



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 17 July 2018

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 General Manager
- 10 Report of the Director Environmental Services
- 11 Report of the Director Corporate, Commercial & Community Services
- 12 Report of the Director Engineering and Works
- 13 Report of the Director Blue Haven
- 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

11 July 2018

To the Chairman and Councillors:

NOTICE OF ORDINARY MEETING

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

11 Manning Street, KIAMA NSW 2533 on **Tuesday 17 July 2018** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully



Kerry McMurray
General Manager

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 17 JULY 2018**

1 APOLOGIES

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council meeting held on 26 June 2018

Attachments

- 1 Minutes - Ordinary Council - 26/06/18 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held on 26 June 2018 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 26 JUNE 2018

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 26 JUNE 2018 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,
Acting Director Corporate, Commercial and Community Services,
Director Engineering and Works and Director Blue Haven

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 meeting held on 15 May 2018

OC-18/175

Resolved that the Minutes of the Ordinary Council Meeting held on 15 May 2018 be received and accepted.

(Councillors Way and Westhoff)

3.2 Extraordinary Council meeting held on 6 June 2018

OC-18/176

Resolved that the Minutes of the Extraordinary Council Meeting held on 6 June 2018 be received and accepted.

(Councillors Reilly and Rice)

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

4 BUSINESS ARISING FROM THE MINUTES**Motion****OC-18/177**

Resolved that Council arrange a meeting with Nick Daoud to explain the reasons why Council decided not to provide any further option agreement to Nicolas Daoud & Co Pty Ltd and to outline Council's current position on the Akuna Street development.

(Councillors Steel and Watson)

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

Against: Councillors Rice, Sloan and Westhoff

5 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Chris Murray	9.6	2018-19 Draft Operational Plan
Robert King (Bob)	9.6	2018-19 Draft Operational Plan
Tricia Ashelford	9.6	2018-19 Draft Operational Plan
Karen Lang	10.2	Planning Committee - Terms of Reference (TOR)
Ross Jauncey	10.4	10.2017.195.1 – Lot 189 DP 33904 - 5 Gwinganna Avenue, Kiama - Use of lower ground floor already converted into an attached dual occupancy
Robert Budd Paul McClelland	10.6	10.2017.286.1 - Lot 1 DP 1045061 - 35 Bele Place, Kiama - Detached Dual Occupancy Development
Robert Sciacchitano	10.6	10.2017.286.1 - Lot 1 DP 1045061 - 35 Bele Place, Kiama - Detached Dual Occupancy Development
Natalie Allan	10.7	10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs - Demolition of Existing Carport and 2 Lot Torrens Title Subdivision
Warwick Davidson	14.12	Question for future meeting: Waste bins
Rusty Moran	19.5	Surf School Operation - Seven Mile Beach Gerroa

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

6 MAYORAL MINUTE

6.1 NSW Rural Fire Service Awards

OC-18/178

Resolved that Council formally congratulate the following recipients of National Rural Fire Service awards:

- Gerard Blunden (Jamberoo) – National Medal for 16 years' service
- Terry Sharman (Jamberoo) – National Medal and Long Service Medal 1st Clasp for 19 years' service
- Joanne Grant (Jamberoo) – National Medal and Long Service Medal 1st Clasp for 21 years' service
- Snr Deputy Captain William McParland (Jamberoo) – National Medal 1st Clasp for 27 years' service
- Deputy Captain Greg Ball (Gerringong) – National Medal 1st Clasp for 28 years' service
- Group Captain Andrew Sweeney (Gerringong) – National Medal 1st Clasp for 28 years' service
- Debra Murphy (Jamberoo) – Long Service Medal 2nd Clasp for 31 years' service
- Lawrence Knight (Jamberoo) – Long Service Medal for 12 years' service
- Andy Mullan (Jamberoo) – Long Service Medal for 13 years' service
- Thomas Conboy (Carrington Falls) – Long Service Medal for 19 years' service
- Craig Downes (Jamberoo) – Long Service Medal 1st Clasp for 21 years' service
- Cameron McInerney (Jamberoo) – Long Service Medal 1st Clasp for 21 years' service

(Councillor Honey)

6.2 Emeritus Mayor Sandra McCarthy, OAM

OC-18/179

Resolved that Council formally congratulates Mrs Sandra McCarthy on receiving the Order of Australia award.

(Councillor Honey)

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

6.3 Winifred Elizabeth Chittick (Betty), OAM

OC-18/180

Resolved that Council formally congratulates Miss Betty Chittick on receiving the Order of Australia award.

(Councillor Honey)

7 MINUTES OF COMMITTEES

7.1 Catchment and Flood Risk Management Committee Meeting - 15 May 2018

OC-18/181

Resolved that the Minutes of the Catchment and Flood Risk Management Committee Meeting held on 15 May 2018 be received and accepted.

(Councillors Westhoff and Sloan)

7.2 Economic Development Committee Meeting - 22 May 2018

OC-18/182

Resolved that the Minutes of the Economic Development Committee Meeting held on 22 May 2018 be received and the recommendations therein accepted subject to the following amendment, that in item 4 the reference to the Kiama Advisory Committee be changed to the Destination Kiama Tourism Advisory Committee

(Councillors Watson and Brown)

7.3 Kiama Local Traffic Committee Meeting - 5 June 2018

OC-18/183

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 5 June 2018 be received and accepted.

(Councillors Way and Westhoff)

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

7.4 Youth Advisory Committee meeting held 7 June 2018

OC-18/184

Resolved that the Minutes of the Youth Advisory Committee Meeting held on 7 June 2018 be received and accepted.

(Councillors Reilly and Steel)

7.5 Planning Committee Minutes - 17 May 2018

OC-18/185

Resolved that the Minutes of the Planning Committee Meeting held on 17 May 2018 be received and accepted.

(Councillors Watson and Way)

7.6 Access Committee meeting held 1 June 2018

OC-18/186

Resolved that the Minutes of the Access Committee Meeting held on 1 June 2018 be received and accepted.

(Councillors Westhoff and Brown)

COMMITTEE OF THE WHOLE

OC-18/187

Resolved that this time, 5.15pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

- Report of the General Manager
- Report of the Director Environmental Services
- Report of the Acting Director Corporate, Commercial & Community Services
- Report of the Director Blue Haven
- Addendum to Reports

(Councillors Steel and Way)

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

8 PUBLIC ACCESS REPORTS

OC-18/188

Committee recommendation that at this time, 5.15pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Watson and Reilly)

9.6 2018-19 Draft Operational Plan

OC-18/189

Committee recommendation that Council:

1. Notes, in accordance with Sections 402 to 406 of the *Local Government Act 1993*, that Council is required to prepare Integrated Planning documents with respect to:
 - a) a Community Strategic Plan for 10 years
 - b) a Delivery Program for four years
 - c) an Operational Plan for one yearand also notes that the Community Strategic Plan 2017-27, and the Delivery Program 2017-21 were adopted by Council on 22 June 2017.
2. Notes that the Draft Operational Plan 2018-19 and the Delivery Program 2017-21 were placed on public exhibition at various locations for a period of 28 days as required under the *Local Government Act*. The community was advised that written submissions could be made to Council at any time during the exhibition period, also in accordance with legislation.
3. Resolves to adopt the Operational Plan 2018-19 (including Budget and Revenue Policy) in accordance with Sections 402 to 406 of the *Local Government Act 1993*, including the following amendments:
 - a) account 0056. CID Office Equipment – Original budget \$699,709 reduced by \$50,000 to \$649,709 as part of the program has been delayed until the 2019-20 financial year
 - b) account 0071. Civic activities – Mayoral Allowance – Original budget \$42,962 increased by \$208 to \$43,170 in accordance with the Local Government Remuneration Tribunal decision to increase Councillor and Mayoral fees by 2.5% for 2018-19
 - c) account 0072. Civic activities – Members Fees – Original budget \$177,266 increased by \$846 to \$178,112 in accordance with the Local Government Remuneration Tribunal decision to increase Councillor and Mayoral fees by 2.5% for 2018-19
 - d) account 0073. Civic activities – Members Expenses – Original budget \$0 increased by \$36,000 to a total of \$36,000 to provide sufficient available

MINUTES OF THE ORDINARY MEETING**26 JUNE 2018**

funding to achieve the Office of Local Government requirements for elected members

- e) account 2346. Environmental administration – original budget \$0 increased by \$35,000 to a total of \$35,000 for the Kiama Coastal Management Program – 50/50 matching for grant program
- f) account 3640. Plant running expenses control – original budget \$1,533,750 increased by \$18,908 to \$1,552,658 due to proposed contributions from insurance provider
- g) account 0030. Finance and admin insurance premiums – original budget \$225,495 increased by \$23,680 to \$249,175 due to proposed contributions from insurance provider
- h) account 7060. Land development – other – original budget (\$5,268,000) decreased by \$5,268,000 to a total of \$0 to correct error however; this change does not affect the Income Statement/Budget Statement for 2018-19.

The original Draft Budget resulted in 0.75% Operating Performance Ratio. The amended budget results in 0.63% Operating Performance Ratio.

4. Resolves to adopt the Fees and Charges for 2018-19 as proposed in the Draft Operational Plan 2018-19, with the following variations:
 - a) Corporate and Commercial Services, Miscellaneous Charges, Photocopies A4 from \$2.00 to \$1.50 due to administrative error.
 - b) Strategic Planning, Certificate Section 10.7 (2) & (5) – Urgency fee rounded up from \$194.67 to \$195.00 due to administrative error.
 - c) Building and Development, Miscellaneous Fees, “Dwelling Entitlement Search” fee removed due to being repelled under a sunset clause within the LEP.
 - d) Companion Animals, Lifetime Registration Costs, Fees increased due to statutory requirement from the Office of Local Government as follows:
 - i. Entire (undesexed) cat or dog from \$201.00 to \$207.00.
 - ii. Entire cat or dog owned by a registered breeder from \$55.00 to \$57.00.
 - iii. Desexed cat or dog from \$55.00 to \$57.00.
 - iv. Desexed cat or dog owned by a pensioner \$23.00 to \$24.00.
 - v. New fee of Animal under 6 months not desexed \$57.00.
 - e) Waste Management Services, Waste Services applying to Waste Zones where organics Kiama Collection services are provided, 140L bin serviced fortnightly changed from \$556.97 to \$557.00 and 240L bin serviced weekly STRA changed from \$1,347.30 to \$1,347.85 due to administrative error.
 - f) Waste Management Services, Special Medical needs waste collection charge (subject to application approval), 140L bin weekly service changed from \$556.97 to \$557.00 due to administrative error.
 - g) Waste Management Services, Changing the Size of the Garbage bin from

MINUTES OF THE ORDINARY MEETING**26 JUNE 2018**

- \$35.00 to \$36.00 due to administrative error.
- h) Non-Residential Waste Management, Commercial (Non-Residential) Waste Management Service, 240L bin serviced weekly from \$727.35 to \$727.36 due to rounding error.
 - i) Sewage Licensing Scheme, Inspection Fee, Low Risk from \$165.00 to \$168.00 and detail changed from \$40.00 pa to \$42.00 pa with inspection completed every 4 years due to administrative error.
 - j) Waste Management Services, Commercial Recyclable Materials Collection, Paper/Cardboard and/ or co-mingled recycling 1100 litre container, changed from \$22.00 to \$21.63 due to rounding error.
5. Resolves to increase the Mayoral and Councillor fees payable for the 2018-19 financial year by 2.5% in accordance with the recent determination of the Local Government Remunerations Tribunal.
6. Resolves to make and levy rates with an increase of 6% for the 2018-19 financial year as approved by the Independent Pricing and Regulatory Tribunal, as below:
- a) Make and levy an ordinary rate comprising a base charge of \$744.00 on each separate parcel of land subject to the rate which represents 49.84% of the total amount payable by the levying or the rate and an ad valorem amount of 0.001801 cents in the dollar on the land value of \$3,996,417,917 (base date 01-07-2016) of all rateable land categorised as Residential be now made for 2018-19 in accordance with the *Local Government Act 1993*.
 - b) Make and levy an ordinary rate comprising a base charge of \$744.00 on each separate parcel of land subject to the rate which represents 25.76% of the total amount payable by the levying of the rate and an ad valorem amount of 0.002023 cents in the dollar on land value of \$140,980,712.00 (base date 01-07-2016) of all rateable land categorized as Rural Residential be now made for 2018-19 in accordance with the *Local Government Act 1993*.
 - c) Make and levy an ordinary rate comprising a base charge of \$744.00 on each separate parcel of land subject to the rate which represents 28.34% of the total amount payable by the levying of the rate and an ad valorem amount of 0.001324 cents in the dollar on land value of \$331,149,700 (base date 01-07-2016) of all rateable land categorized as Farmland now be made for 2018-19 in accordance with the *Local Government Act 1993*.
 - d) Make and levy an ordinary rate of 0.00531 cents in the dollar on the land value of \$200,967,970 (base date 01-07-2016) of all rateable land in the Kiama Council area determined to be a centre of activity which is used or zoned for commercial, professional, industrial or trade purposes and sub-categorised as Business – “Commercial/industrial” be now made for 2018-19 with a minimum amount of rate which will apply in respect to each parcel of land being \$744.00 in accordance with the *Local Government Act 1993*.
 - e) Make and levy an ordinary rate of 0.003644 cents in the dollar on the land value of \$11,649,570 (base date 01-07-18) of all rateable land not being

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

categorized as Residential, Rural Residential or Farmland and not including rateable land used or zoned for commercial, professional, industrial or trade purposes, categorized as Business - Ordinary now be made for 2018-19 in accordance with the *Local Government Act 1993*.

7. Resolves to adopt a rate of interest of 7.5% accruing daily on rates and charges that remain unpaid after they become due and payable for 2018-19 in accordance with Section 566 of the *Local Government Act 1993*.
8. Resolves to make and levy a Domestic Waste Service Annual Charge for 2018-19 for services to all service collection zones, as follows:
 - a) For premises currently receiving this service or for new services the charge is \$747.35 for a fortnightly garbage 240 litre bin, 240 litre weekly recycling bin, weekly food/garden organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
 - b) For premises currently receiving this service or for new services the charge is \$557.00 for a fortnightly garbage 140 litre bin, 240 litre weekly recycling bin, weekly food/garden organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop off.
 - c) For premises currently receiving this service or for new services the charge is \$531.65 for a fortnightly garbage 80 litre bin, 240 litre weekly recycling bin, weekly food/garden organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop off.
 - d) \$61.50 for vacant land
 - e) \$94.85 for an additional 240 litre bin recycling bin serviced weekly
 - f) \$94.85 for an additional 240 litre food/garden organics bin serviced weekly
 - g) \$274.20 for an additional 240 litre garbage bin serviced fortnightly
 - h) For premises currently receiving this service or new services, a weekly rather than fortnightly garbage service can be provided, subject to application and approval for the collection of medical treatment wastes. For this service the annual charge will be for an 80 litre weekly garbage bin service \$531.65, for a 140 litre weekly garbage bin service \$557.00 and for a 240 litre weekly garbage bin service \$747.35.
9. Resolves to make and levy a Commercial Waste Service Annual Charge for 2018-19 for specific commercial waste services, as follows:
 - a) \$727.36 for a weekly 240 litre garbage bin service, a 240 litre weekly recycling bin service and a 240 litre weekly food/garden organics bin service* – only available to childcare centres, preschools, churches, neighbourhood and community centres, rural fire and emergency services premises or other similar facilities upon request and approval.
 - b) \$661.88 for a weekly 240 litre garbage bin service, a 240 litre fortnightly recycling bin service and a 240 litre weekly food/garden organics bin service. The weekly food/garden organics service is only available to childcare centres, pre-schools, churches, neighbourhood and community centres, rural fire and emergency services premises or other similar facilities upon request and approval.
 - c) \$13.70 for each additional garbage or recycling or food/garden organics

MINUTES OF THE ORDINARY MEETING**26 JUNE 2018**

240 litre bin service* (if applicable).

