10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review  
(cont)

- 
- the Long Term Financial Plan indicates that Council's financial position will generally be sound during the life of the Plan. The Financial Health Indicators are satisfactory during this period. The debt service ratios during the plan will enable Council to consider additional borrowings in the future. Significant borrowings are proposed in the future for the development of the Blue Haven Aged Care Facility and the upgrading of Council's Holiday Parks.

Council needs to continue to act to address imbalances in expenditure and income and also needs to review the levels and types of services it provides while investigating new income opportunities. Council's priority is a focus on asset maintenance and renewal and to restrict expenditure on new capital works to priority projects.

The Operational Plan for 2017/2018 is now formally presented for Council's consideration.

## Report of the General Manager

10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review  
(cont)**TABLE A****Section 94 Recoupment Funds Included In Estimates 2000/2001 – 2017/2018**

<b>Year</b>	<b>Amount</b>
<b>99/00</b>	171,500
<b>00/01</b>	451,480
<b>01/02</b>	334,608
<b>02/03</b>	71,000
<b>03/04</b>	409,000
<b>04/05</b>	761,068
<b>05/06</b>	552,179
<b>06/07</b>	884,347
<b>07/08</b>	693,679
<b>08/09</b>	931,400
<b>09/10</b>	432,000
<b>10/11</b>	270,000
<b>11/12</b>	102,400
<b>12/13</b>	125,620
<b>13/14</b>	35,000
<b>14/15</b>	150,000
<b>15/16</b>	195,000
<b>16/17</b>	150,000
<b>17/18</b>	150,000

Item 10.1

Report of the General Manager

10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review  
(cont)**TABLE B****Capital Draft 2017/2018 Budget**

	<b>Amount</b>
<b>Infrastructure – New</b>	34,408,803
<b>Infrastructure - Renewal</b>	11,437,466
<b>Total Infrastructure</b>	<b>45,846,269</b>
<b>Source of Funds</b>	
<b>General revenue</b>	3,530,608
<b>S94 Recoupments</b>	150,000
<b>S94 Developer contributions</b>	1,230,945
<b>Grants and contributions</b>	3,450,000
<b>New loans</b>	32,500,000
<b>Cash restrictions</b>	4,984,716
<b>Total Source of Funds</b>	<b>45,846,269</b>

Item 10.1

## Report of the General Manager

10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review  
(cont)**TABLE C****Contribution from Holiday park operations included in estimates 2000/2001 – 2017/2018**

Year	Amount
00/01	675,463
01/02	575,462
02/03	870,000
03/04	920,000
04/05	1,071,754
05/06	1,257,587
06/07	1,270,272
07/08	1,315,000
08/09	1,271,304
09/10	1,411,100
10/11	1,488,568
11/12	1,499,277
12/13	1,644,255
13/14	1,591,000
14/15	1,562,509
15/16	1,609,384
16/17	1,570,017
17/18	2,231,783

Item 10.1



## Report of the General Manager

10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review  
(cont)

TABLE D

**Comparison of Financial Assistance Grants** (Excluding Road component of grant)  
1987-2016 indexed to CPI movements (Sydney)

Year	Grant received	Compound	CPI (Sydney)	Shortfall
<b>86/87</b> (Base year)	\$701,200	\$701,200		
<b>87/88</b>	\$731,024	\$765,710	9.20%	\$34,686
<b>88/89</b>	\$747,000	\$821,607	7.30%	\$74,607
<b>89/90</b>	\$745,110	\$887,336	8.00%	\$142,226
<b>90/91</b>	\$775,100	\$959,210	8.10%	\$184,110
<b>91/92</b>	\$776,560	\$986,068	2.80%	\$209,508
<b>92/93</b>	\$804,660	\$995,929	1.00%	\$191,269
<b>93/94</b>	\$786,540	\$1,013,855	1.80%	\$227,315
<b>94/95</b>	\$789,408	\$1,063,534	4.90%	\$274,126
<b>95/96</b>	\$790,108	\$1,105,012	3.90%	\$314,904
<b>96/97</b>	\$804,480	\$1,107,775	0.25%	\$303,295
<b>97/98</b>	\$782,428	\$1,118,852	1.00%	\$336,424
<b>98/99</b>	\$791,532	\$1,133,621	1.32%	\$342,089
<b>99/00</b>	\$810,824	\$1,170,464	3.25%	\$359,640
<b>00/01</b>	\$864,872	\$1,244,203	6.30%	\$379,331
<b>01/02</b>	\$893,932	\$1,279,041	2.80%	\$385,109
<b>02/03</b>	\$955,224	\$1,309,738	2.40%	\$354,514
<b>03/04</b>	\$912,948	\$1,339,862	2.30%	\$426,914
<b>04/05</b>	\$865,637	\$1,372,018	2.40%	\$506,381

Item 10.1

## Report of the General Manager

10.1 Draft Community Strategic Plan, Delivery Plan and Operational Plan review  
(cont)

Year	Grant received	Compound	CPI (Sydney)	Shortfall
05/06	\$842,578	\$1,424,155	3.80%	\$581,577
06/07	\$824,190	\$1,448,366	1.70%	\$624,176
07/08	\$807,576	\$1,510,645	4.30%	\$703,069
08/09	\$816,528	\$1,568,050	3.80%	\$751,522
09/10	\$798,491	\$1,616,660	3.10%	\$818,169
10/11	\$808,076	\$1,668,393	3.20%	\$860,317
11/12	\$801,120	\$1,688,413	1.20%	\$887,293
12/13	\$851,753	\$1,728,935	2.40%	\$877,182
13/14	\$964,760	\$1,780,803	3.00%	\$816,043
14/15	\$970,012	\$1,807,515	1.50%	\$837,503
15/16	\$972,272	\$1,831,013	1.30%	\$858,741
<b>Total accumulated shortfall from 1986/87</b>				<b>\$13,662,042</b>

Item 10.1

**10.2 Support Request: Illawarra and South Coast Kneeboard Association**

CSP Objective: 3 A Diverse, Thriving Economy

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

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

**Summary**

The Illawarra and South Coast Kneeboard Association has contacted Council requesting in kind support by the provision of one cabin for two nights to accommodate the judges for the upcoming Australia Kneeboard event to be held on 27 – 28 May 2017.

**Finance**

In-kind support to the value of \$420

**Policy**

Not applicable

**Attachments**

- 1 Sponsorship Request - Illawarra and South Coast Kneeboard Association - Australian Kneeboard Event on 27-28 May [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council provides one cabin for two nights to the value of \$420 to accommodate the four judges for the upcoming Australia Kneeboard event being held on 27-28 May 2017.

**BACKGROUND**

Council has a long association with the Illawarra and South Coast Kneeboard Association. In 2015 the club was the main host of the 2015 World Kneeboard Titles in conjunction with Kiama Council. President Wayne Jennings has submitted a request that Council assist in housing the judges for this upcoming two day event.

This event will attract in excess of 60 competitors from Queensland, New South Wales and Victoria staying an average of two nights each in the region. According to REMPLAN this event is estimated to generate a visitor spend of approximately \$4,200 (domestic day trippers) and \$10,960 (overnight spend) resulting in an approximate revenue generated of \$15,000.

**From:** Donna Jennings [<mailto:ingoodhandspetcare@hotmail.com>]  
**Sent:** Monday, April 03, 2017 9:36 PM  
**To:** Russell Park  
**Subject:** Fw: Attention General Manager, Michael Forsyth

---

Dear Russell,  
My name is Wayne Jennings, President of Illawarra and South Coast Kneeboard Association. Our club was the main host for the 2015 World Kneeboard Titles, held in conjunction with Kiama Council. Last year the council made available, a cabin for the 4 judges for the Kiama event, that was set down for October 2016.  
I am writing to you on behalf of the Australian Kneeboard Circuit, to enquire about the possibility of Kiama Council, providing 1x cabin for accomodation, of the judges, at the upcoming event on May 27th, and 28th ,2017.. We are using 4 judges during the event. Looking forward to hearing from you,

Wayne Jennings..0481 770 942

**Item 10.2**

**Attachment 1**

**10.3 Kiama Jazz and Blues Festival**

CSP Objective: 3 A Diverse, Thriving Economy

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

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

**Summary**

This report advises of a request for further funding of the Kiama Jazz and Blues Festival.

**Finance**

An increased sponsorship funding of \$20,000 is being requested. Council's Events budget is relevant.

**Policy**

n/a

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

1. That Council, with input from the new Tourism Advisory Committee, review and establish a new framework / policy for the funding of events.
2. That Council advise the Kiama Jazz and Blues Club that it will consider increasing the funding for 2018 following a review of events funding.
3. That Council seek a copy of the financial accounts for the 2017 event and advise The Kiama Jazz and Blues Club that it will consider providing assistance to offset loss of sponsorship subject to Council's end of year financial position.

**BACKGROUND**

Council has received a letter from the Kiama Jazz and Blues Club requesting Council to provide \$6,000 to offset the loss incurred by the Kiama Jazz and Blues Club as a result of the withdrawal of a major sponsor for the 2017 Kiama Jazz and Blues Festival. The Kiama Jazz and Blues Club is also requesting that Council increase its funding to \$20,000 for future festivals.

In seeking the additional funds the Kiama Jazz and Blues Club advised that they genuinely and deeply appreciate the financial support they receive for the festival with Kiama Council being by far the biggest sponsor.

Council provided funding sponsorship of \$14,000 for the 2017 festival which again was a great success and provided a range of high quality musicians contributing to

Report of the General Manager

10.3 Kiama Jazz and Blues Festival (cont)

---

Council's cultural and tourism objectives. Council's sponsorship for the festival has increased from \$10,000 to \$14,000 over the past couple of years.

The festival is organised by a committed group of volunteers and on a not for profit basis. The festival has been growing from year to year and attracts a large number of locals and visitors to the free event. It has grown to be a significant regional event.

The event is worthy of additional funding.

However, it is proposed that a review of the allocation of Council's event budget be undertaken on a structured and holistic basis with the input of the new Kiama Tourism Advisory Committee. A possible structure could involve the recognition of events in terms of their significance by tier with associated funding. For example, a tier 1 event may attract \$20,000 sponsorship with lower tier events attracting lower amounts.

In relation to the possible funding shortfall for the 2017 event, it is proposed that Council request a copy of the relevant financial statement and advise the Kiama Jazz and Blues Club that it will consider providing assistance to offset the loss, subject to Council's end of year financial position.

Unfortunately, Council's event budget has been expended for 2017, however there may be other operational savings at the end of the financial year.

**10.4 Kiama Tourism Advisory Committee**

CSP Objective: 3 A Diverse, Thriving Economy

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

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

**Summary**

This report presents the Expressions of Interest to join the Kiama Tourism Advisory Committee.

**Finance**

Nil

**Policy**

n/a

**Attachments**1 Terms of Reference - Kiama Tourism Advisory Committee [↓](#)**Enclosures**

Nil

**RECOMMENDATION**

That Council determine the membership of the Kiama Tourism Advisory Committee.

**BACKGROUND**

At the Extraordinary Council Meeting on 5 April 2017 Council approved the terms of reference for the Kiama Tourism Advisory Committee with an amendment to the meeting administration requiring all agendas, business papers and minutes to be circulated no less than seven (7) days prior to the next scheduled meeting. A copy of the adopted terms of reference is attached.

An advertisement seeking expressions for membership was placed on Council's website and in local print media.

Thirteen (13) expressions of interest have been received and circulated to Councillors separately.

The Councillor members of the committee, Councillor Brown (Chair) and Councillor Steel met with the General Manager to review the expressions of interest. Councillors Brown and Steel have recommended that the skills based industry representatives on the committee be increased to five (5) and they will provide their recommendation to Councillors prior to the meeting.



**Terms of Reference**

<b>Name of committee</b>	<b>Kiama Tourism Advisory Committee:</b>
<b>Status</b>	<p>Council committee <span style="float: right;">X</span></p> <p>Statutory committee <span style="float: right;"><input type="checkbox"/></span></p> <p>Sunset committee <span style="float: right;">X</span> (the end date being 30/6/2019)</p> <p>The Committee is a Section 355 Committee of the Council and shall be referred to as the Kiama Tourism Advisory Committee (KTAC).</p>
<b>Purpose</b>	<p>The purpose of the tourism advisory committee is to:</p> <ul style="list-style-type: none"> <li>• advise council on the development of policy and strategy relating to tourism in Kiama Local Government area and the South Coast region</li> <li>• advise council on tourism-related issues that also have an impact on the wider community, and;</li> <li>• act as the primary conduit for representation of the tourism industry to council</li> <li>• help grow the visitor economy on a sustainable basis;</li> <li>• provide solutions to challenges facing the LGA to support sustainable visitor growth;</li> <li>• identify new development and related solutions to attract investment and grow economic benefits, such as employment;</li> <li>• support future funding bids for specific projects, including NSW State Government funding opportunities;</li> <li>• provide direction on key marketing activities to support increased visitor demand for the LGA; and</li> <li>• help build stronger local community awareness of the importance and value of the visitor economy.</li> <li>• represent the tourism industry and advise and make recommendations to Council on matters relating to tourism, the development of tourism and the future of tourism in Kiama.</li> <li>• undertake actions in partnership with Council to promote tourism.</li> <li>• raise awareness of the value and benefits of tourism</li> </ul>
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• Inform the development, implementation and review of Council's priorities from the Tourism Destination Management Plan and Council's Integrated Plans.</li> <li>• Advise and support Council regarding tourism issues and make recommendations to Council, as appropriate.</li> </ul>
<b>Delegated Authorities</b>	<p><b>Tourism Advisory Committee</b></p> <ul style="list-style-type: none"> <li>• To make recommendation on the expenditure of the annual Kiama marketing and events budget as provided by Council.</li> </ul>

Item 10.4

Attachment 1



	<ul style="list-style-type: none"> <li>To inform and recommend policy for tourism related funding programs, and where required by Council, vote on related matters.</li> </ul> <p><b>Kiama Tourism &amp; Events Manager</b></p> <p>Separate to the delegation of the Kiama Tourism Advisory Committee, the Manager of Tourism &amp; Events, as an employee of Council will:</p> <ul style="list-style-type: none"> <li>Develop and implement activities to achieve objectives in line with the Kiama Tourism Advisory Committee recommendations, the Kiama Tourism Strategic Plans and Council's integrated plans</li> <li>Expend budget as authorised under delegated financial authority as defined by Council</li> <li>Review and allocate or decline funding program applications in line with approved policies and protocols</li> </ul>
<b>Committee Meetings</b>	<ul style="list-style-type: none"> <li>Meetings are to be held at least bi-monthly.</li> </ul>
<b>Venue</b>	Meetings will be held at the Kiama Council Chambers or other suitable venues as required.
<b>Membership</b>	<ul style="list-style-type: none"> <li>A maximum of 4 skills based Industry Representatives</li> <li>A maximum of 2 Councillors</li> <li>General Manager (or his appointee)</li> </ul> <p>Members to be formally appointed by Council.</p>
<b>Meeting Quorum</b>	<p>A Quorum will be deemed to have been met under the following criteria:</p> <ul style="list-style-type: none"> <li>i. Minimum of 50% plus 1</li> </ul>
<b>Meeting administration</b>	<ul style="list-style-type: none"> <li>Meetings are to be chaired by a Councillor as endorsed by Council.</li> <li>Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the committee meeting.</li> <li>Council will provide secretarial support to arrange meetings and take minutes and provide professional officer support where required.</li> <li>Minutes and agendas will be circulated no less than seven days prior to next scheduled meeting.</li> <li>Topics for the Agenda are to be forwarded to the Chairperson no later than 14 days prior to the meeting.</li> </ul>
<b>Selection of members</b>	<p>When positions become vacant the selection of new committee members will be undertaken:</p> <ul style="list-style-type: none"> <li>i. through a public invitation for EOI by applicants</li> <li>ii. by consideration of applications by Council</li> <li>iii. by Council approval of successful applicants</li> </ul> <p>The following factors will be taken into consideration when determining members:</p> <ul style="list-style-type: none"> <li>i. the persons relevant experience &amp; expertise</li> </ul>

	<ul style="list-style-type: none"> <li>ii. whether the person is a resident of the Kiama Local Government Area</li> <li>iii. there is representation from across the full Kiama geographical area</li> <li>iv. committee members are able to demonstrate that they are "connected and representative" of the community</li> </ul> <p><b>Industry Representatives</b></p> <ul style="list-style-type: none"> <li>• Appointment to the Advisory Committee will occur every 2 years</li> <li>• Vacancies will be advertised locally via media, Council communication channels and industry networks</li> <li>• Applications will be actively sought from appropriately skilled industry representatives</li> <li>• Council will manage the application process</li> </ul> <p><b>Councillors</b></p> <ul style="list-style-type: none"> <li>• Council at its discretion can replace Councillor representatives at a time of its choosing.</li> </ul> <p><b>Casual Vacancies</b></p> <ul style="list-style-type: none"> <li>• Should there be a casual vacancy the Council will seek applications by appropriate means to fill these vacancies</li> </ul>
<p><b>Responsibility</b></p>	<p>Committee members will:</p> <ul style="list-style-type: none"> <li>i. act in an advisory role to Council</li> <li>ii. provide strategic guidance on implementation of plans, programs and initiatives</li> <li>iii. provide important links to the communities they represent in promoting and delivering outcomes</li> <li>iv. participate in working parties as needed</li> <li>v. at all times contribute in a positive and respectful manner</li> <li>vi. avoid disruption, contrary conduct or being wasteful of time and resources</li> </ul> <ul style="list-style-type: none"> <li>• represent whole of industry</li> <li>• actively participate in working groups</li> <li>• represent the Advisory Committee at events</li> <li>• Advisory Committee members will undertake the prescribed induction process</li> <li>• Pecuniary Interest Returns are required on appointment and annually as required by the Office of Local Government and Council</li> </ul>
<p><b>Term of membership</b></p>	<ul style="list-style-type: none"> <li>• Appointments will be made to 30/6/2019</li> <li>• 50% of the industry representatives will be required to stand for reappointment every 2 years</li> <li>• Tenure can be renewed by Council for up to 4 years without re-advertising</li> </ul>
<p><b>Termination of membership</b></p>	<p>Non Councillor member positions will be declared vacant/terminated when a member:</p>

Item 10.4

Attachment 1

	<ul style="list-style-type: none"> <li>i. completes their designated term and retires from the committee</li> <li>ii. competes their term and is not re appointed</li> <li>iii. resigns their membership, in writing, to the Chairperson</li> <li>iv. fails to attend more than 75% of scheduled meetings unless granted special leave of absence by the Chairperson</li> <li>v. acts in a way that is contrary to their responsibility as outlined (above).</li> </ul> <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> <ul style="list-style-type: none"> <li>• Representatives not attending 3 consecutive meetings can be replaced at the discretion of Council</li> <li>• Representatives must be will to abide by the terms of reference for the Committee</li> </ul>
<b>Process for termination</b>	<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. The Chairperson will make a written record of this and provide to a relevant council officer for recording. The committee member will be able to sight and sign the written record.</p> <p>Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the Chairperson. 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. A written record shall be kept of the formal warning and counselling.</p> <p>If the committee member's behaviour does not improve after the formal warning and counselling, the committee member's appointment may, on the recommendation of the Chairperson, be terminated by Council resolution.</p>
<b>Code of Conduct</b>	<p>At all times Councillors, employees and Council officials must comply with Council's Code of Conduct.</p> <p>All members of the KTAC are to abide by Council's Code of Conduct.</p>
<b>Executive Positions</b>	<p>The Council will appoint a Chairperson on an annual basis.</p> <p>The role of the Chairperson is:</p> <ul style="list-style-type: none"> <li>• To chair the meeting and exercise functions as determined by the KTAC</li> <li>• To be the spokesperson for the committee, as directed by the KTAC</li> <li>• To advocate for KTAC and represent its decisions</li> <li>• To sign off minutes endorsed by KTAC</li> <li>• To call extraordinary meetings of KTAC</li> </ul>

	<ul style="list-style-type: none"> <li>The Deputy Chairperson will be elected by the committee</li> </ul> <p>The role of the Deputy Chairperson is to act as Chair when the Chair is not present at meetings.</p>
<b>Sub Committees/Working Groups/Portfolios</b>	The Advisory Committee will have the right to establish sub groups as deemed appropriate to assist in fulfilling their role and purpose.
<b>Voting and Recommendations</b>	<ul style="list-style-type: none"> <li>Voting and Recommendations are made by consensus and all decisions must be stated precisely for the inclusion of the minutes</li> <li>Where a consensus cannot be reached at two consecutive meetings, then the majority of 60% of those present can adopt a recommendation</li> <li>Alternative views are to be minuted</li> <li>Where the Tourism &amp; Events Manager deems a funding application requires KTAC guidance, an electronic vote via email will be conducted. Members will be required to vote within 72 hours of the vote request. Quorum rules apply in this instance. Results to be advised to the KTAC.</li> </ul>
<b>Communication</b>	<ul style="list-style-type: none"> <li>Members of the KTAC are not permitted to speak to the media as representatives of the KTAC unless approved by the Chairperson.</li> <li>Where approval has been given by the Chairperson, views and opinions expressed are those of the KTAC and not of Kiama Municipal Council</li> <li>Where endorsement is required from Kiama Municipal Council, approval must be sought through the formal processes.</li> </ul>
<b>Staff attendance</b>	Executive staff are normally required to attend the meetings of the Advisory Committee. Other staff at the Directors' discretion or at the KTAC's request can attend meetings as required.

Council at its discretion may review and change the Terms of Reference, Role and Structure of the Kiama Tourism Advisory Committee.

TRIM Reference:

## 11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

### 11.1 Proposed Lease for Gosse Bros Pty Limited temporary site fencing adjoining Noble Street Development

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

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

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

#### Summary

A new licence agreement has been requested by Gosse Bros Pty Limited to allow for the erection of temporary site/safety fencing onto part of Lot 53 DP884475, Fern Street, Gerringong.

#### Finance

A one-off annual fee will be charged for the licence agreement in accordance with Council's 2016/17 Schedule of Fees and Charges.

#### Policy

*Local Government Act 1993*

Council's Guidelines for the use and hire of public land and property (Dec 2016)

#### Attachments

- 1 Site Fencing Plan for Noble- Lot 53 Fern Street, Gerringong - Gosse Bros Pty Limited [↓](#)

#### Enclosures

Nil

### **RECOMMENDATION**

That Council enter into a licence agreement with Gosse Bros Pty Limited for the use of part Lot 53 DP884475, Fern Street, Gerringong to allow temporary site/safety fencing to be erected subject to the following:

1. Licence term of twelve (12) months.
2. Annual charge of \$270.00 excluding GST in accordance with Council's 2016/17 Schedule of Fees and Charges.
3. The temporary fencing is to be setback no more than three (3) metres from the Lot 52 DP884475 boundary, as outlined in the attached plan.
4. The General Manager and Mayor be authorised to sign any documentation associated with this licence.

Report of the Director Finance, Corporate and Commercial Services

11.1 Proposed Lease for Gosse Bros Pty Limited temporary site fencing adjoining Noble Street Development (cont)

## BACKGROUND

Noble Bros (Gerringong) Pty Limited has been given development consent (10.2015.232.1) to develop Lot 51 DP884475 and Lot 52 DP884475. Lot 51 comprises of tourist apartments and a retail building, with Lot 52 comprising of a paved outdoor terrace and boundary balustrading. Lot 52 is operational land and the subject of a lease agreement between Kiama Council and Noble Bros (Gerringong) Pty Ltd

The current proposal for the development of Lot 51 DP884475 and Lot 52 DP884475 to be built up to the boundary leaves insufficient space to place temporary site/safety fencing around the property.

Gosse Bros Pty Ltd proposes to enter into a twelve (12) month temporary licence agreement with Council to allow the fencing to encroach onto the adjoining Lot 53 DP884475, which is classified as community land (*Local Government Act 1993*). The fencing is to be setback a maximum of three (3) metres from the Lot 52 DP884475 boundary, as outlined in the attached plan.

The following sections of legislation and Council policy that permit the proposed licence agreement are as follows:

- Section 46(1)(b)(iii) - *Local Government Act 1993*
- Clause 116(4) - *Local Government (General) Regulation 2005*
- Table 1 (Permitted uses) - Guidelines for use and hire of public land and property.

The proposed licence agreement has received three (3) submissions with the following issues summarised below:

Issue	Frequency (number of separate times raised in the overall submissions)
The use of Lot 53 DP884475 (community land) could not be used in its entirety by the local community and visitors if fencing was erected	3
The fencing has a negative impact on signage, visibility and passing trade for local businesses	2
The views from Lot 53 DP884475 (community land) could not be accessed in their entirety	3
Duration, term and licence conditions to be disclosed before further comments could be made	2



Item 11.1

Attachment 1

**11.2 Establishment of an Audit, Risk and Improvement Committee**

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

CSP Strategy: 4.6 Minimise risk to ensure continuity of critical business functions

Delivery Program: 4.6.1 Develop and review Business Continuity Plans to minimise risk

**Summary**

The NSW Government has recently introduced the Local Government Amendment (Governance and Planning) Bill. One of the amendments proposed in the Bill is the requirement for councils to have an internal audit function and to appoint an Audit, Risk and Improvement Committee. Although this proposed amendment has not yet passed the NSW Parliament, it is considered prudent that Council now establishes an Audit, Risk and Improvement Committee.

**Finance**

The effective operation of the Internal Audit and Risk Committee includes resourcing in the current budget.

**Policy**

Council has an adopted Internal Audit and Risk Committee Charter and an Internal Audit Strategic Plan.

**Attachments**

- 1 Current Internal Audit and Risk Committee Charter - adopted 21/8/2012 [↓](#)
- 2 Office of Local Government Internal Audit Guidelines [↓](#)
- 3 Draft Audit, Risk and Improvement Committee Charter [↓](#)
- 4 Draft Internal Audit Charter [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council:

1. establishes an Audit, Risk and Improvement Committee as outlined in this report and detailed in the draft Audit, Risk and Improvement Committee Charter (Attachment 3)
2. adopts the draft Internal Audit Charter (Attachment 4)
3. seeks expressions of interest for three (3) independent Committee members
4. provides remuneration of \$1,500 per annum to the Chair and \$750 per annum to each of the independent Committee members (excluding GST), indexed annually at a rate determined for Councillors by the Local Government Remuneration Tribunal.



## BACKGROUND

In 2005 Council resolved to establish an Internal Audit function and an Internal Audit Committee. Council also adopted an Internal Audit Committee Charter. In 2007 an Internal Audit Strategic Plan was prepared and approved by the Audit Committee. In August 2009 Council amended the membership of the committee with reference to the guidelines issued by the Department of Local Government (now the Division of Local Government) and again in September 2010. The committee's role was also expanded and renamed as the Internal Audit and Risk Committee in 2009.

At the Council meeting held on the 21 August 2012 Council resolved:

***"MN148***

***Resolved that Council:***

- 1) *adopt the revised Internal Audit and Risk Committee Charter (Attachment 1) with the amendment to the composition of the Committee to the following:*
  - *two Councillors and the Mayor (voting members)*
  - *Risk Manager (non voting attendee), and*
  - *delete reference to Independent External member, and*
- 2) *adopt the Committee Report."*

The committee developed a plan to review different areas highlighted in the Internal Audit Strategic Plan based on the risk rating. The external auditor (Pitcher Partners) was contracted to review the following areas:

### **External Collection Points**

The review included a review of systems, processes and procedures at external locations. This included Holiday Parks, Blue Haven Retirement Village and Kiama Leisure Centre.

The review highlighted areas where improvement was needed. These areas have been strengthened with tighter controls now in place.

### **Information Technology Assessment**

The review assessed the interaction of information technology (IT) with the business processes of Kiama Council. The assessment included a review and analysis of the IT infrastructure and processes such as system security, backups, hardware, IT staff skills, IT strategy and disaster recovery procedures.

The review highlighted areas where improvement was needed. The review revealed a number of medium priorities and a small number of high priority issues. The high priority areas were addressed over the following months with other recommendations implemented ongoing. The review has also led to an improved Disaster Recovery Plan.

### **Blue Haven Aged Care Facility and Independent Living Units**

The objective of this review was to assess whether appropriate controls were in place for revenue and expenditure and to ensure compliance with relevant GST legislation.

Report of the Director Finance, Corporate and Commercial Services

## 11.2 Establishment of an Audit, Risk and Improvement Committee (cont)

---

The review highlighted areas where controls needed to be tightened and formal documented procedures needed to be developed. All of the recommendations from the report have been actioned including the need for succession planning for key personnel.

### **Tender Process and Draft Procurement Policy and Procedures**

The object of this review was to assess Council's tender process against relevant legislation, best practice and Council's own policies and procedures.

The review showed the overall tender process was adequately documented and evaluated. The report made observations and suggested recommendations to better document and structure processes during the tender process.

The Draft Procurement Policy and Procedures was reviewed and found to be well constructed and generally contain sufficient detail. Revision was suggested in particular areas which have been incorporated into the document. TenderLink, the largest web-based tendering network in Australasia is now being used to manage the entire tendering process, from initial advertising right through to bid response evaluation. Council has recently used TenderLink to start the process for three different tenders.

### **Contract Management and Ordering of Goods and Services**

The objective of this review was to assess Council's processes and to ensure compliance with legislation, review of policy frameworks and guidelines, value for money, probity, consistency and transparency.

The report showed areas that were good but many areas where improvement was needed.

Management reviewed the findings of the report and the responses were reviewed by the committee. The review has led to improvements in many areas. One of the major improvements was the introduction of 'Online Requisitioning System' being introduced in May 2012. This requires staff to raise requisition electronically with an order raised by the Purchasing Section. This will ensure, with expenditure and authorising controls in place, that there will be improved compliance and tighter controls.

The Internal Audit and Risk Committee Charter includes a process for the committee to review the Annual Financial Statements before being adopted by Council.

In 2013, the Local Government Acts Taskforce recommended that financial management principles be underpinned by a comprehensive financial governance framework including, "financial management governance and oversight – setting out the processes by which the council is directed, controlled and held to account including clear financial governance policies, risk management requirements and audit functions".

In October 2013, the Independent Local Government Review Panel made recommendations (Table 1) further strengthening the case for an Audit, Risk and Improvement Committee.

These recommendations have been broadly incorporated in the Local Government Amendment (Governance and Planning) Bill 2016 (Attachment 2) that has now been

Report of the Director Finance, Corporate and Commercial Services

## 11.2 Establishment of an Audit, Risk and Improvement Committee (cont)

introduced to the NSW Parliament in November 2016. Whilst the entire Bill is to still be assented to it is prudent for Council to take a proactive stance.

### Box 17: Strengthening Internal and Performance Auditing

- Revise the current guidelines under the Act and make them mandatory
- Extend the concept of internal audit towards adding value and continuous improvement
- Require all councils with expenditures of more than a set amount (perhaps \$20m per annum) to have an 'audit, risk and improvement' committee and associated internal audit function with broad terms of reference covering financial management, good governance, performance in implementing the Community Strategic Plan and Delivery Program, service reviews, collection of required indicator data, continuous improvement and long term sustainability
- Enable councils with smaller budgets to have joint arrangements for internal audit and to share audit committees, under the aegis of regional Joint Organisations (see section 11)
- Require audit committees to have a majority of independent members and an independent chair, and preclude General Managers from membership of audit committees (but not attendance at meetings)
- Ensure that the chair of the audit committee reports at least biannually to a council meeting on the organisation's performance in financial management, good governance and continuous improvement
- Empower the Auditor General to conduct issue-based performance audits in key areas of local government activity.

Item 11.2

*Table 1 – Extract from the Independent Local Government Review Panel's findings in relation to internal and performance reporting*

Section 428A of the Bill describes the requirement for an Audit, Risk and Improvement Committee and its role:

- (1) A council must appoint an Audit, Risk and Improvement Committee
- (2) The Committee must keep under review the following aspects of the council's operations:
- (a) compliance,
  - (b) risk management,
  - (c) fraud control,
  - (d) financial management,
  - (e) governance,

## Report of the Director Finance, Corporate and Commercial Services

## 11.2 Establishment of an Audit, Risk and Improvement Committee (cont)

- 
- (f) *implementation of the strategic plan, delivery program and strategies,*
  - (g) *service reviews,*
  - (h) *collection of performance measurement data by the council,*
  - (i) *any other matters prescribed by the regulations.*

- (3) *The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions."*

NSW Office of Local Government (OLG) has sought to provide guidance on the manner in which a Council's internal audit function is undertaken. These guidelines (Attachment 3) currently recommend that the Mayor should not be a member of an Audit Committee and that the General Manager have an entitlement to attend meetings of the Committee, but not be a voting member.

Good practice in governance also indicates that no Council staff should be members of the Committee, however the General Manager should be required to attend all meetings of the Committee in an advisory capacity and other Councillors and Council staff should be invited for specific agenda items, as requested by the Committee via the General Manager.

Risk management, internal audit and improvement programs are essential components of good governance. The combination of an effective Audit, Risk and Improvement Committee with Council's internal audit, risk management and performance improvement functions provides a formal means by which the OLG, Councillors, Council staff and members of the public can obtain assurance that Council has in place a robust system of controls, processes and procedures to manage the risks to its operations.

**Proposal:**

That Council endorses the formation of an Audit, Risk and Improvement Committee as outlined in this report and detailed in the Audit, Risk and Improvement Charter (Attachment 1).

The role of the Committee will be to:

**Audit**

- advise Council, via the General Manager, whether financial information reasonably portrays Council's financial position, results of operations and significant commitments
- at least annually, review the Operational Plan and Budget and consider whether they adequately reflect Council's priorities and are consistent with information known to Committee members
- review the annual financial statements and consider whether they are complete, consistent with information known to Committee members, and reflect appropriate accounting policies and principles
- review and monitor the delivery of Council's Long Term Financial Plan
- have oversight of the functions of both internal and external audit.

---

**Risk Management**

- provide assurance to Council, via the General Manager that a comprehensive risk management plan is in place and a program to manage all significant risks by identification, prioritisation and implementation of mitigation strategies is also in place.

**Improvement**

- review the annual performance of Council against the key performance indicators documented in the Operational Plan, and provide advice to the General Manager on the adequacy of Council's performance against these indicators.
- identify and recommend to the General Manager, Council services or business processes that may benefit from review through the Committee's exercise of its functions.

**Membership**

The Committee will be comprised of five members, of which two will be Councillors and three will be independent of Council.

Collectively, the independent members of the Committee will have expertise in financial management, risk management, performance improvement or community service.

The independent members and Chair of the Committee will be selected by a panel comprised of the Mayor, General Manager and Director Finance, Corporate and Commercial Services.

**Policy Implications**

There is no direct policy implication associated with the recommendation.

**Financial Implications**

It is proposed that the Chair of the Committee receive an annual payment of \$1,500 while the other independent Committee members receive \$750 per annum, (both amounts exclude GST). These fees will be indexed annually in accordance with the percentage increase in the fee payable to Councillors as determined by the Local Government Remuneration Tribunal. The Councillor Committee member will not receive any additional remuneration beyond their Councillor allowance.

The total cost of running the Committee is expected to be in the vicinity of \$4,000 per annum. This cost can be absorbed within the existing budget allocated for audit, risk, and improvement activities across Council.

**Risk and Insurance Implications**

The establishment of the proposed Committee will strengthen internal controls, provide greater levels of transparency and assist in the identification and mitigation of risks across the entire organisation.

**Options**

1. Establish the Audit, Risk and Improvement Committee as detailed in the attached draft Committee Charter. This is the recommended option.

Report of the Director Finance, Corporate and Commercial Services

11.2 Establishment of an Audit, Risk and Improvement Committee (cont)

---

2. Establish a modified Audit, Risk and Improvement Committee.
3. Not establish an Audit, Risk and Improvement Committee. This option is not preferred as it is anticipated that OLG will eventually require this type of Committee.

**Conclusion:**

The NSW Government has introduced a Bill to Parliament to amend the Local Government Act 1993. One of the proposed amendments relates to the requirement for all councils in New South Wales to appoint an Audit, Risk and Improvement Committee.

Although the Local Government Act has not yet been amended to incorporate this provision, it is considered prudent that Council now proceeds to establish this Committee.

---

**INTERNAL AUDIT AND RISK COMMITTEE CHARTER (adopted 21 August 2012)**

**1. Objective**

The objective of the Internal Audit and Risk Committee (Committee) is to provide independent assurance and assistance to the Kiama Municipal Council on risk management, control, governance, and external accountability responsibilities.

**2. Authority**

The Council authorises the Committee, within the scope of its role and responsibilities, to:

- Obtain any information it needs from any employee or external party (subject to their legal obligations to protect information).
- Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations).
- Request the attendance of any employee or councillor at Committee meetings.
- Obtain external legal or other professional advice considered necessary to meet its responsibilities.

**3. Composition and Tenure**

The Committee will consist of:

**3.1 Members (voting)**

- Two Councillors and Mayor

**3.2 Attendee (non-voting)**

- General Manager
- Manager Corporate Services
- Risk Manager

**3.3 Invitees (non-voting) for specific Agenda items**

- Representatives of the external auditor.
- Other officers may attend by invitation as requested by the Committee.

The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Kiama Municipal Council. At least one member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.

**4. Role and Responsibilities**

The Committee has no executive powers, except those expressly provided by the Council.

In carrying out its responsibilities, the Committee must at all times recognise that

primary responsibility for management of Council rests with the Council and the General Manager as defined by the Local Government Act.

The responsibilities of the Committee may be revised or expanded by the Council from time to time. The Committee's responsibilities are:

#### 4.1 Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud;
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- Review the impact of the risk management framework on its control environment and insurance arrangements; and
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

#### 4.2 Control Framework

- Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors;
- Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated;
- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with;
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and
- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

#### 4.3 External Accountability

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and supported by appropriate management sign-off on the statements and the adequacy of internal controls.
- Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments.
- To consider contentious financial reporting matters in conjunction with council's management and external auditors.
- Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.
- Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations.



- Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.

#### 4.4 Legislative Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements.
- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

#### 4.5 Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and approve the plan.
- Consider the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved Internal Audit Plan.
- Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and implementation of better practices.
- Monitor the implementation of internal audit recommendations by management.
- Periodically review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place.
- Periodically review the performance of Internal Audit.

#### 4.6 External Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided.
- Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management.
- Consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken.

#### 4.7 Responsibilities of Members

Members of the Committee are expected to:

- Have access to relevant legislative and regulatory requirements appropriate to Kiama Municipal Council.
- Contribute the time needed to study and understand the papers provided.

- Apply good analytical skills, objectivity and good judgment.
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

## 5. Reporting

At the first Committee meeting after 30 June each year, Internal Audit will provide a performance report of:

- The performance of Internal Audit for the financial year as measured against agreed key performance indicators.
- The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.

The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee.

The Committee will report regularly, and at least annually, to the governing body of council on the management of risk and internal controls.

## 6. Administrative arrangements

### 6.1 Meetings

The Committee will meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members may make requests to the Chair for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit Committee Charter.

### 6.2 Attendance at Meetings and Quorums

A quorum will consist of a majority of Committee members. Meetings can be held in person, by telephone or by video conference.

The Committee may also request the Manager Corporate Services or any other employees to participate for certain agenda items, as well as the external auditor. The General Manager may attend each meeting but the Committee may meet separately with the External Auditor in the absence of management on at least one occasion per year.

### 6.3 Secretariat

The Committee has appointed the General Manager to be responsible for ensuring that the Committee has adequate secretariat support. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held.

### 6.4 Conflict of Interests

Councillors, council staff and members of council committees must comply with the applicable provisions of Council's Code of Conduct in carrying out the functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code of conduct and regularly review their personal circumstances with this in mind.

Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

### 6.5 Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

### 6.6 Assessment Arrangements

The Chair of the Committee will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.

### 6.7 Review of Audit Committee Charter

At least once every two years the Audit Committee will review this Audit Committee Charter.

The Audit Committee will approve any changes to this Audit Committee Charter.

**Approved:**

Audit Committee Meeting

Date: 31 July 2012



**Premier & Cabinet**  
Division of Local Government

**Item 11.2**

**Attachment 2**

# **Internal Audit Guidelines**

**September 2010**

**ACCESS TO SERVICES**

The Division of Local Government, Department of Premier and Cabinet is located at:

Levels 1 & 2  
5 O'Keefe Avenue  
NOWRA NSW 2541

Locked Bag 3015  
NOWRA NSW 2541

Phone 02 4428 4100  
Fax 02 4428 4199  
TTY 02 4428 4209

Level 9, 323 Castlereagh Street  
SYDNEY NSW 2000

Locked Bag A5045  
SYDNEY SOUTH NSW 1235

Phone 02 9289 4000  
Fax 02 9289 4099

Email [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au)  
Website [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)

**OFFICE HOURS**

Monday to Friday  
8.30am to 5.00pm  
(Special arrangements may be made if these hours are unsuitable)  
All offices are wheelchair accessible.

**ALTERNATIVE MEDIA PUBLICATIONS**

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact our Executive Branch on 02 9289 4000.

**DISCLAIMER**

While every effort has been made to ensure the accuracy of the information in this publication, the Division of Local Government, Department of Premier and Cabinet expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© NSW Division of Local Government 2010, Department of Premier and Cabinet  
ISBN 1 920766 86 3

Produced by the Division of Local Government, Department of Premier and Cabinet



**TABLE OF CONTENTS**

Chief Executive’s Foreword ..... 5

1. Introduction ..... 6

    1.1. What is Internal Audit? ..... 8

    1.2. Why my council should have an internal audit function ..... 8

    1.3. How does internal audit fit in with other governance functions and activities? ..... 9

        1.3.1. The Audit Committee ..... 9

        1.3.2. External Audit ..... 9

        1.3.3. Management ..... 10

        1.3.4. Risk Management ..... 10

2. Establishing an Internal Audit Function ..... 11

    2.1. Internal Audit Charter ..... 12

    2.2. Professional Standards ..... 12

    2.3. Reporting lines ..... 12

    2.4. Options for Resourcing Internal Audit ..... 13

        2.4.1. Appointment of Full-Time or Part-Time Internal Auditor ..... 13

        2.4.2. Outsourced or co-sourced function ..... 15

        2.4.3. Regional or Inter-Council Sharing of Internal Audit Resources ..... 15

        2.4.4. Other Resources ..... 16

3. Internal Audit Operations ..... 17

    3.1. Adding Value ..... 17

    3.2. Roles and Responsibilities ..... 17

    3.3. Independence and Objectivity ..... 17

        3.3.1. Avoidance of Bias and Conflict of Interest ..... 17

    3.4. Reporting Relationships ..... 18

    3.5. Internal Audit Plans ..... 20

    3.6. Performing Internal Audits ..... 21

    3.7. Communication of Audit Results ..... 22

    3.8. Follow-Up on Audit Reports ..... 23

    3.9. Access to Audit Reports ..... 23

    3.10. Annual report from the Audit Committee to Council ..... 23

    3.11. Performance Measurement ..... 24

    3.12. Independent Quality Review of Internal Audit ..... 24

    3.13. Internal Audit and Protected Disclosures ..... 24

4. Establishing an Audit Committee ..... 26

4.1. What is an Audit Committee? ..... 26

4.2. Independence and Objectivity ..... 26

4.3. Structure and Membership ..... 28

4.4. Audit Committee Operations ..... 29

4.4.1. Meetings ..... 29

4.4.2. Functions ..... 29

4.4.3. Conflict of Interests ..... 30

5. Enterprise Risk Management ..... 31

5.1. What is Risk Management..... 31

5.2. Why Implement Risk Management? ..... 32

5.3. Risk Management in New South Wales Local Government ..... 32

5.4. Risks Inherent Within Local Government..... 33

5.5. Whole-Of-Government Risk Management..... 33

5.6. Other Guidance ..... 34

Appendix 1 - Summary of Internal Audit Standards and Professional Practices Framework ..... 35

Attribute Standards ..... 36

Performance Standards..... 41

Appendix 2 - Sample Audit Committee Charter ..... 53

Appendix 3 - Sample Internal Audit Charter ..... 58

Appendix 4 - Risk Management Assessment Tool..... 62

Appendix 5 - Common risks in the council environment ..... 65

## Chief Executive's Foreword

Internal audit is an essential component of a good governance framework for all councils. At both a management and councillor level, councils must strive to ensure there is a risk management culture. Internal audit can assist in this regard.

Internal audit is widely used in corporate Australia as a key mechanism to assist councils to manage risk and improve efficiency and effectiveness. At Federal and State Government levels there are clear requirements for internal audit and risk management.

There is also growing acceptance of the importance of internal audit and risk management in local government. It is pleasing to see that a number of councils in New South Wales are showing leadership in fully embracing this concept. However, a survey of councils conducted in 2009 by the Division of Local Government designed to assess the progress of councils in implementation of the internal audit function highlighted that while progress is being made, there is still opportunity for improvement. Effective internal audit and risk management processes should become part of the 'business as usual' operations of councils.

With the implementation of Integrated Planning and Reporting, internal audit will play a vital role at ensuring that the strategies adopted by council are being followed.

These guidelines propose oversight of council systems and processes through an audit committee. The combination of an effective audit committee and internal audit function provide a formal means by which councillors can obtain assurance that risk management is working effectively. Similarly the internal audit process is an on-going mechanism to ensure that the recommendations of the Promoting Better Practice reviews undertaken by the Division of Local Government have been fully implemented.

This guide has been designed to help councils and county councils develop and implement internal audit and risk management frameworks that will in turn build community confidence in their managerial performance. I encourage all councils to use this guide to assist them in building their own internal audit capability within their organisations.

**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet



## 1. Introduction

The NSW Division of Local Government (DLG) believes that a professional Internal Audit function is one of the key components of the effective governance of any council. In 2001, the Independent Commission Against Corruption (ICAC) found that while 80% of local council General Managers agreed that internal audit is important, only 20% of councils had an internal audit function or audit committee.

These Internal Audit Guidelines, first released in 2008, are aimed at assisting councils put into place effective internal audit practices.

In 2009 the DLG conducted a survey of councils to assess how they were progressing with the implementation of the recommendations of the Guidelines. While the results of the survey revealed that considerable progress has been made toward the implementation of the Guidelines, with more than 50% of councils reporting that they had an internal audit function, it also identified that there were some areas where some councils appeared to be having difficulties and some areas where the Guidelines needed to be clarified.

These revised Guidelines have been developed to address the issues arising from the survey.

The Guidelines are designed to provide councils with assistance to implement internal audit and risk management. There are already a large number of internal audit standards, guidelines and publications in existence, such as the Institute of Internal Auditors' Internal Audit Framework, Better Practice Guidelines – Local Government Entity Audit Committees and Internal Audit (Victoria) and A Guide to Leading Edge Internal Auditing in the Public Sector (Manitoba).

These Guidelines are Director General's Guidelines for the purposes of section 23A of the *Local Government Act 1993*, issued by the Chief Executive, Local Government under delegated authority. They describe internal audit and risk management systems for Local Government in NSW. The Guidelines also include appropriate structures, functions, charter, and membership of audit and risk management committees.

The Division acknowledges the lead role of the Local Government Internal Audit Network (LGIAN) and the Institute of Internal Auditors in the development of these Guidelines.

### Terminology

The following terms are used throughout this guidance paper:

- Council is used in two contexts. Council can refer to the elected body of councillors, the local government administration and staff and/or the entity as a whole. The term also includes county councils.
- The General Manager is the most senior member of management as per section 335 of the Local Government Act. Chief Financial Officer (CFO) refers to the most senior member of staff within the finance and accounts area of the council.
- Internal Audit Activity is used interchangeably with 'internal audit function' in recognition that there are several methods of resourcing an internal audit function, including outsourcing this to a third party provider or sharing resources with other councils.
- Audit Committee is the name used for the committee which provides independent oversight of both the internal audit function and the external audit function. It provides the council with independent oversight and monitoring of the council's audit processes,

including the council's internal controls activities. This oversight includes internal and external reporting, risk management activities, internal and external audit, and compliance. It is not uncommon for the committee charged with these responsibilities to be referred to by other names such as governance and risk management committee; audit and risk management committee; internal audit committee.

- External Audit refers to the review and certification of the financial reports as per section 415 of the *Local Government Act 1993*.
- Enterprise Risk Management is the holistic management of all risks within council, not just insurable risks or Occupational Health and Safety.

### 1.1. What is Internal Audit?

Internal audit is described as *'an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations.*

*It helps an organisation accomplish its objectives by bringing a systematic disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.'*<sup>1</sup>

Internal audit's role is primarily one of providing independent assurance over the internal controls and risk management framework of the council.

Management has primary day-to-day responsibility for the design, implementation, and operation of internal controls.

Internal audit has no direct involvement in day-to-day operations, but it has a direct functional relationship with the General Manager and the council. An effective internal audit function should evaluate and monitor the adequacy and effectiveness of the internal control framework as a minimum.

Risk management is also an essential part of a council's management and internal control framework. It looks at what risks the council may face and the best way to address these risks. Assessment and management of risk is central to determining internal audit activities.

Internal audit's core competencies are in the area of internal control, risk and governance. Typically, internal audit's scope will include some or all of the following areas:

- Reliability and integrity of financial and operational information
- Effectiveness and efficiency of operations and resource usage
- Safeguarding of assets
- Compliance with laws, regulations, policies, procedures and contracts
- Adequacy and effectiveness of the risk management framework.

### 1.2. Why my council should have an internal audit function.

All councils should have an internal audit function for the following reasons:

- it supports good internal governance
- to ensure consistency with other levels of government
- to improve the effectiveness of risk management, control and governance processes
- helps to instil public confidence in an organisation's ability to operate effectively.

When considering an internal audit function, councils should consider the following issues:

- The need to extend council's understanding of risk management beyond traditional areas of public liability and occupational health and safety, into areas such as internal governance, fraud risk and broader regulatory risk.
- Whether council should have a uniform approach to assessing and managing risk, regardless of size or location.
- Whether it is feasible for council to pool resources with like councils or arrange through regional organisations of councils for internal audit services.

<sup>1</sup> International Professional Practice Framework (IPPF) 2009, The Institute of Internal Auditors, [www.iaa.org.au](http://www.iaa.org.au)

- Whether small management teams can feasibly conduct audits or internal reviews in the absence of an audit function, with an appropriate degree of independence and objectivity.
- How council can properly resource internal audit and internal control programs.

### **1.3. How does internal audit fit in with other governance functions and activities?**

Good governance requires an organisation to have a proper framework in place to ensure excellence in decision making, and that decisions are implemented efficiently and effectively. Key components of good governance include the use of:

- Audit Committees
- Internal and External Audit
- Enterprise Risk Management

#### **1.3.1. The Audit Committee**

An audit committee plays a pivotal role in the governance framework. It provides councils with independent oversight and monitoring of the council's audit processes, including the council's internal controls activities. This oversight includes internal and external reporting, risk management activities, internal and external audit, and compliance<sup>2</sup>. Given the key role of the Audit Committee, for it to be most effective it is important that it is properly constituted of appropriately qualified independent members.

A strong relationship between the audit committee and internal audit enables the committee to meet its responsibilities and carry out its functions. An audit committee establishes the role and direction for internal audit, and maximises the benefits from the internal audit function.

More information on the Division's expectations of audit committees in Local Government is set out in section 4 of this document.

#### **1.3.2. External Audit**

External audit is a statutory function that provides an opinion on the council's annual financial reports, as required under Divisions 2 and 3 of the *Local Government Act 1993*. The primary focus and responsibility is on providing an opinion on the financial report to council and its external stakeholders.

Councils should be aware that the external auditor should not be expected to conduct a deep or thorough review of the adequacy or effectiveness of a council's risk management framework or internal controls. To obtain a deeper understanding of the scope of the external auditor's report it is recommended that you read the disclaimer contained in the external audit report in your council's statutory financial reports. The external auditor may place some reliance on internal audit reviews, monitoring of internal control, including fraud control and risk management as per the Australian Auditing Standards.

An effective internal audit function may contribute to the performance of external audit, as the external auditor may be able to rely on some of the internal audit work performed, and the stronger internal control environment that a strong internal audit function can create. This may have an indirect benefit in reducing audit fees.

<sup>2</sup> *Auditing and Assurance Standards Board, Australian Institute of Company Directors, Institute of Internal Auditors, Audit Committees A guide to good practice 2008*

### 1.3.3. Management

Management has primary responsibility for the design and operation of the risk management and internal control frameworks of the council. It is separate from the responsibilities of external audit, internal audit and the audit committee. While these functions provide advice and oversight in relation to the risk management and internal controls, they are not responsible for its design or implementation. This responsibility lies solely with management. Good governance in local government relies on a robust independent review of management, finances, risks and operations.

### 1.3.4. Risk Management

Risk management is an important component of corporate governance. Risk management is the responsibility of management with oversight by council and the audit committee. Internal audit can assist management to identify and evaluate the effectiveness of council's risk management system and contribute to the improvement of risk management and control systems. The annual Internal Audit plan should be developed after consideration of the council's risk registers and those areas that are high risk to the organisation.

Internal audit will usually provide advice and assurance over the risk management and internal control frameworks, but in order to maintain independence, internal audit will not be responsible for its implementation of risk management or making decisions on how risks should be treated. Risk management is an important area that is touched upon in more detail in section 5 of this document.

## 2. Establishing an Internal Audit Function

**Key strategies** aimed at ensuring that internal audit services conform with good practice:<sup>3</sup>

- Establish an audit committee, with a majority of members who are external (independent) to council
- Set up an independent reporting structure for internal audit (i.e report functionally to the audit committee and administratively to the General Manager) and define its functions and responsibilities with an internal audit charter
- Adopt and comply with professional internal auditing standards
- Recruit and retain capable staff
- Establish and communicate a clear internal audit vision and strategy
- Demonstrate the value of internal audit
- Understand council, management and community stakeholder needs
- Focus on risk
- Review internal controls
- Educate management on risks and controls
- Continuously improve the quality of internal audit services.

**Key Attributes** of a good practice internal audit function in local government:<sup>4</sup>

- Maintain independence and objectivity
- Have clear roles and responsibilities
- Comply with the internal auditors International Standards for professional practice of internal auditing in planning and executing work
- Have sufficient and appropriate resources to carry out audit work, as well as the necessary skills, experience and personal attributes to achieve what is expected of internal audit
- Have regular and timely communication of findings and recommendations
- Systematically conduct regular follow-ups on audit recommendations
- Continuously monitor internal audit effectiveness
- Adding value by proactive auditing and advice
- Develop audit plans that are comprehensive and balanced, and are linked to council's management of risks.

<sup>3</sup> Jeffrey Ridley and Andrew Chambers. *Leading Edge Internal Auditing*. ICSA Publishing, 1998, pgs. xxxiii, and 10 to 17.

<sup>4</sup> Ridley and Chambers: as above

### 2.1. Internal Audit Charter

An internal audit charter provides a comprehensive statement of the purpose, authority, responsibilities and reporting relationships of the internal audit function. The audit committee or council should approve the internal audit charter.

The content of an internal audit charter should:

- Identify the purpose, authority and responsibility of the internal audit function
- Establish internal audit's position within the organisational structure
- Define reporting relationships of the internal auditor with the General Manager and the audit committee
- Define internal audit's relationship with the council's external auditor
- Have provisions that authorise access to records, personnel, physical property, and attendance at relevant meetings
- Define the scope of internal audit activities, including any restrictions.

The internal auditor should periodically assess whether the purpose, authority and responsibility, as defined in the charter, are still adequate. Results of the assessment should be communicated to the audit committee.

A sample internal audit charter is contained at Appendix 3. Councils should tailor their charters as considered appropriate for their circumstances.

The audit committee should also have a charter that sets out its roles and responsibilities and its oversight of the internal and external audit functions, including any statutory duties. The elected council should approve the audit committee charter (Appendix 2). An external quality assessment every 5 years would assist this process.

### 2.2. Professional Standards

Internal auditors in NSW local government should comply with appropriate professional standards, such as the Institute of Internal Auditors (IIA) Standards and Code of Ethics. A summary of the standards is shown at Appendix 1. The standards should be the basis of policies, procedures, and plans. Internal audit should be performed with integrity, objectivity, confidentiality and competency.

IIA Standards include the expectation that an internal audit function will establish policies and procedures to guide internal staff in carrying out their work. Policies and procedures should be periodically reviewed to ensure they are up to date with changes in professional practice.

The IIA is thanked for their kind permission to reproduce these standards in this document.

### 2.3. Reporting lines

Generally, the internal audit function is led by a chief audit executive who is the most senior member of staff in the organisation responsible for the internal audit function. The IIA's Standards for the professional practice of internal auditing state that *"The Chief Audit Executive must report to a level within the organisation that allows the internal audit activity to fulfil its responsibilities. The chief audit executive must confirm to the board, at least annually, the organisational independence of the internal audit activity. The internal audit activity must be free from interference in determining the scope of internal auditing, performing work, and communicating results"*.

For local government, the Internal Auditor should report functionally to the audit committee and administratively to the General Manager. If matters involve the conduct of the General Manager, an alternate reporting chain to the Mayor or a protected disclosure to the ICAC, Ombudsman or the Division of Local Government (about serious and substantial waste in local government) should be in place.

It should be remembered that pursuant to section 335 of the Local Government Act the General Manager is responsible for the day-to-day management of council activities including the direction of staff and implicitly the internal audit function. The General Manager may choose to delegate this responsibility provided always that the delegation does not directly or indirectly interfere with the ability of the Internal Auditor to conduct an internal audit function free from interference as required by the IIA's Standards, referred to above (see section 3.4 below).

A clear and properly defined reporting relationship ensures that the Internal Auditor is empowered to perform their role working with management. The direct reporting line to the Audit Committee also acts as an adequate safeguard in the event of a serious breakdown in internal controls or internal control culture at senior levels in the organisation.

Due to the reporting relationships of this key role, it is important that councils appoint an internal auditor who has credibility, and can build relationships and influence decisions at the most senior levels of council, including the audit committee and the General Manager.

## **2.4. Options for Resourcing Internal Audit**

Regardless of size, councils are encouraged to have an appropriately resourced internal audit function. An internal audit function should have sufficient and appropriate resources to carry out its work, including skilled auditors, appropriate technology tools, budgets and professional development opportunities. Budget allocations should align to the approved audit plans.

While size and complexity of a council's operations will drive the size and overall budget of its internal audit function, a small size of operation does not justify forgoing internal audit altogether. The most efficient and effective means of resourcing the internal audit function depends upon the individual circumstances of the council. It is recognised that smaller councils may not be able to justify a full-time internal auditor. Guidance is provided below on alternative resourcing models that may achieve the required outcomes on a cost effective basis.

### **2.4.1. Appointment of Full-Time or Part-Time Internal Auditor**

Ideally the internal auditor should be an independent position reporting directly to the Audit Committee and administratively to the General Manager, with no other operational or management responsibilities. The role and duties and a sample position description are described in more detail in the appendices.

Depending upon the size and complexity of the organisation, councils may consider appointing an internal auditor or internal audit team. The appointment could be full-time or part-time personnel and may be staffed by more than one auditor if the size of the council demands.

Position descriptions should be set for internal audit staff and should identify required qualifications and competencies, including:

- Proficiency in applying internal audit standards, procedures and techniques
- Proficiency in accounting principles and techniques if working extensively with financial records and reports



- An understanding of management principles required recognising and evaluating the significance of deviations from good business practices
- An appreciation of fundamental concepts in areas such as accounting, economics, commercial law, taxation, finance, quantitative methods and IT
- Effective interpersonal skills
- Skills in oral and written communication
- Ability to identify key issues in any area under review
- Ability to influence senior management as and when required
- Knowledge of key information systems technology risks and controls and available technology-based audit techniques.

**Item 11.2**

**Attachment 2**

## 2.4.2 Outsourced or co-sourced function

Providing that independence requirements are adhered to, councils can contract their internal audit function to private sector accounting firms or internal audit service providers. If this is the preferred option, then councils need to ensure that the service provided is for a professional internal audit service and not an extension of the financial assurance based external audit.

Councils should note that outsourcing or co-sourcing the internal audit function does not abrogate the council's responsibility to oversee and manage the internal audit function.

In monitoring the performance of the internal audit services provided by accounting firms, councils need to ensure that an appropriately qualified auditor is conducting the internal audit. To ensure an effective and comprehensive internal audit program, contracted internal auditors should have authority to independently set an ongoing audit program, which is not constrained by a narrow scope of audit coverage pre-determined by management.

A co-sourced function is one where a staff internal auditor supplements audit services with an outsourced internal audit service provider. An outsourced internal audit function is one where the service provider assumes all the responsibilities of the internal audit function.

Several options are set out below:

- Private sector accounting firms – most large accounting firms have specialist internal audit divisions, which provide a good service. Internal audit is a specialised skill and hence councils are advised to only use firms who have a specialised internal audit division.
- Boutique firms – a number of boutique firms exist that specialise in internal audit services.
- Internal audit contractors – there a range of experienced internal audit contractors available for this sort of work.
- NSW GTE - IAB Services is a State Government agency that provides internal audit services to the public sector.

Each of these options will have their advantages and can be appropriate for different circumstances. The advantages of using external providers include: flexibility; access to a wide range of expertise; ability to access the service as and when required. Disadvantages include loss of corporate knowledge and possible increased costs.

The NSW State Contracts Control Board has compiled a panel of qualified internal audit service providers at competitive rates through a competitive tender process. Councils are able to access this panel to save them time and effort in the procurement process and are encouraged to do so.

## 2.4.3 Regional or Inter-Council Sharing of Internal Audit Resources

Councils are also encouraged to consider resourcing their internal audit function via collaborative arrangements with other councils or through a regional organisation of councils (ROC).

A ROC or some other body (such as a strategic council alliance) could agree to jointly employ or contract an appropriately qualified internal auditor. This may have benefits in terms of cross-council benchmarking, reduction in travel costs and access to a bigger resource pool than would be available to a single council.

Each council should nevertheless establish its own independent audit committee and the internal auditor would need to report separately to each council, maintaining confidentiality. A funding model could be established that shares the costs on a user-pays basis between participating councils, with internal audit costs based on an agreed cost sharing basis.

Under this model, the appointed internal auditor would prepare an audit plan for each council, based on individual council requirements. There will be some common systems and shared knowledge and tools, such as audit planning, risk assessment, audit programs and procedures.

A small team of internal auditors directed by a suitably qualified and experienced auditor could be appropriate for serving several smaller councils in adjacent local government areas. This model should result in lower audit costs compared to councils employing separate internal auditors or consultants at various management levels.

Risk assessments and annual audit plans need to be designed with input from senior management of each of the participating councils. The internal audit team will need to retain a high degree of independence from management in the planning and conduct of audits. The reporting framework will need to ensure the independence of the audits and confidentiality of findings. The internal auditor should report directly to the General Manager and the Audit Committee of each council.

#### **2.4.4 Other Resources**

The Local Government Internal Audit Network (LGIAN) represents internal auditors in NSW local government and adds value to local government by promoting better practice internal audit and sharing of information and resources. This group provides sharing of technical expertise by internal audit professionals who are experienced in local government operations, legislation and governance. Member councils host quarterly meetings. Contact details are available from the Division of Local Government.

### 3. Internal Audit Operations

#### 3.1. Adding Value

One of the primary objectives of the internal audit function is to add value to the council operations. Adding value involves taking a proactive approach with a focus on risk, organisational concerns and effective controls at a reasonable cost. By focusing audit work on high risk areas, the organisation will benefit from assessments of their systems and gain independent assurance on whether those systems that are critical to program delivery are operating efficiently and effectively.

This risk approach contributes to preventative auditing, rather than relying on detecting issues and exceptions after they have already eventuated.

#### 3.2. Roles and Responsibilities

An internal audit function should have clear roles and responsibilities. This includes complete and unrestricted access to employees, property and records. Roles and responsibilities should be communicated in the internal audit charter and position descriptions.

#### **Policies and Procedures Checklist**

Councils should establish a manual of policies / procedures that guide internal auditors in their work. The content of these policies / procedures should be consistent with relevant standards, such as the IIA Standards, and cover the following topics:

##### *Attribute Standards*

- Purpose, Authority and Responsibility
- Independence
- Proficiency and Due Care
- Quality Assurance

##### *Performance Standards*

- Managing the Internal Audit Activity
- Nature of the Work
- Engagement Planning
- Performing the Engagement
- Communication of Results
- Monitoring Progress
- Resolution of Management's Acceptance of Risk.

#### 3.3. Independence and Objectivity

An internal audit function should maintain an appropriate level of independence and objectiveness through sound reporting relationships, and by those involved in internal audit activities avoiding bias and conflicts of interest.

##### 3.3.1 Avoidance of Bias and Conflict of Interest

Policies and procedures should be in place to help an internal audit ensure against the risk of bias, particularly arising from perceived familiarity by virtue of long association with persons the subject of internal audit activity.

### The Avoidance of Bias and Conflict of Interest Checklist

An internal auditor or person responsible for internal audit should have a process in place to ensure that:

- An internal auditor does not undertake audit work regarding operations / services for which he / she has held responsibility within the last two (2) years.
- An internal auditor who provides consulting services regarding a particular operation / service is not the same auditor who provides assurance on that same operation / service.
- Internal auditors are rotated periodically whenever it is practical to do so; alternatively, some other method is put in place to address the risks associated with having the same auditors responsible for auditing the same unit / functional area over a prolonged period.

### Position Description Checklist

The internal audit function should have written position descriptions for each level of audit staff. The position descriptions for audit staff should identify required qualifications and competencies, including:

- Proficiency in applying internal audit standards, procedures and techniques
- Proficiency in accounting principles and techniques
- An understanding of management principles required recognising and evaluating the materiality and significance of deviations from good business practices
- An appreciation of fundamental concepts in areas such as accounting, economics, commercial law, taxation, finance, quantitative methods and IT
- Effective interpersonal skills
- Skills in oral and written communication.

#### 3.4. Reporting Relationships

Councils establishing an internal audit function must provide appropriate independence for the internal audit function by establishing some degree of separation of the function from management.

In private companies, the internal auditor is accountable to the Board of Directors through the Chairman of the Audit Committee. This approach cannot be directly reproduced under the provisions of the *Local Government Act 1993*. Internal audit is an operational matter that falls within the responsibility of the General Manager. Under section 335(1) of the *Local Government Act*, the General Manager is responsible for the efficient and effective operation of the council's organisation.

The separation of powers between the General Manager and the elected council is a key element to the Act and accordingly both need to ensure that they do not interfere with or control the exercise of each of these functions. It is therefore not appropriate for an internal auditor to report directly to the mayor and/or councillors.

Internal auditors should be mindful of their obligation under section 11 of the ICAC Act to report suspected areas of corrupt activity. Further, they may wish to report their findings under the provisions of the *Protected Disclosures Act 1994*. This may be necessary if concerns are raised in regard to the General Manager or other senior staff.

Councils have the power to appoint an external audit firm to be the internal auditor. Where possible this firm should not be the same one that provides council's external audit services. This does not change the fact that internal audit remains an operational role. It should be remembered that pursuant to section 335 of the Local Government Act the General Manager is responsible for the day-to-day management of council activities including the direction of staff and implicitly the internal audit function.

While management employs the internal auditor, the internal auditor is also expected to review the conduct of management. Therefore, the internal auditor should be able to report to a person or body with sufficient authority to implement internal audit recommendations.

It is important for the internal auditor to have direct access to the audit committee to monitor the scope of the work of internal audit and to review the reports issued. This is achieved by having the internal auditor attend meetings of the audit committee.

The appointment of an internal auditor does not give council the ability to direct the performance of the internal audit function. However, councils can use the General Manager's employment contract to ensure that relevant internal audit work is being undertaken as a requirement of the General Manager's performance obligations.

The Internal Auditor should maintain independent reporting relationships with the audit committee, General Manager and management. This requires:

- Reporting functionally to the audit committee and administratively to the General Manager
- Reporting to an audit committee with external members
- Internal audit charter to be approved by the audit committee and the audit committee charter to be approved by council
- Audit committee to approve of internal audit plans, and provide a forum for discussion of areas worthy of internal audit attention
- Audit committee to ensure coordination and cooperation of internal and external auditors
- Audit committee to make enquiries of management to determine if the scope or budgetary limitations impede the internal audit's ability to function properly, and ensure that the internal audit function is properly resourced
- Reporting to the General Manager for budgeting and accounting, human resource administration, internal communications, administration of policies and procedures.

Reporting to an audit committee with a majority of members, who are external and independent to the council, ensures that internal audit operates independently from management and can effectively review risk, control, governance processes and management assertions.

### **Reporting Relationships Checklist**

The audit committee should include persons external to the organisation. In the absence of an audit committee, the internal auditor should report to a level within the organisation that ensures that the internal audit is able to have broad audit coverage and to fulfil its responsibilities independently and objectively.

Reporting functionality to an audit committee means the committee:

- Approves the internal audit charter

- Approves short and long term audit plans
- Comments on the performance of the internal auditor
- Makes enquiries of management to determine if there are scope or budgetary limitations that impede internal audit's ability to function properly
- Ensures that the internal audit function is adequately resourced
- Approves the scope of external assessments of the internal audit
- Provides a forum for discussion to identify areas worthy of examination by internal audit
- Recommends to Council who should be the internal audit provider and/or has input into the selection of the Chief Audit Executive.

Reporting administratively to the General Manager relates to day to day operations of internal audit including:

- Budgeting and accounting
- Human resource administration
- Internal communication / information flow
- Administration of internal policies and procedures.

### **3.5. Internal Audit Plans**

Internal audit should prepare an audit plan that identifies internal audit's objectives and strategies, and the audit work they will undertake.

Good practice internal audit plans will be based on a risk assessment of the council's key strategic and operational areas to determine an appropriate timing and frequency of coverage of each of these areas. Best practice will also include audit judgment of areas that should also be reviewed despite not appearing as a high priority in the council's risk profile.

The annual plan will generally be developed with input from the General Manager and senior management and approved by the audit committee. Generally, such a plan will identify:

- The audit projects that will be carried out during the year and rationale for selecting each
- When each audit project is expected to commence and the time allocated for each
- The performance measures that will be used to evaluate the performance in relation to established goals / objectives and strategies
- Any areas that cannot be covered within existing budgets and additional areas, which in the opinion of the internal auditor, should be reviewed
- Whether the audit projects identified require the use of external expertise.

A rolling three year plan of coverage can be proposed so that it can be readily determined what areas will be covered in any given year, and if their area is not covered in a given year, when it is scheduled for review. The ability of the internal auditor to execute this plan over a three year cycle is a useful method to assess whether internal audit is adequately resourced. However the plan should be reviewed at least annually to ensure that it still aligns with the council's risk profile.

### Audit Plans Checklist

The internal auditor should have a long term strategic plan and annual work program to guide their work.

Long term strategic plans that are prepared with input from and approval by the internal audit committee should be risk based. They would generally include:

- A description of the goals / objectives of internal audit
- Key organisational issues and risks of the organisation prepared in consultation with senior management, the audit committee, the external auditor and other relevant parties
- The strategies / priorities in order to address issues and risks.

Mid term operational plans may also be prepared to assist an organisation in the implementation of the key strategies / priorities identified in the strategic plan. Typically these plans would include aspects such as:

- Staffing, competency needs
- Professional development
- Information technology requirements
- Budgeting requirements
- How performance monitoring, measurement, and internal / external assessments will be operationalised.

The annual audit plan is prepared with input from and approval by the audit committee. It should be developed based on the long term strategic plan and the mid term plan. Generally, such a program will identify:

- The audits and other types of projects that will be carried out during the year and the rationale for selecting each
- Staffing for each project, when it is expected to commence and the time allocated for each
- Financial budgets
- The performance measures that will be used to evaluate performance in relation to established goals / objectives and strategies
- As applicable, the plans for internal / external assessments of an internal audit group.

### 3.6. Performing Internal Audits

Internal Auditors should perform internal audit reviews in accordance with the accepted Institute of Internal Auditors (IIA) Standards and the IIA Code of Ethics for performance standards, practices and guidelines. An outline is shown in the appendices. This includes:

- planning the audit
- defining the audit scope
- identifying sufficient, reliable, relevant, and useful information to achieve the audit's objectives
- identifying and evaluating the risks
- analysis and evaluation of controls
- maintaining proper records of the audit and evidence collected and analysed
- performing tests



- making recommendations
- discussing audit results with relevant staff and management.

Internal Audit may also perform consulting engagements and investigations of allegations, depending on the roles conferred in the Internal Audit Charter. Professional standards should also be applied when conducting these types of reviews.