10. Resolves to make and levy a Commercial Recyclable Materials Charge for 2018-19 for specific recycling services, as follows:
 - a) \$21.63 cost per service for a 1100 litre paper/cardboard and/or co-mingled recycling bin.
 - b) \$10.30 cost per service for a 240 litre glass, aluminium, steel, PET, HDPE, etc., bin.
 - c) \$15.46 cost per service for a 360 litre glass* (if available), aluminium, steel, PET, HDPE, etc., bin.
11. Resolves to make and levy a Commercial Food Organics only charge for 2018-19, as follows:
 - a) \$25.30 cost per 1 x 240 litre bin service
 - b) \$50.60 cost per 3 x 240 litre bins service
 - c) \$67.50 cost per 4 x 240 litre bins service
 - d) \$101.20 cost per 6 x 240 litre bins service
 - e) The Commercial Food Organics only service may be available to commercial food premises, holiday parks and aged care facilities only.
12. Resolves to make and levy an Annual Waste Charge for 2018-19 for services to all Multi-storey Tourist Accommodation, as follows:
 - a) \$467.50 for a weekly 80 litre garbage bin service and a fortnightly 240 litre recycling bin service (no food/garden organics collection service, kerbside clean-up service or household bulky-waste drop-off provided)
 - b) \$492.05 for a weekly 140 litre garbage bin service and a fortnightly 240 litre recycling bin service (no food/garden organics collection service, kerbside clean-up service or household bulky-waste drop-off provided)
 - c) \$709.95 for a weekly 240 litre garbage bin service and a fortnightly 240 litre recycling bin service (no food/garden organics collection service, kerbside clean-up service or household bulky-waste drop-off provided)
13. Resolves to make an levy Special Events and Casual Hire Waste Service charges for 2018-19, as follows:
 - a) \$20.10 cost per service for a 240 litre garbage bin
 - b) \$29.90 cost per service for a 360 litre garbage bin* (if available)
 - c) \$20.10 cost per service for a 240 litre recycling bin
 - d) \$29.90 cost per service for a 360 litre recycling bin* (if available)
 - e) \$20.10 cost per service for a 240 litre food organics bin
 - f) \$29.90 cost per service for a 360 litre food organics bin* (if available)
 - g) \$4.80 per bin for delivery and collection costs for a 240 litre or 360 litre bin* (if available)
 - h) \$48.25 cost per service for a 1100 litre container of cardboard or paper or mixed recycling
 - i) \$48.25 per container for delivery and collection costs for a 1,100 litre

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

container or \$29.40 per container if delivered with 240 litre bins

- j) \$4.80 bin cleaning cost per bin
 - k) \$17.00 container cleaning cost per container.
14. Resolves to make and levy Waste Service Charges for 2018-19 for premises used as Short Term Rental Accommodation (STRA) for holiday purposes, as follows:
- a) For STRA properties ONLY in Urban Collection Zones, \$1,347.85 for a weekly 240 litre garbage bin service, a weekly 240 litre recycling bin service, a weekly 240 litre food/garden organics bin service, one kerbside clean-up service and one household bulky waste drop-off.
15. Resolves to make and levy a Rural Waste Service Annual Charge for 2018-19 of \$437.75 for premises currently receiving this service or for new services of a fortnightly 240 litre garbage bin service, a fortnightly 240 litre recycling bin service and one household bulky-waste drop-off. Rural collections do not include food/garden organics services, kerbside clean-up or weekly recycling services.
16. Resolves to make and levy the following charges for the supply and delivery of new or replacement garbage, recycling or food/garden organics bins:
- a) \$117.00 per 360 litre bin
 - b) \$82.00 per 240 litre bin
 - c) \$76.00 per 140 litre bin
 - d) \$70.00 per 80 litre bin.
17. Resolves to make and levy a Stormwater Management Service Charge for all rateable land within the Kiama Council area, as follows:
- a) an annual charge of \$25 for each property rated as "Residential"
 - b) an annual charge of \$12.50 per unit for all "Residential strata units"
 - c) an annual charge of \$25/350m² (or part thereof) for all "Business properties".

An annual fee of \$25/350m² (or part thereof) for all "Business strata lots" divided on a pro-rata basis between the lots.

(Councillors Reilly and Brown)

It was **Moved** by Councillor Way and seconded by Councillor Brown that Council adopt the 2018-19 Draft Operational Plan with the following amendments:

1. That the following projects be included in the capital works program for 2018/2019 if there are savings from the adopted capital works program and after considering other budget expenditure in the 4th quarter and a formal report being submitted to Council:
 - An additional \$54,000 be allocated to Shoalhaven and Bong Bong Streets PAMP implementation
 - Design and investigate mini break wall in Kiama Harbour - \$45,000
 - Minnamurra Progress Association – various issues (uncosted)

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

- Cameron Boyd Viewing Platform - \$15,000
 - Kiama Downs Surf Lifesaving Club Car Park - \$80,000
 - Sports ground plaques - \$6,000
2. That the South Bombo Beach footpath, at a cost of \$10,800, be added to the 2018/2019 renewal program from unallocated footpath renewal.

OC-18/190

Amended Committee recommendation that Council adopt the 2018-19 Draft Operational Plan with the following amendments:

1. That the following projects be included in the capital works program for 2018/2019 if there are savings from the adopted capital works program and after considering other budget expenditure in the 4th quarter and a formal report being submitted to Council:
 - An additional \$54,000 be allocated to Shoalhaven and Bong Bong Streets PAMP implementation
 - Minnamurra Progress Association – various issues (uncosted)
 - Cameron Boyd Viewing Platform - \$7,500
 - Kiama Downs Surf Lifesaving Club Car Park - \$80,000
 - Sports ground plaques - \$6,000
2. That the South Bombo Beach footpath, at a cost of \$10,800, be added to the 2018/2019 renewal program from unallocated footpath renewal.
3. That Council seek to provide education on the identification of troublesome weeds to urban residents wherever possible to the extent that budget allows.
4. That all submission makers be responded to advising of Council's resolution.

The **Amendment** on being put was **Carried**.

The **Amendment** became the adopted **Motion**.

(Councillors Reilly and Watson)

It was **Moved** by Councillor Rice and seconded by Councillor Reilly that due to their constrained hours and self-provision of electricity that fees for the Kiama Farmers Market are set at the reduced rate of \$6 per market stall.

The **Motion** on being put was **Lost**.

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

10.1 10.2018.55.1 - Lots 279 & 280 DP 30126 - 4 & 6 Elanora Road, Kiama Heights - Attached dual occupancy and 2 lot Torrens Title subdivision

OC-18/191

Committee recommendation that Council approve Development Application 10.2018.55.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.

(Councillors Brown and Reilly)

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

Against: Nil

10.2 Planning Committee - Terms of Reference (TOR)

An amendment was **Moved** by Councillor Rice and seconded by Councillor Sloan that Council approve the term Community Representatives is maintained and applied consistently throughout the Planning Committees TOR. Further, that point ii. under the heading Responsibility, is amended to read that Committee Members will: Be broadly representative of the community without specific responsibility to any particular community group.

The **Amendment** on being put was **Lost**.

OC-18/192

Committee recommendation that Council endorse the Terms of Reference attached to this report.

(Councillors Brown and Steel)

Councillors Rice and Sloan requested their dissenting vote be recorded.

10.4 10.2017.195.1 – Lot 189 DP 33904 - 5 Gwinganna Avenue, Kiama - Use of lower ground floor already converted into an attached dual occupancy

OC-18/193

Committee recommendation that Council refuse Development Application 10.2017.195.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:

1. It is considered that the proposed development is inconsistent with the overall objectives of Chapter 4 of Kiama DCP 2012 as the development is not considered to result in acceptable amenity for residents of the proposed dual occupancy dwellings.

MINUTES OF THE ORDINARY MEETING**26 JUNE 2018**

2. The proposed development breaches performance Controls C29 & C48 of DCP 2012 Chapter 4 requiring that the deck/balcony may count as part but not all of a dwelling's private open space; and that each dwelling in a dual occupancy development/secondary dwelling development must have a clearly defined and identifiable street entrance. These non-compliances are not considered to be acceptable in the circumstances.
3. The Building Code of Australia Report for the change of use to a dual occupancy Class 2 building for the Class 1 dwelling has identified multiple fire-safety non-compliance issues with the current construction based on the Deemed to Satisfy provisions of the Building Code of Australia. The change of use would be reliant upon Fire Engineering Performance Solutions known as Alternative Solution. Whilst it has been concluded that some solutions can be achieved and there are others that only **may** be able to achieve compliance with the Performance Requirements of the National Construction Code (NCC). A Performance Solution only complies with the NCC when the solution is demonstrated and achieves compliance with the Performance Requirements and given this uncertainty the proposal cannot be supported.
4. The applicant has not provided details prepared by a suitably qualified person demonstrating compliance with the BCA requirements for acoustic measures between sole occupancy units.
5. The proposed development is not considered to be suitable for the site having regard to DCP breaches brought about by the proposed dual occupancy development.
6. It is considered that in the circumstances of the case, approval of the modified development would set an undesirable precedent and is therefore not in the public interest.

(Councillors Watson and Westhoff)

For: Councillors Brown, Honey, Rice, Sloan, Watson and Westhoff

Against: Councillors Reilly, Steel and Way

10.6 10.2017.286.1 - Lot 1 DP 1045061 - 35 Bele Place, Kiama - Detached Dual Occupancy Development

It was **Moved** by Councillor Steel and seconded by Councillor Watson that Council approve Development Application 10.2017.286.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

The **Motion** on being put was **Lost**.

For: Councillors Brown, Reilly, Steel and Watson

Against: Councillors Honey, Rice, Sloan, Way and Westhoff

OC-18/194**Committee recommendation that Council refuse Development Application**

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

10.2017.286.1 for the following reasons:

1. The development is inconsistent with the Objectives of the Kiama LEP for the R5 Large Lot Residential Zone, in particular:
 - *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
 - *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
2. Does not satisfy the intent of Chapter 16 - Control C1 of the Silver Hill/Cedar Ridge Estate DCP, namely that a maximum development density of 1 dwelling per 1,000 m² (exclusive of access handles) of site area (regardless of dwelling size) applies, because the curtilage of siting of the proposed dwelling has an area of 570 m².
3. Does not satisfy the objectives of Kiama DCP Chapter 2 - Section 12 – Building Lines in Urban Areas, in circumstance where the amenity and character of the area is not protected due to unreasonable building siting, overlooking, overshadowing and visual intrusion arising from the bulk of the building in the context.
4. Fails to satisfy the objectives of Kiama DCP Chapter 4 – Low Density Development, to protect the character of areas, to provide a high level of visual and acoustic privacy for existing residents, and related controls:
 - i. C5 – Privacy
 - ii. C13 - Maintain existing and future desired character/amenity; and
 - iii. C14 - New buildings should respect the scale, form and orientation of buildings in the street.

(Councillors Sloan and Rice)

For: Councillors Honey, Rice, Sloan, Way and Westhoff

Against: Councillors Brown, Reilly, Steel and Watson

10.7 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs - Demolition of Existing Carport and 2 Lot Torrens Title Subdivision

OC-18/195

Committee recommendation that Council defer Development Application 10.2017.320.1 to the July 2018 Council meeting to allow consideration of the information provided at Public Access.

(Councillors Brown and Watson)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

14.12 Question for future meeting: waste bins

OC-18/196

Committee recommendation that Council relocate the dog waste bin from the current location adjacent to 41 Tingira Crescent, Kiama to its original location in the dog-off leash area on Marsden Headland.

(Councillors Sloan and Steel)

9 REPORT OF THE GENERAL MANAGER

9.1 Australian Chapter of the Alliance for Healthy Cities - nomination for election to steering committee

OC-18/197

Committee recommendation that Council:

1. agree to nominate Kiama Council as the Australian Chapter member of the Alliance for Healthy Cities Steering Committee.
2. nominate Councillor Rice as Council's representative on the Committee.

(Councillors Brown and Sloan)

9.2 8th Global Conference of the Alliance for Healthy Cities

OC-18/198

Committee recommendation that Council nominate Councillor Rice to attend the 8th Global Conference of the Alliance for Healthy Cities.

(Councillors Brown and Sloan)

9.3 Delegations of the General Manager

OC-18/199

Committee recommendation that Council endorse the delegations listed in this report.

(Councillors Westhoff and Rice)

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

9.4 Illawarra Shoalhaven Joint Organisation (ISJO) Second Delegate and Alternates

It was **Moved** by Councillor Reilly and seconded by Councillor Steel that Council appoint Councillor Neil Reilly as the additional voting delegate to represent Council on the ISJO Board and appoint Councillor Warren Steel as the alternate delegate.

The **Motion** on being put was **Lost**.

It was **Moved** by Councillor Sloan and seconded by Councillor Rice that :

1. Council endorse the Deputy Mayor as the additional voting delegate to represent Council on the ISJO Board
2. Council elect an alternate delegate to represent Council on the ISJO Board as required.
3. The election of the alternate councillor delegate be by the standard process of show of hands.
4. The appointments be for the term of Council to ensure consistent representation.

The **Motion** on being put was **Lost**.

OC-18/200

Committee recommendation that:

1. Council elect the additional voting delegate to represent Council on the ISJO Board
2. Council elect an alternate delegate to represent Council on the ISJO Board as required.
3. The election of the alternate councillor delegate be by the standard process of show of hands.
4. The appointments be for the term of Council to ensure consistent representation.

(Councillors Way and Reilly)

The following nominations and election were made for the additional voting delegate:

- Councillor Way nominated Councillor Sloan - 4 votes
- Councillor Steel nominated Councillor Reilly - 5 votes
- Councillor Rice nominated herself - 0 votes

Councillor Reilly was declared the ISJO additional voting delegate.

The following nominations and election were made for the alternate delegate:

- Councillor Sloan nominated himself - 5 votes
- Councillor Reilly nominated Councillor Steel - 4 votes

Councillor Sloan was declared the ISJO alternate delegate.

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

9.5 Cities Power Partnership Summit | 18-19 October 2018

OC-18/201

Committee recommendation that Council recommend that Councillors Sloan, Steel, Watson and Honey attend the Cities Power Partnership Summit held in Kiama on 18-19 October 2018.

(Councillors Reilly and Rice)

10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

10.3 Housekeeping Amendments to the Kiama LEP 2011

OC-18/202

Committee recommendation that Council

1. Endorse the preparation of a Planning Proposal for minor housekeeping amendments to the Kiama LEP 2011 for:
 - The addition of minor activities and events on public land to be included in Schedule 2 Exempt Development;
 - Amendment of the land use table in the IN2 Light Industrial Zone by removing Industrial Training Facilities from the prohibited land uses;
 - The addition of an Essential Services clause to be added to Part 6 of the Kiama LEP 2011.
2. Forward the Planning Proposal to the Department of Planning and Environment for Gateway Determination.
3. Request plan-making delegations from the Department of Planning and Environment.

(Councillors Reilly and Way)

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

Against: Nil

10.5 Amendments to the Kiama LEP 2011 to introduce dual occupancy and multi dwelling housing development standards

OC-18/203

Committee recommendation that Council:

1. Endorse this Planning Proposal for amendments to the Kiama LEP 2011 to

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

proceed to the Department of Planning and Environment for a Gateway determination to:

- a. Introduce a minimum lot size and/or a dwelling density for dual occupancy, manor house and multi dwelling housing (terrace) development in zoned R2 Low Density Residential and R3 Medium Density Residential land,
 - b. Make multi dwelling housing (terraces) permissible in the R2 Low Density Residential zone, and
 - c. Rezone the western portion of Silver Hill/Cedar Ridge area from R5 Large Lot Residential to E4 Environmental Living.
2. Request plan making delegations for this proposal as a part of the Gateway determination.
 3. On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.

(Councillors Sloan and Westhoff)

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

Against: Nil

10.8 Submission Points for Cleary Bros. Modification Application

It was **Moved** by Councillor Sloan and seconded by Neil Reilly that:

1. Council staff prepare a submission to the Department of Planning and Environment in relation to the public exhibition of the application to modify the existing approval to extract sand at the Gerroa sand mine and request appropriate consideration of Council's concerns in relation to flora and fauna, flooding, surface and groundwater, noise and heritage
2. the submission to be amended to more clearly articulate concerns about noise and visual impacts, flooding, and question whether this should be considered as a new application rather than an extension given it is on the other side of Blue Angle Creek and has a significantly larger surface area than the currently approved mine.

The **Motion** on being put was **Lost**.

It was **Moved** by Councillor Brown and seconded by Councillor Steel that Council staff prepare a submission to the Department of Planning and Environment in relation to the public exhibition of the application to modify the existing approval to extract sand at the Gerroa sand mine and request appropriate consideration of Council's concerns in relation to flora and fauna, flooding, surface and groundwater, noise and heritage.

The **Motion** on being put was **Lost**.

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

OC-18/204

Committee recommendation that :

1. Council staff prepare a submission to the Department of Planning and Environment in relation to the public exhibition of the application to modify the existing approval to extract sand at the Gerroa sand mine and request appropriate consideration of Council' concerns in relation to flora and fauna, flooding, surface and groundwater, noise and heritage, and
2. the submission to be amended to more clearly articulate concerns about noise and visual impacts, flooding.

(Councillors Sloan and Brown)

11 REPORT OF THE DIRECTOR CORPORATE, COMMERCIAL & COMMUNITY SERVICES

11.1 2018 Youth Engagement Meeting at Kiama High School

OC-18/205

Committee recommendation that Council endorse the 2 August for holding the 2018 Youth Engagement Meeting.

(Councillors Reilly and Westhoff)

11.2 Native Title Tribunal - Claimant Application - South Coast People

OC-18/206

Committee recommendation that Council:

1. become a party to the claimant application – Federal Court number NSD1331/2017 - South Coast People.
2. compile a list of all Crown Land that may be affected by the Native Title Claim and submit as part of the application and/or legal proceedings.
3. complete and submit the prescribed Form 5 of Councils intention to become a party to the application.
4. give the General Manager and/or Mayor delegated authority to sign on behalf of Council.

(Councillors Reilly and Westhoff)

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

11.3 Request for CCTV cameras in Jamberoo

OC-18/207

Committee recommendation that Council note the motion.

(Councillors Reilly and Westhoff)

11.4 Renewal of Lease - Blowhole Point (R87397) Reserve Trust and Kiama Tennis Club Inc

OC-18/208

Committee recommendation that Council

1. enter into a two (2) year lease with the Kiama Tennis Club Inc due to potential geotechnical issues onsite.
2. endorse rental in accordance with Crown Lands minimum statutory rental.
3. delegate authority to the Mayor and the General Manager to sign under seal or on behalf of Council as required.

(Councillors Reilly and Westhoff)

11.5 Kiama Health Plan Review Report - results from the survey and consult

OC-18/209

Committee recommendation that Council endorse the “Kiama Health Plan Review Report – results from community survey and consultations”, to inform the Kiama Health Plan and other Council policies where applicable.

(Councillors Reilly and Westhoff)

11.6 Statement of Investments - May 2018

OC-18/210

Committee recommendation that Council receive and adopt the information relating to the Statement of Investments for May 2018.

(Councillors Reilly and Westhoff)

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

11.7 Investment Policy Review

OC-18/211

Committee recommendation that the Investment Policy Revised June 2018 be received and adopted.

(Councillors Reilly and Westhoff)

11.8 Kiama Cultural Board - meeting 24 May 2018

OC-18/212

Committee recommendation that Council:

1. note the minutes from the meeting
2. not endorse a motion from the meeting for an increase of an additional thirty hours per week to the role of community and cultural development.

(Councillors Reilly and Westhoff)

11.9 Request for Partnership - Collaborative branding for Green Caffein Project

OC-18/213

Committee recommendation that Council provide Green Caffein with funding support of \$5,000 to enable co-branding of 2500 reusable swap and go coffee cups and include a condition that the Destination Kiama logo be printed on the cups.

(Councillors Reilly and Westhoff)

11.10 Invitation for Council's Manager Community & Cultural Development to present in Singapore on the Dementia-friendly Kiama Project.

OC-18/214

Committee recommendation that Council approve Nick Guggisberg accepting the invitation to present in Singapore.

(Councillors Reilly and Westhoff)

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

11.11 2018 Illawarra Business Awards Supporting Partnerships Sponsorship

OC-18/215

Committee recommendation that Council agree to provide sponsorship of \$2,000 in Partnership funding to the 2018 Illawarra Business Awards.

(Councillors Reilly and Westhoff)

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Nil

13 REPORT OF THE DIRECTOR BLUE HAVEN

13.1 Blue Haven Historical decisions

OC-18/216

Committee recommendation that Council note the information contained in the report.

(Councillors Way and Westhoff)

14 REPORTS FOR INFORMATION

OC-18/217

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

- 14.1 Minutes: Central Precinct - April and May 2018
- 14.2 Question for future meeting: Building Certification by Private Certifiers
- 14.3 Question for future meeting: Dual occupancy applications approved under delegation where minimum solar access has not been met
- 14.4 Funding offer for completion of the Kiama Coastal Management Program from the Office of Environment and Heritage
- 14.5 Minutes: Jamberoo Valley Ratepayers and Residents Association meeting - 1 May 2018
- 14.6 Parking Statistics - May 2018
- 14.7 Design upgrade - Stationery and correspondence
- 14.8 Seven Mile Beach Policy Review
- 14.9 Question for future meeting: Markets and events conducted at Black Beach

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26 JUNE 2018

Reserve

- 14.10 Renewal of Lease for Jamberoo Croquet Club
- 14.11 Minutes: Minnamurra Progress Association meeting - 5 June 2018
- 14.13 Question for future meeting: Tree and Vegetation Vandalism Policy
- 14.14 Licence for use of Part Lot 53 DP 884475, Fern Street, Gerringong
- 14.15 Conference Report - Integrated Seniors Housing
- 14.16 Minutes: South Precinct meeting - 17 May 2018
- 14.17 Questions for Future Meetings Register as at 20 June 2018

(Councillors Brown and Steel)

14.2 Question for future meeting: Building Certification by Private Certifiers -

It was **Moved** by Councillor Way and seconded by Councillor Sloan that Council:

1. consult with local builders to ascertain what requirements must be met to make Council competitive in the market place to transfer business to Council as Principal Certifying Authority. This may take the form of a forum, survey and/or face-to-face individual consultations.
2. receive a report at the conclusion of this process by the October 2018 Council meeting for consideration to employ an additional staff member to assist and meet the performance criteria and expectations of builders in the market place.

The **Motion** being put was **Lost**.

RESUMPTION OF ORDINARY BUSINESS

OC-18/218

Committee recommendation that at this time, 7.17pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Sloan and Rice)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

OC-18/219

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 18/188 to 18/218 above.

(Councillors Way and Westhoff)

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

15 ADDENDUM TO REPORTS

OC-18/220

Resolved that at this time, 7.18pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Way and Westhoff)

15.1 Destination Kiama Tourism Advisory Committee meeting held 22 June 2018

OC-18/221

Committee recommendation that the Minutes of the Destination Kiama Tourism Advisory Committee meeting held on 22 June 2018 be received and accepted.

(Councillors Brown and Reilly)

16 NOTICE OF MOTION

Nil

17 QUESTIONS FOR FUTURE MEETINGS

17.1 Adequacy of lighting in Lockett Place

Councillor Rice requested a report on the adequacy of lighting along Lockett Place to Belvedere Street, Kiama, following safety concerns of a resident. Does existing lighting provide sufficient illumination for the evening placement of rubbish bins to Belvedere Street?

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

17.2 Free Camping the Local Government Area

Councillor Westhoff requested a report on designated free camping areas/zones in the Kiama Local Government Area. Are there any, and if there are, where are they and are there any restrictions. Is there signage and are there any amenities nearby to these areas?

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

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

17.3 Terms of Reference definitions

Councillor Reilly requested a report on Council defining specific terms that are used in our Terms of Reference for Committees.

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

18 CONFIDENTIAL SUMMARY

Public Representations:

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

18.1 Exclusion Of Press And Public:

OC-18/222

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

19.1 BLUE HAVEN ADVISORY COMMITTEE

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act.

19.2 BUSINESS DEVELOPMENT STRATEGY - WERRI BEACH HOLIDAY PARK

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 LAND AND ENVIRONMENT COURT CLASS 1 APPEALS - LEGAL STATUS REPORT - JUNE 2018

Reason for Confidentiality: This matter deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege as per Section 10A(2)(g) of the Local Government Act.

19.4 PROPOSED ROAD CLOSURE - NOORINAN 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

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act.

19.5 SURF SCHOOL OPERATION - SEVEN MILE BEACH GERROA

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.

(Councillors Brown and Way)

OC-18/223

Resolved that at this time, 7.22pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Brown and Westhoff)

19 CONFIDENTIAL REPORTS

19.1 Blue Haven Advisory Committee

OC-18/224

Committee recommendation that Council:

1. call for Expressions of Interest for new members of the Blue Haven Advisory Committee
2. revise the Terms of Reference for the Advisory Committee
3. agree to create a Blue Haven Management Board, comprised of all elected Councillors
4. write to existing Committee members and thank them for their contribution to Blue Haven.

(Councillors Honey and Steel)

19.2 Business Development Strategy - Werri Beach Holiday Park

OC-18/225

Committee recommendation that Council:

1. adopts the Business Development Strategy and Master Plan for Werri Beach Holiday Park,
2. approves the commencement of the planning stage for the capital works program, as detailed in the Business Development Strategy & Master Plan, but with an anticipated start date for the preliminary planning and design of July 2019, and the redevelopment works of May 2020, and

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

3. endorses the disbandment of the Holiday Parks Advisory Committee, and create a Working Committee made up of Councillors and Council staff.
4. agrees to publicly release the Master Plan without the Commercial in Confidence components.

(Councillors Westhoff and Brown)

19.3 Land and Environment Court Class 1 Appeals - Legal Status Report - June 2018

OC-18/226

Committee recommendation that Council note the report.

(Councillors Sloan and Westhoff)

19.4 Proposed Road Closure - Noorinan Street, Kiama

OC-18/227

Committee recommendation that Council

1. approve the closure of the road reserve adjoining Lot 2 DP 628003 as outlined in the attached survey.
2. classify the subject parcel as operational land upon closure and the issue of a Certificate of Title subject to public notice of the proposed classification under Section 34 of Local Government Act.
3. approve if required, for a formal road closure application to be lodged with Crown Lands seeking closure of the subject road reserve adjoining Lot 2 DP628003.
3. give the General Manager and Mayor delegated authority to sign under seal and documentation associated with the road closure.
4. requires the applicant to meet all on-going relevant costs associated with the road closure and purchases the subject land at/or within the range determined in value by the registered Valuer.

(Councillors Brown and Way)

19.5 Surf School Operation - Seven Mile Beach Gerroa

OC-18/228

Committee recommendation that Council:

1. notes the report of the Director Environmental Services which makes recommendation in relation to the preparation of a Planning Proposal to address this matter.

MINUTES OF THE ORDINARY MEETING

26 JUNE 2018

- 2. terminate the current licence with Surf Camp Australia Pty Limited.
- 3. amend the Surf School Policy following the approval of the Planning Proposal and Kiama Local Environmental Plan 2011 amendment.

(Councillors Steel and Watson)

Close of Confidential Committee of the Whole:

OC-18/229

Committee recommendation that at this time, 7.29pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Reilly and Way)

Adoption of Report

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

OC-18/230

Resolved that that the Confidential Committee of the Whole recommendations numbered 18/224 to 18/229 be confirmed and adopted.

(Councillors Reilly and Westhoff)

20 CLOSURE

There being no further business the meeting closed at 7.30pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 17 July 2018.

.....
Mayor

4 BUSINESS ARISING FROM THE MINUTES

5 PUBLIC ACCESS SUMMARY

6 MAYORAL MINUTE

Nil

7 MINUTES OF COMMITTEES

7.1 Minutes: Health & Sustainability Committee meeting held on 12 June 2018

Responsible Director: Corporate, Commercial & Community Services

Attachments

Nil

Enclosures

- 1 Minutes - Health & Sustainability Committee Meeting - 12 June 2018 [↗](#)

RECOMMENDED

That the Minutes of the Health & Sustainability Committee Meeting held on 12 June 2018 be received and accepted.

BACKGROUND

The minutes of the Health and Sustainability Committee meeting held 12 June 2018 are enclosed for Councillors' information.

7.2 Minutes: Kiama Local Traffic Committee meeting held on 3 July 2018

Responsible Director: Engineering and Works

Attachments

- 1 Minutes of Kiama Local Traffic Committee Meeting - 3 July 2018 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Kiama Local Traffic Committee Meeting held electronically on 3 July 2018 be received and accepted.



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

Held Electronically

TUESDAY 3 JULY 2018

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 7.2

Attachment 1

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

3 JULY 2018

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 3 JULY 2018 AT 9AM

PRESENT: Councillor M Honey (Mayor) (Chairman), Amy Thomson (RMS Representative), Craig Gray (NSW Police Representative), Darrell Clingan (Local Member's Representative), Gino Belsito (Director Engineering & Works), Darren Brady (Manager Design & Development), Janelle Burns (Kiama Council Road Safety Officer), Chris Balzarano (Council Ranger) and Mallory McLennan (Minutes)

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 Minutes of Kiama Local Traffic Committee Meeting - 5 June 2018

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 5 June 2018 be received and accepted.

(Councillor Honey and Darrell Clingan)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 REPORT OF RMS DELEGATED FORMAL ITEMS

5.1 Pedestrian refuge crossing points – Belinda and Greta Streets, Gerringong (10.2016.265.1)

Resolved that approval be given to the implementation of pedestrian refuge crossing points and associate regulatory signage and linemarking in Belinda and Greta Streets, Gerringong as per the submitted signage and linemarking plan.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

3 JULY 2018

RMS supports the pedestrian refuge and associated regulatory signage and line marking plans provided the following is considered;

- As per RMS TDT 2011/01a Pedestrian Refuges, warning sign W6-1 and W8-25 should be placed 95m in advance to pedestrian crossing gap, based on 50km/h speed
- All existing "50 Area" (R4-10) signage should be removed given that these signs are superseded. 50km/h (R4-1) may be installed on left side of road only however it is not necessary given that it is the default urban speed limit

(Councillor Honey and Darrell Clingan)

6 GENERAL BUSINESS

nil

7 CLOSURE

There being no further business the meeting closed electronically 1:45pm 3 July 2018

These Minutes were confirmed at the Ordinary Meeting of Council held on 7 August 2018

.....
.....
Mayor

Director Engineering & Works

Item 7.2

Attachment 1

7.3 Minutes: Blue Haven Advisory Committee meeting held on 4 July 2018

Attachments

- 1 Minutes - Blue Haven Advisory Committee - 4 July 2018 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Blue Haven Advisory Committee Meeting held on 4 July 2018 be received and accepted.