### 3.7. Communication of Audit Results

Internal audit should regularly communicate its findings and recommendations to the audit committee, General Manager and management of the areas audited. An internal audit report should communicate accurate, objective, clear, concise, constructive, complete and timely information.

Audit reports should normally include background information, the audit objectives, scope, approach, observations/findings, conclusions, recommendations and agreed management actions. Reports should promote better practice options and explain why the recommended changes are necessary and how they add value.

Reports and memos should share internal audit's observations on significant risk exposures, control issues, corporate governance issues, and other related audit matters. By sharing audit criteria, explaining causes and consequences of audit observations, councils can gain an understanding of the implications and impacts of the audit findings.

Depending on the size of the internal audit reports, summaries may be appropriate for the General Manager and the audit committee with full reports available on request.

## Internal Audit Reports Checklist

The following table is based on the IIA Professional Practices Framework.

Background	<ul style="list-style-type: none"> <li>✓ Identifies the organisational units and activities reviewed and provides explanatory information.</li> <li>✓ Indicates why the audit project was conducted, including whether the report covers a scheduled engagement or is responding to a request.</li> <li>✓ Includes the status of observations, conclusions and recommendations from prior audits.</li> </ul>
Objectives	<ul style="list-style-type: none"> <li>✓ Statements that define intended engagement accomplishments.</li> </ul>
Scope	<ul style="list-style-type: none"> <li>✓ Identifies the audited activities.</li> <li>✓ Identifies the time period reviewed.</li> <li>✓ Identifies related activities that are not reviewed.</li> </ul>
Approach	<ul style="list-style-type: none"> <li>✓ Establishes the procedures for identifying, analysing, and evaluating sufficient information to achieve the engagement's objectives.</li> </ul>
Observations / Findings	<ul style="list-style-type: none"> <li>✓ Identifies the standards, measures, or expectations used in making an evaluation and / or verification (criteria).</li> <li>✓ Identifies the factual evidence that the internal auditor found during the examination that supports the conclusions and recommendations (conditions).</li> <li>✓ Identifies the reason for the difference between the expected and actual conditions (causes).</li> </ul>

	<ul style="list-style-type: none"> <li>✓ Identifies the risk or exposure the organisation and / or others encounter because the condition is not consistent with the criteria (effect).</li> </ul>
Conclusions	<ul style="list-style-type: none"> <li>✓ Should be clearly identified.</li> <li>✓ Should be based on appropriate analyses and evaluations.</li> <li>✓ Should encompass the entire scope of an engagement.</li> <li>✓ Should relate directly to objectives.</li> </ul>
Recommendations	<ul style="list-style-type: none"> <li>✓ Should be based on engagement observations and conclusion.</li> <li>✓ Should either be general or specific and call for action to correct existing conditions or improve operations.</li> <li>✓ Should suggest approaches to correct or enhance performance.</li> </ul>
Agreed actions	<ul style="list-style-type: none"> <li>✓ An agreed set of actions proposed by management to address any recommendations. (In some cases the internal audit teams may move straight to agreeing actions and skip recommendations. This is considered good practice.)</li> </ul>

**3.8. Follow-Up on Audit Reports**

The General Manager and audit committee should systematically review progress against audit recommendations and agreed action plans. This ensures that a clear message is sent to management and staff that these matters are important and are being reviewed at the most senior levels in the organisation.

If management accepts a risk that internal audit believes is unacceptable, then this should normally be discussed at an appropriate level in the organisation, including with the General Manager and the audit committee, as considered appropriate.

**3.9. Access to Audit Reports**

Internal audit reports are intended for internal use only. Where audit reports have findings that are useful to other areas of council, internal audit may share this information on a limited basis. Internal audit reports should be shared with the council's external auditor to assist them in the course of their work. This permission should be documented in the audit committee charter.

Councillors should also have access to the minutes of the Audit Committee. As the minutes may contain confidential information, broader public access should be controlled. However the council should be mindful of its obligations under the *Government Information (Public Access) Act 2009* to provide greater transparency and accountability.

**3.10. Annual report from the Audit Committee to Council**

The audit committee should report regularly to the council on the management of risk and internal controls. This may be done following each meeting of the audit committee, but as a minimum, the audit committee should report at least annually to the full council on its oversight role of the internal audit function. The General Manager should also provide an annual report to the audit committee on the performance of the internal audit function.

Council may request the Chairperson of the Audit Committee to address the Council to answer any enquiries about the operation of the Audit Committee.

### 3.11. Performance Measurement

Internal audit should have performance measures that are based on its specific goals / objectives and performance targets that are derived from the internal audit group's plans / strategies. Quality assurance and review of audit work papers in accordance with Australian Auditing Standards is also an essential requirement to ensure the audit findings are adequately evidenced and documented. The work of internal audit can be used by the external auditors where they are satisfied of its quality as per the Australian Auditing Standards AA610.

#### Performance Measurement System Checklist

Performance measures should provide information that enables the internal audit function to determine whether its activities are achieving its charter and planned results (ie, the aims expressed in its various types of plans).

The performance measurement system should be documented and should be clear on:

- Performance data that is to be collected
- The frequency of data collection
- Who is responsible for data collection
- Data quality control
- Who generates performance data reports
- Who receives such reports.

Performance measures may cover aspects such as:

- Stakeholder satisfaction
- Internal audit processes (eg, risk assessment / audit planning, performing the audits, reporting, and value added)
- Innovation and capabilities (training, technology, knowledge of business)
- Control deficiencies identified and resolved by management
- Cost/benefit analysis of internal audit recommendations.

An internal audit function should regularly report to the General Manager and the audit committee on its progress against the annual internal audit plan.

### 3.12. Independent Quality Review of Internal Audit

Internal audit should be subject to an external quality assessment of its performance using accepted standards for performance measurement and evaluation at least every five years.

This is to provide assurance to the General Manager and council that internal audit is effective and operating in accordance with the International Standards for the Professional Practice of Internal Auditing.

The Institute of Internal Auditors provides a quality assessment framework for this purpose.

### 3.13. Internal Audit and Protected Disclosures

Where there is otherwise no designated protected disclosures coordinator for the council, the internal auditor can be appointed to fulfil the requirements of the *Protected Disclosures Act 1994* and the provisions of council's internal reporting policy. Alternatively, the General Manager can appoint the internal auditor to conduct an independent investigation of matters arising from a protected disclosure.

Protected disclosures are an important means by which councils can signal commitment to ethical practice. They also can act as an early warning system for management and to assist staff in making any disclosures of alleged corrupt conduct, maladministration or serious and substantial waste of public money under the *Protected Disclosures Act 1994*.

Every public official has a statutory right to make a disclosure under the Protected Disclosure Act to the following external agencies:

- NSW Ombudsman
- Independent Commission Against Corruption (ICAC)
- Audit Office
- Police Integrity Commission or
- Division of Local Government, Department of Premier and Cabinet (about serious and substantial waste in local government).

Councils should inform their councillors, staff and council delegates of the requirements and protections of the *Protected Disclosures Act 1994* through staff and councillor induction and training programs.

## 4. Establishing an Audit Committee

### 4.1. What is an Audit Committee?

An audit committee plays a pivotal role in the governance framework to provide council with independent oversight and monitoring of the council's audit processes, including the council's internal control activities. This oversight includes internal and external reporting, risk management activities, internal and external audit and compliance.<sup>5</sup> A strong relationship between the audit committee and the internal audit function enables the committee to meet its responsibilities and carry out its functions. An audit committee establishes the importance and executive direction for an internal audit function, and ensures that the council achieves maximum value from the internal audit function. The audit committee sets the appropriate tone at the top. Guidelines for establishment and operations of audit committees in local government are set out below.

No two audit committees will function in exactly the same way, nor should they. A dynamic audit committee process is required for each council to cater for the particular internal and external influences impacting upon them. The size and conduct of council audit committees will also vary depending on a council's size and other circumstances.

Key characteristics of good practice audit committees are:

- A thorough understanding of the audit committee's position in the legal and governance framework
- Clearly defined roles and responsibilities
- Members with relevant personal qualities, skills and experience, including at least one member with a strong financial and/or audit background
- The ability to maintain effective relationships with key stakeholders
- The ability and capacity to conduct its affairs efficiently and effectively
- A robust and considered process of assessment and continuous improvement.

### 4.2. Independence and Objectivity

The audit committee will achieve its independence by having a majority of independent members external to council and its operations. In addition, it is highly desirable that all members chosen exhibit an independence of mind in their deliberations and do not act as a representative of a particular area of council, or with conflicts of interests. Regular rotation of some or all members is also desirable to keep a fresh approach.

Ideally the audit committee should consist of at least three and preferably no more than five members comprised of independent external members, who should be in the majority, and councillors other than the Mayor (or an Administrator). Staff should not be members of the audit committee.

When selecting committee members it is important to ensure that they have appropriate qualifications and experience to fulfil their role. The following qualities are desirable when appointing members:

Individuals should have:

- Knowledge of local government
- Strong communication skills

<sup>5</sup> Auditing and Assurance Standards Board, Australian Institute of Company Directors, Institute of Internal Auditors, Audit committees, A Guide to Good Practice 2008

- High levels of personal integrity and ethics
- Sufficient time available to devote to their responsibilities as a committee member
- High levels of financial literacy and, if possible accounting; financial; legal compliance and/or risk management experience or qualifications.

The audit committee as a whole should have:

- At least one member with financial qualifications and experience
- Skills and experience relevant to discharging its responsibilities, including experience in business, financial and legal compliance, risk management

#### **Selection and Appointment of Committee Members**

Committee members and the audit committee chair should be appointed by the council. This could be done on the recommendation of a committee which has been convened by council with the power to interview and recommend suitable candidates. It is important that the process used is transparent and accountable.

If the council wishes to use this process then the committee should prepare a written report for the council that provides details of the qualifications and experience of all eligible applicants for the position(s) of independent audit committee member(s) or audit committee chair from which the council can select the most suitable appointees.

Sufficient funds need to be allocated to the audit committee for it to operate effectively. Council should resolve to provide a budget and funds for the audit committee, this should include fees payable to the audit committee members.

#### **Independent and councillor members**

Independent and councillor members must be free from any management, business or other relationships that could be perceived to interfere with their ability to act in the best interests of the council.

When considering whether an individual has the necessary independence from council it is common to examine the individual's past and current relationships with the council. Some of the following are relationships that might affect the independent status of an independent and/or councillor:

- Is a substantial shareholder; an owner, officer or employee of a company; or a consultant, that is a material provider of professional advice, or goods, or services to the council;
- Is employed by or has previously been employed by a council and there has not been a period of at least two years between ceasing such employment;

To maximise both the real and perceived independence of the committee individuals currently employed by a council cannot be considered as an independent member of a council audit committee.

This list is not exhaustive and if one or more of the above examples is exhibited by an independent or councillor it is possible that their status as an "independent" member of the committee might be compromised.

Members and potential members of an audit committee need to ensure that they disclose to the council any relationships that could be viewed by other parties as creating conflicts of interests that impair either the individual's or the audit committee's actual or perceived independence.

In order to maximise the effectiveness of the audit committee it is important for members to be both independent and to be seen to be independent.

#### **Audit committee chair**

The chair of the audit committee is critical to the overall effectiveness of the committee. The chair of the committee should be independent and should not be the mayor or a member of council. The council should select an audit committee chair who:

- Is knowledgeable of the duties and responsibilities of the position as outlined in the audit committee charter; especially about local government, financial reporting and auditing requirements;
- Has the requisite local government, financial and leadership skills;
- Has the ability to build good relationships; and
- Has strong communication skills

The term of appointment of the chair should be specified by the council.

### **4.3. Structure and Membership**

The structure and membership of an audit committee in the NSW local government environment will depend on the size of the council. Membership should have a majority of independent members and councillors (excluding the Mayor), with between 3 and 5 members. Good practice in governance is that council staff should not be members of the committee. However, this may not be practical for some councils. The chair should be an independent member. A suggested membership is:

- 1 or 2 councillors (excluding the mayor)
- 2 or 3 independent members, at least one with financial expertise and one of whom should be the chair.

The internal auditor and Chief Financial Officer should be invited to attend all meetings. The external auditor should also be invited to attend as an independent advisor.

To preserve the independence of the Audit Committee the General Manager should not be a voting member of the Audit Committee. In accordance with section 376(2) of the Local Government Act the General Manager is entitled to attend meetings of the Audit Committee. Furthermore pursuant to Section 376(3) of the Local Government Act the General Manager may only be excluded from the meeting while the committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager. However, the General Manager is not automatically entitled to be, nor should the General Manager be, a member of the audit committee.

General Managers are strongly encouraged to enable the audit committee to conduct its activities without undue influence from the General Manager.

It is recommended that, even though, pursuant to the Local Government Act, the General Manager is entitled to attend all meetings, in line with better practice, the General Manager should allow the audit committee to meet separately with each of the internal auditor and the external auditor without the presence of management on at least one occasion per year.

A suggested structure for smaller councils is as follows:

- 1 councillor (excluding the Mayor)
- 2 independents – at least one with financial expertise

A structure for bigger councils could be:

- 1 or 2 councillors (excluding the Mayor)
- 2 or 3 independents – at least one with financial expertise and/or one with financial, legal or business expertise

The audit committee should also have its own charter that sets out the roles and responsibilities of the audit committee and its oversight of the internal and external audit functions, including any statutory duties. The elected council should approve the audit committee charter.

An example charter for audit committees is included in Appendix 2. Councils should not use this example verbatim but should tailor it according to their specific circumstances.

#### **4.4. Audit Committee Operations**

##### **4.4.1. Meetings**

The audit committee should meet with sufficient frequency to meet its responsibilities.

The number of meetings and their duration will vary depending on the range and complexity of the council and the committee's responsibilities. The audit committee should decide the number of meetings needed for the year after taking into consideration:

- The roles and responsibilities of the committee
- Maturity of the committee and audit arrangements
- The level and/or volume of internal and external audit activity
- Key reporting deadlines
- Significant developments or emerging risks for the entity, for example, restructuring, policy initiatives or new programs
- The potential resource implications versus the benefit to the committee and the entity of more frequent meetings.

Generally, the audit committee should meet at least four times a year. It is also appropriate to have meetings dedicated to considering the annual external audit plan, external management letters and council's audited annual financial reports. Where significant issues arise during the year, committees should consider the need to schedule additional meetings.

Where possible, the dates for audit committee meetings should be established 12 months in advance, particularly where the committee has independent members with other commitments. Each year the committee should agree a forward meeting plan, including meeting dates, location and agenda items. When developing the forward meeting plan, the committee should ensure it covers all the responsibilities outlined in its charter.

The audit committee charter should require the chair of the committee to hold a meeting if asked to do so by another committee member or by the council or the General Manager. There should also be provision for both the internal and external auditors to meet privately with the chair of the audit committee if required, and this should be documented in the audit committee charter.

##### **4.4.2. Functions**

Clear roles and responsibilities should be given to an audit committee, and documented in the audit committee charter (see Appendix 2 for a model charter). The broad responsibilities for best practice include the following:

- Risk management
- The control framework
- External accountability (including the council's annual audited financial reports)
- Legislative compliance
- Internal audit



- External audit
- Approving the internal audit charter that will guide the activities of an internal audit group
- Having input into and approving an internal audit's long-term strategic plan and annual audit plan
- Having input into the appointment and remuneration of the internal auditor
- Making enquiries of management and the internal audit to determine if there are scope or budgetary limitations that impede an internal auditor's ability to function properly
- Approving the scope of an external assessment or equivalent internal assessment of internal audit to be undertaken every 5 years; and internal assessments which can be undertaken in intervening years if desired.

An audit committee, as a crucial component of corporate governance, is fundamental to assisting the General Manager and council with their oversight function to:

- Ensure all key controls are operating effectively
- Ensure all key controls are appropriate for achieving corporate goals and objectives
- Meet their statutory and fiduciary duties
- Provide a forum for discussing problems and issues that may affect the operations of the internal audit group and acting as a forum for discussion
- Provide a forum for discussion to identify areas worthy of examination by an internal audit group
- Review the implementation of the annual audit plan and implementation of audit recommendations.

#### 4.4.3. Conflict of Interests

Councillors, council staff and members of council committees must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the council's code of conduct and regularly review their personal circumstances with this in mind.

There will in all likelihood be times where matters to be considered by the Committee raise a conflict of interests for a member of the committee. To preserve the integrity and independence of the Audit Committee it is of utmost important that any conflict of interests is appropriately managed.

This can be done by Committee members declaring any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflict of interests should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interests, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interests may exist. The final arbiter of such a decision is the Chair of the Committee.

## 5. Enterprise Risk Management

### 5.1. What is Risk Management

Internal audit is not responsible for designing or implementing risk management in councils, but is required to consider the risk management framework in planning and conducting audits.

Risk management is an essential part of effective corporate governance. It is defined as "the culture, processes and structures that are directed towards realising potential opportunities whilst managing adverse effects."<sup>6</sup> Enterprise Risk Management is the holistic management of all risks within council, not just insurable risks or occupational health and safety.

The concept of risk has two elements, the likelihood of something happening and the consequences if it happens. It is recommended that councils refer to the International Standard "Risk Management – Principles and Guidelines" ISO 31000:2009(E) for detailed guidance on risk management.

Risk can arise from internal or external sources, and might include exposure to such things as economic or financial loss or gain, physical damage, failure of a project to reach its objectives, ratepayer dissatisfaction, unfavourable publicity, a threat to physical safety or breach of security, mismanagement, failure of equipment, corruption and fraud. Risks should not necessarily be avoided. If managed effectively, they allow us to seize opportunities for improving services and business practices.

Risks can be categorised according to the goals, objectives or outcomes in the council's strategic, management or business plans. At the highest level, these represent risks to the council's ability to implement policy and deliver outcomes to the community. Risks also can be categorised into:

- Strategic risks (risks to the council's direction, external environment and to the achievement of its plans)
- Commercial risks (risks of commercial relationships, such as failed contractual relationships)
- Operational risks (risks to core business activities, such as inadequate human resources, disasters or threats to physical safety)
- Technical risks (risks of managing assets, such as equipment failure or structure collapse)
- Financial and systems risks (risks with financial controls and systems, such as fraud)
- Compliance risks (risks to meeting regulatory obligations).

Risk management is a logical and systematic process that can be used when making decisions and in managing performance. It is a means to an end and should be integrated into everyday work. Good risk management is forward-looking and helps to improve business decisions. It is not just about avoiding or minimising losses, but also about dealing positively with opportunities. It is a powerful tool for local government managers.

Good risk management is based on a well-planned, logical, comprehensive and documented strategy. This strategy provides general policy guidance, and plans and procedures that can be used as part of the organisation's everyday work to manage risk.

Good risk management must be based on a strategy, but a strategy itself doesn't manage risks. Leadership, effort by all levels of management and staff, and careful monitoring by councillors and risk committees, are needed to make the strategy a success.

<sup>6</sup> "Risk Management – Principles and Guidelines" ISO 31000:2009(E)

Focus should be on embedding a risk management philosophy into organisational decision making and providing tools to enable this process. Where major risks are identified then managerial effort should be directed to managing those risks. Overly complex approaches to risk management will divert resources from the main objective of better management performance, and hence a common sense approach is encouraged.

### 5.2. **Why Implement Risk Management?**

Increasingly, risk management is a mainstream activity embedded into good management in both the private and public sectors. Through better understanding of risks, and their likelihood and consequences, councils and their staff will be better prepared to anticipate these risks and take appropriate action.

By utilising risk management principles, councils are able to maximise the likelihood of successfully achieving their goals through proactive treatment of risks resulting in the following outcomes:

- Higher level of service delivery
- Efficient and effective allocation of resources
- Improved responsiveness and flexibility
- Increased accountability and transparency
- Reduced stress to council staff and management.

It is also hoped that effective risk management will result in fewer surprises and unanticipated negative events.

### 5.3. **Risk Management in New South Wales Local Government**

The *Local Government Act 1993* was enacted in an era before enterprise risk management was a widely accepted element of good governance. The Act nevertheless requires councils, among other things, to:

*"provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively".<sup>7</sup>*

The Act also requires Councillors:

*"to review the performance of the council and its delivery of services, and the management plans and revenue policies of the council"<sup>8</sup>*

and that the General Manager:

*"is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council".<sup>9</sup>*

While there is currently no specific reference to risk management in the Act, it is implicit in each of the above broader requirements for efficiency, effectiveness and oversight.

The Division of Local Government's Promoting Better Practice Program reviews have frequently made recommendations to actively encourage councils to undertake a comprehensive risk management plan across all functions of council to proactively identify and manage risk exposures.

<sup>7</sup> Local Government Act 1993 – Section 8

<sup>8</sup> Local government Act 1903 Section 232(1)

<sup>9</sup> Local government Act 1903 Section 335(1)

One of the key roles of the internal auditor is to provide advice and assurance over the risk management and internal control frameworks. To maintain independence, internal audit will not normally be responsible for the implementation of risk management or making decisions on how risks should be treated.

#### **5.4. Risks Inherent Within Local Government**

While each council will have different sizes and complexities in its structure and operations, and these in turn will generate different risks, there are a number of risks that will be common to the sector and be applicable in some form to most councils.

As a first step, councils may wish to identify material risks to the achievement of the council's goals, objectives and desired outcomes of the council's strategic, management and/or business plans. At the highest level, these represent risks to the council's ability to implement policy and deliver outcomes to the community.

A number of common risks for local government are set out in Appendix 5, which may assist in this process.

#### **5.5. Whole-Of-Government Risk Management**

Councils often face risks that significantly influence other risks (such as inadequate staff skills or low morale that influence productivity). These links between risks are important - a risk may not look significant in isolation, but is significant when its flow-on effect is considered.

As whole-of-government approaches become more common, state-sector risks – risks that affect the state as a whole – are becoming better understood and therefore can be better managed.

Councils will increasingly need to understand state-sector risks, and to pay greater attention to identifying and working with other layers of government to manage them. There are 3 types of state-sector risk, each of which calls for a different response:

- Council-level risks (such as the risks above). These can become risks to the State because of their size and significance, because of the wider impact of measures to manage them, or because of poor management by councils.
- Inter-agency risks, which if unmitigated by one agency, become risks for other agencies (such as the link between meeting the educational and social needs of teenagers and anti-social behaviour).
- State-wide risks, which are beyond the boundaries of any one council and call for a response across councils coordinated by a central council (such as bushfires, floods and other emergencies).

There is no such thing as a risk-free environment, but many risks can be avoided, modified or shared through good risk management. Similarly it is not desirable to attempt to create a risk-free environment and not all risks should be reduced. It may be appropriate in some circumstances to retain the risk, or even look at increasing the level of risk taken.

Risk management is an effective tool to identify, evaluate and manage both risks and opportunities at all levels of the organisation. Good risk management also takes advantage of opportunities while analysing and dealing with risks.

Risks should not necessarily be avoided. If managed effectively, they allow councils to seize opportunities for improving services and business practices and avoiding unexpected negative impacts.

## 5.6. Other Guidance

Risk management is a common sense, yet highly evolved discipline. This guide aims to provide grounding on some of the key principles and practices councils should embrace. For those seeking a deeper understanding of risk management principles and practice, the Division recommends:

- International Standard ISO 31000:2009(E) risk management – Principles and guidelines
- ISO Guide 73:2009 Risk Management – Vocabulary
- IS/IEC 31010 Risk Management – Risk Assessment Techniques

These important publications provide detailed and authoritative guidance about risk management practices. They constitute a step-by-step guide for councils wanting to develop and implement risk management frameworks.

Although not all organisations use this approach, public sector risk management continues to expand beyond a financial focus to encompass all parts of an organisation's business and services. The Commonwealth Government based its *Guidelines for Managing Risk in the Australian Public Service* on this standard. See [www.apsc.gov.au/mac/index.htm](http://www.apsc.gov.au/mac/index.htm).

The Australian National Audit Office describes the key components of effective risk management, as well as the importance of developing a risk management culture, in its better practice guide, *Public Sector Governance Volume 16*. See [www.anao.gov.au](http://www.anao.gov.au).

CPA Australia has a number of publications relating to public sector risk management. They include *Case Studies in Public Sector Risk Management: Better Practice Guide*; *Enterprise-wide Risk Management: Better Practice Guide*; *Public Sector Risk Management: A State of Play*; and *Research Report on Public Sector Risk Management*. See [www.cpaustralia.com.au/20\\_cpastore](http://www.cpaustralia.com.au/20_cpastore).

## Appendix 1 - Summary of Internal Audit Standards and Professional Practices Framework

### The Institute of Internal Auditors International Standards for the Professional Practice of Internal Auditing

*Reprinted with permission of the Institute of Internal Auditors, Australia. Note that these standards are under continuous development and hence while correct at the time of publication, readers should obtain the latest version of the standards from IIA Australia.*

The purpose of the Standards is to:

1. Delineate basic principles that represent the practice of internal auditing, as it should be.
2. Provide a framework for performing and promoting a broad range of value-added internal audit activities.
3. Establish the basis for the evaluation of internal audit performance.
4. Foster improved organisational processes and operations.

The structure of the Standards is divided between Attribute and Performance Standards. Attribute Standards address the attributes of organisations and individuals performing internal auditing. The Performance Standards describe the nature of internal auditing and provide quality criteria against which the performance of these services can be measured. The Attribute and Performance Standards are also provided to apply to all internal audit services.

Implementation Standards are also provided to expand upon the Attribute and Performance standards, by providing the requirements applicable to assurance (A) or consulting (C) activities.

The Standards are part of the International Professional Practices Framework (IPPF). The IPPF includes the Definition of Internal Auditing, the Code of Ethics, the Standards, and other guidance. Guidance regarding how the Standards might be applied is included in Practice Advisories that are issued by the Professional Issues Committee.

## Attribute Standards

### *Attribute Standards*

#### **1000 – Purpose, Authority, and Responsibility**

The purpose, authority, and responsibility of the internal audit activity must be formally defined in an internal audit charter, consistent with the Definition of Internal Auditing, the Code of Ethics, and the *Standards*. The chief audit executive must periodically review the internal audit charter and present it to senior management and the board for approval.

#### **Interpretation:**

*The internal audit charter is a formal document that defines the internal audit activity's purpose, authority, and responsibility. The internal audit charter establishes the internal audit activity's position within the organisation; authorizes access to records, personnel, and physical properties relevant to the performance of engagements; and defines the scope of internal audit activities. Final approval of the internal audit charter resides with the board.*

**1000.A1** – The nature of assurance services provided to the organisation must be defined in the internal audit charter. If assurances are to be provided to parties outside the organisation, the nature of these assurances must also be defined in the internal audit charter.

**1000.C1** – The nature of consulting services must be defined in the internal audit charter.

#### **1010 – Recognition of the Definition of Internal Auditing, the Code of Ethics, and the Standards in the Internal Audit Charter**

The mandatory nature of the Definition of Internal Auditing, the Code of Ethics, and the *Standards* must be recognized in the internal audit charter. The chief audit executive should discuss the Definition of Internal Auditing, the Code of Ethics, and the *Standards* with senior management and the board.

#### **1100 – Independence and Objectivity**

The internal audit activity must be independent, and internal auditors must be objective in performing their work.

#### **Interpretation:**

*Independence is the freedom from conditions that threaten the ability of the internal audit activity or the chief audit executive to carry out internal audit responsibilities in an unbiased manner. To achieve the degree of independence necessary to effectively carry out the responsibilities of the internal audit activity, the chief audit executive has direct and unrestricted access to senior management and the board. This can be achieved through a dual-reporting relationship. Threats to independence must be managed at the individual auditor, engagement, functional, and organisational levels.*

*Objectivity is an unbiased mental attitude that allows internal auditors to perform engagements in such a manner that they believe in their work product and that no quality compromises are made. Objectivity requires that internal auditors do not subordinate their judgment on audit matters to others. Threats to objectivity must be managed at the individual auditor, engagement, functional, and organisational levels.*

**1110 – Organisational Independence**

The chief audit executive must report to a level within the organisation that allows the internal audit activity to fulfil its responsibilities. The chief audit executive must confirm to the board, at least annually, the organisational independence of the internal audit activity.

**1110.A1** – The internal audit activity must be free from interference in determining the scope of internal auditing, performing work, and communicating results.

**1111 – Direct Interaction with the Board**

The chief audit executive must communicate and interact directly with the board.

**1120 – Individual Objectivity**

Internal auditors must have an impartial, unbiased attitude and avoid any conflict of interest.

**Interpretation:**

*Conflict of interest is a situation in which an internal auditor, who is in a position of trust, has a competing professional or personal interest. Such competing interests can make it difficult to fulfil his or her duties impartially. A conflict of interest exists even if no unethical or improper act results. A conflict of interest can create an appearance of impropriety that can undermine confidence in the internal auditor, the internal audit activity, and the profession. A conflict of interest could impair an individual's ability to perform his or her duties and responsibilities objectively.*

**1130 – Impairment to Independence or Objectivity**

If independence or objectivity is impaired in fact or appearance, the details of the impairment must be disclosed to appropriate parties. The nature of the disclosure will depend upon the impairment.

**Interpretation:**

*Impairment to organisational independence and individual objectivity may include, but is not limited to, personal conflict of interest, scope limitations, restrictions on access to records, personnel, and properties, and resource limitations, such as funding.*

*The determination of appropriate parties to which the details of an impairment to independence or objectivity must be disclosed is dependent upon the expectations of the internal audit activity's and the chief audit executive's responsibilities to senior management and the board as described in the internal audit charter, as well as the nature of the impairment.*

**1130.A1** – Internal auditors must refrain from assessing specific operations for which they were previously responsible. Objectivity is presumed to be impaired if an internal auditor provides assurance services for an activity for which the internal auditor had responsibility within the previous year.

**1130.A2** – Assurance engagements for functions over which the chief audit executive has responsibility must be overseen by a party outside the internal audit activity.

**1130.C1** – Internal auditors may provide consulting services relating to operations for which they had previous responsibilities.

**1130.C2** – If internal auditors have potential impairments to independence or objectivity relating to proposed consulting services, disclosure must be made to the engagement client prior to accepting the engagement.



**1200 – Proficiency and Due Professional Care**

Engagements must be performed with proficiency and due professional care.

**1210 – Proficiency**

Internal auditors must possess the knowledge, skills, and other competencies needed to perform their individual responsibilities. The internal audit activity collectively must possess or obtain the knowledge, skills, and other competencies needed to perform its responsibilities.

**Interpretation:**

*Knowledge, skills, and other competencies is a collective term that refers to the professional proficiency required of internal auditors to effectively carry out their professional responsibilities. Internal auditors are encouraged to demonstrate their proficiency by obtaining appropriate professional certifications and qualifications, such as the Certified Internal Auditor designation and other designations offered by The Institute of Internal Auditors and other appropriate professional organisations.*

**1210.A1** – The chief audit executive must obtain competent advice and assistance if the internal auditors lack the knowledge, skills, or other competencies needed to perform all or part of the engagement.

**1210.A2** – Internal auditors must have sufficient knowledge to evaluate the risk of fraud and the manner in which it is managed by the organisation, but are not expected to have the expertise of a person whose primary responsibility is detecting and investigating fraud.

**1210.A3** – Internal auditors must have sufficient knowledge of key information technology risks and controls and available technology-based audit techniques to perform their assigned work. However, not all internal auditors are expected to have the expertise of an internal auditor whose primary responsibility is information technology auditing.

**1210.C1** – The chief audit executive must decline the consulting engagement or obtain competent advice and assistance if the internal auditors lack the knowledge, skills, or other competencies needed to perform all or part of the engagement.

**1220 – Due Professional Care**

Internal auditors must apply the care and skill expected of a reasonably prudent and competent internal auditor. Due professional care does not imply infallibility.

**1220.A1** – Internal auditors must exercise due professional care by considering the:

- Extent of work needed to achieve the engagement's objectives;
- Relative complexity, materiality, or significance of matters to which assurance procedures are applied;
- Adequacy and effectiveness of governance, risk management, and control processes;
- Probability of significant errors, fraud, or noncompliance; and
- Cost of assurance in relation to potential benefits.

**1220.A2** – In exercising due professional care internal auditors must consider the use of technology-based audit and other data analysis techniques.

**1220.A3** – Internal auditors must be alert to the significant risks that might affect objectives, operations, or resources. However, assurance procedures alone, even when performed with due professional care, do not guarantee that all significant risks will be identified.

**1220.C1** – Internal auditors must exercise due professional care during a consulting engagement by considering the:

- Needs and expectations of clients, including the nature, timing, and communication of engagement results;
- Relative complexity and extent of work needed to achieve the engagement's objectives; and
- Cost of the consulting engagement in relation to potential benefits.

**1230 – Continuing Professional Development**

Internal auditors must enhance their knowledge, skills, and other competencies through continuing professional development.

**1300 – Quality Assurance and Improvement Program**

The chief audit executive must develop and maintain a quality assurance and improvement program that covers all aspects of the internal audit activity.

**Interpretation:**

*A quality assurance and improvement program is designed to enable an evaluation of the internal audit activity's conformance with the Definition of Internal Auditing and the Standards and an evaluation of whether internal auditors apply the Code of Ethics. The program also assesses the efficiency and effectiveness of the internal audit activity and identifies opportunities for improvement.*

**1310 – Requirements of the Quality Assurance and Improvement Program**

The quality assurance and improvement program must include both internal and external assessments.

**1311 – Internal Assessments**

Internal assessments must include:

- Ongoing monitoring of the performance of the internal audit activity; and
- Periodic reviews performed through self-assessment or by other persons within the organisation with sufficient knowledge of internal audit practices.

**Interpretation:**

*Ongoing monitoring is an integral part of the day-to-day supervision, review, and measurement of the internal audit activity. Ongoing monitoring is incorporated into the routine policies and practices used to manage the internal audit activity and uses processes, tools, and information considered necessary to evaluate conformance with the Definition of Internal Auditing, the Code of Ethics, and the Standards.*

*Periodic reviews are assessments conducted to evaluate conformance with the Definition of Internal Auditing, the Code of Ethics, and the Standards.*

*Sufficient knowledge of internal audit practices requires at least an understanding of all elements of the International Professional Practices Framework.*

### 1312 – External Assessments

External assessments must be conducted at least once every five years by a qualified, independent reviewer or review team from outside the organisation. The chief audit executive must discuss with the board:

- The need for more frequent external assessments; and
- The qualifications and independence of the external reviewer or review team, including any potential conflict of interest.

#### Interpretation:

*A qualified reviewer or review team consists of individuals who are competent in the professional practice of internal auditing and the external assessment process. The evaluation of the competency of the reviewer and review team is a judgment that considers the professional internal audit experience and professional credentials of the individuals selected to perform the review. The evaluation of qualifications also considers the size and complexity of the organisations that the reviewers have been associated with in relation to the organisation for which the internal audit activity is being assessed, as well as the need for particular sector, industry, or technical knowledge.*

*An independent reviewer or review team means not having either a real or an apparent conflict of interest and not being a part of, or under the control of, the organisation to which the internal audit activity belongs.*

### 1320 – Reporting on the Quality Assurance and Improvement Program

The chief audit executive must communicate the results of the quality assurance and improvement program to senior management and the board.

#### Interpretation:

*The form, content, and frequency of communicating the results of the quality assurance and improvement program is established through discussions with senior management and the board and considers the responsibilities of the internal audit activity and chief audit executive as contained in the internal audit charter. To demonstrate conformance with the Definition of Internal Auditing, the Code of Ethics, and the Standards, the results of external and periodic internal assessments are communicated upon completion of such assessments and the results of ongoing monitoring are communicated at least annually. The results include the reviewer's or review team's assessment with respect to the degree of conformance.*

### 1321 – Use of “Conforms with the *International Standards for the Professional Practice of Internal Auditing*”

The chief audit executive may state that the internal audit activity conforms with the *International Standards for the Professional Practice of Internal Auditing* only if the results of the quality assurance and improvement program support this statement.

### 1322 – Disclosure of Nonconformance

When nonconformance with the Definition of Internal Auditing, the Code of Ethics, or the *Standards* impacts the overall scope or operation of the internal audit activity, the chief audit executive must disclose the nonconformance and the impact to senior management and the board.

### **Performance Standards**

#### **2000 – Managing the Internal Audit Activity**

The chief audit executive must effectively manage the internal audit activity to ensure it adds value to the organisation.