Item 7.3



**MINUTES OF THE
BLUE HAVEN ADVISORY COMMITTEE
MEETING**

commencing at 5.30pm on

WEDNESDAY 4 JULY 2018

Blue Haven Independent Living Units
Stage 5 - Level 7

Item 7.3

Attachment 1

MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE

4 JULY 2018

MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE OF THE
MUNICIPALITY OF KIAMA HELD AT BLUE HAVEN ILU,
KIAMA, ON WEDNESDAY 4 JULY 2018 AT 5.30PM

PRESENT: Mr A Fowlie (Chairman), Councillor M Honey (Mayor), Councillor K Rice, Councillor D Watson, Mrs S McCarthy, Mr I Pullar, Mrs P Waters, Mr B Wilson, Mr I Wilson, Mrs C Rogers, Mr S Dawson, Mrs T Sligar, Mrs F Whittaker, Mrs M Parish and Mr K McMurray

1 Apologies

Mrs J Bartlett.

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 Minutes - 9 May 2018

BLU-18/018

Committee recommended that the Minutes of the Blue Haven Advisory Committee Meeting held on 9 May 2018 be received and accepted.

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 REPORT OF THE DIRECTOR BLUE HAVEN

5.1 Financial Report

BLU-18/019

Committee recommendation that Council note and accept the budget report for Blue Haven Care.

MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE

4 JULY 2018

6 REPORTS FOR INFORMATION

6.1 Re-accreditation Audit

Committee recommended that Council acknowledge the works of the Management & Staff of the Care Home in achieving re-accreditation and also note the logistical support received from other areas of Council, which greatly facilitated this process.

7 CONFIDENTIAL REPORTS

8 GENERAL BUSINESS

8.1 The Mayor informed the Committee of the visit to inspect Blue Haven's operations from Snowy Monaro Regional Council to occur on 12 July – noted.

8.2 The Mayor explained the proposed new structure of the Blue Haven Board and congratulated the outgoing committee on its work to date, in addition to encouraging Committee members to submit registrations of interest in the new Advisory Committee, to be advertised shortly – noted.

9 CLOSURE

There being no further business the meeting closed at 6.50pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 17 July 2018

.....
Mayor

.....
General Manager

Item 7.3

Attachment 1

8 PUBLIC ACCESS REPORTS

Committee Of The Whole

RECOMMENDATION

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

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

9 REPORT OF THE GENERAL MANAGER

9.1 Sponsorship request: 2018 Palliative Care NSW Conference

CSP Objective: 3.0 A diverse, thriving economy

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

Delivery Program: 3.3.3 Promote and manage activities and functions at The Pavilion Kiama

Item 9.1

Summary

This report seeks endorsement of a sponsorship package for the 2018 Palliative Care NSW Conference being held at the Pavilion Kiama from 8-10 November 2018.

Finance

In kind donation valued at \$980 be funded from Donations budget.

Policy

Not applicable

Communication/Community Engagement

The organisers will be requested to include Council as a sponsor of the event in all conference materials as well as display banners at the event.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council provide in kind sponsorship for the Pre-Conference Dinner Drinks on 9 November 2018 by providing free of charge:

- use of the SunSmart marquee
- 2-6 trestle tables for food and drink stations
- 10 small bar tables
- glassware
- reserve hire for Coronation Park
- hire of the Old Fire Station for the Palliative Care Art Display.

Report of the General Manager

9.1 Sponsorship request: 2018 Palliative Care NSW Conference (cont)

BACKGROUND

Council, through the Pavilion Kiama, has secured the 2018 Palliative Care NSW Conference from 8-10 November 2018. Approximately 250 participants are expected to attend the conference and stay in the area.

The conference is attended by palliative care workers and volunteers from throughout NSW and often has interstate participants and is an opportunity for Council to showcase not only the Pavilion but also what the local area has to offer. Working in the palliative care field can be extremely challenging and emotional and Kiama was chosen as the conference location to give participants a “place to breathe, reflect and take stock”.

Palliative Care NSW have advised that they have contracted local caterers and entertainers to support the event and have provided access to reduced cost accommodation packages for participants (including 25% discount on accommodation at the Kiama Holiday Parks).

Council have now been approached by the conference organisers with a request to provide additional support for the event. The organisers have suggested the following:

- donation of the fees for the Palliative Care Art Display at the Old Fire Station
- sponsorship of the pre-conference dinner drinks on 9 November 2018

The pre-conference drinks will be held in Coronation Park following the first full conference day and will be prior to the Conference Gala Dinner which will be held at the Pavilion.

The sponsorship request for the pre-conference dinner drinks consists of:

- use of Council’s SunSmart marquee to house the drinks station
- use of 4-6 trestle tables to be used for drinks and cheese platters
- hire of 10 small bar tables
- hire of glassware
- Wine and soft drink for up to 250 people

Council is able to provide the marquee, trestle tables, small bar tables and glassware at no cost from Pavilion stock, which if hired from specialist suppliers would cost in the vicinity of \$750. However, it would be anticipated that the full cost of beverages and 2 wait staff for 250 persons could be in excess of \$2,500.

Wine can be purchased from a local supplier and paid for on a consumption basis with any unopened bottles being returned to the supplier.

It is recommended that in exchange for goodwill, inclusion as a sponsor in conference materials and display of Council as well as Kiama banners at the conference and the drinks event, that Council in addition to the 25% discount on accommodation at the Kiama Holiday Parks and the donation of the reserve hire fees of \$140 for Coronation Park consider providing the following sponsorship package for the conference.

- Donation of Old Fire Station hire fees (\$230)
- Provision of marquee, trestle tables, bar tables and glassware (\$750)

9.2 Sponsorship request: 2018 Relay for Life

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.1 Developing and implementing services and programs that promote social cohesion, healthy and active lifestyles for residents of all ages, abilities and interests

Delivery Program: 1.1.3 Provide and promote cultural and artistic activities and programs

Summary

Council has received a request from the Cancer Council to support the 2018 Kiama Relay for Life, to be held on Saturday 3 November 2018 at Black Beach.

Finance

The cost for this support will be approximately \$1,500 plus other incidentals and will come from the Donations – General budget.

Policy

Kiama Public Health Plan

Communication/Community Engagement

The organisers will be requested to include Council as a sponsor of the event in all marketing materials.

Attachments

1 2018 Kiama Relay For Life Sponsorship Request Letter [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council support the 2018 Relay for Life through the donation of reserve hire fees, provision of waste services, the use of a meeting room at the Pavilion for monthly meetings and use of Council equipment such as witches hats, tables, chairs and marquees.

BACKGROUND

Council has received a written request (attached) from the Cancer Council of NSW requesting support for the 2018 Relay for Life. Council's support for the event in the past has included donating the reserve hire fee, provision of waste services, use of a meeting room at the Pavilion for the monthly Relay for Life Committee meetings (approximately 10) and assisting with equipment such as witches hats, tables, chairs, marquees, etc.

The Relay for Life has been well supported by the community in previous years with last year raising \$50,000 in the fight against cancer.

Report of the General Manager

9.2 Sponsorship request: 2018 Relay for Life (cont)

Council's previous financial assistance is as follows:

- 2014: fees waived for reserve hire and waste services, and the provision of Council equipment
- 2015: fees waived for reserve hire and waste services, and the provision of Council equipment together with a \$250 donation under the Community Donations Policy towards Pavilion Hire for the Relay for Life Ball
- 2016: fees waived for reserve hire and waste services, and the provision of Council equipment
- 2017: fees waived for reserve hire, and waste services, and the provision of Council equipment together with free Pavilion hire for committee meetings.

This event is consistent with the goals of Council's Health Plan.



06/06/2018

Kiama Municipal Council
Karen Ronning
Manager Tourism & Events

Dear Karen,

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 2017 Relay For Life.

We will be hosting the 9th annual Kiama Relay For Life at an exciting new venue, Blacks Beach Reserve. The 2018 Relay For Life Kiama will be a 12 hour event to take place on the 3rd November 2018, which will be held from 9am-9pm. Our goal for participants is approximately 300, with more arriving on the day. This year we are attempting to utilise more channels to increase the awareness of both locals and out-of-area members, we are increasing our reach on social media and engaging through more platforms. We will maintain our presence within the local community, as much as possible before the event to ensure the community feels included and are informed about the event and all details.

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 2018 event.

Basing off last year's figure the event budget would be approximately between \$4,000- 5,000.

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.

Stephanie Lake
Community Engagement Officer
02 4223 0200
stephanie.lake@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: sthnrfl@nswcc.org.au
W: relayforlife.org.au



9.3 Sponsorship request: 2018 Jamberoo Car Show and Family Day

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.1 Developing and implementing services and programs that promote social cohesion, healthy and active lifestyles for residents of all ages, abilities and interests

Delivery Program: 1.1.3 Provide and promote cultural and artistic activities and programs

Summary

Council has received a request from the Committee of the Jamberoo Car Show and Family Day to support the 2018 event being held on 28 October 2018 at Kevin Walsh Oval, Jamberoo. The event raises funds for Jamberoo Red Cross and Jamberoo rural Fire Brigade.

Finance

Sponsorship and in-kind donation would be funded from the Donations - General budget

Policy

Not applicable

Communication/Community engagement

The organisers will be requested to include Council as a sponsor of the event in all marketing materials as well as display banners at the event.

Attachments

- 1 Tourism Impact Summary Report for Jamberoo Car Show 2017 [↓](#)
- 2 Jamberoo Car Show flyer [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council support the Jamberoo Car Show and Family Day by providing \$1,500 sponsorship and the in-kind donation of the provision of waste and cleaning services for the event.

BACKGROUND

From humble beginnings in 2016, the 2017 Jamberoo Car Show and Family Day attracted 400 cars and an estimated 2,000 people attended, many from outside the Local Government Area. Funds of \$8,000 were raised for the Jamberoo Red Cross and the Jamberoo Rural Fire Service.

Report of the General Manager

9.3 Sponsorship request: 2018 Jamberoo Car Show and Family Day (cont)

The 2018 car show is scheduled for Sunday 28 October 2018. The car show runs concurrently with the Rose Show, Art Show, Book Fair and the Jamberoo markets, making it an exciting and popular weekend in Jamberoo. The event appeals to families with additional entertainment on offer, such as pony rides, face painting, animal petting zoo and a jumping castle.

An Impact Summary Report for the 2017 event is attached for Councillors' information. The report calculates that last years' event brought approximately \$213,000 into the LGA.

For the 2016 and 2017 events, the organising committee received \$250 each year from Council under the Community Donations Policy.

Marketing and promotion of the car show

In 2017 the event attracted coverage on ABC radio, Wave FM, i98, and was promoted in all the major newspapers. WIN TV and Nine News Illawarra also broadcasted promotional editorials prior to the car show.

Importantly, WIN TV filmed the event, which was showcased on the evening news. The WIN coverage remains on the event's Facebook page, both of which were major contributors to the events' success.

The car show is also promoted in many motoring magazines and by most major car clubs, attracting many visitors from outside the LGA.

Attached is a copy of the promotional flyer.

Competitive advantage

The Jamberoo Car Show differentiates itself from similar events by only asking for a gold coin donation for people entering their cars and for spectators to enter. This makes the Jamberoo Car Show and Family Day an affordable day out for the family, which when promoted as such brings a greater number of visitors to the LGA.

The car show is continually evolving to maintain its competitive advantage, with a working display of stationary engines, and this year two elite custom car builders will have displays of cars including partly finished projects and will be on hand to talk about the projects and offer advice to car enthusiasts.

Traffic control / traffic management

A member of the Jamberoo Valley Classic Vehicles Car Club has the highest level accreditation on traffic control with a design and audit ticket. He was present at last years' car show and has formulated a plan with safety of paramount importance. To maintain a single flow of traffic on the roads around the car show, the arrival of multiple car entrants can be grouped off the road before entering the display oval. This will minimise disruption to Jamberoo residents and do everything possible to alleviate any traffic frustrations to people attending the event.

The Committee will submit a Traffic Control Plan and a Traffic Management Plan to Council, and will liaise with the RMS for a Road Occupancy Certificate.

Report of the General Manager

9.3 Sponsorship request: 2018 Jamberoo Car Show and Family Day (cont)

Conclusion

The Committee requests that Kiama Council play a major role in supporting the car show with a donation of \$5,000 and an in-kind donation of waste and cleaning services (approximately \$600).

This donation would assist in managing the event and allow all funds raised to go to the Jamberoo Red Cross and the Jamberoo Rural Fire Service. The money raised will be for the benefit of our local community.

Item 9.3

Tourism Impact Summary Report for Kiama (A) (Tourism Activity: 1 days)

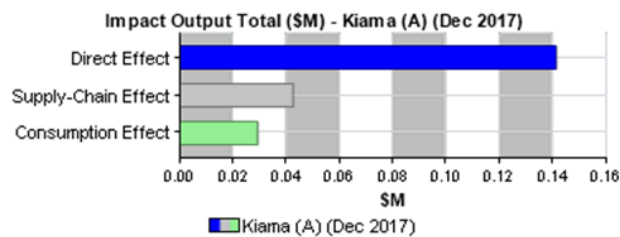
Tourism Impact Scenario

Name Jamberoo car show

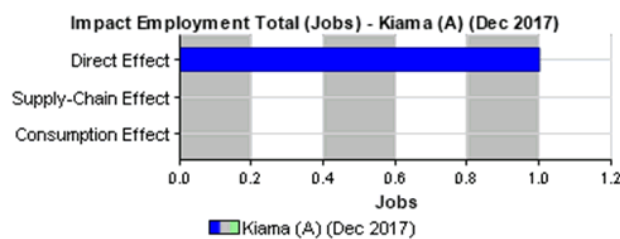
Duration 1 days

Direct Impact	Domestic Day	Domestic Overnight	International	Total
Number of Visitors	1,900	100	0	2,000
Number of Nights	n/a	1.00	0.00	
Estimated Expenditure per Visitor (\$)	\$67	\$138	\$0	
Total Estimated Expenditure (\$)	\$127,300	\$13,800	\$0	\$141,100

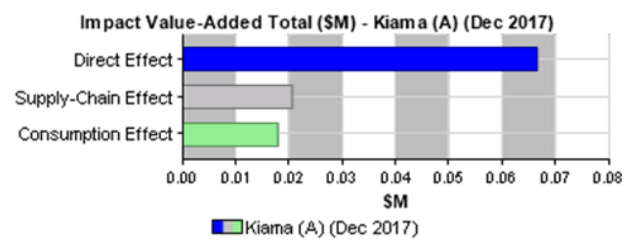
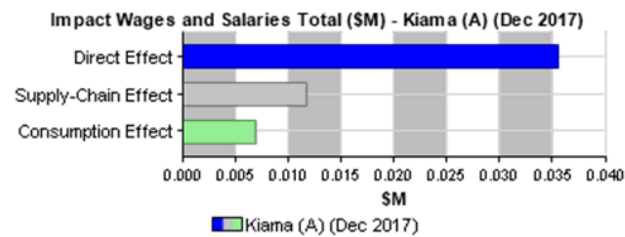
Tourism Impacts



REMPPLAN



REMPPLAN



Under this scenario Gross Region Product is estimated to increase by \$0.105 million (0.01%) to \$847.084 million. Contributing to this is a direct increase in output of \$0.141 million, 1 additional job, \$0.035 million more in wages and salaries and a boost in value-added of \$0.066 million.