#### **Interpretation:**

*The internal audit activity is effectively managed when:*

- *The results of the internal audit activity's work achieve the purpose and responsibility included in the internal audit charter;*
- *The internal audit activity conforms with the Definition of Internal Auditing and the Standards; and*
- *The individuals who are part of the internal audit activity demonstrate conformance with the Code of Ethics and the Standards.*

#### **2010 – Planning**

The chief audit executive must establish risk-based plans to determine the priorities of the internal audit activity, consistent with the organisation's goals.

#### **Interpretation:**

*The chief audit executive is responsible for developing a risk-based plan. The chief audit executive takes into account the organisation's risk management framework, including using risk appetite levels set by management for the different activities or parts of the organisation. If a framework does not exist, the chief audit executive uses his/her own judgment of risks after consultation with senior management and the board.*

**2010.A1** – The internal audit activity's plan of engagements must be based on a documented risk assessment, undertaken at least annually. The input of senior management and the board must be considered in this process.

**2010.C1** – The chief audit executive should consider accepting proposed consulting engagements based on the engagement's potential to improve management of risks, add value, and improve the organisation's operations. Accepted engagements must be included in the plan.

#### **2020 – Communication and Approval**

The chief audit executive must communicate the internal audit activity's plans and resource requirements, including significant interim changes, to senior management and the board for review and approval. The chief audit executive must also communicate the impact of resource limitations.

#### **2030 – Resource Management**

The chief audit executive must ensure that internal audit resources are appropriate, sufficient, and effectively deployed to achieve the approved plan.

#### **Interpretation:**

*Appropriate refers to the mix of knowledge, skills, and other competencies needed to perform the plan. Sufficient refers to the quantity of resources needed to accomplish the plan. Resources are effectively deployed when they are used in a way that optimizes the achievement of the approved plan.*

**2040 – Policies and Procedures**

The chief audit executive must establish policies and procedures to guide the internal audit activity.

**Interpretation:**

*The form and content of policies and procedures are dependent upon the size and structure of the internal audit activity and the complexity of its work.*

**2050 – Coordination**

The chief audit executive should share information and coordinate activities with other internal and external providers of assurance and consulting services to ensure proper coverage and minimize duplication of efforts.

**2060 – Reporting to Senior Management and the Board**

The chief audit executive must report periodically to senior management and the board on the internal audit activity's purpose, authority, responsibility, and performance relative to its plan. Reporting must also include significant risk exposures and control issues, including fraud risks, governance issues, and other matters needed or requested by senior management and the board.

**Interpretation:**

*The frequency and content of reporting are determined in discussion with senior management and the board and depend on the importance of the information to be communicated and the urgency of the related actions to be taken by senior management or the board.*

**2100 – Nature of Work**

The internal audit activity must evaluate and contribute to the improvement of governance, risk management, and control processes using a systematic and disciplined approach.

**2110 – Governance**

The internal audit activity must assess and make appropriate recommendations for improving the governance process in its accomplishment of the following objectives:

- Promoting appropriate ethics and values within the organisation;
- Ensuring effective organisational performance management and accountability;
- Communicating risk and control information to appropriate areas of the organisation; and
- Coordinating the activities of and communicating information among the board, external and internal auditors, and management.

**2110.A1** – The internal audit activity must evaluate the design, implementation, and effectiveness of the organisation's ethics-related objectives, programs, and activities.

**2110.A2** – The internal audit activity must assess whether the information technology governance of the organisation sustains and supports the organisation's strategies and objectives.

**2110.C1** – Consulting engagement objectives must be consistent with the overall values and goals of the organisation.

**2120 – Risk Management**

The internal audit activity must evaluate the effectiveness and contribute to the improvement of risk management processes.

**Interpretation:**

*Determining whether risk management processes are effective is a judgment resulting from the internal auditor's assessment that:*

- *Organisational objectives support and align with the organisation's mission;*
- *Significant risks are identified and assessed;*
- *Appropriate risk responses are selected that align risks with the organisation's risk appetite; and*
- *Relevant risk information is captured and communicated in a timely manner across the organisation, enabling staff, management, and the board to carry out their responsibilities.*

*Risk management processes are monitored through ongoing management activities, separate evaluations, or both.*

**2120.A1** – The internal audit activity must evaluate risk exposures relating to the organisation's governance, operations, and information systems regarding the:

- Reliability and integrity of financial and operational information.
- Effectiveness and efficiency of operations.
- Safeguarding of assets; and
- Compliance with laws, regulations, and contracts.

**2120.A2** – The internal audit activity must evaluate the potential for the occurrence of fraud and how the organisation manages fraud risk.

**2120.C1** – During consulting engagements, internal auditors must address risk consistent with the engagement's objectives and be alert to the existence of other significant risks.

**2120.C2** – Internal auditors must incorporate knowledge of risks gained from consulting engagements into their evaluation of the organisation's risk management processes.

**2120.C3** – When assisting management in establishing or improving risk management processes, internal auditors must refrain from assuming any management responsibility by actually managing risks.

**2130 – Control**

The internal audit activity must assist the organisation in maintaining effective controls by evaluating their effectiveness and efficiency and by promoting continuous improvement.

**2130.A1** – The internal audit activity must evaluate the adequacy and effectiveness of controls in responding to risks within the organisation's governance, operations, and information systems regarding the:

- Reliability and integrity of financial and operational information;
- Effectiveness and efficiency of operations;
- Safeguarding of assets; and
- Compliance with laws, regulations, and contracts.

**2130.A2** – Internal auditors should ascertain the extent to which operating and program goals and objectives have been established and conform to those of the organisation.

**2130.A3** – Internal auditors should review operations and programs to ascertain the extent to which results are consistent with established goals and objectives to determine whether operations and programs are being implemented or performed as intended.

**2130.C1** – During consulting engagements, internal auditors must address controls consistent with the engagement's objectives and be alert to significant control issues.

**2130.C2** – Internal auditors must incorporate knowledge of controls gained from consulting engagements into evaluation of the organisation's control processes.

#### **2200 – Engagement Planning**

Internal auditors must develop and document a plan for each engagement, including the engagement's objectives, scope, timing, and resource allocations.

#### **2201 – Planning Considerations**

In planning the engagement, internal auditors must consider:

- The objectives of the activity being reviewed and the means by which the activity controls its performance;
- The significant risks to the activity, its objectives, resources, and operations and the means by which the potential impact of risk is kept to an acceptable level;
- The adequacy and effectiveness of the activity's risk management and control processes compared to a relevant control framework or model; and
- The opportunities for making significant improvements to the activity's risk management and control processes.

**2201.A1** – When planning an engagement for parties outside the organisation, internal auditors must establish a written understanding with them about objectives, scope, respective responsibilities, and other expectations, including restrictions on distribution of the results of the engagement and access to engagement records.

**2201.C1** – Internal auditors must establish an understanding with consulting engagement clients about objectives, scope, respective responsibilities, and other client expectations. For significant engagements, this understanding must be documented.

#### **2210 – Engagement Objectives**

Objectives must be established for each engagement.

**2210.A1** – Internal auditors must conduct a preliminary assessment of the risks relevant to the activity under review. Engagement objectives must reflect the results of this assessment.

**2210.A2** – Internal auditors must consider the probability of significant errors, fraud, noncompliance, and other exposures when developing the engagement objectives.

**2210.A3** – Adequate criteria are needed to evaluate controls. Internal auditors must ascertain the extent to which management has established adequate criteria to determine whether objectives and goals have been accomplished. If adequate, internal auditors must use such criteria in their evaluation. If inadequate, internal auditors must work with management to develop appropriate evaluation criteria.

**2210.C1** – Consulting engagement objectives must address governance, risk management, and control processes to the extent agreed upon with the client.

**2220 – Engagement Scope**

The established scope must be sufficient to satisfy the objectives of the engagement.

**2220.A1** – The scope of the engagement must include consideration of relevant systems, records, personnel, and physical properties, including those under the control of third parties.

**2220.A2** – If significant consulting opportunities arise during an assurance engagement, a specific written understanding as to the objectives, scope, respective responsibilities, and other expectations should be reached and the results of the consulting engagement communicated in accordance with consulting standards.

**2220.C1** – In performing consulting engagements, internal auditors must ensure that the scope of the engagement is sufficient to address the agreed-upon objectives. If internal auditors develop reservations about the scope during the engagement, these reservations must be discussed with the client to determine whether to continue with the engagement.

**2230 – Engagement Resource Allocation**

Internal auditors must determine appropriate and sufficient resources to achieve engagement objectives based on an evaluation of the nature and complexity of each engagement, time constraints, and available resources.

**2240 – Engagement Work Program**

Internal auditors must develop and document work programs that achieve the engagement objectives.

**2240.A1** – Work programs must include the procedures for identifying, analysing, evaluating, and documenting information during the engagement. The work program must be approved prior to its implementation, and any adjustments approved promptly.

**2240.C1** – Work programs for consulting engagements may vary in form and content depending upon the nature of the engagement.

**2300 – Performing the Engagement**

Internal auditors must identify, analyse, evaluate, and document sufficient information to achieve the engagement's objectives.

**2310 – Identifying Information**

Internal auditors must identify sufficient, reliable, relevant, and useful information to achieve the engagement's objectives.

**Interpretation:**

*Sufficient information is factual, adequate, and convincing so that a prudent, informed person would reach the same conclusions as the auditor. Reliable information is the best attainable information through the use of appropriate engagement techniques. Relevant information supports engagement observations and recommendations and is consistent with the objectives for the engagement. Useful information helps the organisation meet its goals.*

**2320 – Analysis and Evaluation**

Internal auditors must base conclusions and engagement results on appropriate analyses and evaluations.



**2330 – Documenting Information**

Internal auditors must document relevant information to support the conclusions and engagement results.

**2330.A1** – The chief audit executive must control access to engagement records. The chief audit executive must obtain the approval of senior management and/or legal counsel prior to releasing such records to external parties, as appropriate.

**2330.A2** – The chief audit executive must develop retention requirements for engagement records, regardless of the medium in which each record is stored. These retention requirements must be consistent with the organisation's guidelines and any pertinent regulatory or other requirements.

**2330.C1** – The chief audit executive must develop policies governing the custody and retention of consulting engagement records, as well as their release to internal and external parties. These policies must be consistent with the organisation's guidelines and any pertinent regulatory or other requirements.

**2340 – Engagement Supervision**

Engagements must be properly supervised to ensure objectives are achieved, quality is assured, and staff is developed.

**Interpretation:**

*The extent of supervision required will depend on the proficiency and experience of internal auditors and the complexity of the engagement. The chief audit executive has overall responsibility for supervising the engagement, whether performed by or for the internal audit activity, but may designate appropriately experienced members of the internal audit activity to perform the review. Appropriate evidence of supervision is documented and retained.*

**2400 – Communicating Results**

Internal auditors must communicate the engagement results.

**2410 – Criteria for Communicating**

Communications must include the engagement's objectives and scope as well as applicable conclusions, recommendations, and action plans.

**2410.A1** – Final communication of engagement results must, where appropriate, contain internal auditors' overall opinion and/or conclusions.

**2410.A2** – Internal auditors are encouraged to acknowledge satisfactory performance in engagement communications.

**2410.A3** – When releasing engagement results to parties outside the organisation, the communication must include limitations on distribution and use of the results.

**2410.C1** – Communication of the progress and results of consulting engagements will vary in form and content depending upon the nature of the engagement and the needs of the client.

**2420 – Quality of Communications**

Communications must be accurate, objective, clear, concise, constructive, complete, and timely.

**Interpretation:**

*Accurate communications are free from errors and distortions and are faithful to the underlying facts. Objective communications are fair, impartial, and unbiased and are the result of a fair-minded and balanced assessment of all relevant facts and circumstances. Clear communications are easily understood and logical, avoiding unnecessary technical language and providing all significant and relevant information. Concise communications are to the point and avoid unnecessary elaboration, superfluous detail, redundancy, and wordiness. Constructive communications are helpful to the engagement client and the organisation and lead to improvements where needed. Complete communications lack nothing that is essential to the target audience and include all significant and relevant information and observations to support recommendations and conclusions. Timely communications are opportune and expedient, depending on the significance of the issue, allowing management to take appropriate corrective action.*

**2421 – Errors and Omissions**

If a final communication contains a significant error or omission, the chief audit executive must communicate corrected information to all parties who received the original communication.

**2430 – Use of “Conducted in Conformance with the International Standards for the Professional Practice of Internal Auditing”**

Internal auditors may report that their engagements are “conducted in conformance with the International Standards for the Professional Practice of Internal Auditing”, only if the results of the quality assurance and improvement program support the statement.

**2431 – Engagement Disclosure of Nonconformance**

When nonconformance with the Definition of Internal Auditing, the Code of Ethics or the Standards impacts a specific engagement, communication of the results must disclose the:

- Principle or rule of conduct of the Code of Ethics or Standard(s) with which full conformance was not achieved;
- Reason(s) for nonconformance; and
- Impact of nonconformance on the engagement and the communicated engagement results.

**2440 – Disseminating Results**

The chief audit executive must communicate results to the appropriate parties.

**Interpretation:**

*The chief audit executive or designee reviews and approves the final engagement communication before issuance and decides to whom and how it will be disseminated.*

**2440.A1** – The chief audit executive is responsible for communicating the final results to parties who can ensure that the results are given due consideration.

**2440.A2** – If not otherwise mandated by legal, statutory, or regulatory requirements, prior to releasing results to parties outside the organisation the chief audit executive must:

- Assess the potential risk to the organisation;
- Consult with senior management and/or legal counsel as appropriate; and
- Control dissemination by restricting the use of the results.

**2440.C1** – The chief audit executive is responsible for communicating the final results of consulting engagements to clients.

**2440.C2** – During consulting engagements, governance, risk management, and control issues may be identified. Whenever these issues are significant to the organisation, they must be communicated to senior management and the board.

**2500 – Monitoring Progress**

The chief audit executive must establish and maintain a system to monitor the disposition of results communicated to management.

**2500.A1** – The chief audit executive must establish a follow-up process to monitor and ensure that management actions have been effectively implemented or that senior management has accepted the risk of not taking action.

**2500.C1** – The internal audit activity must monitor the disposition of results of consulting engagements to the extent agreed upon with the client.

**2600 – Resolution of Senior Management’s Acceptance of Risks**

When the chief audit executive believes that senior management has accepted a level of residual risk that may be unacceptable to the organisation, the chief audit executive must discuss the matter with senior management. If the decision regarding residual risk is not resolved, the chief audit executive must report the matter to the board for resolution.

## **Glossary**

### **Add Value**

Value is provided by improving opportunities to achieve organisational objectives, identifying operational improvement, and/or reducing risk exposure through both assurance and consulting services.

### **Adequate Control**

Present if management has planned and organised (designed) in a manner that provides reasonable assurance that the organisation's risks have been managed effectively and that the organisation's goals and objectives will be achieved efficiently and economically.

### **Assurance Services**

An objective examination of evidence for the purpose of providing an independent assessment on governance, risk management, and control processes for the organisation. Examples may include financial, performance, compliance, system security, and due diligence engagements.

### **Board**

A board is an organisation's governing body, such as a board of directors, supervisory board, head of an agency or legislative body, board of governors or trustees of a non-profit organisation, or any other designated body of the organisation, including the audit committee to whom the chief audit executive may functionally report.

### **Charter**

The internal audit charter is a formal document that defines the internal audit activity's purpose, authority, and responsibility. The internal audit charter establishes the internal audit activity's position within the organisation; authorizes access to records, personnel, and physical properties relevant to the performance of engagements; and defines the scope of internal audit activities.

### **Chief Audit Executive**

Chief audit executive is a senior position within the organisation responsible for internal audit activities. Normally, this would be the internal audit director. In the case where internal audit activities are obtained from external service providers, the chief audit executive is the person responsible for overseeing the service contract and the overall quality assurance of these activities, reporting to senior management and the board regarding internal audit activities, and follow-up of engagement results. The term also includes titles such as general auditor, head of internal audit, chief internal auditor, and inspector general.

### **Code of Ethics**

The Code of Ethics of The Institute of Internal Auditors (IIA) are Principles relevant to the profession and practice of internal auditing, and Rules of Conduct that describe behaviour expected of internal auditors. The Code of Ethics applies to both parties and entities that provide internal audit services. The purpose of the Code of Ethics is to promote an ethical culture in the global profession of internal auditing.

### **Compliance**

Adherence to policies, plans, procedures, laws, regulations, contracts, or other requirements.

### **Conflict of Interest**

Any relationship that is, or appears to be, not in the best interest of the organisation. A conflict of interest would prejudice an individual's ability to perform his or her duties and responsibilities objectively.

### **Consulting Services**

Advisory and related client service activities, the nature and scope of which are agreed with the client, are intended to add value and improve an organisation's governance, risk management, and control processes without the internal auditor assuming management responsibility. Examples include counsel, advice, facilitation, and training.

### **Control**

Any action taken by management, the board, and other parties to manage risk and increase the likelihood that established objectives and goals will be achieved. Management plans, organises, and directs the performance of sufficient actions to provide reasonable assurance that objectives and goals will be achieved.

### **Control Environment**

The attitude and actions of the board and management regarding the significance of control within the organisation. The control environment provides the discipline and structure for the achievement of the primary objectives of the system of internal control. The control environment includes the following elements:

- Integrity and ethical values
- Management's philosophy and operating style
- Organisational structure
- Assignment of authority and responsibility
- Human resource policies and practices
- Competence of personnel.

### **Control Processes**

The policies, procedures, and activities that are part of a control framework, designed to ensure that risks are contained within the risk tolerances established by the risk management process.

### **Engagement**

A specific internal audit assignment, task, or review activity, such as an internal audit, control self-assessment review, fraud examination, or consultancy. An engagement may include multiple tasks or activities designed to accomplish a specific set of related objectives.

### **Engagement Objectives**

Broad statements developed by internal auditors that define intended engagement accomplishments.

### **Engagement Work Program**

A document that lists the procedures to be followed during an engagement, designed to achieve the engagement plan.

### **External Service Provider**

A person or firm outside of the organisation that has special knowledge, skill, and experience in a particular discipline.

### **Fraud**

Any illegal act characterized by deceit, concealment, or violation of trust. These acts are not dependent upon the threat of violence or physical force. Frauds are perpetrated by parties and organisations to obtain money, property, or services; to avoid payment or loss of services; or to secure personal or business advantage.

**Governance**

The combination of processes and structures implemented by the board to inform, direct, manage, and monitor the activities of the organisation toward the achievement of its objectives.

**Impairment**

Impairment to organisational independence and individual objectivity may include personal conflict of interest, scope limitations, restrictions on access to records, personnel, and properties, and resource limitations (funding).

**Independence**

The freedom from conditions that threaten objectivity or the appearance of objectivity. Such threats to objectivity must be managed at the individual auditor, engagement, functional, and organisational levels.

**Information Technology Controls**

Controls that support business management and governance as well as provide general and technical controls over information technology infrastructures such as applications, information, infrastructure, and people.

**Information Technology Governance**

Consists of the leadership, organisational structures, and processes that ensure that the enterprise's information technology sustains and supports the organisation's strategies and objectives.

**Internal Audit Activity**

A department, division, team of consultants, or other practitioner(s) that provides independent, objective assurance and consulting services designed to add value and improve an organisation's operations. The internal audit activity helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of governance, risk management and control processes.

**International Professional Practices Framework**

The conceptual framework that organises the authoritative guidance promulgated by The IIA. Authoritative Guidance is comprised of two categories – (1) mandatory and (2) strongly recommended.

**Must**

The *Standards* use the word "must" to specify an unconditional requirement.

**Objectivity**

An unbiased mental attitude that allows internal auditors to perform engagements in such a manner that they have an honest belief in their work product and that no significant quality compromises are made. Objectivity requires internal auditors not to subordinate their judgment on audit matters to others.

**Residual Risk**

The risk remaining after management takes action to reduce the impact and likelihood of an adverse event, including control activities in responding to a risk.

**Risk**

The possibility of an event occurring that will have an impact on the achievement of objectives. Risk is measured in terms of impact and likelihood.

**Risk Appetite**

The level of risk that an organisation is willing to accept.

**Risk Management**

A process to identify, assess, manage, and control potential events or situations to provide reasonable assurance regarding the achievement of the organisation's objectives.

**Should**

The *Standards* use the word "should" where conformance is expected unless, when applying professional judgment, circumstances justify deviation.

**Significance**

The relative importance of a matter within the context in which it is being considered, including quantitative and qualitative factors, such as magnitude, nature, effect, relevance, and impact. Professional judgment assists internal auditors when evaluating the significance of matters within the context of the relevant objectives.

**Standard**

A professional pronouncement promulgated by the Internal Audit Standards Board that delineates the requirements for performing a broad range of internal audit activities, and for evaluating internal audit performance.

**Technology-based Audit Techniques**

Any automated audit tool, such as generalized audit software, test data generators, computerized audit programs, specialized audit utilities, and computer-assisted audit techniques (CAATs).

## Appendix 2 - Sample Audit Committee Charter

### AUDIT COMMITTEE CHARTER

#### 1. Objective

The objective of the Audit Committee (Committee) is to provide independent assurance and assistance to the NAME OF COUNCIL on risk management, control, governance, and external accountability responsibilities.

#### 2. Authority

The Council authorises the Committee, within the scope of its role and responsibilities, to:

- Obtain any information it needs from any employee or external party (subject to their legal obligations to protect information).
- Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations).
- Request the attendance of any employee or councillor at Committee meetings.
- Obtain external legal or other professional advice considered necessary to meet its responsibilities.

#### 3. Composition and Tenure

The Committee will consist of:

##### 3.1 Members (voting)

- Councillor
- Independent external member (not a member of the Council).
- Independent external member (not a member of the Council to be the chairperson).

##### 3.2 Attendee (non-voting)

- General Manager
- Head of Internal Audit
- Chief Financial Officer

##### 3.3 Invitees (non-voting) for specific Agenda items

- Representatives of the external auditor.
- Other officers may attend by invitation as requested by the Committee.

The independent external member will be appointed for the term of council, after which they will be eligible for extension or re-appointment following a formal review of their performance.

The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of NAME OF COUNCIL. At least one member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.



#### 4. Role and Responsibilities

The Committee has no executive powers, except those expressly provided by the Council.

In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the Local Government Act.

The responsibilities of the Committee may be revised or expanded by the Council from time to time. The Committee's responsibilities are:

##### 4.1 Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud.
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- Review the impact of the risk management framework on its control environment and insurance arrangements; and
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

##### 4.2 Control Framework

- Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors;
- Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated;
- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with;
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and
- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

##### 4.3 External Accountability

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and supported by appropriate management sign-off on the statements and the adequacy of internal controls.
- Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments.
- To consider contentious financial reporting matters in conjunction with council's management and external auditors.
- Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.
- Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations.
- Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.

#### 4.4 Legislative Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements.
- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

#### 4.5 Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and approve the plan.
- Consider the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved Internal Audit Plan.
- Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices.
- Monitor the implementation of internal audit recommendations by management.
- Periodically review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place.
- Periodically review the performance of Internal Audit.

#### 4.6 External Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided.
- Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management.
- Consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken.

#### 4.7 Responsibilities of Members

Members of the Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to NAME OF COUNCIL.
- Contribute the time needed to study and understand the papers provided.
- Apply good analytical skills, objectivity and good judgment.
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

## 5. Reporting

At the first Committee meeting after 30 June each year, Internal Audit will provide a performance report of:

- The performance of Internal Audit for the financial year as measured against agreed key performance indicators.
- The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.

The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee.

The Committee will report regularly, and at least annually, to the governing body of council on the management of risk and internal controls.

## 6. Administrative arrangements

### 6.1 Meetings

The Committee will meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members may make requests to the Chair for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit Committee Charter.

### 6.2 Attendance at Meetings and Quorums

A quorum will consist of a majority of Committee members, including at least one independent member. Meetings can be held in person, by telephone or by video conference.

The Head of Internal Audit will be invited to attend each meeting unless requested not to do so by the Chair of the Committee. The Committee may also request the Chief Finance Officer or any other employees to participate for certain agenda items, as well as the external auditor.

The General Manager may attend each meeting but will permit the Committee to meet separately with each of the Head of Internal Audit and the External Auditor in the absence of management on at least one occasion per year.

### 6.3 Secretariat

The Committee has appointed the Head of Internal Audit to be responsible for ensuring that the Committee has adequate secretariat support. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held.

### 6.4 Conflict of Interests

Councillors, council staff and members of council committees must comply with the applicable provisions of Council's code of conduct in carrying out the functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code of conduct and regularly review their personal circumstances with this in mind.

Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

**6.5 Induction**

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

**6.6 Assessment Arrangements**

The Chair of the Committee will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.

**6.7 Review of Audit Committee Charter**

At least once every two years the Audit Committee will review this Audit Committee Charter.

The Audit Committee will approve any changes to this Audit Committee Charter.

**Approved:**                      Audit Committee Meeting                      Date:

## Appendix 3 - Sample Internal Audit Charter

The mission of internal auditing is to provide an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Internal Audit at NAME OF ORGANISATION is managed by the TITLE OF INTERNAL AUDIT MANAGER who is the designated Head of Internal Audit within the organisation. The Head of Internal Audit is the top position within an organisation for internal audit activities, as defined in The International Standards for the Professional Practice of Internal Auditing (Standards) issued by the Institute of Internal Auditors.

### 1. Introduction

This Internal Audit Charter is a formal statement of purpose, authority and responsibility for an internal auditing function within NAME OF ORGANISATION.

- It establishes Internal Audit within NAME OF ORGANISATION and recognises the importance of such an independent and objective service to the organisation.
- It outlines the legal and operational framework under which Internal Audit will operate.
- It authorises the Head of Internal Audit to promote and direct a broad range of internal audits across NAME OF ORGANISATION and, where permitted, external bodies.

Mandate for Internal Audit THIS WILL VARY FROM ORGANISATION TO ORGANISATION AND MAY INCLUDE LEGISLATIVE OR REGULATORY REQUIREMENTS).

### 2. Role and Authority

The Head of Internal Audit is authorised to direct a comprehensive program of internal audit work in the form of reviews, previews, consultancy advice, evaluations, appraisals, assessments and investigations of functions, processes, controls and governance frameworks in the context of the achievement of business objectives.

For this purpose, all members of Internal Audit are authorised to have full, free and unrestricted access to all functions, property, personnel, records, information, accounts, files, monies and other documentation, as necessary for the conduct of their work.

### 3. Objectivity, Independence and Organisational Status

Objectivity requires an unbiased mental attitude. As such, all Internal Audit staff shall perform internal audit engagements in such a manner that they have an honest belief in their work product and that no significant quality compromises are made. Further, it requires Internal Audit staff not to subordinate their judgment on internal audit matters to that of others.

To facilitate this approach, Internal Audit shall have independent status within NAME OF ORGANISATION, and for this purpose shall be responsible directly through the Head of Internal Audit to the Audit Committee and administratively to the General Manager. Internal Audit shall be independent of the activities reviewed, and therefore shall not undertake any operating responsibilities outside internal audit work. Neither shall Internal Audit staff have any executive or managerial powers, authorities, functions or duties except those relating to the management of Internal Audit. Internal Audit staff and contractors shall report to the Head of Internal Audit any situations where they feel their objectivity may be impaired. Similarly, the Head of Internal Audit should report any such situations to the Audit Committee.

The work of Internal Audit does not relieve the staff of NAME OF ORGANISATION from their accountability to discharge their responsibilities. All NAME OF ORGANISATION staff are responsible for risk management and the operation and enhancement of internal control. This includes responsibility for implementing remedial action endorsed by management following an internal audit.

Internal Audit shall not be responsible for operational activities on a daily basis, or in the detailed development or implementation of new or changed systems, or for internal checking processes.

#### 4. Scope of Work

The scope of services provided by Internal Audit shall encompass:

- The examination and evaluation of the adequacy and effectiveness of systems of internal control, risk management, governance, and the status of ethical behaviour.
- Ascertaining conformity with the goals and objectives of NAME OF ORGANISATION.
- Assessment of the economic and efficient use of resources.
- The examination of compliance with policies, procedures, plans and legislation.
- Assessment of the reliability and integrity of information.
- Assessment of the safeguarding of assets.
- Any special investigations as directed by the Audit Committee.
- All activities of NAME OF ORGANISATION, whether financial or non-financial, manual or computerised.

#### 5. The scope of work may include

- **Assurance services** – objective examination of evidence for the purpose of providing an independent assessment on risk management, control, or governance processes for the organisation. Examples may include financial, performance, operational, compliance, system security, and due diligence engagements.
- **Consulting services** – advisory and related client service activities, the nature and scope of which are agreed with the client and which are intended to add value and improve an organisation's governance, risk management, and control processes without the internal auditor assuming management responsibility. Examples include counsel, advice, facilitation and training.

#### 6. Internal Audit Methodology

Internal Audit shall use the most appropriate methodology for each internal audit engagement, depending on the nature of the activity and the pre-determined parameters for the engagement. Generally, internal audits will include:

- Planning.
- Reviewing and assessing risks in the context of the audit objectives.
- Examination and evaluation of information.
- Communicating results.
- Following up on implementation of audit recommendations.

#### 7. Operating Principles

Internal Audit shall conform with:

- The Standards and Code of Ethics issued by the Institute of Internal Auditors.
- Where relevant, the Statement on Information Systems Auditing Standards issued by the Information Systems and Control Association.
- Relevant auditing standards issued by the Auditing and Assurance Standards Board.

#### 8. Internal Audit shall:

- Possess the knowledge, skills, and technical proficiency essential to the performance of internal audits.

- Be skilled in dealing with people and in communicating audit issues effectively.
- Maintain their technical competence through a program of continuing education.
- Exercise due professional care in performing internal audit engagements.

**9. Internal Audit staff shall:**

- Conduct themselves in a professional manner.
- Conduct their activities in a manner consistent with the concepts expressed in the Standards and the Code of Ethics.

**10. Reporting Arrangements**

The Head of Internal Audit shall at all times report to the Audit Committee. At each Audit Committee meeting the Head of Internal Audit shall submit a report summarising all audit activities undertaken during the period, indicating:

- ✓ Internal audit engagements completed or in progress.
- ✓ Outcomes of each internal audit engagement undertaken.
- ✓ Remedial action taken or in progress.

On completion of each internal audit engagement, Internal Audit shall issue a report to its audit customers detailing the objective and scope of the audit, and resulting issues based on the outcome of the audit. Internal Audit shall seek from the responsible senior executive an agreed and endorsed action plan outlining remedial action to be taken, along with an implementation timetable and person responsible. Responsible officers shall have a maximum of ten working days to provide written management responses and action plans in response to issues and recommendations contained in internal audit reports.

The Head of Internal Audit shall make available all internal audit reports to the Audit Committee. However, the work of Internal Audit is solely for the benefit of NAME OF ORGANISATION and is not to be relied on or provided to any other person or organisation, except where this is formally authorised by the Audit Committee or the Head of Internal Audit.

In addition to the normal process of reporting on work undertaken by Internal Audit, the Head of Internal Audit shall draw to the attention of the Audit Committee all matters that, in the Head of Internal Audit's opinion, warrant reporting in this manner.

**11. Planning Requirements**

Internal Audit uses a risk-based rolling program of internal audits to establish an annual Internal Audit Plan to reflect a program of audits over a 12 month period. This approach is designed to be flexible, dynamic and more timely in order to meet the changing needs and priorities of NAME OF ORGANISATION.

The Head of Internal Audit shall prepare an annual Internal Audit Plan for review and approval by the Audit Committee, showing the proposed areas for audit. The annual Internal Audit Plan shall be based on an assessment of the goals, objectives and business risks of NAME OF ORGANISATION, and shall also take into consideration any special requirements of the Audit Committee and senior executives.

The Head of Internal Audit has discretionary authority to adjust the Internal Audit Plan as a result of receiving special requests from management to conduct reviews that are not on the plan, with these to be approved at the next meeting of the Audit Committee.

**12. Quality Assurance & Improvement Program**

The Head of Internal Audit shall oversee the development and implementation of a quality assurance and improvement program for Internal Audit, to provide assurance that internal audit work conforms to the Standards and is focused on continuous improvement.

**13. Co-ordination with External Audit**

The Head of Internal Audit shall periodically consult with the external auditor, to discuss matters of mutual interest, to co-ordinate audit activity, and to reduce duplication of audit effort.

**14. Review of the Internal Audit Charter**

The Head of Internal Audit shall periodically review the Internal Audit Charter to ensure it remains up-to-date and reflects the current scope of internal audit work.

**15. Evaluation of Internal Audit**

The Head of Internal Audit shall develop performance measures (key performance indicators) for consideration and endorsement by the Audit Committee, as a means for the performance of Internal Audit to be periodically evaluated.

Internal Audit shall also be subject to an independent quality review at least every five years. Such review shall be in line with the Standards of Professional Practice in Internal Audit and be commissioned by and report to the Audit Committee.

**16. Conflict of Interests**

Internal auditors are not to provide audit services for work for which they may previously have been responsible. Whilst the Standards provide guidance on this point and allow this to occur after 12 months, each instance should be carefully assessed.

When engaging internal audit contractors, the Head of Internal Audit shall take steps to identify, evaluate the significance, and manage any perceived or actual conflicts of interest that may impinge upon internal audit work.

Instances of perceived or actual conflicts of interest by the Head of Internal Audit or Internal Audit staff and contractors are to be immediately reported to the Audit Committee by the Head of Internal Audit.

Any changes to this Internal Audit Charter will be approved by the Audit Committee.

**Approved:**                      Audit Committee Meeting                      Date:



### Appendix 4 - Risk Management Assessment Tool

*This tool is designed to assist the Audit Committee's consideration of risk management, through the review of material, and discussion or presentations from senior management.*

*The Committee's charter will determine the extent to which the Audit Committee needs to consider risk management or whether this is to be overseen by a separate Risk Committee.*

*The tool consists of a series of questions, or high level prompts, which should be tailored to meet the Council's particular circumstances. The extent and nature of the Committee's consideration of risk will largely be dependent on whether or not the Council has in place a formal and structured risk management framework.*

*Some elements, for example, questions on risk strategy and structure, could be addressed on an annual basis while others could be considered on a more regular basis, depending on Council's individual risk management activities, and the Committee charter.*

*A 'no' answer does not necessarily indicate a failure or breakdown in Council's risk management framework but may indicate where more detailed discussion or consideration by the Committee is warranted.*

<b>Risk Strategy</b>	<b>Yes</b>	<b>No</b>
Is Council's risk management framework clearly articulated and communicated to all staff?	<input type="checkbox"/>	<input type="checkbox"/>
Is Council's risk posture clear? (i.e. the amount of risk Council is willing to take)	<input type="checkbox"/>	<input type="checkbox"/>
Has the 'tone at the top' from the General Manager's perspective permeated the risk culture of the Council?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a clear link between risk management, the control environment and business planning?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Risk Structure</b>	<b>Yes</b>	<b>No</b>
Is responsibility and accountability for risk management clearly assigned to individual managers?	<input type="checkbox"/>	<input type="checkbox"/>
Are risk management activities/responsibilities included in job descriptions, where appropriate?	<input type="checkbox"/>	<input type="checkbox"/>
Are the primary risk management activities (for example, business continuity planning, fraud control plan, annual risk assessment, and so on) across Council, clearly defined?	<input type="checkbox"/>	<input type="checkbox"/>
Is responsibility for co-ordinating and reporting risk management activity to the Audit Committee, or other relevant committee clearly defined?	<input type="checkbox"/>	<input type="checkbox"/>
Does Council have a risk management support capability to assist the development of emerging risk management practices?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a common risk management language/terminology across Council?	<input type="checkbox"/>	<input type="checkbox"/>

Does management have a formal business continuity plan incorporating a disaster recovery plan?	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Risk Identification and Assessment</i></b>	<b>Yes</b>	<b>No</b>
Are risk assessments undertaken at both strategic and operational levels?	<input type="checkbox"/>	<input type="checkbox"/>
Have the risks associated with cross-agency governance arrangements been identified?	<input type="checkbox"/>	<input type="checkbox"/>
Does a comprehensive risk profile exist?	<input type="checkbox"/>	<input type="checkbox"/>
Is a risk assessment undertaken for all significant organisational changes/projects?	<input type="checkbox"/>	<input type="checkbox"/>
Does management have effective processes for ensuring risk assessments have been performed in each major business area?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a process in place to identify emerging risks and to incorporate these into the Council's risk management plan?	<input type="checkbox"/>	<input type="checkbox"/>
Do the Council's policies appropriately address relevant operational and financial risks?	<input type="checkbox"/>	<input type="checkbox"/>
Have any frauds, material irregularities or possible illegal acts been identified?	<input type="checkbox"/>	<input type="checkbox"/>
Does Council have a current fraud control policy and plan in place which identifies all fraud related risks?	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Risk Mitigation and Improvement</i></b>	<b>Yes</b>	<b>No</b>
Has management assessed the effectiveness of controls over the highest priority risks?	<input type="checkbox"/>	<input type="checkbox"/>
Does management consider the controls to mitigate risks to within Council's risk tolerance to be adequate?	<input type="checkbox"/>	<input type="checkbox"/>
Have all significant recommendations that impact on risk or the effective operation of controls, made by Council's internal and external auditors, been addressed in a timely manner?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a response plan for prompt and effective action when fraud or an illegal act is discovered?	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Monitoring and Assurance</i></b>	<b>Yes</b>	<b>No</b>
Are systems in place for measuring and monitoring risk, including consideration of common risk themes across Council?	<input type="checkbox"/>	<input type="checkbox"/>
Are risks, including suspected improprieties, escalated to the appropriate levels of management within Council?	<input type="checkbox"/>	<input type="checkbox"/>
Does Council have a formal process by which senior management periodically assure the General Manager/Council that key control strategies are operating effectively?	<input type="checkbox"/>	<input type="checkbox"/>

Item 11.2

Attachment 2

<b>Continuous Improvement</b>	<b>Yes</b>	<b>No</b>
Do Council's management practices reflect the concept of risk management?	<input type="checkbox"/>	<input type="checkbox"/>
Does Council have a culture of continuous improvement? (for example does Council 'learn' from past risk exposures)	<input type="checkbox"/>	<input type="checkbox"/>
Does management periodically review its risk profile?	<input type="checkbox"/>	<input type="checkbox"/>
Is risk a priority consideration whenever business processes are improved?	<input type="checkbox"/>	<input type="checkbox"/>

Name		
Position	<i>(To be completed by the most senior executive responsible for risk management within council)</i>	
Signed	Date	

Item 11.2

Attachment 2

## Appendix 5 - Common risks in the council environment

This appendix lists some of the more significant risk exposures which are likely to be faced in the council environment.