From this direct expansion in the economy, flow-on supply-chain effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in a further increase to output valued at \$0.042 million, 0 more jobs, \$0.012 million more paid in wages and salaries, and a gain of \$0.021 million in terms of value-added.

These supply-chain effects represent the following Type 1 economic multipliers:

Impact	Type 1 Multipliers
Output	1.300
Employment	1.000
Wages and Salaries	1.329
Value-added	1.308

The increase in direct and indirect output and the corresponding creation of jobs in the economy are expected to result in an increase in the wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under the scenario are expected to further boost output by \$0.029 million, employment by 0 jobs, wages and salaries by \$0.007 million, and value-added by \$0.018 million.

Under this scenario, total output is expected to rise by \$0.213 million. Corresponding to this are anticipated increases in employment of 1 job, \$0.054 million wages and salaries, and \$0.105 million in terms of value-added.

The total changes to economic activity represent the following Type 2 economic multipliers:

Impact	Type 2 Multipliers
Output	1.507
Employment	1.000
Wages and Salaries	1.523
Value-added	1.576

Tourism Impact Summary (Tourism Activity: 1 days)

Impact	Direct Effect	Supply-Chain Effect	Consumption Effect	Total Effect	Type 1 Multiplier	Type 2 Multiplier
Output (\$M)	\$0.141	\$0.042	\$0.029	\$0.213	1.300	1.507
Long Term Employment (Jobs)	1	0	0	1	1.000	1.000
Wages and Salaries (\$M)	\$0.035	\$0.012	\$0.007	\$0.054	1.329	1.523
Value-added (\$M)	\$0.066	\$0.021	\$0.018	\$0.105	1.308	1.576

**Please note: The total number of visitors listed in this report includes local day trippers due to the fact that there were also corresponding events of the Rose Show (2 day event) Book fair and Art Show at the same time – and the attendees from these events have not been taken into consideration for this scenario. These events have occurred in a location that would require most attendees to travel some distance to attend.

JAMBEROO CAR SHOW & FAMILY DAY

Vintage, Classic, Modified Cars
& Stationary Engines - working display

Sunday 28th Oct 2018

10am - 2pm

Jamberoo Oval

Cars on display by donation - entry 8 - 9am

Spectators gold coin donation



Proudly raising funds for:
Jamberoo Red Cross & Jamberoo Rural Fire Brigade

Like us on  Jamberoo Car Show & Family Day

While you're in town visit
Art Show Rose Show Book Fair

Item 9.3

Attachment 2

10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

10.1 Public Exhibition of Draft DCP Chapter 13 - Tourist Accommodation

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

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

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

Item 10.1

Summary

At its Ordinary meeting on 19 December 2017, Council endorsed the preparation of a Planning Proposal to amend the Kiama Local Environmental Plan (LEP) 2011. This Planning Proposal would permit Bed & Breakfast Accommodation, with consent, in the RU1 zone and permit Eco-Tourist Facilities, with consent, in the RU2 and E3 zones.

At the same meeting Council endorsed the preparation of an amendment to Chapter 13 – Bed and Breakfast/Farm Stay of the Kiama Development Control Plan (DCP) 2012 to include development controls for Eco-Tourist Facilities. This report seeks endorsement of the draft Chapter 13 – Tourist Accommodation for public exhibition for a period of not less than 28 days. Following the public exhibition period the draft will be reported back to Council for final endorsement. It is considered appropriate to publicly exhibit this draft in conjunction with the Planning Proposal.

This report also seeks endorsement to exhibit the draft Short-Term Rental Accommodation Policy as a standalone policy and repeal as a chapter of the DCP. Following the public exhibition period the draft will be reported back to Council for final endorsement.

Finance

N/A

Policy

Council endorsement is required prior to any draft DCP being publicly exhibited.

Communication/Community Engagement

The draft Chapter 13 – Tourist Accommodation and notice of repeal of Chapter 12 Short Term Rental Accommodation will be placed on public exhibition for a period of not less than 28 days. Copies of the draft Chapter 13 will be forwarded to the relevant community groups and a notice will be placed in the local newspaper and on Council's website.

Attachments

- 1 Draft - DCP Chapter 13 Tourist Accommodation [↓](#)
- 2 Draft - Short Term Rental Accommodation Policy [↓](#)

Enclosures

Report of the Director Environmental Services

10.1 Public Exhibition of Draft DCP Chapter 13 - Tourist Accommodation (cont)

Nil

RECOMMENDATION

That Council:

- 1) Endorse and exhibit draft Chapter 13 Tourist Accommodation; and
- 2) Endorse and exhibit the repeal of Chapter 12 to be replaced with the attached Short-Term Rental Accommodation Policy.

BACKGROUND

At its Ordinary meeting on 19 December 2017, Council endorsed the preparation of a Planning Proposal to amend the Kiama Local Environmental Plan (LEP) 2011. This Planning Proposal would permit Bed & Breakfast Accommodation, with consent, in the RU1 zone and to permit Eco-Tourist Facilities, with consent, in the RU2 and E3 zones. This Planning Proposal was prepared and forwarded to the Department of Environment and Planning (DPE) for a Gateway Determination on 14 May 2018, with Gateway Determination received 4 July 2018.

Chapter 13 – Tourist Accommodation

At the same meeting Council endorsed the preparation of an amendment to Chapter 13 – Bed and Breakfast/Farm Stay of the Kiama Development Control Plan (DCP) 2012 to include development controls for Eco-Tourist Facilities.

Chapter 13 has been separated into 3 distinct sections; Bed & Breakfast Accommodation, Eco-Tourist Facilities and Farm Stay Accommodation. Controls for each type of tourist accommodation has been provided. The existing controls of Chapter 13 have been expanded upon to provide greater clarity for both operators of tourist accommodation and neighbouring property owners. Minor corrections to the existing controls of Chapter 13 have also been made. The structure of the amended chapter reflects the approach taken with the recently adopted Chapter 33 – Jamberoo Village.

This report seeks endorsement of the draft Chapter 13 – Tourist Accommodation for public exhibition for a period of not less than 28 days. It is considered appropriate to publicly exhibit this draft in conjunction with the Planning Proposal. Following the public exhibition period the draft will be reported back to Council for final endorsement. The individual controls contained with the draft can be amended following both external and internal submissions.

Short-Term Rental Accommodation Policy

Chapter 12 – Short Term Rental Accommodation (STRA) of the DCP acts as a Council Policy. It is inappropriate for such a policy to be contained within the DCP. The purpose of the DCP is to provide guidance for applicants to achieve the aims and objectives of the LEP 2011 as part of a Development Application (DA).

Under clause 6.10 of LEP 2011 an existing dwelling can operate as a STRA without the need to go through the DA process. Such operation is conditional on established amenity levels of an area being maintained. As a DA is not required to operate a STRA it is not appropriate for this policy to be contained within the DCP.

Report of the Director Environmental Services

10.1 Public Exhibition of Draft DCP Chapter 13 - Tourist Accommodation (cont)

The existing provisions of Chapter 12 have been replicated, and where appropriate refined to reflect best practice.

This report seeks the repeal of Chapter 12 and concurrently the endorsement of the attached Short-Term Rental Accommodation Policy as a standalone policy.

Item 10.1



13 Tourist Accommodation

Item 10.1

Attachment 1

- This Chapter was adopted by Council on XX/XX/XXXX and becomes effective from XX/XX/XXXX.

Relationship to other Plans, Codes and Legislation

The purpose of the Kiama Development Control Plan (DCP) 2012 is to support the *Kiama Local Environmental Plan (LEP) 2011* and provide guidance for applicants to achieve the aims and objectives of the *LEP 2011* in relation to development in specified zones.

In the event of an inconsistency between this Plan and any environmental planning instrument applying to the same land, the provisions of the environmental planning instrument prevail.

In addition to the provisions of this Chapter, Council must consider the matters for consideration specified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Purpose of the Chapter

Tourism plays an important role within the Kiama Municipality. The Kiama Municipality has evolved into a tourist destination with several major attractions throughout the area. The Municipality’s close proximity to Wollongong, Canberra and Sydney enables it to attract a diverse mix of domestic and international visitors. In recent years the Municipality has played host to a number of domestic and international events.

In June 2018 the estimated total value of the tourism sector for the Kiama Municipality was approximately \$146 million. Approximately 19% of the Municipality’s total workforce is employed in the tourism sector. It is estimated that for each dollar spent by a tourist in the Municipality, typically \$0.76 is spent on accommodation & food services. Tourist Accommodation plays a vital role in the type of visitors that the Municipality is able to attract and in return the impact on the Municipality’s economy. Table 1 below illustrates that a domestic visitor who stays in the area overnight spends, on average, approximately twice more per day than day-trippers.

Table 1: Visitor average expenditure profile

Visitor	Domestic Days	Domestic Overnight	International
Average Stay (nights)		3	6
Average Spend per trip (\$)	\$67	\$378	\$388
Average Spend per night (\$)		\$138	\$63

(Source Remplan 2018)

Tourist Accommodation range from small scale accommodation that occurs within existing dwellings to large scale commercial accommodation. The following forms of Tourist Accommodation are permissible within the Municipality, noting that permissibility varies across zones:

- Backpackers’ Accommodation
- Bed & Breakfast Accommodation
- Camping Grounds
- Caravan Parks
- Eco-Tourist Facilities
- Farm Stay Accommodation
- Hotel & Motel Accommodation
- Serviced Apartments
- Short-Term Rental Accommodation

Clause 6.10 of the *LEP 2011* enables existing residential accommodation (i.e. dwellings etc.) to be used as tourist and visitor accommodation for a short-term without the need to gain development consent. Property owners planning on using their properties as short-term residential accommodation should refer to Council's 'Short-Term Rental Accommodation Policy'. This chapter does not contain any additional development controls for Short-Term Rental Accommodation.

Camping Grounds and Caravan Parks are regulated by the *Local Government Act 1993*. The *Local Government Act 1993* and associated regulations contain specific development controls for Camping Grounds and Caravan Parks that need to be complied with. This chapter does not contain any additional development controls for Camping Grounds and Caravan Parks.

Backpackers' Accommodation, Hotel & Motel Accommodation and Serviced Apartments are only permissible within the Neighbourhood Centre and Local Centre zones of the Municipality. Development within these zones is controlled by other site specific DCP chapters.

This chapter outlines the requirements for certain types of Tourist Accommodation within the Municipality, having regard to the following objectives:

- To be sympathetic to the existing and desired future character of the Kiama Municipality;
- Conserve the agricultural potential of the Kiama Municipality;
- Conserve and protect areas of native vegetation;
- Protect items of environmental and cultural heritage and promote their restoration and enhancement;
- Preserve the residential amenity of the Municipality and existing scenic qualities of the area;
- Ensure future development is sited, designed and of a scale that is consistent with the desired future character of the area.

Application of this Chapter

This Chapter applies to the following types of development throughout the Municipality:

- Bed & Breakfast Accommodation
- Eco-Tourist Facilities
- Farm Stay Accommodation

This chapter should be read in conjunction with the *LEP 2011* and other relevant sections including (but not limited to) the controls listed in Chapter 2 – Overall Controls, Chapter 6 - Rural Development, Chapter 8 - Landscaping Requirements, Chapter 9 - Car Parking Requirements and Chapter 11 - Waste Management. Application of this Chapter prevails in the event of an inconsistency with any other Chapter of the Kiama DCP 2012.

This plan expresses the controls as Acceptable Solutions and/or Performance Criteria (with the exception of the subdivision section). The Acceptable Solutions provide a clear and simple measure by which development may achieve the intent of a particular development control. Where a development does not meet the Acceptable Solutions, outlined below, the applicant must prepare a statement justifying how the development meets the relevant Performance Criteria, and overall objectives of the control. These applications will be assessed on individual merit. This allows for some flexibility and innovation in design and caters for exceptional circumstances where strict compliance with the Acceptable Solution is considered either impractical or unnecessary. The intent of the controls and the aims and objectives of the LEP and DCP must be met whichever path is chosen.

Development Controls

<p>13.1 BED & BREAKFAST ACCOMMODATION</p> <p><u>Objectives</u></p> <ul style="list-style-type: none">• Provide general standards for Bed & Breakfast Accommodation within the Kiama Municipality;• Protect the amenity of the locality in which the development is situated;• Ensure Bed & Breakfast Accommodation does not adversely impact upon the privacy of neighbouring residents;• Achieve well-designed accommodation facilities which attract and meet the needs of visitors to the Municipality;• Ensure that where additions to existing dwelling-houses are proposed, such additions are designed so that the appearance of the total building is that of a single dwelling, building materials are consistent with the existing dwelling and the total development is sympathetic to neighbouring properties;• Preserve and complement any natural and/or cultural heritage characteristics of the area; and• Ensure development in the rural areas:<ul style="list-style-type: none">○ maintains the agricultural potential of land;○ prevent the fragmentation of agricultural land;○ ensure that any development is located and designed to minimise bushfire risk;○ ensure that satisfactory and environmentally acceptable vehicular access is provided without scarring of the landscape;○ protect existing vegetation;○ require the assessment of any threatened species which may be affected; and○ prevent pollution of rivers and streams and sub-surface waters.

Item 10.1

Attachment 1

Chapter 13 – Kiama Development Control Plan 2012 – Tourist Accommodation

Performance Criteria		Acceptable Solutions	
Siting of Development			
P1	Bed and Breakfast Accommodation facilities are to be sited in order to reduce the impact on adjoining properties in terms of visual and acoustic privacy.	A1	Bed and Breakfast Accommodation is only to occur within lawfully erected dwellings (including dwellings associated with dual occupancies, manor houses, terraces and residential flat buildings).
		A1.1	Where additions to existing dwelling-houses are proposed, such additions are satisfy the relevant building setbacks prescribed by other applicable Chapters of the DCP.
Services/Facilities			
P2	All necessary/appropriate facilities are provided for guests.	A2	For Bed and Breakfast Accommodation a maximum guest capacity of two (2) persons per bedroom provided for guests of the Bed and Breakfast Accommodation facility.
		A2.1	Full domestic laundry facilities must not be provided for guests of a Bed & Breakfast Accommodation facility, however cupboard facilities may be acceptable.
		A2.2	Any cooking/eating facilities are not be used to serve paying customers who are not staying on site. Separate development consent for a café or restaurant will be required if serving paying customers not staying on-site.
		A2.3	Electrically wired smoke detectors are required to be installed in the bedrooms used as guest accommodation and must be approved by Council.

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		A2.4	Deadlocks which require internal key release are not to be provided on doors to guest rooms or external doors.
		A2.5	In addition to those available to permanent occupants of the dwelling, separate bathroom and toilet facilities are to be provided for guests of the Bed and Breakfast Accommodation facility.
		A2.6	The method of effluent disposal, where reticulated sewer is not available, shall be determined having regard to criteria such as the size of the allotment, volume of waste produced, number of people occupying the dwelling, slope, and soil classification.
Parking & Access			
P3	Car parking complies with the requirements of Chapter 9 and is located so as to have minimal impact on the streetscape.	A3	One (1) car parking space is to be provided per bedroom provided for guests of the Bed and Breakfast Accommodation facility.
		A3.1	Car parking spaces for the Bed and Breakfast Accommodation are to be provided in addition to the parking required for the existing dwelling/s on site.
		A3.2	Car parking spaces are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.