*Warning - This list is provide as an aid to check completeness. It should only be used after a thorough risk identification process is conducted and should not be used as a substitute for an effective risk identification process. Not adhering to this advice is likely to result in significant risks which are specific to your council not being identified, which may have significant consequences if that risk were to eventuate.*

### Governance

- Advocacy processes ineffective at State and Federal Government level leading to unwanted results/lack of funding etc.
- Governance training processes (Code of Conduct, Protected Disclosures, Conflict of Interests, councillor interaction with staff, identifying fraud) not undertaken/ineffective leading to higher risk of fraud and corruption.
- Corruption (development applications/rezonings/election funding) leading to loss of reputation of Council.
- Lack of cohesion of Councillors leading to lack of strategic direction/poor decision making.
- Complaints handling processes ineffective leading to legal disputes/lack of transparency.
- Misuse of personal information leading to penalties under Privacy legislation or loss of confidence in Council.
- Poor processes for the disclosure and management of staff conflicts of interest leading to partial decision making.
- Inappropriate delegations or delegations not properly exercised.
- Failure to implement council resolutions leading to breakdown of council/staff relationships.

### Planning and Regulation

- Unanticipated population growth leading to unsustainable natural environment/infrastructure demand.
- Planning strategies not developed in timely manner leading to delayed delayed/inappropriate development/community angst.
- Population decrease leading to community breakdown.
- Planning controls outdated, leading to poor urban design.
- Legislation not complied with leading to legal disputes/penalties
- Poor planning controls leading to poor planning decisions

### Assets and Finance

- Adequate asset management processes not being in place, leading to substantial additional long term financial burdens to council.
- Adequate long term financial management processes not being in place leading to poor decision making by council.
- Limited opportunities to increase rates and user charges, leading to increasing reliance on grants/one off funding.
- Cost of infrastructure to be funded under section 94 contributions underestimated/unaffordable, leading to funding shortfalls/reduced level of infrastructure.
- Limited regional collaboration between councils, leading to on-going inefficiencies and additional costs to regional residents.

- Operational unit business plans not effectively in place, leading to poor decision making/performance monitoring.
- Inadequate disaster/crisis management processes, leading poor response in real situation.
- Community assets under-utilised leading to closure in longer term.
- Quasi commercial operations of Council (child care/tourist parks/airports/cultural centres etc) not operated effectively leading to higher than appropriate council subsidisation.
- Project management practices not effectively in place, leading to cost over run/quality issues.
- Appropriate procurement processes not undertaken, leading to value for money issues/questions of probity.
- Council assets under insured leading to financial exposure to Council
- Plant fleet under utilised leading to additional costs to Council.
- Minor road condition unable to be maintained at satisfactory level leading to community dissatisfaction.
- Mismanagement of Council supported community entities leading additional financial burden to Council/cessation of service.
- Knowledge management processes not effectively in place leading to poor decision making.
- Inadequate information security leading to issues of confidentiality or legal/financial penalties to Council.

**Community and Consultation**

- Inability to maintain/increase employment base leading to adverse socio/economic consequences.
- Poor issues management, leading to sustained loss of public support for council in media and/or public.
- Unnecessary bureaucratic processes/red tape leading to additional costs to those dealing with Council.

**Workforce Relations**

- Productivity levels of council below industry/commercial benchmarks or not measured, leading to additional costs/perpetuation of inefficiencies.
- Skill shortages in professional areas, leading to inability to maintain standards/deliver services.
- Loss of trained staff with specific knowledge, leading to loss of knowledge, ability and experience.
- Inadequate/insufficient staff training leading to reduced skills, currency of knowledge, errors and omissions, turnover of staff.
- Information technology systems outdated leading to on-going inefficiencies..
- OHS not appropriately embedded in operational processes leading to major injury/death or penalty against Council or Council staff.

# Kiama Municipal Council Audit, Risk and Improvement Committee Charter

---

## 1. Objective

The objective of the Audit, Risk and Improvement Committee (Committee) is to provide independent assurance and assistance to the Kiama Municipal on risk management, control framework, external accountability, legislative compliance, internal audit, external audit and process improvement responsibilities.

## 2. Authority

The Council authorises the Committee, within the scope of its role and responsibilities, to:

- Obtain information it needs from any employee or external party;
- Discuss any matters with the internal audit service provider and external auditor or other external parties;
- Request of the General Manager the attendance of any employee at Committee meetings;
- Obtain external legal or other professional advice considered necessary to meet its responsibilities, including requesting their attendance at a meeting. Prior discussion with the General Manager must be obtained to determine appropriateness of any reimbursement by Council for external legal or other professional advice; and
- Have private meetings with the internal audit service provider, external auditor, or other personnel without management present.

## 3. Composition and Tenure

The Committee will consist of:

### 3.1 Members (voting)

- Two members nominated by Council.
- Three independent external members (not a member of the Council), one of whom shall be elected as the Chair and one as the Deputy Chair.

### 3.2 Attendee (non-voting)

- General Manager.
- Council manager and staff responsible for providing secretariat services to the Committee.

### 3.3 Invitees (non-voting) for specific Agenda items

- Representative of the contracted internal audit service provider(s).
- Representatives of the external auditor.
- Other Council officers may attend by invitation from the Committee through the General Manager.

Initially, the Chair shall be appointed for a three year term and the other two independent members shall be appointed for two years and one year respectively (to be decided by lot).

This will ensure that an independent member is to be appointed each year to ensure continuity. An option for a two year extension will be considered following a formal review of performance.

The independent external members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Kiama Municipal Council. At least one independent external member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.

#### 4. Role and Responsibilities

The Committee has no executive powers, except those expressly provided by the Council.

In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the Local Government Act.

Development and day-to-day maintenance of internal controls and risk management strategies and practices remains the function of Council's management.

The responsibilities of the Committee may be revised or expanded by the Council from time to time. The Committee's responsibilities are to assess the effectiveness of the Kiama Municipal frameworks, actions and controls as outlined below.

##### 4.1 Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud and corruption;
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- Review the impact of the risk management framework on its control environment and insurance arrangements; and
- Review whether a sound and effective approach has been followed in establishing business recovery and continuity planning arrangements, including whether plans have been tested periodically.

##### 4.2 Control Framework

- Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors;
- Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated;
- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with;
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and
- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

##### 4.3 External Accountability

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management sign-off on the statements attesting the adequacy of internal controls;
- Review the external audit opinion, including whether appropriate action has been taken by Council in response to audit recommendations and adjustments;
- To consider contentious financial reporting matters in conjunction with Council's management and external auditors;
- Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements;
- Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations; and
- Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.

#### 4.4 Legislative Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements; and
- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

#### 4.5 Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management and internal audit;
- Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and approve the plan;
- Consider the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved Internal Audit Plan;
- Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices;
- Monitor the implementation of internal audit recommendations by management;
- Annually review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place; and
- Annually review the performance of Internal Audit, and ensure an independent external assessment is undertaken every five years.

#### 4.6 External Audit

- Act as a forum for communication between the Council, General Manager, senior management and external audit;
- Provide input and feedback on the financial statements and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided;
- Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management; and
- Consider significant issues raised in relevant external audit reports and better practice guides, recommend actions that should be implemented and ensure appropriate action is taken.

#### 4.7 Process Improvement



- Satisfy itself that the Council's program for transition and improvement of operational processes is appropriately managed.

#### **4.8 Responsibilities of Members**

Members of the Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Kiama Municipal Council;
- Contribute the time needed to study and understand the papers provided;
- Apply good analytical skills, objectivity and good judgment; and
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

### **5. Reporting**

5.1 At the first Committee meeting after 30 June each year, management will provide a performance report of:

- The performance of Internal Audit for the financial year as measured against agreed key performance indicators; and
- The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.

5.2 The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee.

5.3 The Audit Committee will report directly to Council at least annually on the management of risk and internal controls.

5.4 The Committee's Minutes will be presented to Council as part of the Council Business Papers.

5.5 Council may request the Committee Chair to answer any enquiries regarding the operation of the Audit Committee.

### **6. Administrative arrangements**

#### **6.1 Meetings**

The Committee will meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial statements and external audit opinion.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members may make requests to the Chair for additional meetings.

A meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The meeting plan will cover all Committee responsibilities as detailed in this Charter.

#### **6.2 Attendance at Meetings and Quorums**

A quorum will consist of a majority of Committee voting members, including at least two independent external members. Meetings can be held in person, by telephone or by video conference

The contracted internal audit provider(s) will be invited to attend each meeting unless requested not to do so by the Chair of the Committee. The Committee may also request, through the General Manager, for other employees to participate for certain agenda items, as well as the external auditor.

**6.3 Secretariat**

Council management will arrange to provide secretariat support to the Committee. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held.

Once the minutes have been approved by the Chair, the Secretariat shall arrange for the minutes to be provided to Council.

**6.4 Conflicts of Interest**

Committee members must comply with the applicable provisions of Council's Code of Conduct.

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest shall be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

**6.5 Induction**

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

**6.6 Assessment Arrangements**

The Chair of the Committee will initiate a review of the performance of the Committee annually. The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.

**6.7 Review of Audit Committee Charter**

At least once every two years the Committee will review this Charter.

Any change to the Charter is by endorsement of the Committee, and agreed to by Council.

**7. Approval of the Charter**

Endorsed:

Audit, Risk and Improvement Committee

/ /

Approved:  
Council

/ /

**Item 11.2**

**Attachment 3**

# Kiama Municipal Council Internal Audit Charter

---

## 1. Purpose

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, assurance, financial management, internal control, and governance processes.

## 2. Role

Internal Audit responsibilities are defined in this charter which is approved by Council/the Administrator on endorsement of the Audit, Risk and Improvement Committee of Kiama Municipal Council (Council).

Internal Audit can enhance overall performance by assisting with review of processes and working with the organisation to facilitate improvements, enhance accountability and manage change.

Chief Audit Executive describes the person in a senior position responsible for managing Internal Audit. At Council, the designated Chief Audit Executive is the Director Finance, Corporate and Commercial Services

## 3. Authority

The Internal Audit function, with strict accountability for confidentiality and safeguarding records and information, is authorised full, free, and unrestricted access to any and all records, personnel, and physical properties relevant to the performance of its work. Internal Audit will have free and unrestricted access to senior management and Chair of the Audit, Risk and Improvement Committee.

## 4. Nature and Scope of Work

The scope of Internal Audit work embraces the wider concept of corporate governance and risk, recognising that controls exist within Council to manage risks and promote effective and efficient governance and performance. Internal Audit services may include:

- a. Assurance Services – objective examination of evidence for the purpose of providing an independent assessment of risk management, control and governance processes.
- b. Consulting Services – advisory and related client activities, the nature and scope of which are agreed upon with the client and which are intended to add value and improve business operations.
- c. Value-Adding Services – focusing on efficiency and effectiveness to improve processes and the economical use of finances and resources.

The types of Internal Audit work at Council are:

- a. Internal audits with a compliance or performance improvement focus.
- b. Management initiated reviews where areas within Council may request Internal Audit services, usually in response to an issue or an emerging risk.

- c. Multi-stage audits at key milestones for projects.

The scope and coverage of Internal Audit work is not limited in any way, and may cover any of the activities and programs of Council.

#### 5. Independence and Objectivity

Internal auditors must have an impartial, unbiased attitude and avoid any conflict of interest, actual or perceived.

Internal Audit staff and service providers shall not be responsible for operational activities, or in the development or implementation of new or changed systems, or for internal checking processes.

Internal Audit staff and service providers shall report any situations where they feel their objectivity may be impaired.

Where the person occupying the role of Chief Audit Executive may be responsible for a non-audit activity, Council has independence safeguards in place:

- a. When responsible for non-audit activities, the Chief Audit Executive is not the Chief Audit Executive when managing or performing those activities.
- b. Review of non-audit activities must be managed and performed independently of the Chief Audit Executive and reported direct to the Audit, Risk and Improvement Committee.

#### 6 Reporting

All Internal Audit staff and service providers report to the Chief Audit Executive, who reports:

- a. Functionally for operations to the Audit, Risk and Improvement Committee through the chair.
- b. Administratively to the General Manager.

Functional reporting involves the Audit, Risk and Improvement Committee:

- a. Reviewing and approving the Internal Audit Charter.
- b. Approving decisions regarding appointment and removal of the Chief Audit Executive.
- c. Reviewing and approving the long-term audit plan, often for a 2–3 year period.
- d. Reviewing and approving the annual internal audit plan.
- e. Approving any changes to the annual internal audit plan.
- f. Reviewing reports on the results of internal audit engagements, audit-related activities, audit team capability, audit performance and other important matters.
- g. Monitoring compliance with standards, together with quality and improvement arrangements.
- h. Meeting privately with the Chief Audit Executive at least once a year without the General Manager or other management present.
- i. Making enquiries of the Chief Audit Executive to determine any scope or budget limitations that may impede the execution of Internal Audit responsibilities.

Administrative reporting to the General Manager includes:

- a. Internal Audit resources and annual budget.

- b. Provision of corporate services to Internal Audit including office accommodation, computers and equipment.
- c. Human resource administration.

## **7 Internal Audit Responsibilities**

Internal Audit shall:

- a. Develop a long-term audit plan encompassing an annual internal audit plan to reflect a comprehensive program of audits, considering any risks or control concerns identified by management, and submit that plan to the Audit, Risk and Improvement Committee for approval.
- b. Implement the audit plan, as approved, including if appropriate, any special tasks or projects requested by management or the Audit, Risk and Improvement Committee.
- c. Assess and make appropriate recommendations for improving the organisation's governance process in accomplishment of its objectives.
- d. Evaluate the effectiveness and contribute to the improvement of risk management processes.
- e. Assist the organisation in maintaining effective controls by evaluating their effectiveness and efficiency and by promoting continuous improvement.
- f. As required, assist in the investigation of suspected fraudulent activities within the organisation and notify management and the Audit, Risk and Improvement Committee of the results
- g. Keep the Audit, Risk and Improvement Committee informed of emerging trends and successful practices.
- h. Issue periodic reports to the Audit, Risk and Improvement Committee summarising results of audit activities, status of corrective actions, and Internal Audit performance.

## **8 Reporting and Monitoring**

Internal Audit shall:

- a. Ensure that a written report will be issued at the conclusion of each internal audit engagement. Each internal audit report will be provided to the Audit, Risk and Improvement Committee at the next regularly scheduled meeting.
- b. The internal audit report should include management's response and corrective action taken in regard to findings and recommendations.

## **9 Management Responsibilities**

Management has maximum of 10 working days from when they receive a draft internal audit report to provide their responses to Internal Audit.

Where management responses to any finding are not considered timely or adequate, the Chief Audit Executive will consult with management of the area audited and attempt to reach a mutually agreeable resolution. If agreement is not reached, the Chief Audit Executive will refer the matter to the General Manager for resolution. If agreement is still not reached, the final arbiter will be the Audit, Risk and Improvement Committee.

Management is required to report on a quarterly basis their corrective action taken for each specific audit finding.

## 10 Standards of Audit Practice

Internal Audit shall conform to:

- a. The 'International Professional Practices Framework' (IPPF) issued by the Institute of Internal Auditors, and in particular conform to 'Core Principles for the Professional Practice of Internal Auditing', the 'Definition of Internal Auditing', the 'Code of Ethics' and the 'International Standards for the Professional Practice of Internal Auditing'.
- b. 'The Information Systems Auditing Standards' as issued by ISACA will be adhered to where relevant.

Internal Audit will adhere to Kiama Municipal Council policies and procedures.

## 11 Conflicts of Interest

As a matter of good practice, Internal Audit staff, including service providers, are not to provide audit services for work for which they may previously have been responsible.

When engaging service providers, the Chief Audit Executive shall take steps to identify, evaluate the significance, and manage any perceived or actual conflicts of interest that may impinge upon Internal Audit work.

All instances of perceived or actual conflicts of interest are to be immediately reported by the Chief Audit Executive to the General Manager or the chair of the Audit, Risk and Improvement Committee.

## 12 Quality Assurance and Improvement Program

The Chief Audit Executive is responsible for developing and maintaining a Quality Assurance and Improvement Program that includes:

- a. Ongoing Internal Assessments including:
  - Supervision and review of internal audits.
  - Collecting feedback from management after each internal audit.
  - Performance assessments of service provider performance.
  - Results of Internal Audit performance measures.
- b. Periodic Internal Assessments to be conducted annually:
  - Review of the Internal Audit Charter for conformance with the Standards.
  - Self-assessment of conformance with the Standards.
- c. External Assessments conducted at least once every five years by a qualified, independent assessor or assessment team from outside Council.

## 13 Evaluation of Performance

Internal Audit performance will be evaluated and the results reported to the Audit, Risk and Improvement Committee. This will include:

- a. Results of the Quality Assurance and Improvement Program;
- b. Feedback from management of areas where internal audits have been performed; and
- c. Performance of service providers.

Feedback on Internal Audit performance will be sought annually from members of the Audit, Risk and Improvement Committee.

**14 Relationship with External Audit and other Assurance Activities**

Internal Audit will establish and maintain an open relationship with the External Auditor and other assurance providers. Internal Audit will plan its activity to ensure the adequacy of overall assurance coverage and to minimise duplication of assurance effort.

External Audit has full and free access to all Internal Audit plans, working papers and reports.

**15 Review of the Charter**

This Charter will be reviewed annually by the Audit, Risk and Improvement Committee and any changes recommended to Council.

**16 Approval of the Charter**

Endorsed:

General Manager

/ /

Endorsed:

Audit, Risk and Improvement Committee

/ /

Approved:

Kiama Municipal Council

/ /



**11.3 Financial Report for the period ending 31 March 2017**

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

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

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

Item 11.3

**Summary**

That the revised budget for the period ending 31 March 2017 be received and adopted

**Finance**

Variation to Council's 2016/2017 Budget

**Policy**

This report is a requirement under the Local Government Act 1993

**Attachments**

1 Quarterly Budget Review Statement as at 31 March 2017 [↓](#)

**Enclosures**

Nil

***RECOMMENDATION***

That the revised budget for the period ending 31 March 2017 be received and adopted.

**BACKGROUND**

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

<b>Fit For the Future Criteria</b>	<b>Original Budget 2016/17</b>	<b>As at 31/03/2017</b>
Operating Performance Ratio	0.11%	0.64%
Own Source Operating Revenue Ratio	67.40%	75.57%
Asset Maintenance Ratio	102%	102%
Building & Infrastructure Renewals Ratio	105.94%	105.95%
Debt Service Ratio	2.05%	2.28%
Infrastructure Backlog Ratio	1.46%	1.32%
Real Operating Expenditure - Consolidated	Decreasing	Decreasing

### Budget Review Report

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

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

*Income & Expenses Statement - net increase in revenue* 121

*Capital Budget Statement - net increase in expenditure* 190

Resulting in:-

Cash & Investments Statement - decrease in Restricted Cash 69

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

The Budget Review Report will be tabled at the meeting.

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

<b>Table of Contents</b>	<b>page</b>
1. Responsible Accounting Officer's Statement	1
2. Income & Expenses Budget Review Statement's By Type	2
Variation Detail	3
3. Capital Budget Review Statement	4
Variation Detail	5
4. Cash & Investments Budget Review Statement	6
Variation Detail	7
5. Key Performance Indicator (KPI) Budget Review Statement	8-9
6. Contracts & Other Expenses Budget Review Statement	10-11
7. 2016-17 Capital New Program	12-14
8. 2016-17 Capital Renewal Program	15-18

**Item 11.3**

**Attachment 1**


Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Report by Responsible Accounting Officer**

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

It is my opinion that the Quarterly Budget Review Statement for Kiama Municipal Council for the quarter ended 31/03/17 indicates that Council's projected financial position at 30/6/17 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

**Signed:** \_\_\_\_\_  


**date:** 08-May-2017

David Mead  
Responsible Accounting Officer

**Item 11.3**

**Attachment 1**

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

Kiama Municipal Council  
**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 March 2017  
**Income & Expenses - General Fund**

(\$000's)	Original Budget 2016/17	Approved Changes				Revised Budget 2016/17	Variations for this Mar Qtr	Projected Year End Result	Actual YTD figures
		Revotes	Other than by QBRs	Sep QBRs	Dec QBRs				
<b>Income</b>									
Rates and Annual Charges	19,808				19,808	41	19,849	19,851	
User Charges and Fees	16,124			56	16,597	375	16,972	16,295	
Interest and Investment Revenues	1,207		700		1,907		1,907	1,335	
Other Revenues	1,886		10	101	1,997	(22)	1,975	896	
Grants & Contributions - Operating	12,243		128	744	13,115	127	13,242	9,913	
Grants & Contributions - Capital	1,552		1,855	42	3,449	(7)	3,442	2,653	
Net gain from disposal of assets	499		4,660	300	5,459		5,459	1,044	
Share of Interests in Joint Ventures									
<b>Total Income from Continuing Operations</b>	<b>53,319</b>	<b>-</b>	<b>7,770</b>	<b>1,243</b>	<b>62,332</b>	<b>514</b>	<b>62,846</b>	<b>51,987</b>	
<b>Expenses</b>									
Employee Costs	23,552	19	128	226	23,925	134	24,059	20,664	
Borrowing Costs	-	634	236	632	236	259	236	126	
Materials & Contracts	17,133		35		18,434		18,693	13,805	
Depreciation	6,884		(76)		6,808		6,808	-	
Other Expenses	3,645		(34)	(2)	3,609		3,609	2,565	
Interest & Investment Losses									
Net Loss from disposal of assets									
Share of interests in Joint Ventures									
<b>Total Expenses from Continuing Operations</b>	<b>51,214</b>	<b>653</b>	<b>289</b>	<b>856</b>	<b>53,012</b>	<b>393</b>	<b>53,405</b>	<b>37,160</b>	
<b>Net Operating Result from Continuing Operations</b>	<b>2,105</b>	<b>(653)</b>	<b>7,481</b>	<b>387</b>	<b>9,320</b>	<b>121</b>	<b>9,441</b>	<b>14,827</b>	
<b>Net Operating Result from All Operations</b>	<b>2,105</b>	<b>(653)</b>	<b>7,481</b>	<b>387</b>	<b>9,320</b>	<b>121</b>	<b>9,441</b>	<b>14,827</b>	

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2017 and should be read in conjunction with the total QBRs report

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Income & Expenses Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

<b>Details</b>	<b>(\$,000)</b>
<b>Revenues</b>	
Rates - Resedential	35
DWM - Bins	6
Life Saving Program - Contributions	7
Building Control	126
Garbage Tip	21
Building - Strategic Planning	49
Council Property - Rents	10
Engineering & Works	8
Kendalls Beach Holiday Park	17
Leisure Centre	22
The Pavilion	56
Effluent - Plant Hire	65
Southern Councils Dividend	(30)
Financial Assistance Grant	72
Blue Haven - Grant	21
Street Lighting	21
Administration	8
<b>Expenses</b>	
Workers Compensation	85
Water Damage - Insurance recovery	10
Life Saving Program	5
Garbage - grant funded	4
Blue Haven Nursing	13
Leisure Centre - offset by increased income	17
Blue Haven - Independent Living Units	42
The Pavilion	38
Minamurra Tip	13
Planning & Legal Fees	68
Consultancy Fees	72
Community Satisfaction Survey	21

**Item 11.3**

**Attachment 1**

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

Kiama Municipal Council  
**Capital Budget Review Statement**

Budget review for the quarter ended 31 March 2017  
**Capital Budget - General Fund**

(\$000's)	Original Budget 2016/17	Approved Changes				Revised Budget 2016/17	Variations for this Mar Qtr	Projected Year End Result
		Revotes by QBRs	Other than QBRs	Sep QBRs	Dec QBRs			
<b>Capital Expenditure</b>								
Assets								
- Plant & Equipment	1,858	472	-	32	506	2,868	29	2,897
- Information Technology	321	-	-	636	25	982	-	982
- Land Development	-	-	-	-	-	-	-	-
- Library Resources	85	62	-	-	-	147	-	147
- Infrastructure	26,623	9,205	(16,697)	119	-	19,250	118	19,368
Loan Repayments (Principal)	-	-	-	-	-	-	-	-
- Land Improvements	60	-	-	-	-	60	-	60
<b>Total Capital Expenditure</b>	<b>28,947</b>	<b>9,739</b>	<b>-</b>	<b>(16,029)</b>	<b>650</b>	<b>23,307</b>	<b>147</b>	<b>23,454</b>
<b>Capital Funding</b>								
Rates & Other United Funding	4,296	1,996	-	238	-	6,530	45	6,575
Capital Grants & Contributions	1,894	90	-	1,825	77	3,886	29	3,915
Reserves:								
- External Restrictions/Reserves	3,255	7,176	-	636	211	11,278	69	11,347
- Internal Restrictions/Reserves	18,802	-	-	(18,802)	-	-	-	-
New Loans								
Receipts from Sale of Assets								
- Plant & Equipment	335	-	-	300	-	635	4	639
- Land & Buildings								
S94 Developer Contributions	215	418	-	74	26	733	-	733
S94 Recoupments	150	59	-	36	-	245	-	245
<b>Total Capital Funding</b>	<b>28,947</b>	<b>9,739</b>	<b>-</b>	<b>(16,029)</b>	<b>650</b>	<b>23,307</b>	<b>147</b>	<b>23,454</b>
<b>Net Capital Funding - Surplus/(Deficit)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>0</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/12/2016 and should be read in conjunction with the total QBRs report

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Capital Budget Review Statement**  
**Recommended changes to revised budget**

Attached is a list of all Capital New and Renewal Works Budget items.

Budget Variations being recommended include the following material items:

<b>Details</b>	<b>(\$,000)</b>
Bombo Beach Observation Tower	29
Blue Haven ILU renovations	37
Kiama Harbour & 7 Mile Beach - Cabin Renewal	77
Inhome support vehicle	4

**Item 11.3**

**Attachment 1**



**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

Kiama Municipal Council  
**Cash & Investments Budget Review Statement**

Budget review for the quarter ended 31 March 2017  
**Cash & Investments - General Fund**

	Cash Position 30/6/16	Original Budget 2016/17	Approved Changes				Revised Budget 2016/17	Variations for this Mar Qtr	Projected Year End Result	Actual YTD figures
			Revotes	Other than by QBRS	Sep QBRS	Dec QBRS				
<b>Externally Restricted <sup>(1)</sup></b>										
S94 Developer Contributions	4,213	175	(417)	(74)	(25)	(341)	3,872	4,213		
Grants and Contributions	390		(390)			(390)	-	390		
Domestic Waste	2,083	166	(645)			(479)	1,604	2,083		
Waste & Sustainability	316	(85)	(38)	(15)		(138)	178	316		
Southern Council's Group	2,587						2,587	2,587		
<b>Total Externally Restricted</b>	<b>9,589</b>	<b>256</b>	<b>(1,490)</b>	<b>(74)</b>	<b>(40)</b>	<b>(1,348)</b>	<b>8,241</b>	<b>9,589</b>		
<i>(1) Funds that must be spent for a specific purpose</i>										
<b>Internally Restricted <sup>(2)</sup></b>										
Blue Haven Care-Self Care	4,146	(821)	(719)			(1,540)	2,569	4,146		
Blue Haven Care-Residential	8,913	(1,536)	(5,201)	(32)		(6,769)	2,144	8,913		
S94 Recoupments	1,423	(350)	(59)	(36)		(445)	978	1,423		
Land Development	2,937	(1,900)		8,500	(5)	6,595	9,532	2,937		
Carry-over Works	2,299		(2,299)			(2,299)	-	2,299		
Waste Business Unit	1,042	(464)	(488)			(952)	90	1,042		
Employee Leave Entitlements	2,000						2,000	2,000		
Holiday Parks	1,786	304	(136)			168	1,922	1,786		
Contingencies	780	419		200	23	642	1,422	780		
Plant Replacement	1,327	918			(206)	712	2,039	1,327		
Community Bus	150	56				56	206	150		
Computer	680			(246)		(246)	434	680		
Property Insurance	120						120	120		
CACP	355	530				530	885	355		
Carer Respite Centre	821						821	821		
Fleet Replacement	50	50				50	100	50		
Infrastructure Asset Renewal	-	487		200		687	687	-		
Council Election	-	45				45	45	-		
Organisational Development	300						300	300		
<b>Total Internally Restricted</b>	<b>29,129</b>	<b>(2,262)</b>	<b>(8,902)</b>	<b>8,622</b>	<b>(224)</b>	<b>(2,766)</b>	<b>26,294</b>	<b>29,129</b>		
<i>(2) Funds that Council has earmarked for a specific purpose</i>										
<b>Unrestricted</b>	1,291						1,291	5,237		
<i>(ie. available after the above Restrictions)</i>										
<b>Total Cash &amp; Investments</b>	<b>40,009</b>	<b>(2,006)</b>	<b>(10,392)</b>	<b>8,548</b>		<b>(4,114)</b>	<b>35,826</b>	<b>43,955</b>		

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Cash & Investments Budget Review Statement**

**Comment on Cash & Investments Position**

Not Applicable

**Investments**

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

**Cash**

The Cash at Bank figure included in the Cash & Investment Statement totals \$43,955

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.  
The date of completion of this bank reconciliation is 31/03/17

**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

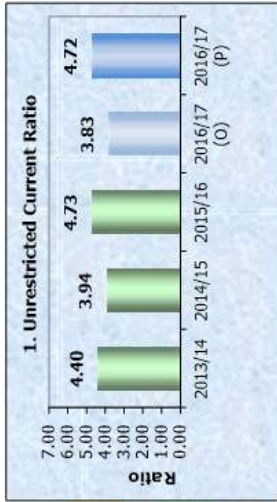
<b>Details</b>			<b>(\$,000)</b>
	<b>Internally Restricted Cash</b>	<b>Transfers to (from) Restricted Cash</b>	
	Holiday Parks	transfer from	32
	Blue Haven - Self Care	transfer from	37

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Key Performance Indicators Budget Review Statement**  
Budget review for the quarter ended 31 March 2017

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

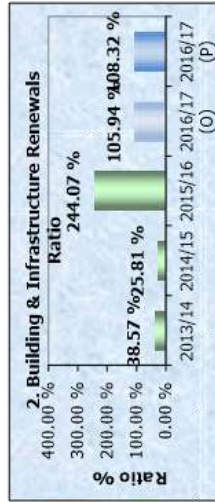
<b>1. Unrestricted Current Ratio</b>					
Current Assets less all External Restrictions	41,166	4.72	3.83	4.73	3.94
Current Liabilities less Specific Purpose Liabilities	8,721				



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

**Industry Benchmark: 2:1**

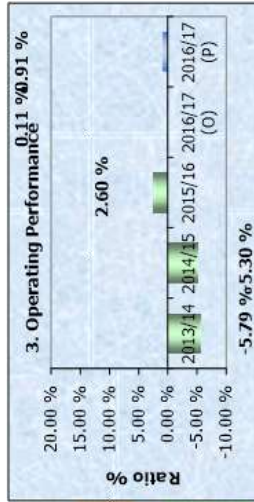
<b>2. Building &amp; Infrastructure Renewals Ratio</b>				
Asset Renewals	5,379	108.32 %	105.94 %	244.07 %
Depreciation, Amortisation & Impairment	4,966			



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

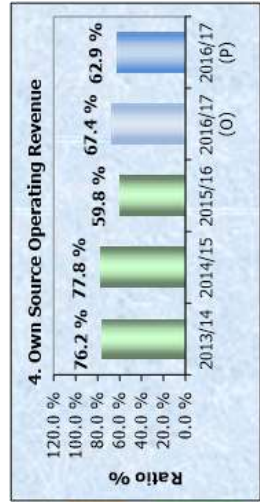
**Industry Benchmark: 100%**

<b>3. Operating Performance</b>				
Operating Revenue (excl. Capital) - Operating Expenses	540	0.91 %	0.11 %	2.60 %
Operating Revenue (excl. Capital Grants & Contributions)	59,404			



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

<b>4. Own Source Operating Revenue</b>				
Rates & Annual Charges + User Charges & Fees	39,524	62.9 %	67.4 %	59.8 %
Total Operating Revenue (incl. Capital Grants & Cont)	62,846			

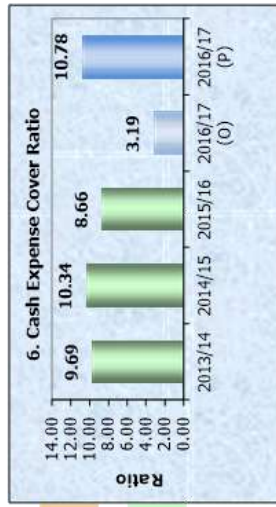
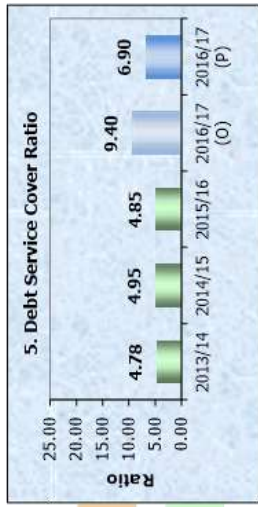


This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Key Performance Indicators Budget Review Statement**  
Budget review for the quarter ended 31 March 2017

(\$000's)	Current Projection		Original Budget	Actuals	
	Amounts	Indicator		Prior Periods	14/15
	16/17	16/17	16/17	15/16	14/15
<b>5. Debt Service Cover Ratio</b>					
Operating Result before Interest & Dep. exp (EBITDA)	7,456	6.90	9.40	4.85	4.95
Principal Repayments + Borrowing Interest Costs	1,080				
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments					
<b>6. Cash Expense Cover Ratio</b>					
Current Year's Cash & Cash Equivalents	41,987	10.78	3.19	8.66	10.34
(Total Expenses - Depreciation - Interest Costs)	3,895				
This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.					