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Operation of Accommodation Facilities			
P4	Bed and Breakfast Accommodation must be operated in such a way so as not to negatively interfere with the amenity of the surrounding neighbourhood.	A4	Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but especially between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day.
		A4.1	All outdoor entertaining areas are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.
		A4.2	<p>Signage and/or an information package is to be located within the Bed and Breakfast Accommodation facility, informing guests of their responsibilities and must cover the following information:</p> <ul style="list-style-type: none"> • That guests need to be aware of noise impacts on residential neighbours. Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day. • That offensive noise may result in the local Police and/or Council being contacted.

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			<ul style="list-style-type: none"> • Council may issue prevention notices and/or noise abatement orders, under the <i>Protection of the Environment Operations Act 1997</i>, for noise related offences from amplified and motorised sources. • That a 24 hour contact/management number may be called if adjoining areas have impacts on amenity. • A copy of the Council’s Short-Term Rental Accommodation Policy is to be included as part of any information package
		A4.3	<p>One (1) Business Identification sign, which is legible from the street, should be installed, in accordance with Division 2 of Part of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in the front of the property indicating the following:</p> <ul style="list-style-type: none"> ▪ That the property is used for Bed and Breakfast Accommodation facility. ▪ In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details).
P5	Length of stay in Bed and Breakfast Accommodation is limited to avoid use as permanent residential accommodation.	A5	The maximum length of consecutive stay is 42 days and 200 days in any one calendar year.

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		A5.1	Permanent residential occupancy of bedrooms, approved for Bed and Breakfast Accommodation, will require separate development consent.
Provision of Food			
P6	Ensure appropriate food safety measures are implemented.	A6	Any application for Bed and Breakfast Accommodation needs to outline the type of food/meals to be provided to guests.
		A6.1	Serving certain types of food may require a Food Safety Supervisor to be nominated and the business to be registered with the NSW Food Authority.
		A6.2	Any food prepared for the consumption of guests must be prepared under the relevant provisions Chapter 16 of this DCP.
		A6.3	<p>Bed and Breakfast Accommodation must provide the following:</p> <ul style="list-style-type: none"> • Kitchen premises which comply with Chapter 16 of this DCP; • Kitchen facilities and utensils for the storage and/or preparation of food for guests, which are to be kept clean, in good condition, and free from odour, dust, flies, insects and vermin; • Garbage devices kept covered and maintained in a state of clean and good repair; and • All garbage and refuse is to be regularly removed from the premises, and deposited in appropriate pans, receptacles or other garbage devices.

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		A6.4	An annual inspection of Bed and Breakfast or Farm Stay facilities will be undertaken by Council officers to ensure health and safety standards are being maintained
Bush Fire Requirements			
P7	Adequate bush fire protection measures are to be implemented for Bed and Breakfast Accommodation facilities	A7	In certain circumstances Bed and Breakfast Accommodation requires approval under section 100B of the Rural Fires Act
13.2 ECO-TOURIST FACILITIES			
Objectives			
<ul style="list-style-type: none"> • Provide general standards for Eco-Tourist Facilities within the Kiama Municipality; • Protect the amenity of the locality in which the development is situated; • Ensure Eco-Tourist Facilities do not adversely impact upon the privacy of neighbouring residents; • Achieve well-designed accommodation facilities which attract and meet the needs of visitors to the Municipality; • Preserve and complement any natural and/or cultural heritage characteristics of the area; and • Ensure development in the rural and environmental areas: <ul style="list-style-type: none"> ○ maintains the agricultural potential of land; ○ prevent the fragmentation of agricultural land; ○ ensure that any development is located and designed to minimise bushfire risk; ○ ensure that satisfactory and environmentally acceptable vehicular access is provided without scarring of the landscape; ○ protect existing vegetation; ○ require the assessment of any threatened species which may be affected; and ○ prevent pollution of rivers and streams and sub-surface waters. 			

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Performance Criteria		Acceptable Solutions													
Density of Development															
P1	Sufficient area is available for Eco-Tourist Facilities in order to mitigate impacts on adjoining properties.	A1	A minimum lot area of two (2) hectares is required for Eco-Tourist Facilities. The minimum lot area must be calculated from land where Eco-Tourist Facilities are permissible. All other areas of the lot/s must be excluded from the density calculation.												
	Eco-Tourist Facilities should reflect the rural density of the surrounding area.	A1.1	The maximum number of guest bedrooms permitted is outlined in the table below: <table border="1" data-bbox="917 878 1265 1283"> <thead> <tr> <th>Number of Bedrooms</th> <th>Minimum Lot Area Required</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>2 Hectares</td> </tr> <tr> <td>3</td> <td>4 Hectares</td> </tr> <tr> <td>4</td> <td>6 Hectares</td> </tr> <tr> <td>5</td> <td>8 Hectares</td> </tr> <tr> <td>6 or more</td> <td>10 Hectares</td> </tr> </tbody> </table>	Number of Bedrooms	Minimum Lot Area Required	2	2 Hectares	3	4 Hectares	4	6 Hectares	5	8 Hectares	6 or more	10 Hectares
Number of Bedrooms	Minimum Lot Area Required														
2	2 Hectares														
3	4 Hectares														
4	6 Hectares														
5	8 Hectares														
6 or more	10 Hectares														
		A1.2	The maximum number of guest bedrooms permitted per lot is not to exceed 10.												
Siting of Development															
P2	Eco-Tourist Facilities are to be sited in order to reduce the impact on adjoining properties in terms of visual and acoustic privacy.	A2	Eco-Tourist Facilities are to be set back a minimum 20m from a public road.												
		A2.1	Eco-Tourist Facilities are to be set back a minimum 15m from all other boundaries.												

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		A2.2	Eco-Tourist Facilities must be located a minimum of 100m from any dwelling located on an adjoining allotment.
		A2.3	When utilising multiple buildings/structures Eco-Tourist Facilities are to be clustered together.
Services/Facilities			
P3	All necessary/appropriate facilities are provided for guests.	A3	For Eco-Tourist Facilities a maximum guest capacity of two (2) persons per bedroom provided for guests of the Farm Stay Accommodation facility.
		A3.1	Full domestic laundry facilities must not be provided for guests of an Eco-Tourist Facilities, however cupboard facilities may be acceptable.
		A3.2	Electrically wired smoke detectors are required to be installed in the bedrooms used as guest accommodation and must be approved by Council.
		A3.3	The method of effluent disposal, where sewer is not available, shall be determined having regard to criteria such as the size of the allotment, volume of waste produced, number of people occupying the dwelling, slope, and soil classification.
Parking & Access			
P4	Car parking complies with the requirements of Chapter 9 and is located so as to have minimal impact on the streetscape.	A4	One (1) car parking space is to be provided per bedroom provided for guests of the Eco-Tourist Facilities.
		A4.1	Car parking spaces for the Eco-Tourist Facilities are to be provided in addition to the parking required for the existing dwelling/s and other approved uses on site.

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		A4.2	Car parking spaces are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.
Operation of Accommodation Facility			
P5	Eco-Tourist Facilities must be operated in such a way so as not to negatively interfere with the amenity of the surrounding neighbourhood.	A5	Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but especially between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day.
		A5.1	All outdoor entertaining areas are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.
		A5.2	Signage and/or an information package is to be located within the Eco-Tourist Facilities, informing guests of their responsibilities and must cover the following information: <ul style="list-style-type: none"> • That guests need to be aware of noise impacts on residential neighbours. Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day. • That offensive noise may result in the local Police and/or Council being contacted.

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			<ul style="list-style-type: none"> • Council may issue prevention notices and/or noise abatement orders, under the <i>Protection of the Environment Operations Act 1997</i>, for noise related offences from amplified and motorised sources. • That a 24 hour contact/management number may be called if adjoining areas have impacts on amenity. • A copy of the Council’s Short-Term Rental Accommodation Policy is to be included as part of any information package.
		A5.3	<p>One (1) Business Identification sign, which is legible from the street, should be installed, in accordance with Division 2 of Part of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in the front of the property indicating the following:</p> <ul style="list-style-type: none"> ▪ That the property is used for Farm Stay Accommodation facility. ▪ In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details).
P6	Length of stay in Eco-Tourist Facilities is limited to avoid use as permanent residential accommodation.	A6	The maximum length of consecutive stay is 42 days and 200 days in any one calendar year.
		A6.1	Permanent residential occupancy of bedrooms, approved for Eco-Tourist Facilities, will require separate development consent.

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<p>P7</p>	<p>Eco-Tourist Facilities must maintain the environmental and cultural values of the land and must provide for sensitively designed and managed facilities that have minimal impact on the environment.</p>	<p>A7</p>	<p>An environmental management strategy plan is to be provided with any application for an Eco-Tourist Facility.</p> <p>The environmental management strategy plan is to address the address the following matters:</p> <ul style="list-style-type: none"> • Measures to remove any threat of environmental damage; • The maintenance of habitats; • Efficient and minimal energy and water use and waste output; • Mechanisms for monitoring and reviewing the effect of the development on the natural environment; • Maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.
		<p>A7.1</p>	<p>When provided within a new building Eco-Tourist Facilities are to incorporate the principles of Ecological Sustainable Design through the use of passive heating and cooling, renewable energy sources and water efficient designs.</p>
		<p>A7.2</p>	<p>When provided within an existing building Eco-Tourist Facilities are to be retrofitted to incorporate energy and water saving devices.</p>
		<p>A7.3</p>	<p>When provided within an existing building Eco-Tourist Facilities are to be provided with a renewable energy source, such as solar or wind power, which is capable of producing a minimum of 19 kW/day.</p>

Bush Fire Requirements			
P8	Adequate bush fire protection measures are to be implemented for Farm Stay Accommodation facilities	A8	When located on bush fire prone land Eco-Tourist Facilities require approval under section 100B of the Rural Fires Act.
13.3 FARM STAY ACCOMMODATION			
Objectives			
<ul style="list-style-type: none"> • Provide general standards for Farm Stay Accommodation facilities within the Kiama Municipality; • Protect the amenity of the locality in which the development is situated; • Ensure Farm Stay Accommodation facilities do not adversely impact upon the privacy of neighbouring residents; • Achieve well-designed accommodation facilities which attract and meet the needs of visitors to the Municipality; • Ensure that where additions to existing dwelling-houses are proposed, such additions are designed so that the appearance of the total building is that of a single dwelling, building materials are consistent with the existing dwelling and the total development is sympathetic to neighbouring properties; • Preserve and complement any natural and/or cultural heritage characteristics of the area; and • Ensure development in the rural areas: <ul style="list-style-type: none"> ○ maintains the agricultural potential of land; ○ prevent the fragmentation of agricultural land; ○ ensure that any development is located and designed to minimise bushfire risk; ○ ensure that satisfactory and environmentally acceptable vehicular access is provided without scarring of the landscape; ○ protect existing vegetation; ○ require the assessment of any threatened species which may be affected; and ○ prevent pollution of rivers and streams and sub-surface waters. 			
Performance Criteria		Acceptable Solutions	
Siting of Development			
P1	Farm Stay Accommodation facilities are to be sited in order to reduce the impact on adjoining properties in terms of visual and acoustic privacy.	A1	Farm Stay Accommodation facilities are to be set back a minimum 20m from a public road.

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		A1.1	Farm Stay Accommodation facilities are to be set back a minimum 20m from a public road.
		A1.2	Farm Stay Accommodation facilities are to be set back a minimum 15m from all other boundaries.
		A1.3	Farm Stay Accommodation facilities must be located a minimum of 100m from any dwelling located on an adjoining allotment.
		A1.4	The Farm Stay Accommodation building, containing a maximum of five (5) bedrooms, is to be clustered around any existing dwelling on site.
Services/Facilities			
P2	All necessary/appropriate facilities are provided for guests.	A2	For Farm Stay Accommodation a maximum guest capacity of two (2) persons per bedroom provided for guests of the Farm Stay Accommodation facility.
		A2.1	Full domestic laundry facilities must not be provided for guests of a Farm Stay Accommodation facility, however cupboard facilities may be acceptable.
		A2.2	Electrically wired smoke detectors are required to be installed in the bedrooms used as guest accommodation and must be approved by Council.
		A2.3	The method of effluent disposal, where sewer is not available, shall be determined having regard to criteria such as the size of the allotment, volume of waste produced, number of people occupying the dwelling, slope, and soil classification.

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Parking & Access			
P3	Car parking complies with the requirements of Chapter 9 and is located so as to have minimal impact on the streetscape.	A3	One (1) car parking space is to be provided per bedroom provided for guests of the Farm Stay Accommodation facility.
		A3.1	Car parking spaces for the Farm Stay Accommodation are to be provided in addition to the parking required for the existing dwelling/s on site.
		A3.2	Car parking spaces are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.
Operation of Accommodation Facility			
P4	Farm Stay Accommodation must be operated in such a way so as not to negatively interfere with the amenity of the surrounding neighbourhood.	A4	Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but especially between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day.
		A4.1	All outdoor entertaining areas are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.

		<p>A4.2</p>	<p>Signage and/or an information package is to be located within the Farm Stay Accommodation facility, informing guests of their responsibilities and must cover the following information:</p> <ul style="list-style-type: none"> • That guests need to be aware of noise impacts on residential neighbours. Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day. • That offensive noise may result in the local Police and/or Council being contacted. • Council may issue prevention notices and/or noise abatement orders, under the <i>Protection of the Environment Operations Act 1997</i>, for noise related offences from amplified and motorised sources. • That a 24 hour contact/management number may be called if adjoining areas have impacts on amenity. • A copy of the Council's Short-Term Rental Accommodation Policy is to be included as part of any information package.
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		A4.3	<p>One (1) Business Identification sign, which is legible from the street, should be installed, in accordance with Division 2 of Part of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in the front of the property indicating the following:</p> <ul style="list-style-type: none"> ▪ That the property is used for Farm Stay Accommodation facility. ▪ In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details).
P5	Length of stay in Farm Stay Accommodation is limited to avoid use as permanent residential accommodation.	A5	The maximum length of consecutive stay is 42 days and 200 days in any one calendar year.
		A5.1	Permanent residential occupancy of bedrooms, approved for Farm Stay Accommodation, will require separate development consent.
P6	Farm Stay Accommodation must not adversely impact primary production on the site.	A6	Documentation outlining the farming activities that take place on the site sufficient to justify primary production as the main business on the land, with the farm stay accommodation as secondary. The primary production plan should include the following information: farm income, stocking rates, types of agriculture and intended involvement of 'guests' in farm activities.
		A6.1	The adaptive re-use of existing rural buildings such as barns, silos, stables or dairies is encouraged.