**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

Kiama Municipal Council  
**Contracts Budget Review Statement**  
Budget review for the quarter ended 31 March 2017  
**Part A - Contracts Listing - contracts entered into during the quarter**

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
Southern Truck Centre	Supply and deliver prime mover	\$235,200 (excl GST)	01/02/17	3 months	Y	
Services Pty Ltd	KACCOE- Early works (demolition & remediation)	\$1,265,530 (excl GST)	13/03/17	4 months	Y	

**Notes:**

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

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/12/2016 and should be read in conjunction with the total QBRs report

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/01/17 to 31/03/17

**Consultancy & Legal Expenses Budget Review Statement**

Consultancy & Legal Expenses Overview

<b>Expense</b>		<b>YTD Expenditure</b> (Actual Dollars)	<b>Budgeted</b> (Y/N)
Consultancies:-	Finance & Administration	15,715	Y
	Aged Care Facility	483,621	Y
	Engineering	44,820	Y
		<u>544,156</u>	
Legal Fees	68,503	Y	

**Definition of a consultant:**

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

**Comments**

**Details**

**Item 11.3**

**Attachment 1**

**11.4 Statement of Investments - April 2017**

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

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

Delivery Program: 4.2.3 Ensure maximum revenue return is achieved

**Summary**

This report recommends receipt and adoption of the Statement of Investments for April 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 April 2017 [↓](#)

**Enclosures**

Nil

***RECOMMENDATION***

That the information relating to the Statement of Investments for April 2017 be received and adopted.

**BACKGROUND**

Attached is a copy of the Statement of Investments for April 2017.

## Supplementary Reports

## 11.4 Statement of Investments - April 2017 (cont)

**Investment Commentary**

The total Investment portfolio decreased by \$1.5m during March 2017.

<b>Income Received:</b>		<b>Expenses Incurred:</b>	
Rate payments	\$1.5 M	Employee salaries	\$1.3 M
User Fees & Charges	\$1.6 M	Payment to suppliers	\$6.4 M
Grants & Contribution	\$0.8 M	Kiama Hospital Site	\$0.2 M
Debtor Receipts	\$1.9 M		
ILU & Hostel Bonds	\$0.3 M		
Investment Recalled	\$1.5 M		
<b>Total</b>	<b>\$5.1 M</b>	<b>Total</b>	<b>\$7.9 M</b>

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

Interest rates have been dropping for a number of years. With the Reserve Bank cash rate now at 1.5% there does not appear to be any likelihood of any change in rates upward in the short term.

The National Australia Bank is quoting the following rates:

<b>Previous Month</b>	<b>As at 07/4/17</b>	<b>As at 30/4/16</b>	<b>90 days</b>	<b>1 year</b>	<b>2 years</b>	<b>3 years</b>
2.50%	2.50%	2.90%	2.50%	2.56%	2.60%	2.70%

**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 30 April, 2017

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	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	23/11/16	24/05/17	182	2.70
AMP	A+	1,000,000	Term Deposit	30/11/16	31/05/17	182	3.75
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
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	16/11/16	10/05/17	175	2.55
Bank of Qld	A-	1,000,000	Term Deposit	06/07/16	11/01/17	189	2.95
Bank of Qld	A-	2,000,000	Term Deposit	02/11/16	10/05/17	189	2.75
Bank of Qld	A-	1,500,000	Term Deposit	17/08/16	17/05/17	273	2.80
Bank of Qld	A-	1,000,000	Term Deposit	25/01/17	26/07/17	182	2.75
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	11/08/16	07/06/17	300	2.80
NAB	AA-	1,000,000	Term Deposit	12/10/16	11/10/17	364	2.82
Newcastle B/S	BBB+	1,000,000	Term Deposit	21/12/16	14/06/17	175	2.75
Rural Bank	A-	1,000,000	Term Deposit	07/12/16	07/06/17	182	2.45
Suncorp	A+	1,000,000	Term Deposit	31/10/16	03/05/17	184	2.70
Suncorp	A+	1,000,000	Term Deposit	01/12/16	31/05/17	181	2.80
Suncorp	A+	1,000,000	Term Deposit	09/11/16	05/07/17	238	2.75
Suncorp	A+	1,000,000	Term Deposit	18/01/17	17/01/18	364	2.70
Westpac	AA-	2,059,405	Bank Account	-	AT CALL		0.84
Westpac	AA-	3,581,579	Maxi Account	-	AT CALL		1.30
<b>TOTAL DIRECT INVESTMENTS</b>		<b>42,640,984</b>		Average Rate- Apr 2017			2.66
				Average Rate- Apr 2016			2.90

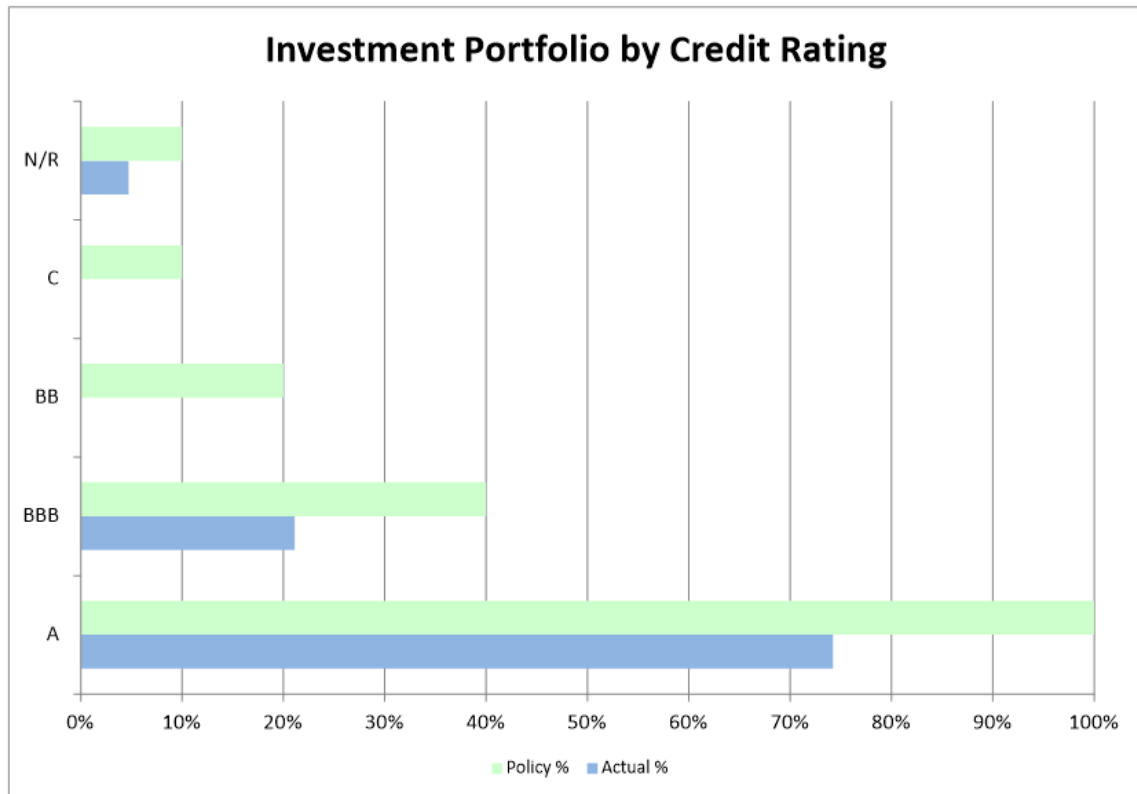
Item 11.4

Attachment 1

<b>TOTAL INVESTMENTS Mar 2017</b>	<b>45,455,025</b>	<b>-6.60%</b>
<b>TOTAL INVESTMENTS Apr 2016</b>	<b>38,885,463</b>	<b>9.66%</b>

		Change in total investment over prev 1 month
		Change in total investment over prev 12 months

Note: The Westpac Bank Account balance shown above of \$2.06M includes deposits at month-end not processed to Council's financial System and cheques that have not been presented.  
Council staff have been reviewing investment rates with 2 short to medium term investments currently included in our portfolio



**(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	
<b>Unrestricted Funds:</b>	<b>Funds to meet current budgeted expenditure</b>	<b>3,923,390</b>
<b>TOTAL INVESTMENTS</b>		<b>42,640,984</b>

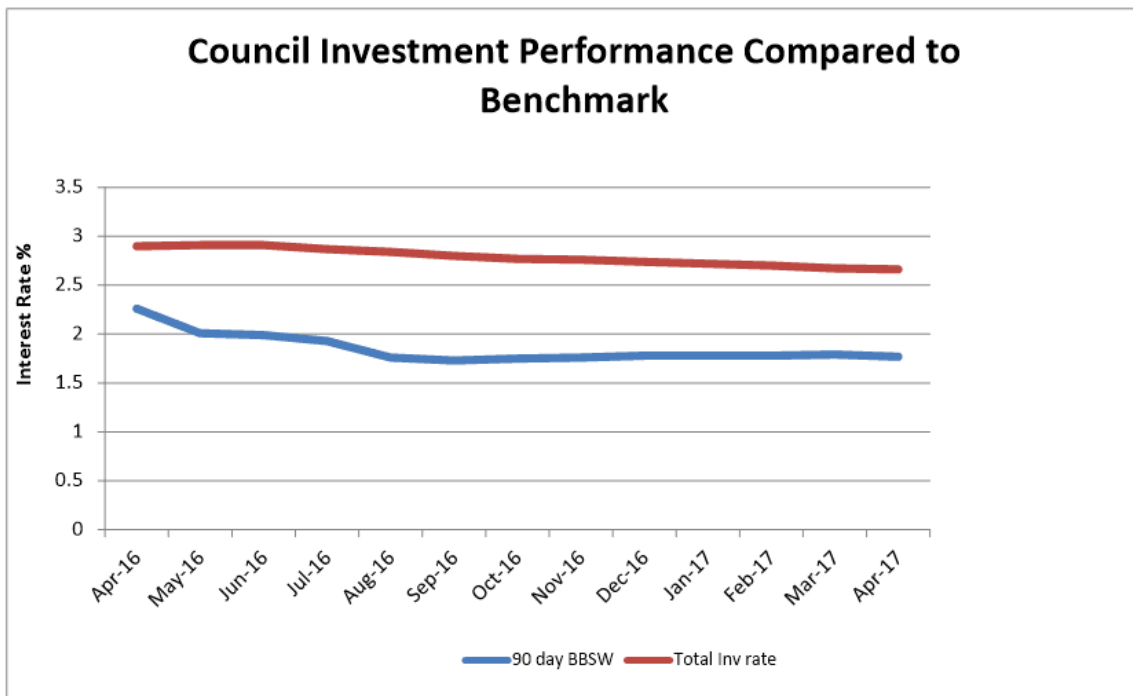
**Note:**

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.

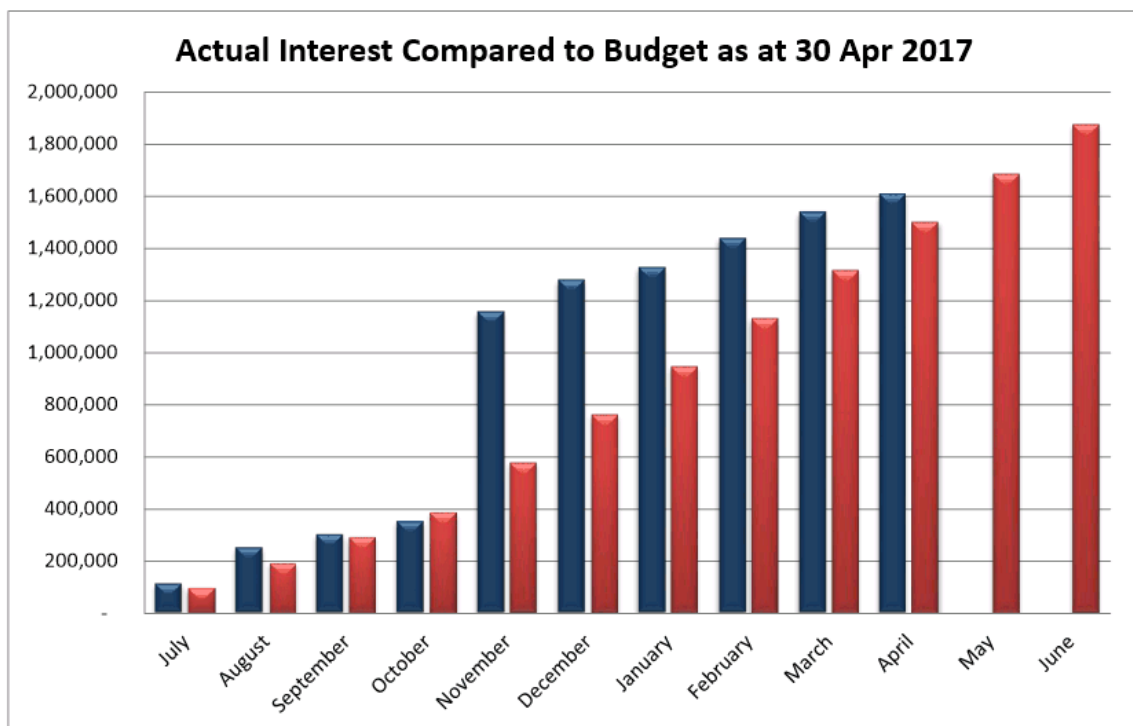
(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	2.66	1.77
3 months	2.68	1.78
6 months	2.71	1.78
12 Months	2.78	1.82



Council has been able to consistently perform above the Reserve Bank 90 day Bank Bill Index.



Council's interest on investment budget estimate has been conservative based on the trend with interest rates

## 12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

### 12.1 Adoption of Surf Beach Flood Risk Management Study

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

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

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

#### Summary

This report seeks Council resolution to adopt the final report on the Surf Beach Flood Risk Management Study.

#### Finance

N/A

#### Policy

NSW Government's Flood Prone Land Policy

#### Attachments

- 1 Surf Beach Catchment flood study Area map [↓](#)
- 2 Surf Beach Floodplain Risk Management Process graphic [↓](#)

#### Enclosures

Nil

### **RECOMMENDATION**

That Council:

1. adopt the 'Surf Beach Catchment – Kiama, Floodplain Risk Management Study and Plan'
2. adopt the updated flood levels and extents in this catchment for use in conjunction with Kiama Development Control Plan 2012: Chapter 29 - Development On Flood Liable Land
3. seek external grant funding to implement the recommended flood risk mitigation options outlined in the Surf Beach Catchment – Kiama, Floodplain Risk Management Study and Plan.

### **BACKGROUND**

Council was previously the recipient of grant funding under the NSW Floodplain Risk Management Grants Scheme to commence a Flood Risk Management Study and Plan (FRMS&P) of the Surf Beach catchment area.

The Surf Beach catchment is a short, steep catchment and while predominantly rural to the west of the Princes Highway has undergone considerable urbanisation in the

## Report of the Director Engineering and Works

## 12.1 Adoption of Surf Beach Flood Risk Management Study (cont)

last 50 years on the land east of the Highway. On this basis, this catchment was identified by the Kiama Floodplain Committee as a priority based on past urbanisation, increasing development density and existing evidence of flooding in various areas of this catchment.

In 2013 Council adopted a flood study of this same catchment that determined flood levels and extents and identified a number of properties that were deemed flood affected. The purpose of the FRMS&P was to build on the broad information obtained in this flood study through further detailed investigation of individual properties and areas. The FRMS&P has identified:

- 38 residential and 3 commercial properties liable to inundation of the property in the 1% AEP (1:100 year) event. Of these, 16 residential and 1 commercial property liable to over-floor inundation
- 24 residential properties liable to inundation of the property in the 20% AEP (1:5 year event), with 5 of these liable to over-floor flood inundation
- assessment of flood damages in the catchment calculated at an average annual damages cost of \$333,000 for residential properties and \$245,190 for commercial properties.

The FRMS&P included an investigation of possible options for the management of flood risk in the catchment area. These included flood modification works such as the construction of retarding basins, culvert upgrades and channel modifications, as well as planning measures and response modification options. The measures were assessed for their ability to reduce flood risk while also considering their economic, social and environmental impact. A multi-criteria matrix assessment was used to directly compare the options, with a number of recommendations made for future implementation. An adopted FRMS&P is also a pre-requisite when applying for future State Government grant funding for assistance in implementing flood mitigation and management options.

## PUBLIC EXHIBITION

Following the recommendation from the Kiama Estuary and Floodplain Management Committee at its meeting on 14 February 2017, the Council at its meeting on 21 March 2017, resolved that:

**17/085**

***Committee recommendation that Council:***

- 1) publicly exhibit the Draft Surf Beach Flood Risk Management Study and Plan for a minimum one month period, on Council's website, at the Administration Centre and at the Library, and*
- 2) notify by letter, all property owners and occupiers within the areas identified as being affected by inundation in the 1% Average Exceedance Probability (1:100 year) event of the public exhibition.*

*(Councillors Sloan and Westhoff)*

## Report of the Director Engineering and Works

## 12.1 Adoption of Surf Beach Flood Risk Management Study (cont)

---

The draft Surf Beach FRMS&P was placed on public exhibition from the 27 March 2017 to 28 April 2017. Notices of the public exhibition were advertised on Council's website, Administration Building and Kiama Library along with further news coverage on ABC Illawarra. Letters were also sent to all owners and occupiers of properties identified in the study as being subject to inundation.

During the public exhibition, a number of telephone enquiries and meetings with interested residents were held at Council's customer service counter to clarify aspects of the study.

**SUBMISSIONS RECEIVED**

From the public exhibition a total of three (3) submissions were received. Of the three submissions:

- one prepared by an external planning and engineering consultancy on behalf of a property owner, was supportive of the FRSM&P recommendations
- one supported the FRMS&P recommendations, but wanted additional recommendations included to resolve a flooding / drainage issue within their residential property
- one objected to the FRMS&P.

Council and its consultant have reviewed the submissions and addressed the items raised as shown in the Appendix.

**FINALISATION**

Based on the responses to the submissions received, it is not considered that any of the issues raised, warrant amendments or modifications to the draft study or prevent its adoption as the final FRMS&P. The draft Study was also discussed at the Kiama Estuary and Floodplain Management Committee meeting on 16 May 2017.

Adoption of the FRMS&P will allow updated flood level information to be utilised within this catchment for use in conjunction with Kiama Development Control Plan 2012: Chapter 29 – Development on Flood Liable Land. It will also permit Council to apply for future State Government grant funding assistance in implementing the flood mitigation and management options as recommended in the Risk Management Study and Plan.

## Report of the Director Engineering and Works

## 12.1 Adoption of Surf Beach Flood Risk Management Study (cont)

**APPENDIX**

DETAILS	RESPONSE	REVISION
<b>Submission 1</b>		
a) Generally supportive of Flood Management Option FM01 (Princes Highway Retarding Basin).	Noted	Nil
b) Agrees with Vegetation Management and notes that Coral Trees and other weed species should be included.	Noted	Nil
c) Consideration of Future Development of 16 Bland Street	Development of all undeveloped lots in the catchment was considered as part of the study, the findings are discussed in Section 2.2.1.	Nil
d) Intention to develop lot and seek minor adjustment to creek alignment.	Noted. The impacts of any proposal would be assessed by Council through the Development Application assessment process.	Nil
<b>Submission 2</b>		
a) Changes to Farmer Street culvert and surrounding area, seeking information on the original level and alignment of the creek and concerns over impact on property due to changes in adjacent lots.	This Floodplain Risk Management Study focuses on flooding as a result of the creek system within the Surf Beach catchment. The inundation appears to be as a result of local drainage issues between adjoining properties and therefore not within the scope of this report. This request can be deferred to the appropriate Council department for investigation.	Nil
b) Full support of option FM01 (Princes Highway Retarding Basin).	Noted	Nil
c) Importance of FM03 to ensure drains remain clear.	Noted	Nil
d) Full support of options FM06 and FM08 for benefits elsewhere in the catchment	Noted	Nil
<b>Submission 3</b>		

Item 12.1

## Report of the Director Engineering and Works

## 12.1 Adoption of Surf Beach Flood Risk Management Study (cont)

DETAILS	RESPONSE	REVISION
a) Concerns over scheduling of Public Exhibition Period	The draft Floodplain Risk Management Study was placed on public exhibition for a period of a month with letters hand delivered to all properties and posted to non-resident owners of properties identified as being flood affected, advising of the exhibition period. Public notices were also placed in Council's buildings and website. It is viewed that the period of a month allowed time for review and comment on the study.	Nil
b) Concerns over adequacy of community consultation undertaken as part of the Floodplain Risk Management Study	At the commencement of the study in March 2016, letters and questionnaires were hand delivered to all properties and posted to non-resident owners of properties identified as being impacted by flooding to gather information and to gauge interest in the study, 24 responses were received. A community information session was also held on 30 March 2016. Letters were again sent to owners and occupiers to advise of the opportunity to comment on the draft report as part of the Public Exhibition Period.	Nil
c) Question regarding what has been updated in the flood model as part of the FRMS.	The hydraulic model developed as part of the Flood Study was reviewed and deemed to be suitable for use in the assessment of mitigation measures. Minor updates were made which are detailed in Section 3.2.	Nil
d) Question regarding the increase to the floodway extent.	The categorisation of land as either floodway, storage or fringe is based on the NSW Floodplain Development Manual. These categorisations are used as a guide for strategic planning for future development. The use of validation methods lead to the adjustment of the floodway extent.	Nil
e) Question regarding the validity	This same matter was addressed in	Nil

Item 12.1



## Report of the Director Engineering and Works

## 12.1 Adoption of Surf Beach Flood Risk Management Study (cont)

DETAILS	RESPONSE	REVISION
<p>of the study based on the claim that their property was not flooded in the March 2011 event</p>	<p>the previous report to Council seeking adoption of the Surf Beach Flood Study. The flood modelling calibration is based on recorded and observed flood data from an actual flood event. Adjustments are made to the modelling parameters through several iterations to attempt to replicate actual events. Local factors specific to a particular flood event may influence and cause slight deviation in a model in some locations. While in this instance the owner claims the dwelling was not affected by flooding (no indication of surrounding grounds), the unit opposite within the same complex did report flooding of their garage which was included in the modelling data.</p>	
<p>f) Statement regarding recommended mitigation measures being implemented.</p>	<p>Recommended measures from the Floodplain Risk Management Study will either be implemented by Council subject to funding availability, or move forward for further detailed assessment and design.</p>	<p>Nil</p>
<p>g) Statement regarding Council utilising information from the Insurance Council of Australia when communicating with property owners regarding changes to 149 certificates.</p>	<p>The Insurance Council of Australia provides detailed fact sheets on how flood information is used for insurance pricing. These can be found at: <a href="http://www.floods.org.au/site/flood-insurance-fact-sheets">www.floods.org.au/site/flood-insurance-fact-sheets</a> .</p> <p>This information can be made available when communicating with land owners.</p>	<p>Nil</p>
<p>h) Query requesting information used to determine properties flooded above floor shown on Figure 11.</p>	<p>Specific floor level information was obtained through site surveying as outlined in Section 4.4. These levels were not included within the report due to privacy reasons. Over floor inundation is determined by comparing surveyed floor levels to flood levels for a range of events.</p>	<p>Nil</p>
<p>i) Which of the modelled design</p>	<p>While all historical and design events</p>	<p>Nil</p>

Item 12.1

Report of the Director Engineering and Works

12.1 Adoption of Surf Beach Flood Risk Management Study (cont)

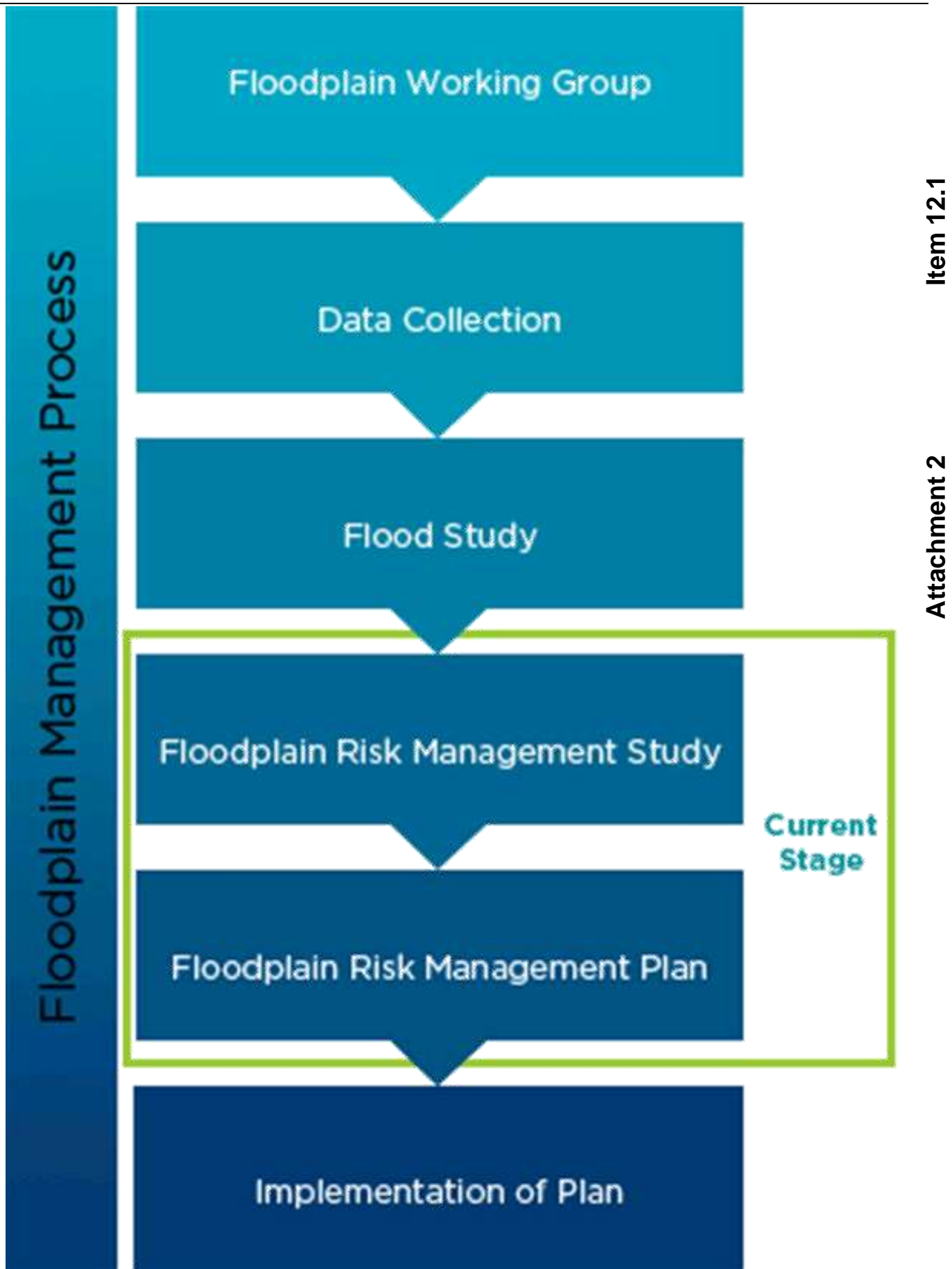
DETAILS	RESPONSE	REVISION
<p>events is most representative of the March 2011 event.</p>	<p>are different, in terms of flood behaviour across the catchment the 2011 event was slightly smaller than a 20% AEP event. This is based on the peak flood level at Farmer Street near the Railway bridge, based on a flood mark used in the model calibration in the Flood Study and compared to design event results.</p>	
<p>j) Concerns about approved developments in the catchment and increase of flood risk.</p>	<p>The Floodplain Risk Management Study assessed a range of measures and strategies to manage existing flood risk and flood risk into the future. Under the Local Government Act, a Council is exempt from liability for flood prone land provided information provided relating to the likelihood, nature or extent of flooding is provided in good faith.</p>	<p>Nil</p>
<b>Other</b>		
		<p>Section 8 – Stakeholder Consultation will be updated to reflect the outcomes of the Public Exhibition period.</p>

**Item 12.1**



Item 12.1

Attachment 1



## 13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

### 13.1 Kiama Council Disability Inclusion Action Plan

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.1 Encourage and support residents from socially and culturally diverse backgrounds to participate in all aspects of community life

Delivery Program: 1.1.2 Monitor and improve accessibility within the Municipality

#### Summary

Under the NSW Disability Inclusion Act 2014, councils are required to have adopted a Disability Inclusion Action Plan (DIAP) by 1 July 2017. A draft DIAP was developed based on community consultation findings that were then incorporated into draft operational plan actions by staff responsible for the respective areas for change.

Council endorsed the plans for exhibition. This report reports on the feedback received from the exhibition and recommends that Council now endorses the plan, and endorse the plan being sent to the NSW Disability Council.

#### Finance

\$20,000

#### Policy

N/A

#### Attachments

1 Disability Inclusion Action Plan [↓](#)

#### Enclosures

Nil

### **RECOMMENDATION**

That Council:

1. Endorse the Kiama Disability Inclusion Action Plan 2017
2. Endorse the Plan being sent to the NSW Disability Council.

### **BACKGROUND**

Council at its meeting of 20 December 2016, resolved to place on public exhibition the draft Disability Inclusion Action Plan 2017.

The draft plan was placed on exhibition at Council's Administration building and on Council's website for 6 weeks ending 27 April 2017. Public notices were placed in local print media and the exhibition was highlighted on the main page of Council's website. The Plan was presented at meetings of Council's Access Committee and Disability Consultative Group.

## Report of the Director Community Services

## 13.1 Kiama Council Disability Inclusion Action Plan (cont)

The exhibition was also promoted on Council social media and through a media release, with ABC Radio conducting an interview with Council's Manager Community & Cultural Development. Anyone wishing to provide feedback on the DIAP was asked to complete an online survey. 13 people completed the online survey, a summary of the results is provided below:

Question	No: Responses	Rating
Do you think we have got the priorities of what to address right?	3	They are perfect
	7	Mostly right but some wrong
	1	Mostly wrong but some right

Question	No: Responses	Summary Comments
What priorities would you change?	7	Use people with a disability to set up the Plan Provide more training and monitoring of inclusive practice of Council staff Put a higher priority on transport rather than tourism More staff and communication awareness

Question	No: Responses	Rating
Overall, what do you think of the planned actions to improve disability access and inclusion in the Kiama LGA?	3	Fantastic
	6	Mostly good but some bad
	2	Average
	1	Mostly bad but some good

Question	No: Responses	Summary Comments
Are there any actions that are not included in the plan that should be?	10	A more practical approach to inclusion Adult change facilities in public toilets Disability parking space provision Encouragement of disability inclusion practice in local businesses

Report of the Director Community Services

13.1 Kiama Council Disability Inclusion Action Plan (cont)

---

Other issues of priority for respondents that will require an advocacy role by Council:

- National Disability Insurance Scheme – plain English information for users, companion card benefits for carers
- Volunteer support in education and socialization to assist integration of those with a disability
- More services for school children
- More facilities for people with autism

No actions were suggested for removal from the Plan.

One of the groups encouraged to provide feedback on the plan was Council's Disability Consultative Group. One of the attendees of this group identified themselves as the person who gave the negative feedback on the plan. Council's Manager Community & Cultural Development took the opportunity to meet one on one with this person to run through the plan in more detail explaining what the plan is aiming to achieve and how. The person in question appeared to understand the actions in the plan better after this meeting.

In summary, of the 10 actions identified by respondents as absent, 5 are actually incorporated and the balance are beyond Council's ability to change except in an advocacy role. This advocacy can be undertaken through Council's existing disability service communications.

It is therefore recommended that the DIAP be endorsed without change.