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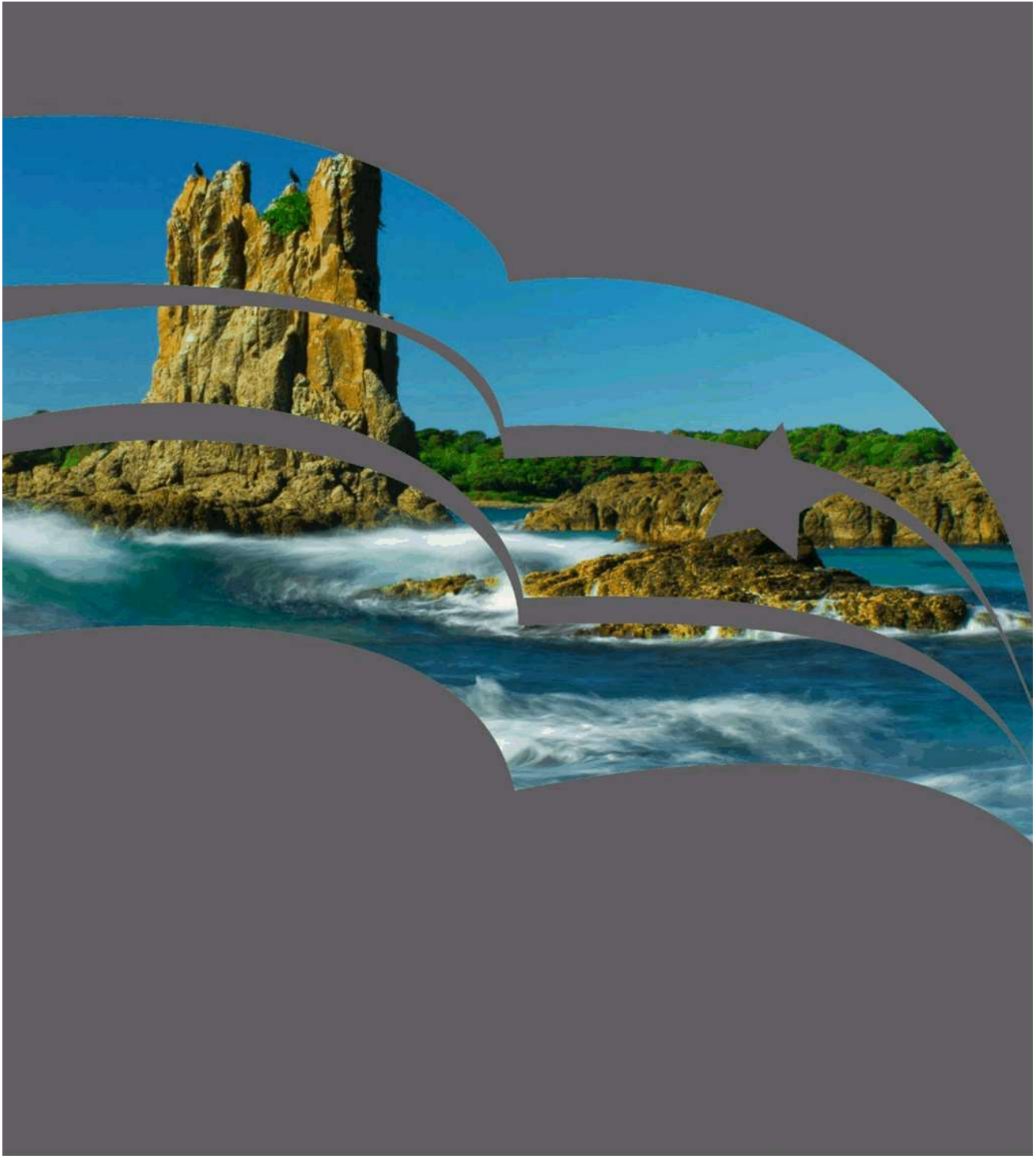
Bush Fire Requirements			
P7	Adequate bush fire protection measures are to be implemented for Farm Stay Accommodation facilities	A7	When located on bush fire prone land Farm Stay Accommodation requires approval under section 100B of the Rural Fires Act

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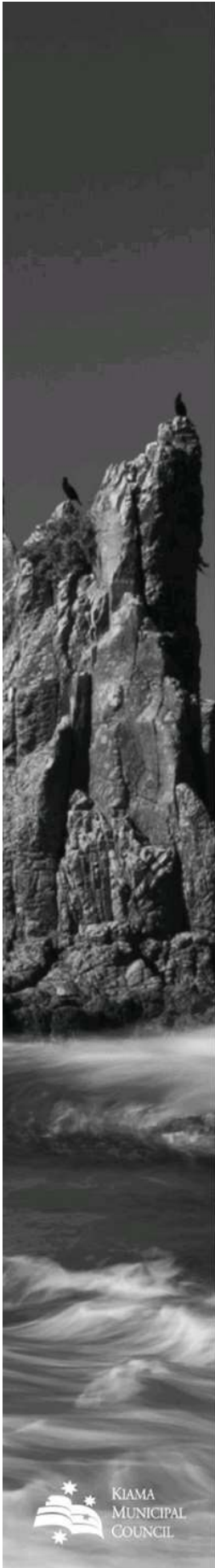


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Attachment 2

Short-Term Rental Accommodation Policy
Adopted TBD
Environmental Services





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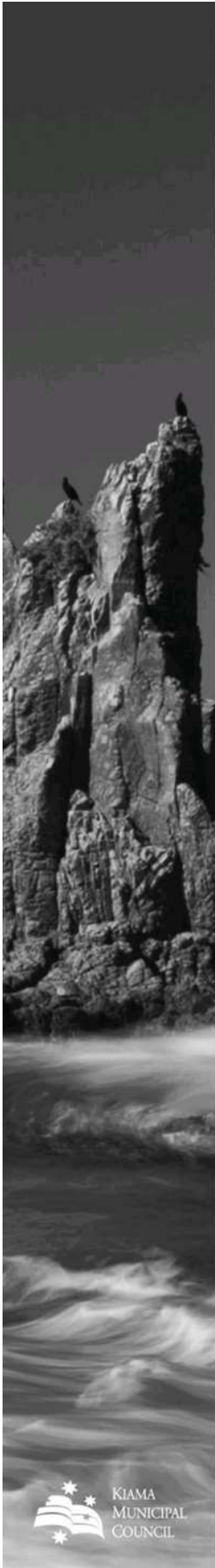
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Short-term Rental Accommodation Policy

1.0 Purpose

Short Term Rental Accommodation (STRA) is one of a number of holiday accommodation options within the Kiama Municipality. STRA offers accommodation for a limited time period in a privately owned dwellings. Some STRA are located in rural areas, however the majority are located in residential areas. This mix of 'holiday accommodation' within a residential setting requires a sensitive approach to ensure that the operation of the STRA does not negatively impact on the amenity for the surrounding residents.

Council acknowledges the operation of STRA under Clause 6.10 of *Kiama Local Environmental Plan (LEP) 2011* without the need to gain development consent. Such operation is conditional on established amenity levels of an area being maintained. This policy outlines how property owners/managers need to manage their STRA to ensure that the accommodation does not negatively interfere with the amenity of the surrounding residential neighbourhood.

All STRA should be operated/managed in accordance with this policy to ensure that the accommodation does not negatively interfere with the amenity of the surrounding residential neighbourhood.

2.0 Objectives

The objectives of this policy are:

- To ensure that the current amenity of the locality is not adversely affected by Short Term Rental Accommodation.
- That dwellings utilised for Short Term Rental Accommodation provide a high standard of amenity and safety for users.
- To ensure that normal residential privacy standards are maintained.
- To ensure that Short Term Rental Accommodation will comply with established amenity levels.

3.0 Scope

Council has produced this Policy to outline the mechanisms to enable property owners/managers to manage STRA (including setting the maximum number of adult guests and visitors) in such a way so as not to negatively interfere with the amenity of the surrounding residential neighbourhood.

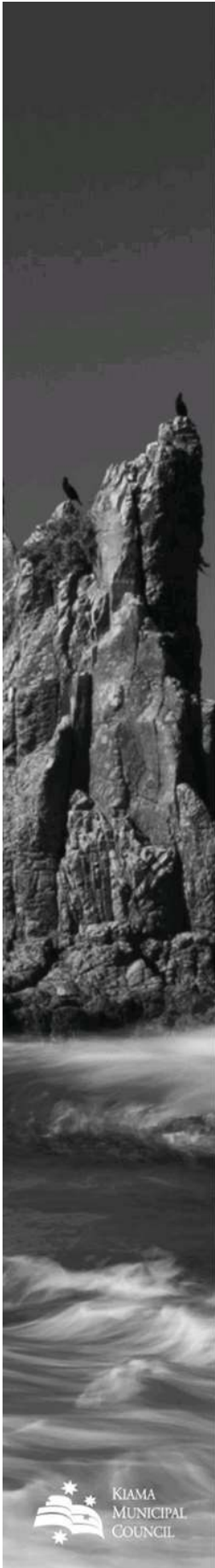
4.0 References

This document should be read in conjunction with:

- Clause 6.10 of the *Kiama Local Environmental Plan 2011*,
- Part 4 of the *Protection of the Environment Operations (Noise Control) Regulation 2017*,
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*,
- NSW Environment Protection Authority's 'Dealing with neighbourhood noise' guide,
- Holiday Rental Code of Conduct, and
- Kiama Municipal Council's 'Form A Short-Term Rental Accommodation – Requesting, cancelling or changing a garbage/recycling/food organics and garden organics (FOGO) waste service'.

5.0 Definitions

For the purpose of this document the following definitions apply:



- **Short-term rental accommodation (STRA)** means existing residential accommodation (i.e. dwellings etc.) being used as tourist and visitor accommodation for a short-term.
- **Short-term** means for a maximum period of 60 consecutive days in any 12 month period
- **Urban Areas** means areas of the Municipality that are zoned Residential, Business, Industrial or Recreational by the *Kiama Local Environmental Plan 2011*.
- **Rural Areas** means areas of the Municipality that are zoned Rural or Environmental by the *Kiama Local Environmental Plan 2011*.
- **Guest** means people who are paying a fee to occupy the property, being used as short-term rental accommodation, for a short term.
- **Visitor** means people who are visiting guests of a short-term rental accommodation property.
- **Offensive Noise** has the same meaning as it has in the [Protection of the Environment Operations Act 1997](#)
- **electrically amplified sound equipment** means any electrical or battery powered device that can be used to make or amplify sound including television sets and home entertainment systems.

6.0 Policy

Property owners/managers need to manage their STRA to ensure that the accommodation does not negatively interfere with the amenity of the surrounding residential neighbourhood.

STRA must not compromise the amenity of surrounding neighbours. Amenity breaches include (but are not limited to):

- Offensive noise, generated by guests and visitors, to neighbours at any time during their occupancy, but especially between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day. This is often the result of
 - An excessive number of guest/visitors to the STRA.
 - The use of outdoor areas between the hours of 10 pm and 8am.
 - The use of amplified music between the hours of 10 pm and 8am.
- Any activities which may unduly impact on the health and/or safety of adjoining or nearby residences.
- Inappropriate street parking, resulting in traffic hazards, significant or ongoing loss of parking for adjoining or nearby residences.
- Unmanaged waste disposal or littering of the property surrounds.

Any significant interference with the amenity of the neighbourhood by guests and visitors of STRA is a noncompliance with this Policy. Council may issue **prevention notices and/or noise abatement orders**, under the *Protection of the Environment Operations Act 1997*, for noise related offences from amplified and motorised sources. For noise arising from anti-social behaviour the local police should be contacted in the first instance.

The following matters need to be managed by the owners/managers of STRA to ensure that the accommodation does not negatively interfere with the amenity of the surrounding residential neighbourhood:

- Suitability of the Dwelling
- Number of Occupants
- Noise Attenuation
- Car Parking
- Waste Management
- Ongoing Management



Council considers the following measures appropriate mechanism to ensure that the accommodation does not negatively interfere with the amenity of the surrounding residential neighbourhood. Implementation of these suggestions will reduce the likelihood of Council undertaking enforcement actions.

6.1 Suitability of Dwelling

- STRA must only be conducted in dwellings that have been lawfully constructed and comply with Building Code of Australia requirements.
- STRA owners/managers should ensure that the appropriate smoke alarm/detectors are installed and regularly serviced.
- STRA must be offered in a clean, safe and habitable state.

6.2 Number of Occupants

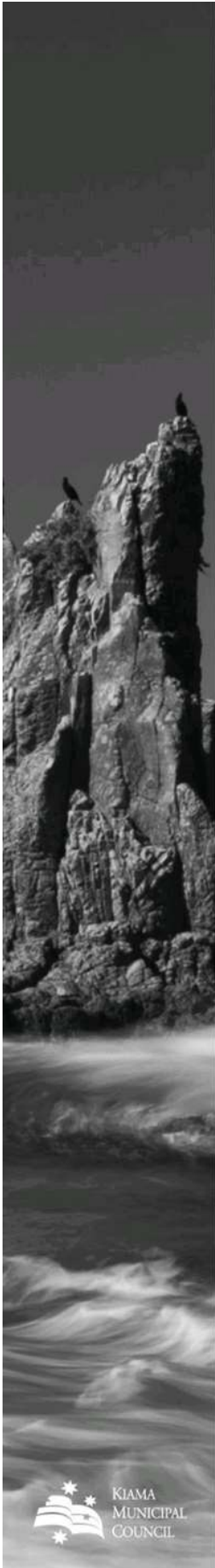
- The maximum number of guests permitted at a STRA must not exceed a maximum of 2 persons per bedroom.
- The number of guests and visitors must not result in non-compliances with this Policy, specifically excessive noise.
- Visitors and their behaviour are the responsibility of the guest at all times.

6.3 Noise Attenuation

- Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but especially especially between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day.
- Limit the use of outdoor areas between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day.
- Electrically amplified sound equipment (i.e. stereos etc.) are not to be used in such a manner that it emits noise that can be heard within any room in any other residential premises whether or not any door or window to that room is open:
 - before 8 am or after midnight on any Friday, Saturday or day immediately before a public holiday, or
 - before 8 am or after 10 pm on any other day.
- Property owners/managers should install signage within the property, or provide guests with an information package informing them of their responsibilities concerning noise attenuation (see below for more information).

6.4 Car Parking

- Car parking must be provided on site at the rate outlined below:
 - 1 space for STRA with 1-2 bedrooms, and
 - 2 spaces for STRA with 3+ bedrooms.



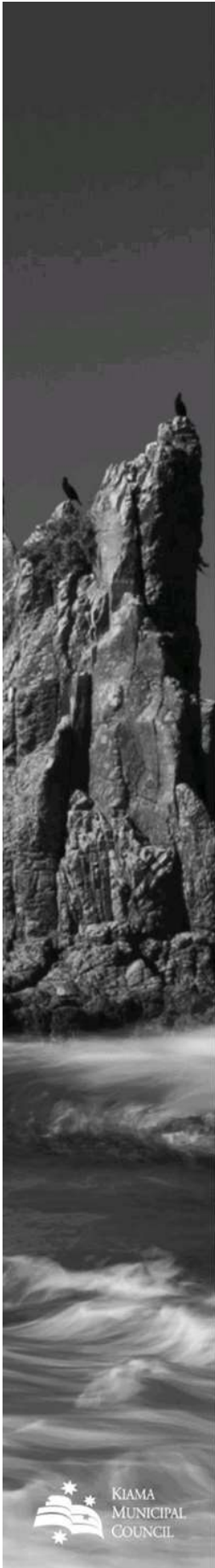
- Car parking must be provided wholly within the property boundaries in such a way that it does not impede existing pedestrian and vehicular traffic in the neighbourhood.