**FOCUS 1: Developing positive community attitudes and behaviours.**

<b>Key Indicator:</b> Percentage of residents with disability who are satisfied with council's customer service and ability to participate in council's programs and events. (Data: community survey)			
<b>DIAP Outcome Area</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Disability Inclusion Action</b>
Participation – genuine participation in events which affect their lives	4.3	4.3.1 Foster positive community relations.	Promote availability of more accessible Council information and events.
	<b>Timeframe</b> By July 2018.	<b>Resources</b> Council Officer time to develop inventory & budget allocation for addressing any identified gaps.	<b>Performance Measure</b> Inventory of access gaps and budgeted improvement strategies completed.  <b>Responsible:</b> Corporate Planner
Rights- Equal rights should be established and promoted	4.3	4.3.1. Foster positive community relations.	Council's Community Engagement Strategy is revised to ensure a range of accessible participation options are included.
	<b>Timeframe</b> By July 2018.	<b>Resources</b> Council Officer time to review the Engagement Strategy and budget to deliver training.	<b>Performance Measure</b> Training programs for Councillors and staff conducted on accessible Community Engagement Strategy.  <b>Responsible:</b> Corporate Planner
Rights- Equal rights should be established and promoted	4.2	4.2.2. Promote and enable a continuous improvement culture.	Coordinate regular disability inclusion awareness training for all Councillors, staff and contractors who interact with the public.
	<b>Timeframe</b> Monthly for staff inductions.	<b>Resources</b> Budget allocation for inclusion & awareness training.	<b>Performance Measure</b> Training delivered as scheduled.  <b>Responsible:</b> Organisation Development



	Four yearly for Councillors.			<b>Coordinator</b>
Participation – genuine participation in events which affect their lives	4.3	4.3.1 Foster positive community relationships.	Council’s events and consultations procedures are revised to ensure that suitable transport, access facilities and services are available when required.	
	<b>Timeframe</b>	<b>Resources</b>	<b>Performance Measure</b>	<b>Responsible:</b>
	By July 2018.	Council Officer time to develop the policy & protocol.	An Accessible Consultation and Events policy and protocol developed and implemented.	<b>Corporate Planner</b>
Equity – Planning processes involve and protect the interest of people in vulnerable circumstances	4.3	4.3.1. Foster positive community relations.	Terms of Reference, operations and accessibility of Council’s committees reviewed to ensure residents with support needs are positively assisted to genuinely participate.	
	<b>Timeframe</b>	<b>Resources</b>	<b>Performance Measure</b>	<b>Responsible:</b>
	By July 2018.	Council Office time to review & update the Terms of Reference template for all committees.	Revision of Council’s Committee Terms of Reference completed and implemented.	<b>Corporate Planner</b>

**FOCUS 2: Creating liveable communities**

<b>Key Indicator:</b> Percentage of residents with disability who are satisfied with the accessibility of council owned assets and/or the wider physical environment (Data: community survey)			
<b>DIAP Outcome Area</b>	<b>C.S.P. Strategy</b>	<b>Development Plan Action</b>	<b>Disability Inclusion Action</b>
Equity- The planning process involves and protects the rights of people in vulnerable circumstances	1.1	1.1.6 Manage footpaths and cycleways.	Consult with people with a range of disability types to establish priorities within Council's pathway management plan.
	<b>Timeframe</b> Annual.	<b>Resources</b> Council Officer to consult with Access Committee.	<b>Performance Measure</b> Annual review of pathways planning invites input from Council's Access Committee.
			<b>Responsible:</b> <b>Director Engineering and Works</b>
Equity- Fairness in prioritising and allocation of resources	2.5	2.5.3 Manage community buildings.	Complete audit of all signs at bus stops to assess accessibility for people with a disability.
	<b>Timeframe</b> By July 2018.	<b>Resources</b> Council Officer time to conduct the audit.	<b>Performance Measure</b> Audit completed with any identified improvements included in 4-year work program.
			<b>Responsible:</b> <b>Director Engineering and Works</b>

Access- Fair access to services, resources and opportunities to improve quality of live for all	2.5	2.5.3 Manage community buildings.	Provide public adult change facilities and ambulant assisted cubicles in each main town, which are easily accessible, well signposted and promoted in Council's media.
	<b>Timeframe</b> As funds are secured.	<b>Resources</b> Funding for establishment of facilities & appropriate signage.	<b>Performance Measure</b> Public adult change facilities and ambulant assisted cubicle installed at: Kevin Walsh Oval Jamberoo 2017/18 Gerringong Library 2018/19 Kiama Harbour 2017/18
Access- Fair access to services, resources and opportunities to improve quality of live for all			Maintain currency of information about the accessibility of Council's public toilets, on the National Public Toilets Register.
	<b>Timeframe</b> Ongoing.	<b>Resources</b> Council Officer time to review and update register as required.	<b>Performance Measure</b> National Public Toilet Register is kept up to date.
Rights- Equal rights for those from diverse backgrounds to participate in community life	2.5	2.5.1 Manage road infrastructure	Complete audit of all accessible parking places and identify improvements
	<b>Timeframe</b> By July 2018.	<b>Resources</b> Council Officer to conduct the audit & attend an Access Committee meeting to consult around improvements.	<b>Performance Measure</b> 100% completion of audit. Audit tabled at an Access Committee for comment with the feedback incorporated into the 4-year program Inclusion of any identified upgrades required, included in 4-year program.
			<b>Responsible:</b> Director Engineering and Works
			<b>Responsible:</b> Manager Community & Cultural Development
			<b>Responsible:</b> Director Engineering and Works

Equity- The planning process involves and protects the rights of people in vulnerable circumstances	4.3	4.3.	Advocate for the provision of improved and accessible public transport within and between towns.	<b>Performance Measure</b> Advocacy undertaken with key stakeholders.	<b>Responsible:</b> General Manager and Management Executive
	<b>Timeframe</b> Ongoing	<b>Resources</b> No additional resources required.			
Rights- Equal rights for those from diverse backgrounds to participate in community life	2.5 Effectively manage assets	2.5.1	Manage road infrastructure.	Develop a 4-year work program that identifies and measures the number of public toilets and signage on other public buildings to be replaced to improve accessibility.	
	<b>Timeframe</b> 2017-2020	<b>Resources</b> Responsible Council Officer to attend and Access Committee meeting to consult with its members.		<b>Performance Measure</b> Where facilities are to be upgraded or new facilities provided, the plan for these facilities is tabled at Access Committee for comment and feedback incorporated into a 4-year work plan.	<b>Responsible:</b> Director Engineering and Works
Access- Fair access to services, resources and opportunities to improve quality of life for all	1.1	1.1.7	Manage recreation and open space.	Improve accessibility of recreational facilities including wheelchair access to seating, shaded areas, outdoor exercise and play equipment.	
	<b>Timeframe</b> Annual	<b>Resources</b> Responsible Council Officer to attend and Access Committee meeting to consult with its members.		<b>Performance Measure</b> Where facilities are to be upgraded or new facilities provided, the plans for these facilities are tabled at an Access Committee for comment with the feedback incorporated into the 4-year work program.	<b>Responsible:</b> Director Engineering and Works

Access- Fair access to services, resources and opportunities to improve quality of live for all	2.4 Effectively manage waste and resources	2.4.2 Undertake waste management programs.	Multi-format, accessible online waste and recycling information video available on Council's website main page. Format options including Easy English captions, Auslan, audio and other languages, with readability options such as colour choice and text size.
	<b>Timeframe</b> By July 2018.	<b>Resources</b> Professional video production services.	<b>Performance Measure</b> Accessible online waste and recycling information video provided to Communications Unit for inclusion on Council website.  <b>Responsible:</b> <b>Director Environment Services</b>
Rights- Equal rights for those from diverse backgrounds to participate in community life	3.1 Promote and encourage business development	3.1.3 Encourage business quality and market diversification.	Encourage local businesses to enter Tourism Awards recognising disability inclusion and promote accordingly.
	<b>Timeframe</b> By July 2018.	<b>Resources</b> Council newsletters to businesses. Kiama and District Business Chamber.	<b>Performance Measure</b> Relevant articles in newsletters.  <b>Responsible:</b> <b>Manager Economic Development</b>
Rights- Equal rights for those from diverse backgrounds to participate in community life	3.1 Promote and encourage business development.	3.1.3 Encourage business quality and market diversification.	Work with local business networks to provide training and resource support to develop and promote Kiama as an outstanding accessible community and holiday venue for people with a disability.
	<b>Timeframe</b> Annually.	<b>Resources</b> Accessibility presentations to Tourism after hours, Kiama Small Business Forum and Kiama and District Business Chamber.	<b>Performance Measure</b> 3 speaker presentations undertaken.  <b>Responsible:</b> <b>Managers: Economic Development, Strategic Tourism, Cultural &amp; Community Development</b>

**FOCUS 3: Supporting access to meaningful employment**

<b>Key Indicator:</b> Employment rates of people with a disability in the council area (Data: demographic data)	
<b>DIAP Outcome Area</b>	<b>Disability Inclusion Action</b>
<b>C.S.P. Strategy</b>	<b>Development Plan Action</b>
Rights- Equal rights for those from diverse backgrounds to participate in community life	<p>4.2</p> <p>4.2.2 Promote and enable a continuous improvement culture.</p> <p><b>Performance Measure</b> Revise Council's recruitment practices to ensure that access and equity principles are actively and consistently implemented.</p> <p><b>Resources</b> Council Officer time to conduct the review.</p> <p><b>Timeframe</b> By July 2018.</p> <p><b>Responsible:</b> Senior HR Officer</p>
	<p>3.2 Council's role as a significant employer and purchaser</p> <p><b>Performance Measure</b> Develop and promote supported employment placements for people with a disability to develop work skills in Council operations and services.</p> <p><b>Resources</b> Incorporation in Council Officer Work Plan.</p> <p><b>Timeframe</b> By July 2018.</p> <p><b>Responsible:</b> HR Coordinator</p>

**FOCUS 4: Improving access to services through better systems and processes**

**Key Indicator:** Percentage of people with disability who are satisfied with the level of access to council services and information (Data: community survey)

DIAP Outcome Area	C.S.P. Strategy	Development Plan Action	Disability Inclusion Action
Access- Fair access to services, resources and opportunities to improve quality of live for all	4.3	4.3.1. Foster positive community relations through open communication, opportunities for participation and sharing of information.	Revise Council’s website to WCAG2.0.
	<b>Timeframe</b> By July 2018.	<b>Resources</b> Council Officer time to revise the website and make improvements.	<b>Performance Measure</b> Council’s website is assessed against WCAG2.0 standard with identified improvements incorporated into an improvement plan.  <b>Responsible:</b> <b>Corporate Planner</b>
Access- Fair access to services, resources and opportunities to improve quality of live for all	4.3	4.3.1. Foster positive community relations through open communication, opportunities for participation and sharing of information.	Provide easy read versions of Council forms and information documents to effectively respond to information requests.
	<b>Timeframe</b> By July 2018, then ongoing.	<b>Resources</b> Council Officer time and budget allocation to procure expertise.	<b>Performance Measure</b> Priority forms and documents are identified in consultation with Customer Services and source departments, for adaptation to Plain English, easy read and low vision readability formats. That a program of format adaptations be implemented. That Council staff developing forms and public documents be required to provide an easy read version.  <b>Responsible:</b> <b>Corporate Planner</b>

Equity- Fair opportunity to participate in the future of the community	1.1	1.1.1. Improving the liveability of Kiama for those with diverse backgrounds and abilities.	Allocation of an accessibility budget to support access resources and assistance to ensure maximum opportunity for all residents to genuinely participate in Council functions, consultations, events and activities.	Responsible: <b>Manager Community and Cultural Development</b>
		<b>Resources</b> \$ 20,000.	<b>Performance Measure</b> Annual budget fully expended to assist accessibility of Council's community events and communication.	
Equity- Fair opportunity to participate in the future of the community	1.1	1.1.1 Improve the liveability of Kiama for those with diverse backgrounds and abilities.	Identify opportunities and implement changes to improve disability access and inclusion in all Council facilities and services.	Responsible: <b>Manager Holiday Parks</b> <b>Manager Leisure Centre</b> <b>Manager Library</b> <b>Manager Community and Cultural Development</b>
		<b>Resources</b> Within existing budget allocations for capital works & maintenance schedules.	<b>Performance Measure</b> 2 + changes completed annually.	
		<b>Timeframe</b> July 2017, then annually.		
		<b>Timeframe</b> Annual.		



**13.2 10<sup>th</sup> Making Cities Liveable Conference – Interstate Conference Presentation**

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

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

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

Item 13.2

**Summary**

This report requests Council approval for the Director Community Services to present to the 10<sup>th</sup> Making Cities Liveable Conference, being held in Brisbane in July 2017.

**Finance**

Registration fees, accommodation and airfares total \$1,360.15.

**Policy**

Nil

**Attachments**

Nil

**Enclosures**

Nil

***RECOMMENDATION***

That Council endorse the Director Community Services to present the paper 'Caring for an Ageing Population and Community Heritage' at the 10<sup>th</sup> Making Cities Liveable Conference and the payment of registration, airfare and accommodation.

**BACKGROUND**

The Making Liveable Cities conference is a national conference that aligns with the Healthy Cities agenda. The theme of the conference this year is 'Collaborate, Innovate, Mitigate and Connect'. Some of the topic areas to be examined include: the new urban agenda; community participation and social development; the liveable neighbourhood – placemaking; responsible resource management – bringing nature back; showcasing regional liveable cities and centres; heritage infrastructure and liveable cities.

The following abstract, submitted by the Director Community Services, has been accepted by the conference organisers:

Report of the Director Community Services

13.2 10th Making Cities Liveable Conference  
Interstate Conference Presentation (cont)

---

*Caring for an ageing population and community heritage*

*In an environment where many Councils have reduced or ceased their involvement in the provision of aged and disability services, Kiama Council has chosen to expand its presence. Kiama Council operates Blue Haven Care Village, comprising 200 independent living units and Blue Haven Care, which provides in-home age and disability services and an 82 place residential aged care home.*

*In an exciting time of expansion, Council is commencing the construction of a replacement home that will be expanded to accommodate 134 residents and aims to be a Centre of Aged Care Excellence. There will also be another 59 independent living units, offices for the community based staff a community hall and meeting rooms. However, the most exciting part of this development is the overall intent. Council has purchased the under-utilised and contaminated site that was the ageing Kiama Hospital. Together with the Local Health District, funding was obtained to construct a new building for the out-patient facilities that had been delivered from the hospital site, ensuring the community does not lose access to important health services such as physiotherapy, dental, ante-natal services, podiatry and audiology. The proximity of this health service to the aged care facility will promote collaboration and improve access for aged care residents. The site will be remediated and all activity will be influenced by the knowledge gained from Council's Dementia Friendly project.*

*The hospital site also incorporates a heritage listed home that has fallen into disrepair and not suitable for any use for a number of years. Council intends to restore the home and provide public access through the incorporation of a café and art workshop. This aims to increase the opportunity for community members and aged care residents to interact and encourage people to consider the aged care site as part of the overall community."*

The conference will be held in Brisbane on the 10 – 11 July. Further information about the conference is available at [www.healthycities.com.au](http://www.healthycities.com.au).

**13.3 Support request: 2017 Relay for Life**

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

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

**Summary**

Council has received a request from the Cancer Council to support the 2017 Kiama Relay for Life, to be held on Saturday 4 & Sunday 5 November 2017 at Black Beach.

**Finance**

The cost for this support will be approximately \$1500 plus other incidentals

**Policy**

Kiama Public Health Plan

**Attachments**

1 2017 Kiama Relay for Life Sponsorsip Request letter [↓](#)

**Enclosures**

Nil

***RECOMMENDATION***

That Council support the 2017 Relay for Life through the donation of reserve hire fees, provision of waste services, the use of a meeting room at the Pavilion for 11 meetings from April to November 2017 and other incidentals.

**BACKGROUND**

Council has received a written request (attached) from the Cancer Council of NSW requesting support for the 2016 Relay for Life, as in previous years. Council's support for the event in the past has included donating the reserve hire fee, waste services and assisting with equipment such as witches hats, tables, chairs, marquees, with the added request this year to use a meeting room at the Pavilion for the monthly Relay for Life Committee meetings.

The Relay for Life has been well supported by the community in previous years with last year raising just under \$50,000 in the fight against cancer. This event is consistent with the goals of Council's Health Plan.



07/04/2017

Kiama Council  
Michael Forsyth  
General Manager

Dear Michael,

Cancer Council is the leading cancer charity in New South Wales and its mission is to defeat cancer through engaging our community. In partnership with Kiama Council and the local community we staged a very successful 2016 Relay For Life.

This event was an amazing success once again in 2016 raising just under \$50,000 in the fight against cancer. These funds give Cancer Council NSW an opportunity to conduct ground-breaking research, provide support and information to cancer patients, carers and their families. The Relay event brings together the whole community to increase their cancer awareness and educate them on ways to lead a cancer smart lifestyle.

We would like to ask if Kiama Council would consider waiving the fees associated with holding Relay for Life. The common things considered with past events include;

- Waste services required for the weekend
- The hire for the use of council equipment such as witches hats, tables and chairs.

In return for this support we would recognise Kiama Municipal Council as a sponsor of the 2017 event.

We will be hosting the 8<sup>th</sup> annual Kiama Relay For Life at an exciting new venue, Blacks Beach Reserve. The 2017 Relay For Life Kiama will be a 12 hour event to take place on the **4<sup>th</sup> November 2017**.

As was generously offered in 2016, we would like to request the use of Kiama Pavilion for monthly Relay For Life Committee meetings.

Your support of this fundraising event will indeed help us to build a Cancer Smart community. I would be happy to discuss any of the above at any time.

Thank you for your consideration.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Terry Deegan".

**Terry Deegan**  
**Community Engagement Manager**

Cancer Council NSW - Southern Region

Phone: 02 4223 0206 Mobile: 0410 843 205 Fax: 02 4285 0268

Email: terryd@nswcc.org.au

**Cancer Council  
NSW**  
ABN 51 115 463 846

Southern Region Office  
Cancer Council NSW  
PO Box 21  
Fairy Meadow NSW 2519

T: 4223 0200  
E: sthnrl@nswcc.org.au  
W: relayforlife.org.au



**13.4 Kiama Carols by Candlelight**

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

Delivery Program: 1.2.4 Implement and support community, cultural and artistic activities and development programs

Item 13.4

**Summary**

This report provides Council with a draft amended Christmas Carols assistance policy and recommends increasing the financial support for the Kiama Carols in the Park to \$2,000.

**Finance**

\$4,000

**Policy**

Christmas Carols Policy

**Attachments**

- 1 Seeking donation - Carols in the Park - 14/12/2016 [↓](#)
- 2 Draft Christmas Carols Policy - 2017 [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council:

1. Endorse the draft Christmas Carols assistance policy
2. Agree to increase the support for the Kiama Carols to \$2,000.

**BACKGROUND**

Each year Council supports the holding of Christmas Carols in Kiama, Jamberoo, and Gerringong. This support has been provided under the Carols by Candlelight assistance policy, last endorsed by Council in 2009. This policy provided for each event to be subsidised up to \$1,000.

In October 2016 the Combined Churches of Kiama wrote to Council requesting an increase in the level of financial support for the Carols in the Park in Kiama, due to the size and expense involved, as compared to the events in Jamberoo and Gerringong. It is recommended that this request be supported and that the amount provided to the Kiama event be increased to up to \$2,000. Provision for this increase has been made in the draft 2017/18 budget.

Report of the Director Community Services

13.4 Kiama Carols by Candlelight (cont)

---

The draft policy has been amended in order to facilitate this increase. The policy no longer makes reference to the amount of subsidy to be provided so that Council may choose to vary the allocation in future without needing to amend the policy. In addition, the policy has been updated to reflect the current Community Strategic Plan references and to clarify the types of support Council will provide.

**Item 13.4**

11 October, 2016

Kiama Anglican Church  
2 Terralong Street  
Kiama NSW 2533

Cr Mark Honey  
Mayor  
Kiama Municipal Council  
11 Manning Street  
Kiama NSW 2533

Dear Cr Honey

Congratulations on your recent re-election to Council and your appointment as Mayor. We wish you and the Council unity as a governing board and wisdom for decision-making.

We write to you in relation to the 'Carols in the Park' event, which the Combined Churches of Kiama presents annually as the main sponsors, along with the Council.

For many years, the Council has kindly sponsored \$1,000 towards the costs of this event (as per your Carols by Candlelight assistance policy, last revised 17 Nov 2009, next review date Nov 2014).

You will not be surprised to learn that our costs have risen steeply over recent years (see the table included in the Appendix). The majority of these costs are actual staging and production charges, as we seek to match the community's expectations.

When the Council reviews the Policy as per your schedule above, can we ask you to consider the difference in regional population size between Kiama, Gerringong and Jamberoo who all currently receive the same amount of sponsorship? Given the larger size of Kiama we would claim we require a larger share of sponsorship to serve our given population size.

As a committee we work hard to keep costs to a minimum, raising as much as possible through sponsorship from groups, clubs and retail businesses. We have been advised by our Fundraising volunteer that we are unlikely to reach the amount of sponsorship raised last year leaving us short of our needs.

Our talented professional and semi-professional singers and musicians freely donate their talent and considerable time to the success of this event, an essential celebration of the Kiama community's Christmas.

This year we plan to present an even better concert, changing the name slightly to 'Kiama Community Carols in the Park' hoping as always to attract over three thousand to Hindmarsh Park on the evening of Wednesday 14 December. Our promotion of the event has expanded to include social media, and this year we will host our own Facebook page along with a wide range of online opportunities.

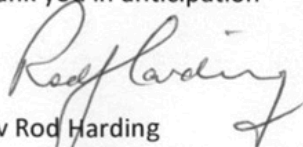
Date Received

12 OCT 2016

Kiama Municipal C

We are seeking an increase in Council sponsorship to help us meet rising costs and ensure the continuation of this important community event. We look forward to announcing Council's increased generosity at this year's event, and trust that you personally will be able to accept our invitation to briefly welcome and address the gathered Kiama audience. If you have any queries, please do not hesitate to make contact.

Thank you in anticipation



Rev Rod Harding  
Chair, Carols Committee 2016  
On behalf of the Combined Churches of Kiama

Item 13.4

**Appendix**

**CIP FINANCIAL REPORTS 2012 - 2015**

**INCOME**

	2012	2013	2014	2015
Sponsorship/Donations	\$8,562.00	\$7,974.00	\$8,387.00	\$10,396.00

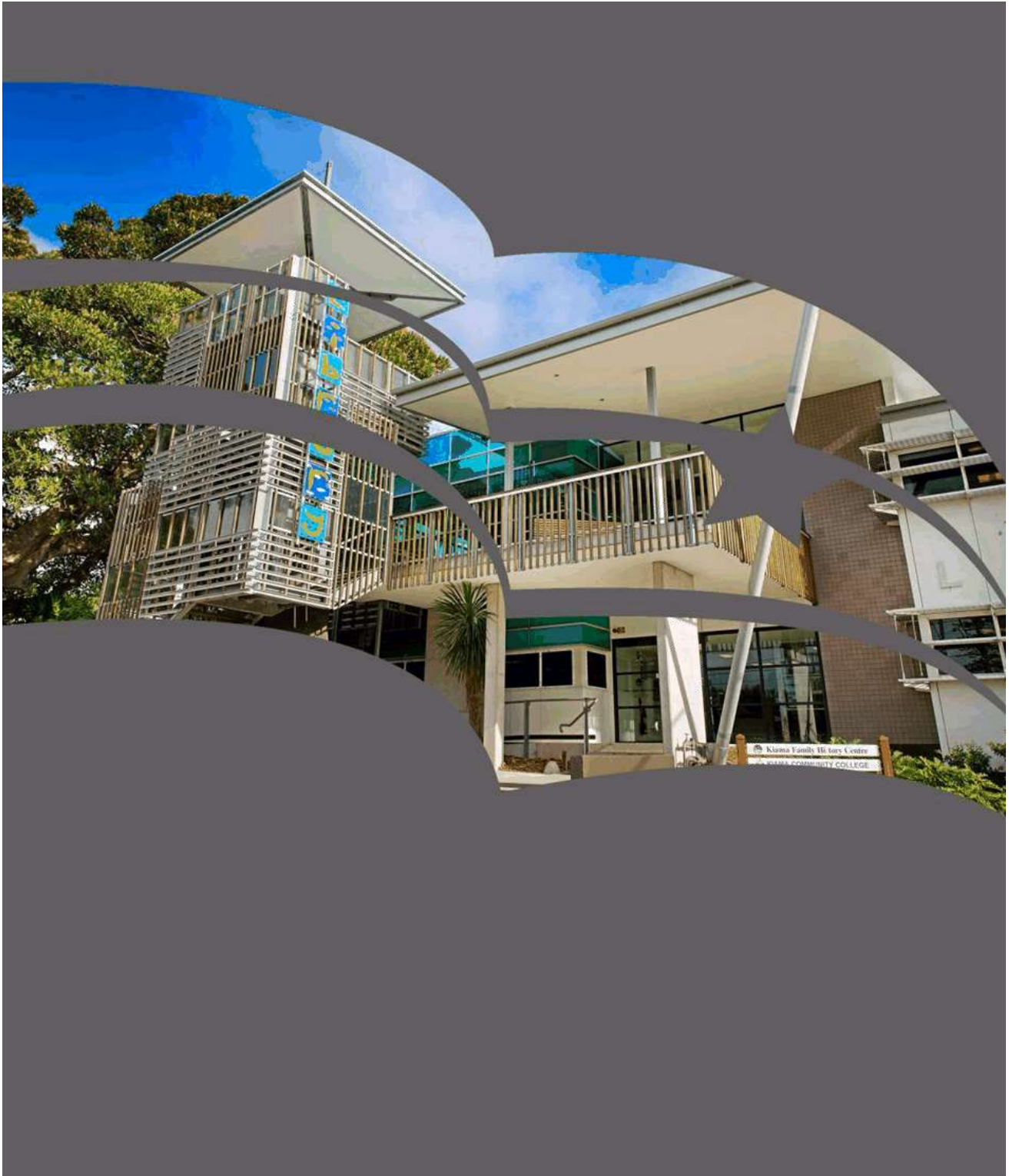
**Expenses**

Advertising	\$118.00	\$332.73	\$260.00	\$245.00
Cleaning Waste Disposal	\$461.00	\$465.27		\$170.18
Food/Refreshments	\$203.05	\$70.45	\$85.36	
Licensing	\$50.00		\$50.00	\$50.00
Miscellaneous	\$338.00	\$68.91		
Park / Pavilion Hire		\$250.00	\$185.00	\$340.00
Printing	\$794.55	\$709.09	\$913.34	\$1,008.64
Production expenses	\$4,404.97	\$5,378.41	\$6,805.69	\$7,702.51
Postage, Stamps, etc		\$68.59		\$53.16
Security/Ambulance	\$220.00	\$210.91		
Travel, Accommodation		\$173.09		

<b>Total</b>	<b>\$6,589.57</b>	<b>\$7,727.45</b>	<b>\$8,299.39</b>	<b>\$9,569.49</b>
<b>Profit/Loss</b>	<b>\$1,972.43</b>	<b>\$246.55</b>	<b>\$87.61</b>	<b>\$826.51</b>

Attachment 1





Item 13.4

Attachment 2

**Carols by Candlelight assistance policy**  
Adopted 16 May 2017  
Community Services





## Carols by Candlelight assistance

### 1.0 Purpose

To support the annual Christmas Carols by Candlelight events held throughout the Municipality. These events, organised by local church groups, are well attended and have a significant place in the community calendar. They enhance community networks and connections by providing a safe and inviting event for families and people of all ages as well as a performance opportunity for local musicians and groups.

### 2.0 Objectives

The objectives of this policy are:

- To provide guidance to the organisers of Carols by Candlelight events in regard to support from Kiama Council.

### 3.0 Scope

This policy applies to the specified organisations that host Carols by Candlelight in the Kiama Municipality:

- Kiama Ministers' Fraternal
- Jamberoo Inter-Church Committee
- Combined Churches of Gerringong/Gerroa

### 4.0 References

This document should be read in conjunction with:

- Kiama Community Strategic Plan
  - 1.0 A healthy safe and inclusive community
  - 1.2 Promote and support a range of social, cultural and artistic activities, practices and programs for creating sustainable health and wellbeing

### 5.0 Definitions

For the purpose of this document the following definitions apply:

- Insurance - organisations are required to hold a public liability insurance policy of not less than \$10 million

### 6.0 Policy

Council will provide assistance and support towards the Carols by Candlelight events in Kiama, Jamberoo and Gerroa, put on by the organisations specified in the Scope of this policy.

Council will provide the following support:

- a) Financial assistance to help in defraying the relevant costs for specified organisations putting on Carols by Candlelight, including the provision of Council services eg. Waste services.
- b) Support to book a suitable Council outdoor venue for the event. Organisers should approach Council early in the year to confirm a venue booking. Organisers will not be charged a hire or bond fee for the event.
- c) Support to book a Council hall as an alternative, if available, in the event of wet weather.



**7.0 Insurance**

The organiser will be required to provide Council with a certificate of currency. This information must be forwarded to Council each year the event takes place.

**8.0 Financial Assistance**

The amount of financial assistance provided to organisations specified in the Scope of this policy will be determined by Council during the preparation of the annual budget.

Associated costs will be reimbursed on the provision of receipts, up to the allocated amount.

Council's funding cannot be used for direct donation to another party

**9.0 Document control**

<b>Directorate:</b>	Community Services
<b>Policy name:</b>	Carols by Candlelight assistance policy
<b>Date adopted by Council or N/A:</b>	16 May 2017
<b>Date endorsed by MANEX:</b>	
<b>Last revision date:</b>	November 2009
<b>Next review date:</b>	May 2019
<b>Trim doc number:</b>	

Item 13.4

Attachment 2

---

**14 REPORTS FOR INFORMATION****14.1 Gerringong Library, Museum and Community Facility**Responsible Director: Community Services

---

An announcement has recently been made by the Member for Kiama, Gareth Ward, advising of a \$200,000 grant for the Gerringong Library, Museum and Community Facility. This is a result of a funding application made to the 2017 NSW Public Libraries Infrastructure Grant program. The grants program is administered by the State Library of NSW on behalf of the Library Council of NSW.

This funding is in addition to the \$1.25 million committed to the project at the last federal election by Member for Gilmore, Ann Sudmalis MP. Council has received the draft funding agreement from the Commonwealth Government.

The preliminary activities of the project are still progressing with the DA Plans currently being updated.

**14.2 Cedar Grove Estate access**Responsible Director: Engineering and Works

---

At Council's meeting held on 14 February 2017, it was recommended that Council officers investigate the proposal submitted by David Yates, and any other alternative options for a second access to Cedar Grove 2 and report back to Council

Council has had several meetings with the proponent and their advising consultant regarding a proposed second access road to the Cedar Grove 2 development to improve vehicle access to this estate. After receiving a number of draft concept designs for the access road, Council officers have assessed the proposal on its merit and have highlighted a number of issues that would need to be addressed in support of their application.

These issues have been discussed with the proponent and they are confident that this will be addressed in their final submission. Furthermore the proponent has been advised that their final proposal will require Roads and Maritime Services approval for the works required along Jamberoo Road.

It is noted that the provision of any such access is in conjunction with residential development of rural land that is not included in Council's adopted Urban Strategy and is to the west of the established western extent of the Kiama township.

**14.3 Small Business Commissioner - Outdoor Markets Policy Trial**Responsible Director: Office of the General Manager

---

Council has recently participated in discussions, surveys, research and workshops conducted by the Office of the NSW Small Business Commissioner (OSBC) to better understand the issues involved with outdoor markets and identify key areas of improvement.

As a result a three-phase approach to the development and implementation of an outdoor market policy has been recommended by the OSBC.

Attached for the Councillor's information is a letter from the OSBC outlining the timing and planned phases of the trial outdoor market policy.

**Attachments**

- 1 Small Business Commissioner - update on outdoor markets policy trial [↓](#)



OUT17/15251

Mr Michael Forsyth  
General Manager  
Kiama Municipal Council  
narellem@kiama.nsw.gov.au

Dear Mr Forsyth

#### UPDATE ON OUTDOOR MARKETS POLICY TRIAL

Thank you for your ongoing support and contribution to the development of a consistent Outdoor Markets Policy to improve the efficiencies and support for small businesses in your Local Government Area (LGA).

Over the past five months the Office of the NSW Small Business Commissioner (OSBC) has conducted and facilitated discussions, surveys, research and workshops to understand the issues and to identify the key areas for improvement.

The key stakeholders engaged in these activities has included Council staff members representing economic development, environmental health, planning and community events from the four participating councils. We have also actively engaged the NSW Food Authority and the Illawarra Pilot Joint Organisation.

The Engagement Workshop held on 10 March was of particular value where participants had the opportunity to review and explore Council current policies and processes for outdoor markets.

The Workshop focused on the three areas policy, process and price to provide a framework for the development of the outdoor markets trial.

Key Workshop take-outs included:

#### Policy

- Policy objectives should look to balance the social and economic benefits with the health and wellbeing of market goers.
- Policy needs to recognise that markets add value to existing businesses not take it away and that stall and mobile vendors actively operate across LGAs and seek further opportunities to do so.
- Stall and mobile vendors respect an element of regulation and would value education and training. All stakeholders seek clarification of rules and responsibilities.

#### Process

- The process to set-up and manage a market or event needs to be simplified, made more consistent both within and across council. Moving to a streamlined online registration platform and sharing information across Councils through the home jurisdiction approach will significantly improve process efficiencies.
- Risk and resourcing need to be balanced when managing food inspections to provide protection for market goers and serve as a quality control measure.

**Price**

- A simplified, consistent and transparent approach to fees across Councils has the potential to attract and retain stall/mobile vendors and reduce Council administration costs.

**Next Steps**

Given the issues identified above and the more detailed work required to effectively manage issues in relation to food vendors, a phased approach to the development and implementation of the outdoor markets policy trial is recommended.

This approach consists of three phases:

**Phase 1 – Market Operators (trialled from 1 July)**

An Outdoor Markets Policy to provide a consistent policy, process and pricing structure to assist market operators (Council and or independent operators including not for profits) set up and run markets across the Illawarra.

**Phase 2 – Mobile Food Vending Policy (September 2017)**

A consistent Mobile Food Vending Policy developed recognising the 'Home Jurisdiction rule' allowing retail food businesses operating from non-fixed retail premises to trade across multiple Council boundaries, based on a single notification to, or approval from, the businesses 'Home Council'.

Timing to be coordinated with the NSW Government's review of the Local Government Act 1993 (NSW), that proposes amendment to enable councils to recognise section 68 approvals issued by another council (i.e.. Mutual recognition of section 68 approvals), for example with mobile vendors.

**Phase 3 – Food Stall Holders (End 2017)**

In partnership with the NSW Food Authority and Council Environment Health Officers develop a consistent regulatory process for retail food stallholders that recognises and balances effective food safety and food quality management systems with demonstrated strong history of compliance from businesses and the regulatory and financial burden on the retail food stallholder.

Timing to be coordinated with the Food Authorities review and clarification of Council's contractual responsibilities across NSW Councils due to commence in mid-2017.

We have made significant progress and your support in the development and implementation of the outdoor market policy trial is very much appreciated.

Over the coming months, we will provide you with further updates and look to provide briefings to you directly and through the Illawarra Joint Organisation.



Should you require further information at any time, please do not hesitate to contact Skye Theodorou, Advisor, Advocacy and Strategic Projects on 8222 4853.

Yours sincerely



**Robyn Hobbs OAM**  
NSW Small Business Commissioner  
13 April 2017

**Item 14.3**

**Attachment 1**

**14.4 2017 Illawarra Business Awards Sponsorship**Responsible Director: Finance, Corporate and Commercial Services

---

The 2016 IMB Bank Illawarra Business Awards were held in October 2016 and was highly successful with over 700 guests in attendance and over 100 business entries in 14 different business categories.

The Kiama LGA was well represented with 4 local business enterprises named as finalists for the awards.

Council have been invited to sponsor a new category for the 2017 Awards for Excellence in Tourism which will recognize the outstanding delivery of tourism services that enhance the visitor experience in the Illawarra. Council's sponsorship contribution for the 2017 Awards will be \$9,900. Council will have the exclusive opportunity to leverage sponsorship through the following inclusions:-

- Council will be recognized and receive exposure as a business leader and as a supporter of the local and regional business community
- Demonstrated contribution to the Illawarra region and community
- A Council representative will present the Inaugural Excellence in Tourism award onstage and have a 30 second promotional clip played
- Potential to leverage sponsorship through our own marketing activities and brand association with the Illawarra Business Chamber
- Council's brand will be prominent from the moment that the Awards are launched in late June and continue through to the Awards ceremony and event conclusion.
- Council will also receive 8 tickets to the Awards evening on Friday 20 October 2017.

The awards provide an opportunity for business development and growth which is critical to providing employment opportunities across the region and to develop leadership and excellence amongst local businesses.

**14.5 Outdoor Table Tennis Table**Responsible Director: Community Services

---

At Council's December 2016 meeting, Council resolved to "...endorse the purchase and installation of an outdoor table tennis table being included for consideration in the 2017/2018 budget and that further investigation of the concept by Community Services and other staff occurs and is reported on prior to that time".

Investigation has established that the purchase of a table designed for outdoor installation would cost from \$5,000 to \$9,000 depending on design and quality. Based on Wollongong Council's most recent purchase and installation of an outdoor table tennis table in Berkeley, the installation, including concrete slab was an additional \$9,000.

Wollongong Council report that the table is well utilised and that there has been no issue with vandalism and only 1 bat and 1 ball have gone missing in a 6 month period.

It Council would like to pursue this project a budgetary provision of \$15,000 would need to be made, however it is not in the draft 2017/18 budget. Council may like to consider a budgetary provision as part of the review of the capital works program.

**14.6 Household Bulky Waste Drop Off Event - 10-18 September 2016**

Responsible Director: Environmental Services

---

This event was held over 9 days between 8am and 4pm, from 10-18 September 2016 at the Minnamurra Recycling Facility. The event was managed by Council which included checking residents off booking sheets on arrival (including sighting proof of residency and taking down of registration plate numbers), providing labour to assist with unloading of vehicles and separating materials into the appropriate bays.

General statistics from the event are summarised below:

- 1207 residents booked in, representing an 8% increase from the 2015 event.
- 161 of those that booked in did not show up.
- 154 not booked in but still attended, representing 12.7% of attendees.
- 1200 attended, representing 99% of the total bookings, representing an 11% increase from the 2015 event.
- The weather was fine, some days experienced high winds with temperatures ranging from 18-22 degrees, however on Sunday 18 September it rained consistently throughout the day.
- The most popular time slot was 10am – 12noon with the last Saturday, 17 September being the most popular with 187 attendees, followed by Sunday, 18 September with 157 attendees.
- Waste zones 5 and 9 were the most represented zones at the event, making up 14.75% and 13.92% of attendees respectively. Waste Zones 11 and 12 (rural) were the least represented at the event, making up only 1.5% and 1.42% of attendees respectively. This is less than the proportion of waste services in the municipality which are in rural zones (about 5% of all services are rural).
- 435 attendees frequented the Up 4 Grabs tent with approximately 3177 items taken away. This was approximately 56.52 tonnes being avoided from landfill.
- 373 residents booked through Council representing 31% of all bookings made. This is 20% less than 2015 event which indicates that residents are booking themselves online.
- 148 residents booked on arrival representing 12% of all bookings.
- Monday 12 September and Wednesday 14 September were the busiest days for people calling Council to book with 54 calls each day
- 20% of all bookings booked during the event period.

Total tonnages and materials received:

- Approximately 283.24 tonnes of material was dropped off
- 132.53 tonnes of material was sent to landfill
- 150.71 Approximately tonnes from the above was either recycled or taken for reuse.

## Reports for Information

14.6 Household Bulky Waste Drop Off Event - 10-18 September 2016  
(cont)

53% is the total resource recovery rate.

- Material breakdown is included in the table below. The major recovered items were: up 4 grabs items 38%, metals 16%; e-waste 16%; mattresses 6%, paper and cardboard 7% and gas bottles/fire extinguishers 7%.

No event flyer was produced, instead advertisements were placed in the Gerringong-Gerroa Whispers, The Bugle, Kiama Area Focus Magazine and social media. In addition, a press release was distributed with articles appearing in the Kiama Independent and mentions on local radio. It was also listed in the Waste and Recycling services calendar which was distributed to all households in the urban area.

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

Material Type	Examples of Items	Possible Market	Cost to Council (ex GST)	Income to Council (ex GST)	Total Tonnage 2016	Total Tonnage 2015
Paper and cardboard	Boxes, newspapers	Council – current arrangements	Nil	Nil	10	8.20
Steel/metal	Whitegoods (more than 75% of the item is made from metal) BBQ, metal clothes line, metal gates, metal roofing, car parts, hot water systems, tap ware	Council – current arrangements – steel bin	Nil	@\$40T \$994.40	24.86	21.50
Glass/ plastics – mixed recyclables	Bottles, cans, milk bottles	Council – current arrangements	Nil	Nil		2.30
Batteries	Batteries (car and truck)	Council – current arrangements Toxfree	Nil	Nil	1.78	0.52
Batteries (alkaline)	Batteries (alkaline)	Council – current arrangements Toxfree	Nil	Nil	Included above	0.04
Polystyrene	Polystyrene	Council – current arrangements processed onsite	Nil	Nil	0.14	0.15
Silage Wrap and baling twine	Silage wrap and baling twine	Council – current arrangements	Nil	Nil	2	1.28

## Reports for Information

14.6 Household Bulky Waste Drop Off Event - 10-18 September 2016  
(cont)

Material Type	Examples of Items	Possible Market	Cost to Council (ex GST)	Income to Council (ex GST)	Total Tonnage 2016	Total Tonnage 2015
		(Plasbak)				
Drums	Only drumMuster branded drums accepted	Council – current arrangements (drumMuster)	Nil	Nil	0.3	0.30
Motor oil	Motor oil	Council – current arrangements Toxfree	Nil	Nil	5.0	1.00
Cooking oil	Cooking oil	Council – current arrangements Toxfree	Nil	Nil	1	0.05
Light globes	Fluorescent tubes, cfl's and mixed globes	Council – current arrangements Toxfree	Nil	Nil	0.5	0.25
Textiles	Curtains, linen, clothing, handbags, footwear	Lifeline Mission Australia	Nil	Nil	0.36	0.35
Paint		Council – current arrangements Toxfree	Nil	Nil	3	0
Bicycle	Adult and small adult bikes with wide tyres ONLY	Australian Goodwill - Berrima Recycling Centre, Southern Highlands	Nil	Nil	1	0.25
Books	Reading books	Lifeline – 19 Auburn Street, Wollongong	Nil	Nil	1	0.45
Mattresses	Mattresses and ensembles	Soft Landings	\$10,011	Nil	9.62 426	8.51 453
Gas bottles, fire extinguishers		Council – current arrangements Toxfree	Nil	Nil	10	6.66
Mobile phones		Council – current arrangements Toxfree	Nil	Nil	Maybe part of e-waste	0.07
E-waste		Council – current arrangements Toxfree	Nil	Nil	23.63	19.09
Up 4 Grabs Tent			Nil	Nil	56.52	28.26
Landfill			\$42,144		132.53	75.02

Item 14.6

## Reports for Information

14.6 Household Bulky Waste Drop Off Event - 10-18 September 2016  
(cont)

Material Type	Examples of Items	Possible Market	Cost to Council (ex GST)	Income to Council (ex GST)	Total Tonnage 2016	Total Tonnage 2015
<b>Total</b>			<b>\$52,155</b>	<b>\$994.40</b>	<b>283.24 Tonnes</b>	

Item 14.6

The budget allocated for this event (2016/17) was set at \$47,000 (excluding GST).

Actual budget for this event excluding tip fees \$43,225, breakdown as per the following table:

ITEM	AMOUNT (excl. GST)
Advertising	291
Processing of collected material (refer to table above) excluding tip fees	10,011
Wages for labour hire	2,981
Wages for KMC staff	25,141
PPE for KMC staff	712
Transporting of collected materials for recycling	4,089
Tip fees	42,144
<b>TOTAL</b>	<b>\$85,369</b>

**Household Kerbside Clean Up Collection – March 2017**

This event enabled residents to place out for collection up to 1m<sup>3</sup> of eligible material excluding, televisions, computers, mattresses, lounges and other bulky furniture that is not able to be picked up safely by one person.

This year's event, held in March 2017 cost \$80,000 to run i.e. trucks, hire vehicles and staffing. A total of 219 tonnes of waste was collected costing Council \$68,297 in tip fees. Metal was the only material that was collected for recycling. A total of 98 tonnes of metal was recycled from this collection which @ \$40T provided \$3,920 income to Council. This represents a resource recovery rate of 44%.

## Reports for Information

14.6 Household Bulky Waste Drop Off Event - 10-18 September 2016  
(cont)

---

<b>ITEM</b>	<b>AMOUNT (excl. GST)</b>
Wages for labour hire/KMC staff	80,000
Tip fees	68,297
<b>TOTAL</b>	<b>\$148,297</b>

Item 14.6

Whilst the two events cannot be compared due to the differences in the type and quantity of material accepted at each event, it is evident that the Household Bulky Waste Drop Off event is cost effective and enables more materials to be recycled rather than sent to landfill.



**14.7 Ocean Lifeguard End of Season Report 2016/2017**

Responsible Director: Finance, Corporate and Commercial Services

---

Enclosed is a copy of the End of Season Report prepared by Council's Lifeguard Coordinator, Andy Mole.

**Enclosures**

- 1 Ocean Lifeguards End of Season Report 2016/2017 [↗](#)

**14.8 Question for future meetings: Sporting fields - future needs**

Responsible Director: Environmental Services

At the Ordinary meeting of Council on 11 April 2017, Councillor Westhoff asked for a report into whether land has been set aside for sporting fields in the Municipality to meet the future needs of the growing population.

At present, there are no areas that have been specifically set aside for future sporting fields within the Municipality. The population within the Municipality is growing at a rate of approximately 1% each year. (See data below from the NSW Department of Planning and Environments population projections) and at the current rate, the provision of Council's sporting facilities appears to have kept pace with supply.

LGA	2001-06	2006-11	2011-16	2016-21	2021-26	2026-31	2001-36
Kiama	0.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%

(Department of Planning & Environment – Research and Demography 2016)

Council has had no approaches from local or regional sporting organisations requesting the provision of additional sporting facilities in the LGA.

**14.9 Question for future meeting: Revision of the Kiama Health Plan**Responsible Director: Community Services

---

This report responds to a question for future meetings from Councillor Rice in March, requesting a report on the costing for the provision of community workshops to investigate current health related concerns and themes to facilitate the Kiama Health Plan being reviewed to reflect those community concerns.

In regards to costs for the provision of community workshops, Council makes budgetary provisions for the implementation of actions within the Health Plan. It is envisaged any public consultation will be undertaken by Council staff within existing budget. The review of the health plan and associated workshops will take place when the Health Promotion role has full staffing. At present the role has only 50% staffing due to maternity leave.

Item 14.9

**14.10 Question for future meeting: Heritage Grants**Responsible Director: Community Services

---

At the April Council meeting, Cllr Reilly asked 'whether his recommendation that Council apply for some of the \$2.6M in direct grants from the Office of Environment & Heritage, has been received and will that recommendation be taken up.'

The grants referred to are a new program *The Heritage Near Me Incentives* program, which will run from 2016 to 2019. There is \$16 million available in funding over the life of the program. The three grant stream opportunities are: Heritage Activation Grants, Heritage Green Energy Grants and Local Heritage Strategic Projects Grants. Of these three streams Council is considering application under the third stream, Local Heritage Strategic Projects.

The Local Heritage Strategic Projects program is open year round, subject to available funding. Expressions of Interest are invited from owners and managers of local heritage items, local councils and organisations who are seeking support for projects and programs that will enhance and protect local heritage assets and values, either through minor works conservation projects, community-based events and activities, or the development of innovative heritage processes, strategies and plans. Grants range from \$10,000 to \$100,000.

Council staff are reviewing the guidelines to confirm suitability for two potential projects: the restoration of the Gerringong School of Arts as part of the Library and Museum project; and an indigenous heritage project. Further projects may be considered over the period of the funding.

**14.11 Questions for future meetings register as at 8 May 2017**

Responsible Director: Office of the General Manager

---

Attached for Councillors' information is the Questions for Future Meetings Register as at 8 May 2017.

**Attachments**

- 1 Questions for Future Meetings Register as at 8 May 2017 [↓](#)

**Questions for Future Meetings Register**

16/73192

No	Details	Actions
<b>15 May 2016</b>		
18.1	<b>Cycleway and walkway along Minnamurra Bends</b> Councillor Steel requested a report be completed on the feasibility of the installation of a cantilevered walkway/cycleway along the western side of Riverside Drive around the Minnamurra bends, Kiama Downs. The Mayor referred this matter to the Director Engineering & Works for investigation and report.	Reported to December 2016 Council meeting Awaiting consultant's report Further report to June 2017 meeting
18.4	<b>Cycleway and boardwalk around Minnamurra Bends – expression of interest</b> Councillor Way requested that an expression of interest be prepared for suitable parties to prepare an options report to identify a suitable system that could be constructed along Riverside Drive, from Meehan Drive around Minnamurra Bends to Minnamurra Bridge for the purpose of: <ul style="list-style-type: none"> <li>• safe access and travel for pedestrians and cyclists</li> <li>• minimising the footprint on the surrounding natural environment</li> <li>• designing a cycleway/walking path that is cost affective and enhances the aesthetics of the surrounding area</li> <li>• preparing innovative design concepts that may include cantilever, cable gantries, pier and beam or any other solutions that will accommodate a shared pathway</li> <li>• prepare a fee proposal for the preliminary report/concept design.</li> </ul> The Mayor referred this matter to the Director Engineering & Works for investigation and report.	Reported to December 2016 Council meeting Awaiting consultant's report Further report to June 2017 meeting
<b>18 October 2016</b>		
17.2	<b>Purchase of rubber tyre train</b> Councillor Steel requested a report on the purchase and installation by Kiama Council, in conjunction with Kiama Tourism, of a Dotto rubber tyred train and carriages to run from the Kiama CBD to the Blowhole as a tourist attraction. The Mayor referred this matter to the Director Engineering and Works for investigation and report.	Reported to December 2016 Council meeting. Sponsorship being sought Further report to June 2017 Council meeting
<b>21 March 2017</b>		
17.2	<b>Capital Works Budget</b> Councillor Reilly requested a meeting with the Director prior to the allocation of the capital works budget in relation to the playground between Tombonda Avenue and Witten Place, Kiama. The Mayor referred the matter to the Director Finance, Corporate and Commercial Services for action and report.	Not proceeding, Information report June 2017 meeting

No	Details	Actions
<b>17.3</b>	<p><b>Livestreaming of Council Meetings</b>                      Councillor Reilly requested that Council source an updated photo of the Kiama lighthouse which shows the ANZAC mural to replace the existing photo being used at the beginning of Council's live broadcast.                      The Mayor referred the matter to the Director Finance, Corporate and Commercial Services for investigation and report.</p>	<p>Arranged with contractor.                      Clearer photos to be provided.</p>
<b>17.4</b>	<p><b>Car Parking</b>                      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 Engineering and Works for investigation and report.</p>	<p>To be reported to June 2017 meeting</p>
<b>17.5</b>	<p><b>Kiama Coast Holiday Parks</b>                      Councillor Rice requested a report on how Council plans to stage the integration of holiday park accommodation that is fully compliant with the access standards required by federal legislation into the redevelopment program of our holiday parks and cabins.                      The Mayor referred the matter to the Director Finance, Corporate and Commercial Services for report.</p>	<p>To be reported to June 2017 meeting</p>
<b>17.6</b>	<p><b>Emery Park and Beach Head Reserve</b>                      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 &amp; Works for report.</p>	<p>To be reported to May 2017 meeting</p>
<b>17.7</b>	<p><b>Kiama Health Plan</b>                      Councillor Rice requested a report on the costing for the provision of community workshops to investigate current health related concerns and themes to facilitate the Kiama Health Plan being reviewed to reflect those community concerns.                      The Mayor referred the matter to the Director Community Services for report.</p>	<p>To be reported to May 2017 meeting</p>
<b>11 April 2017</b>		
<b>17.1</b>	<p><b>Office of Environment &amp; Heritage Grants</b>                      Councillor Reilly asked whether his recommendation that Council apply for some of the \$2.6M indirect grants from the Office of Environment &amp; Heritage, has been received and will that recommendation be taken up.                      The Mayor referred this matter to the General Manager for investigation and report.</p>	<p>.</p>
<b>17.2</b>	<p><b>Implementation of Investment Policy</b>                      Councillor Sloan requested an update on the implementation of the Council resolution regarding the Investment Policy (February 2015): that where possible we invest in local or regional community enterprises/co-operatives and those without an interest in coal seam gas.                      The Mayor referred this matter to the Director of Finance, Corporate &amp; Commercial Services for</p>	<p>To be reported to June 2017 meeting</p>

No	Details	Actions
17.3	<p>investigation and report.</p> <p><b>Prohibiting the use of helium balloons</b>                      Councillor Sloan requested an investigation of the decision by Bega, Eurobadalla, Shoalhaven and Shellharbour Councils to prohibit the release of helium-filled balloons at Council sponsored functions or Council managed reserves with the view of implementing a similar policy at Kiama.                      The Mayor referred this matter to the Director of Environmental Services for investigation and report</p>	To be allocated to DEW for a report
17.4	<p><b>Sporting fields - future needs</b>                      Councillor Westhoff requested an investigation regarding whether land has been set aside for sporting fields in the Municipality to meet the future needs of our growing population.                      The Mayor referred this matter to the Director of Environmental Services for investigation and report.</p>	To be reported to May 2017 meeting.



**14.12 Parking Statistics - March 2017**

Responsible Director: Environmental Services

---

**CBD Parking**

Parking patrols conducted – 5 site specific – 31 general area.

Infringements issued – 4.

Vehicle spaces inspected – 266.

Terralong Street 1/2P – 1 patrol.

Terralong Street 2P – 1 patrol.

Terralong Street 1P – 1 patrol.

Fern Street 1/2P – 1 patrol.

Fern Street 1P – 1 patrol.

**School Zone Patrols**

Minnamurra Public – 1 patrol – 1 infringement.

Kiama High – 5 patrols – 8 cautions.

St Peter and Paul – 2 patrols – 4 cautions.

**Reactive Issues**

No Stopping – 5 infringements.

Total amount of infringements issued = \$1689.

Specific patrols for April 2017 will be for locations nominated above.

**14.13 Parking Statistics - April 2017**Responsible Director: Environmental Services

---

**CBD Parking**

Parking patrols conducted – 13 site specific – 30 general area.

Infringements issued – 28.

Vehicle spaces inspected – 772.

Terralong Street 1/2P – 3 patrols.

Terralong Street2P – 3 patrols.

Noble Street 2P – 1 patrol.

Fern Street 1P – 3 patrols.

Fern Street 1/2P – 2 patrols.

Rosebank Place 2P – 1 patrol.

**School Zone Patrols**

Jamberoo Public 2 patrols – Nil.

St Peter and Paul 1 patrol – Nil.

**Reactive Issues**

No Stopping – 9 infringements.

Stop Motor Cycle – 2 infringements.

Illegal Seller – 1 infringement (Local Government – Ice Cream Seller Blowhole Point).

No Stopping Yellow Line – 3 infringements.

No Parking – 3 infringements.

No Stopping Double Line – 6 infringements.

Total amount of infringements issued = \$8241.

Specific patrols for May will be for locations nominated above.

**14.14 Minnamurra Progress Association Minutes - meeting 4 April 2017**

Responsible Director: Office of the General Manager

---

The minutes of the Minnamurra Progress Association meeting held on 4 April 2017 are enclosed for Councillors' information.

**Attachments**

- 1 Minnamurra Progress Association - Minutes - 4 April 2017 [↓](#)

**Item 14.14**

**Minnamurra Progress Association**

**Minutes of Meeting on 4<sup>th</sup>. April 2017**

**Present:**

President Cliff Mason	Glenda Foster
Kath & John Le Bas	Rae McClymont
Graeme Collison-Smith	Annett & Wayde Siemsen
Pat Phelan	Carl Ellefsen
Robyn & Arthur Smithers	John Knox
Ian Dodsworth	John Williams
Bruce Cole	Jan Godfrey
Phil Williams	Ray Smith
Colin Blanchart	Barry Mahoney

**Apologies:** Cr. Mark Way; Norma Gore [due to illness].

**Minutes of 7<sup>th</sup>. March 2017 Meeting** Accepted unanimously, [Prop: Ian Dodson; Sec: Carl Ellefsen]

**Business Arising:** The President suggested that, in particular, the topic of Development Application notifications raised at the last meeting and, more generally, all other business, be deferred to the next meeting so as to afford our guest speaker for the occasion, the Manager of Killalea State Park Mr Nathan Cattell sufficient time to deliver an address to this meeting. This was unanimously accepted. [Prop: Carl Ellefsen; Sec: Ray Smith]. Further discussion on this topic will resume at the May meeting of M.P.A.

A 10 page draft submission to K.M.C. on this topic, of just how much detail councils should provide to adjoining and nearby neighbours when Development Applications are lodged, was sent to our President from the Gerringong-Jamberoo groups with whom he had met a month or so ago. He has circularised that 10 pager to members of M.P.A., and he requested that any comments or suggestions by members should be sent to him as soon as conveniently possible, so that he might have adequate time to digest and consider all such comments or suggestions

**Raffle:** This was won by Bruce Cole.

A summary of the Killalea State Park presentation by the Manager follows these Minutes. At the conclusion, he was presented with a token of appreciation by the President.

ooo000ooo

Mr. Nathan Cattell has been the Manager of Killalea State Park for approximately five years. Prior to this posting, he had been involved in the managements of several other State Parks along the NSW coast. He holds a Graduate Diploma in Resource Management. His overall management concerns for the Park are Environmental Issues and Revenue Generation.

Killalea State Park takes in the bushland area to the east and south of the Shellharbour Golf Club, and includes The Farm beach, Mystics beach and the spit behind it, as well as Stack Island [a.k.a. Rangoon Island].

Fairly recently, a new board of management has been appointed, one of whom is Ms Wendy Machin, well known to NRMA members. The new Board is about to audit the Park so as to be in a position to plan for its future. It has good capacity for expansion, in view of its current level of popularity, which can be gauged from the following statistics. Visitor numbers have increased from 150,000 in 2000 to 280,000 in 2016. Campers account for 18,000 p.a. @ \$30 p.d. per couple and generating revenue of \$350,000 p.a. at present. Consideration is being given to inaugurate such events as a bi-annual non-commercial sculpture display. Already a Children's Festival is being held in May 2017. Markets are held in the Park on the first Sunday of every month, organised by the local Lions Club and stall holders come from far and wide. Admission is by a gold coin, which the Lions donate to local charities. 16 Lions manage the crowds at the markets with the aid of two-way radios. The two automatic tellers installed on market days each pay out \$14,000. In the interests of safer and more convenient motoring to and from the Park, a new access route is planned with a different point of entry.

Apart from all these positive aspects about the Park, attention has had to be directed to after dark motorcar hoodlism, such as burnouts, and to a degree of criminal vandalism. The local Police are alert to these matters and have assured that prompt reaction to a call-out will be available.

For ease of summarising other aspects of Mr.Cattell's presentation, Revenue Generation will be dealt with first as this will create an understanding of how the Park can engage in so many different Environmental activities.

The Boral Quarry, adjacent to the Park, has generously promised contributions of \$25,000 p.a. for four years.

The Park can be hired as a wedding-under-marquee venue. This has the potential for generating \$2,000 p.a.

A government grant of \$14,000 has been secured to fund a study of the native flora and fauna abounding in the Park.

The Environmental side of managing the Park includes: [1] annual spraying of the bitou bush infestation along the spit between Mystics Beach and the Minnamurra River. This costs \$7,000 p.a.

[2] Fox baiting, using a sophisticated automatic "feeding" device which ensures that 1080 poison is sprayed into the throat of the fox without contaminating the fauna.

Mr.Cattell is certainly a person who not only takes a great interest in his work, but who enjoys it immensely and is keen to promote the Park as widely as he can so that more and more people, from the immediate area and from further afield, can enjoy all of the attractions that the Park has to offer. These include:-

1. A local Aboriginal presence, whose ancestors used occupy the area and whose corroboree ground can be visited.
2. Black swans frequent the lake within the Park.
3. 10,000 school children from up and down the coast visit the Park each year and take part in structured activities designed to be educational, including explanations of earlier times by Aboriginal speakers.
4. A tree in the Park, dating from before the arrival of Europeans, had been felled about 10 years ago. Recently, it was decided to re-invigorate it and re-plant it. This was successful and it can now be seen near the entry gates.

ooo000ooo

**14.15 Jamberoo Valley Ratepayers & Residents Association Minutes - meeting  
4 April 2017**

Responsible Director: Office of the General Manager

---

The minutes of the Jamberoo Valley Ratepayers & Residents Association held on 4 April 2017 are enclosed for Councillors' information.

**Attachments**

- 1 Jamberoo Valley Ratepayers & Residents Association Minutes - Meeting 4 April 2017 [↓](#)

## Jamberoo Valley Ratepayers and Residents Association Inc.

**President:** Rob McKinnon  
**Secretary:** Narelle Day  
**Treasurer:** Vivienne Marris  
**Contact:** [jvrrasecretary@gmail.com](mailto:jvrrasecretary@gmail.com)  
**Address:** P.O Box 146 Jamberoo 2533 NSW

### **Minutes of General Meeting:**

**Date:** 4<sup>th</sup> April 2017

President Rob McKinnon occupied the chair and opened the meeting at 7.30pm & welcomed everyone.

**Attendance:** Geoff Boxsell, Ray Nolan, Vivienne Marris, Ken Jeffrey, Helen Cochran, Narelle Day, Max Brennan, John Freidman, Greg & Cheryl Harris, Margaret Stephens, Paul & Sally Rogers, Kylie Jullien, Jack & Viv Frost, Jacqueline Jackman, Ray Swan, Andrew Waugh, John Booth, Robyn & Graham Letham, Michael Brennan, Howard Jones, Gino Belsito, Susie Nash, Rob McKinnon, John Zimmer, Glynnis Day, Paul Morris, Rhoda Pooley, Cathy Law (Bugle), Stan Judd, Margaret Chapman, Neil Reilly, John Wilson, Helen Stransky, Veronica & Sidney Baker, Vic East, Helen Plowman.

**Apologies:** John & Maggie Phelan, Leah & Chris Roulstone, James & Sandra Dingle, John & DI Jennings, Penny Morris, Graham Pike(long standing other commitment), Gail Taylor, Mary Lou & Geoff Reid, Suzanne & Geoffrey Reynolds, Tony Day, Peter Kennedy, Phil & Hazel Lewis, Barbara Jakeman, Kevin Mills, Garry Cochran, Ros McKinnon, Leanne & Charlie D'Amico, Pauline Swan, Hannah Plowman, Lesley Freidman.

Klarna Municipal Council representatives welcomed.

Gino Belsito answered the questions set out by the infrastructure committee.

- 1. Is it true money has been pledged by Ann Sumalis MP towards the upgrade of the swimming pool?**

*Yes \$500,00 has been pledged for the pool refurbishment. KMC has done an analysis on knock down or rebuild. It has been decided to knock down the amenities block. Some improvements will be fencing, pool disabled access, resurface pool area, outdoor shower, picnic tables & shaded areas. It was asked if a cover was in the plan. When retracted the dirt and duck poo would fall back into the pool but it will be checked out.*

*Hope to start work soon ready for next season.*

*Concern of flooding the playing area when emptying the pool. Drains have cleared so should not be an issue now.*

- 2. When does council intend to start on the construction of the sporting complex in Reid Park?**  
*Application for grants are in process.*
- 3. When will the cycleway be completed?** *Needs to go through some farms which is just about finalised then start on completing the cycleway*

4. **Is it a fact that council is holding \$2 million under section 94 for infrastructure? \$4.3 million is being held under sec 94**
5. **Is the council going to increase the amount of \$7000 from developers as opposed to Wollongong and Shellharbour of \$27,000. This was brought to the attention of JVRRA at the meet the candidtes? This is under reveiw.**
6. **Jamberoo needs more footpaths, more connectivity for pedestrians and cyclists. Will council be looking into this problem for Jamberoo? Spoke about the Hyams Creek bridge crossing, maybe a pathway – no funds but design work 2021! If any funds come up will bring forward. Chapel Lane drainage and footpath to be done by the end of 2017.**

K. Jeffrey's motion discussed as linked to above issue. Moved K.Jeffrey Sec: J. Frost.

That JVRRA request Kiama to make Chapel Lane a one-way street.(entry only)

*Conversation: The lane is part one way part not – there has been accidents on this corner – this is part of the infrastructure committee letter M. Honey responded: This was discussed at the KMC traffic meeting where persons from RMS, Police & KMC discussed that when the drainage and footpath is completed RMS will look at making Chapel lane one way. Other items mentioned was that the Catholic church do not want it one way. – a mirror was suggested to KMC but this was not possible – western ballestrade of bridge totally blocks vision to exit Chapel Lane – “wait for a death to happen till something is done” – church would have to change the gateway – Chapel Hill residences come down the one way section of the road.*

Motion was voted: 14 FOR 11 AGAINST Motion carried

Infrastructure committee gave their report. J. Freidman read the letter that was sent to KMC & photos were shown on evidence that Chapel Lane intersection is very dangerous. More discussion is required on this issue & include KMC.

Moved: J.Freidman Sec: R.McKinnon CARRIED

Howard Jones from Sth Precinct gave his presentation on suggested enhancements to KMC online services. Requested endorsement from JVRRA & Minnamurra Progress Assoc'n.

Endorsed moved: R. McKinnon Sec: H.Stransky CARRIED

**Minutes:** The minutes of the meeting for 7<sup>TH</sup> March 2017 as circulated by email & post were adopted on the motion of G. Boxsell Sec: G. Harris- carried

**Business arising:**

**Correspondence:**

**IN:**

15.03 – email from Gareth's office re. letter about DCP motions – does GW need to do anything?

17.03 – email from KMC re Drualla Rd to be discussed at their meeting 21<sup>st</sup> Mar

20.03 – email from council stating “ **only required if an individual or organisation has made a political gift or donation** to Council.

21.03 – letter from G.Pike re. amendment to Kiama LEP 7 request to send out to members

25.03 – Neil Reilly accepting invite to meeting & Kathy Rice not able to attend(has a previous appt)

26.03 – Mark Honey accepting invitation



**OUT:**

- 9.03 - letter to KMC re the DCP & our involvement
  - 13.03 – email to KMC with new address
  - 13.03 – letter to KMC re. Sec88B Chapter 31 Brookwood Estate
  - 13.03 – email March minutes, LFJ report, new member form
  - 13.03 – letter to Alan Piper at KMC re. gardens & parks
  - 14.03 – email & posted minutes from 7<sup>th</sup> March, new member form, LFJ report, infrastructure letter & garden group report.
  - 15.03 – email march minutes to KMC
  - 16.03 – email to GW letting him know we want to keep in aware of our issues
  - 17.03 – email to members re. letter from KMC about Drualla Rd proposal to be at the their meeting 21<sup>st</sup> Mar.
  - 19.03 – email to KMC if donation declaration is required
  - 20.03 – email to members revised minutes March meeting
  - 20.03 – email to all Councillors, Mayor, Gino Belsito, KMC & G.W. re. Chapel Lane & coming to JVRRA 4<sup>th</sup> april with photos.
  - 20.03 – email to all Councillors, Mayor, Gina Belsito & Michael Forsyth invite to April meeting
  - 21.03 – email G.Pike's letter to members as requested
  - 28.03 – email to Mark Honey & Gina Belsito to attend out April meeting
  - 20.03 – let Mark & Neil know where & when we meet.
- CARRIED

***Treasurer's Report:***

Report showed a balance of \$5,775.02  
Secretary written claim for expenses passed for payment  
Adopted: G. Boxsell Sec: J. Freidman – carried

***Living Future Jamberoo Report:***

See attached minutes from 8<sup>th</sup> March meeting

***Infrastructure Committee Report:***

As above

***Publicity Report:***

New member to committee V. Marris – suggested to encourage exiting members to personally contact neighbours etc to join the JVRRA – doing a welcome letter - pop-up shop a the markets with information – comment on if an item on the agenda you would like to vote but unable to attend can get someone else to vote for(could be a change in the constitution!)

Neil Reilly noted that a public speaking competition about Kiama's Independence is on for the youth of Kiama.

***Garden Group Report:***

See attached

***General Business:***

Ken requested a grant of \$1800 for music at the markets - unsuccessful  
Markets rained out.  
Public reserve in Brookwood Estate is out of control it need some sort of vegetation planning eg: fig trees.  
It was suggested that the infrastructure committee develop a concept on this area & present to KMC. M. Honey agreed & suggested to consult with the landscape manager.

Response to G.Pike's letter submitted re. DCP Jamberoo specific. These things take time & KMC has the DCP under consideration, when the draft is done it will be presented to the planning committee within the next month then released for public exhibition & a public meeting in Jamberoo & maybe need to extend the submission period. This is a priority of the planning committee.

*Conversation: It is a concern of turning agricultural land into subdivisions.* M.Honey has no intention to extend beyond that in the KUS 2011. He said that once the Jamberoo DCP is published it will show this & then up to community to discuss & make suggestions. N. Reilly commented that councillors voted against the Golden Valley Road development.

Resignation by Narelle Day secretary was tabled & now a new person must nominate for secretary. (nomination form attached)

Comment that a letter from G.Pike was received by some members that he sent to Cathy Law at the Bugle. The question was what are the "JVRRA published policies" but the chair said that this was not on the agenda so no discussion.

Meeting closed 9.10pm

**Next meeting:** Tuesday 2<sup>nd</sup> MAY 2017 at 7.30pm at Club Jamberoo.

Reports for Information

---

**14.16 South Precinct Minutes - meeting 20 April 2017**

Responsible Director: Office of the General Manager

---

The minutes of the South Precinct Meeting held on 20 April 2017 are enclosed for Councillors' information.

**Attachments**

- 1 South Precinct Meeting - Minutes - 20 April 2017 [↓](#)

**Item 14.16**

**MINUTES OF THE SOUTH PRECINCT MEETING**  
held on Thursday 20 April 2017 at Gerringong Town Hall

**Meeting Opened** at 7.30pm

**Attendance:** 25 people present

**Chair:** Darrell Clingan      **Minutes:** Graham Fairbairn  
Mayor Mark Honey was welcomed to the meeting

**Apologies:** Debra Moore, Stephen Brazier, Linda Brazier, Robyn Fairbairn

**Minutes of Previous Meeting:**

**Moved:** that the minutes of the ordinary meeting of 16 March 2017 be accepted.

Moved

Geoff Lindsay/ Robert Coady      **Carried**

**Business arising From Minutes:**

1. **Signage for Standen Lane re Pedestrians** – to be discussed with Gino Belsito

**Correspondence IN**

1. Email from Councillor Neil Reilly re development on North Werri headland. Asking for feedback re the issue.

2. Council re 27 Princes Highway. Conditional consent given to DA.

3. Email from Peter O'Neill – re establishment of Kiama Central Precinct. Agreed to send them congratulations and best wishes for their future.

**Correspondence out**

1. 98 Fern Street – Fence erected by developer for lots 51, 52 and all of lot 53 which is community land Precinct has written to Council re the fence on Council land. Council has asked for the fence to be removed – still has not been moved completely off community land.

**Council Papers - Meeting of 11 April**

1. **DA for 100 bed residential care facility for Mayflower Village.** DA approved by Council. The Mayor made some comments

2. DA for 141 Belinda Street. Commercial/residential development approved.

3. DA for 100 Headland Drive, Gerroa – house and pool - approved

4. General Manager – Long service Leave –June/July

**Traffic Committee** – Concern has been expressed about the number of speed limit changes along Fern St. RMS will undertake study of the matter

**Neighbourhood Watch** has folded in Gerringong. We need to be more vigilant about issues

**General Business**

1. 69 Werri St,- DA will probably go to full Council

2. 128 Belinda St – modifications to DA –rejected by Council.
3. Shirley Coady commended the Council for its support of the Dementia Awareness Programme.
4. Notification of DAs to neighbours. The issues were raised and a number of failures to notify were mentioned.
5. Commercial advertising on Town Hall. The issue to be brought to the Director of Engineering.
6. Campervans/caravans parked overnight in areas near beach and boat harbour. Signs similar to those at Bombo Beach would help in controlling this practice. Moved by Jim Eames that Council be asked to consider placing a signs at South and North Werri carpark areas to restrict extended overnight camping  
Seconded Raewyn Thomson Carried.
7. Highway speed limits down from Mt Pleasant – Concerns were expressed about the speeding up of traffic coming down the hill as vehicles are taking the Gerringong exit.
8. Helen McDermott , Gerringong Historical Society, spoke about the  
Development of School of Arts site - \$1.25million promised by Federal Government plus \$200,000 received from State Government for new library. Move of museum will be a major undertaking. Mural is being restored. A copy of the plans is at the museum.

**Guest Speaker: Howard R Jones**

Howard made a presentation of a submission to be made to Council about Council/Community information sharing.

7 requests to be made

1. Kiama Council – online DA tracker and online submissions – associated documents not to be bundled together
2. Include in DA tracker documentation as to how the decision was made
3. Allow and actively promote online submissions with political donations declarations to be integrated into submissions
4. DA Notification policy - extend the definition beyond the current “adjoining or neighbouring” properties and develop guidelines for flexibility in notifications and extended periods for submissions at Christmas and holiday times.
5. Register of approvals with variations be made available on Council website
6. Establish a register accessible on the Council website, of dwelling growth and locations within the municipality matched to predictions and guidance within the Kiama Urban Strategy.
7. Include a link to NSW Dept of Planning and Environment “Planning Portal” to facilitate ‘one stop shopping’

Moved that the Precinct endorse the proposed submission and inform Council of our support Alan di Lucca/ Annie Heppel Carried

Michael Hindmarsh distributed a letter to the Minister for Agriculture and Fisheries re poaching of abalone at Boat Harbour

**Meeting closed:** 9.10 pm

**Next Meeting:** Thursday 18 May 2017, Gerringong Town Hall, 7.30pm. This will be the AGM.

..... Darrell Clingan      Chairperson

**15 ADDENDUM TO REPORTS**

**16 NOTICE OF MOTION****16.1 Amenities Audit**

Clr Matt Brown has submitted the following Notice of Motion for Council's consideration:-

***MOTION***

1. That Council 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. That Council seek community input into "the adequacy of our facilities and whether new facilities are required and whether existing facilities are no longer required".
3. Council request the NSW Government to provide adequate and necessary amenities at Minnamurra Railway Station.

Signed Councillor Matt Brown

## 17 QUESTIONS FOR FUTURE MEETINGS

## 18 CONFIDENTIAL SUMMARY

### CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 16 May 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 TENDERS - MANAGEMENT CONTRACT FOR WERRI BEACH HOLIDAY PARK

**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 COUNCIL OWNED LAND AT THE CORNER OF SHOALHAVEN STREET AND AKUNA STREET, KIAMA (LOT 200 DP 1017091, LOT 100 DP 1211384) AND THE FORMER MITRE 10 SITE (LOT 1 DP 50674 AND LOT 1 DP 50193) TERRALONG STREET AND AKUNA STREET, KIAMA

**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. .

#### 19.3 GOLD COAST COMMONWEALTH GAMES QUEEN'S BATON RELAY - COUNCIL SELECTED BATONBEARER

**Reason for Confidentiality:** This matter deals with information that would, if disclosed, reveal a trade secret as per Section 10A(2)(diii) of the Local Government Act. .

#### 19.4 KIAMA TOURISM - ACQUISITION OF ASSETS

**Reason for Confidentiality:** This matter deals with information that would, if



disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act and 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 CONFIDENTIAL REPORTS

### 19.1 Tenders - Management Contract for Werri Beach Holiday Park

CSP Objective: 3 A Diverse, Thriving Economy

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

Delivery Program: 3.6.1 Coordinate the management of Kiama Coast Holiday Parks as viable business entities

#### **REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

---

### 19.2 Council owned land at the corner of Shoalhaven Street and Akuna Street, Kiama (Lot 200 DP 1017091, Lot 100 DP 1211384) and the former Mitre 10 site (Lot 1 DP 50674 and Lot 1 DP 50193) Terralong Street and Akuna Street, Kiama

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

CSP Strategy: 4.3 Identify opportunities to diversify and expand new and existing funding sources to meet community needs

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

#### **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.*

---

### 19.3 Gold Coast Commonwealth Games Queen's Baton Relay - Council selected Batonbearer

CSP Objective: 3 A Diverse, Thriving Economy

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

---

Delivery Program: 3.6.3 Develop and maintain relationships with peak industry bodies, local, State and national agencies to promote and develop tourism in the local area

**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, reveal a trade secret.*

---

**19.4 Kiama Tourism - Acquisition of Assets**

CSP Objective: 3 A Diverse, Thriving Economy

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

Delivery Program: 3.6.4 Maintain a robust relationship with Kiama Tourism

**REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

---

**20 CLOSURE**