6.5 Waste Management

- General waste management requirements can be found in Chapter 11 of the Kiama Development Control Plan (DCP) 2012. All urban residential zoned properties must pay the appropriate annual Domestic Waste Management Charge outlined in Council's current Revenue Policy as mandated by section 496 of the *Local Government Act 1993*.
- Bins must be on the kerbside available for each collection day (refer to Chapter 11 of DCP 2012).
- Bins should not sit on the kerbside for longer than 1 day after collection.
- Bins stored on site should be located away from sensitive areas in adjoining dwellings, such as living room windows and doors.
- As a minimum requirement, urban residential STRA must be in receipt of (and charged the applicable annual Domestic Waste Management Charge for) the equivalent of the largest size urban residential waste service. This consists of a 240 litre garbage bin, 240 litre recycling bin and 240 litre organics bin. In the case of multi-unit development with limited storage space, shared garbage, recycling and organics bin may be made available by Council.
- If the waste generated by the STRA exceed the capacity of this service, the following options are available:
 - Order a second urban waste service for the STRA from Council, consisting of an additional garbage, recycling and organics bin and the applicable annual Domestic Waste Management Charge, or
 - Engage a private waste contractor to remove excess waste from the property as required.

6.6 Ongoing Management

- All STRA must provide 24 hour contact details for a local management agent who can respond if required to noise/parking/amenity issues.
- The management contact will need to have delegated authority to attend to issues arising. The contact must be appropriately qualified/experienced person to deal with possible amenity issues which may arise. This may include responding on site or following up on contacting regulatory authorities.
- The management agents must be able to act at the time of the complaint to ensure that ameliorating actions are undertaken. This may include responding on site or following up on contacting regulatory authorities.
- One (1) Business Identification sign, which is legible from the street, should be installed, in accordance with Division 2 of Part of the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) in the front of the property indicating the following:
 - That the property is used for STRA.
 - In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details).



- Signage and/or an information package should be located within the STRA, informing guests of their responsibilities and must cover the following information:
 - That the STRA is located in a residential neighbourhood.
 - That guests need to be aware of noise impacts on residential neighbours. Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day.
 - That offensive noise may result in the local Police and/or Council being contacted.
 - Council may issue **prevention notices and/or noise abatement orders**, under the *Protection of the Environment Operations Act 1997*, for noise related offences from amplified and motorised sources.
 - That a 24 contact/management number may be called if adjoining areas have impacts on amenity.
 - A copy of the STRA Policy should be included as part of any information package.
- Contact signage/ details must be kept updated with current information. Updated contact information must be redistributed to adjoining property owners / managing agents when changes to contact numbers etc occurs to ensure current information is available.

7.0 Best Practice Guidelines

The Tourism Accommodation Industry has developed Best Practise Guidelines for the operation of STRA - *Holiday Code of Conduct*. Council supports the adoption and implementation of such guidelines by owners and managing agents of STRA's.

8.0 Breaches to this Policy

Any significant interference with the amenity of the neighbourhood by guests and visitors of STRA is a noncompliance with this Policy. Council may issue **prevention notices and/or noise abatement orders**, under the *Protection of the Environment Operations Act 1997*, for noise related offences from amplified and motorised sources. For noise arising from anti-social behaviour the local police should be contacted in the first instance.

9.0 Document control

Directorate:	Environmental Services
Policy name:	Short-Term Rental Accommodation Policy
Date adopted by Council or N/A:	TBD
Date endorsed by MANEX:	TBD
Last revision date:	TBD
Next review date:	TBD
Trim doc number:	TBD

10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision

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

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

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

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Summary

This report reviews the DA 10.2017.265.1 which involves a 1 into 2 Lot Torrens Title subdivision in battle-axe configuration.

The report recommends that Council refuse DA 10.2017.265.1 as the proposal is:

- generally inconsistent with the Kiama Development Control Plan 2012 (DCP), battle-axe handle width requirements, which results in an unsatisfactory streetscape presentation; and
- does not satisfy the objectives of the Environmental Planning and Assessment Act to promote good design and amenity of the built environment due to the long and un-landscaped access corridor at the front of the site.

Requests to vary the DCP controls have been received.

Finance

N/A

Policy

N/A

Reason for the Report

This report is submitted to Council because DCP provisions that are proposed to be varied concerning the width of the access corridor are more than of a minor nature and affect, comprising a variation of 90%.

Communication/Community Engagement

Required: Yes (letter notification)

Notification Period: 14 days from 13/9/2017 to 27/9/2017

Submissions: Nil submissions

Attachments

1 10.2017.265.1 - plans [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council refuse DA 10.2017.265.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:

Report of the Director Environmental Services

10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot
Torrens Title Subdivision (cont)

1. The proposal does not satisfy the objectives of the R2 zone to provide for the housing needs of the community within a low density residential environment because the needs of the community extend to appropriate amenity and streetscape presentation which are not satisfied by the long un-landscaped access corridor abutting the adjoining neighbouring property boundary.
2. The proposal is generally inconsistent with the Kiama Development Control Plan 2012 (DCP), because of the non-compliance with the objectives and controls regarding the access corridor width requirements including passing bays, landscaping, and waste collection, that results in an unsatisfactory streetscape presentation because there is not sufficient area for a landscaping strip to mitigate the unsightly appearance of the full length of the concrete driveway in the access corridor.
3. The narrowness of the allotment does not allow for an access corridor to be proposed that ensures the development is in keeping with the desired future streetscape, and the proposal emanates unsatisfactory visual impacts.
4. The site is unsuitable for the proposed subdivision because the constraints are such that the outcome does not ensure the arrangements are in keeping with the desired future character of the locality due to the narrowness of the allotment not accommodating an access corridor that complies with :
 - a. the 5.0m minimum corridor width requirements;
 - b. the 3.0m minimum driveway width requirements;
 - c. the 1.0m minimum landscape setback requirements; and
 - d. the 5.0m minimum road frontage requirements for waste servicing.
5. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act to promote good design and amenity of the built environment and is therefore not in the public interest due to the visual impacts of the long un-landscaped access corridor adjoining the neighbouring boundary at the front of the site.
6. The proposal sets an undesirable planning precedent, and is not consistent with the streetscape performance outcomes in the Development Control Plan requiring a 1m wide landscape strip provided for the length of the access corridor external boundary and is therefore not in the public interest.

BACKGROUND

The property is described as Lot 38 DP 9760 which is located at 127 Charles Avenue, Minnamurra.

The overall site measures 929.5m² and is rectangular in shape with a depth of 76.54m and a width of 12.45m.

The site currently contains Class 1 and Class 10 buildings comprising a single-storey dwelling, free standing single car garage, and is bounded by residential allotments containing dwellings, and an old service station to the rear of the site.

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

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10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision (cont)

The site is generally flat but falls slightly to the road allowing drainage to the street front drainage network. Access to the property is gained through a Public Road. The site is serviced with utilities.

The site is not subject to any environmental planning constraints.

The locality plan and site photographs is shown below in Figure 1, 2, 3, 4 and 5:



Figure 1 – GIS Locality Plan



Figure 2 – Site Photograph - (South-west View) – Street View



Figure 3 – Site Photograph (South-west View) – Existing Dwelling, Garage and Driveway

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10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision (cont)



Figure 4 – Site Photograph (South-west View) – Propose Access Corridor Location



Figure 5 – Site Photograph (North-east View) – Rear of Allotment

Background

The applicant attended the Council’s Development Assessment Unit on 20 April 2016 proposing an integrated development and subdivision incorporating a detached dual occupancy development and 1 into 2 Lot Torrens Title subdivision with a shared access arrangement on the northern side of the allotment as shown below in Figure 6:

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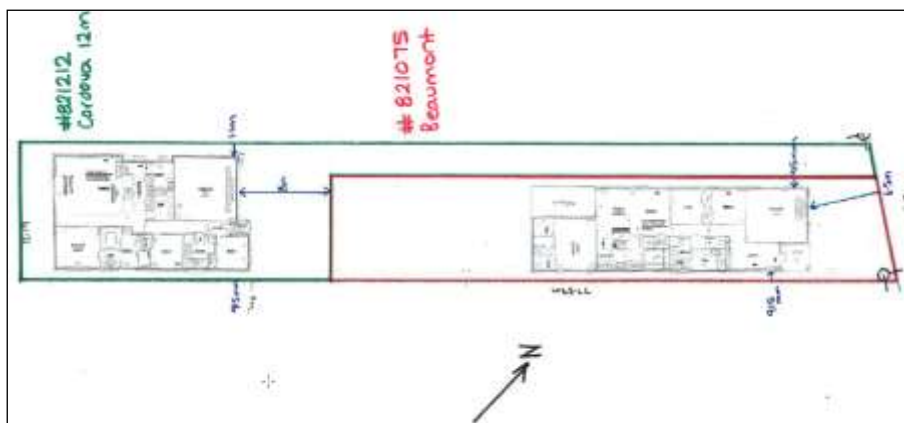


Figure 6 – Proposal at DAU– 20 April 2016

The Development Assessment Unit advised general support for the proposal, however, the subject DA is not for the same proposal.

The original intent to demolish the existing dwelling and proposed a dual occupancy and subdivision application at site has been progressed with the issue of the following Complying Development Certification:

CDC No.	Description	Lodgement	Determined	Decision
12.2017.42.1	Demolition of dwelling & garage	15/05/2017	15/05/2017	Approved

The subject application was lodged on 7 September 2017 as a 1 into 2 Lot Torrens Title subdivision in a battle-axe configuration, albeit land-locked, with no frontage proposed to Charles Avenue for the allotment proposed at the rear of the site. This arrangement is seeking to retain the existing dwelling on the site and involved a 100% variation to the DCP controls requiring a 5.0m wide access corridor to Charles Avenue.

Council wrote to the applicant on 3 April 2018 advising that the application was unsatisfactory due to the extent of non-compliance with the requirements of Chapter 7 – Subdivision of Kiama DCP 2012. It was suggested that the application be amended to comply with the DCP, or include an integrated development and subdivision incorporating a detached dual occupancy development and 1 into 2 Lot Torrens Title subdivision with a shared access arrangement, as was proposed at the Development Assessment Unit Meeting in 2016.

The applicant amended the application on 3 May 2018 to include a reconfiguration of the subdivision incorporating a 0.5m wide battle-axe handle adjacent the southern boundary, and a 2.5m wide driveway within a right or carriageway over proposed Lot 381 containing the existing dwelling.

Description of the Proposed Development

The proposal involves the retention of the existing dwelling and a 1 into 2 Lot Torrens Title battle-axe subdivision.

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10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision (cont)

Subdivision involves creation of Lot 381 and Lot 382 in a battle-axe configuration without an access corridor, with Lot 381 fronting Charles Ave and Lot 382 at the rear accessed via a 2.5m wide Right of Carriageway, and a 0.5m wide corridor along the eastern boundary.

Proposed Lot 381, and has a width of 11.94m a depth of 38m and area of 458m².

Lot 382 is proposed to have an area of 472 m² with 0.5m of frontage to Charles Ave.

The proposal includes retention of the existing driveway for the existing dwelling on the northern side of the site, and a new driveway for Lot 382 on the southern side of the site.

The proposal is shown in Figures 7 and 8 below:



Figure 7 – Site/Subdivision Plan

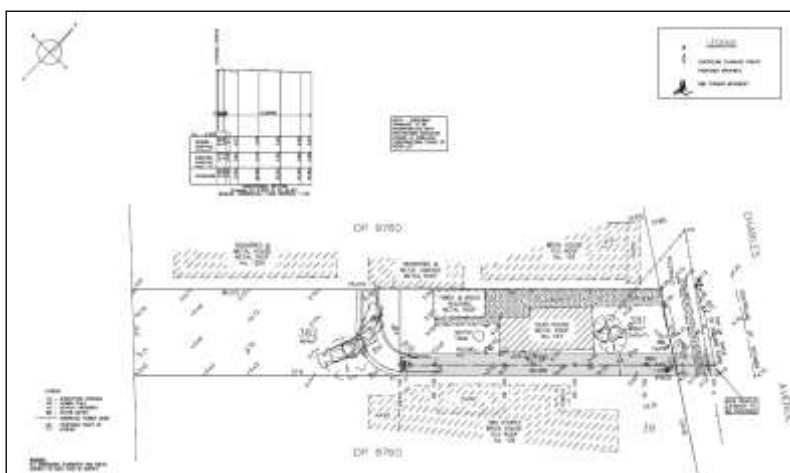


Figure 8 – Access and Maneuvering plan

Section 4.15 Assessment

The proposed development has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended) and the following matters are considered relevant:

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10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot
Torrens Title Subdivision (cont)

Relevant Environmental Planning Instruments

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

In broad terms, the aims of the SEPP seek to protect and manage the unique attributes of the NSW coast by encouraging sensitive and appropriate development. The SEPP 71 is a means of implementing the State's *Coastal Policy*.

SEPP 71 aims to protect the unique attributes of the NSW Coast by ensuring that flora and fauna are protected, heritage is conserved and that development is appropriate. SEPP 71 applies to land and development within the coastal zone as defined by the *Coastal Protection Act 1979*.

The site is within the coastal zone as defined by the Coastal Protection Act being within 1km of the coastline, but is not within a coastal sensitive location.

Consideration has been given to the objectives of the SEPP and the matters prescribed by Clause 8. The proposed development is considered to be consistent with the objectives of the SEPP which are addressed further below under the heading "Clause 5.5 Development within the Coastal Zone".

The proposed development is not considered inconsistent with the aims of the SEPP 71 as the heads of consideration listed in clause 8 and part 4 are satisfied by the development or have no relevance to the subject site.

- State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of the SEPP No 55 requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required.

Council is unaware of any historic land use which would deem the site unsuitable for the proposed development. The land is therefore considered to be suitable for the proposed use.

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Clause 9 and 10 of the SEPP (Vegetation in Non-Rural Areas) 2017 outlines that consent is required for the clearing of certain vegetation in non-rural areas. Council's DCP 2012 outlines that certain trees can be removed without requiring consent.

No trees are proposed to be removed as part of this development.

- Kiama LEP 2011

Specific clauses requiring consideration are discussed below:

Clause 2.1 Land Use Zones

The subject land is zoned R2 Low Density Residential under Kiama LEP 2011. The proposal is defined as a *subdivision* under the provisions of the LEP 2011, which are permitted with consent in the R2 Low Density Residential zone.

The zone objectives are as follows:

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

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10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision (cont)

-
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - *To increase the supply of secondary dwellings for affordable rental housing stock.*
 - *To provide economic and employment opportunities for people who conduct business activities from their homes where these will not adversely affect the amenity of neighbours or the neighbourhood.*

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Whilst the proposal provides an additional residential allotment to provide housing for the community, the housing needs of the community extend to the quality of the urban form.

In this case the proposal presents unacceptable streetscape impacts due to the 'gun-barrel' appearance of the existing driveway on the northern side of the allotment, and the 'gun-barrel' appearance of the narrow access corridor on the southern side of the allotment. These outcomes present a sub-optimal and aesthetically poor appearance due to the long un-landscaped access corridor proposed on both sides of the site adjoining each of the neighbouring boundaries at the front of the site.

The proposed arrangement of the access corridor does not meet with the provisions of the DCP adopted by the Council to deliver the community's housing needs for development in the municipality with respect to the quality of the built environment. Therefore, the proposal does not fully satisfy the objectives of the low density residential environment.

Specific clauses requiring consideration:

Clause 4.1 Minimum Subdivision Lot Size

Clause 4.1 requires that the minimum subdivision resulting lot size is not less than the minimum size shown on the Lot Size Map.

The proposal technically complies with the minimum resulting lot size of 450m² for subdivision requirement indicated on the Lot Size Map as each of the proposed resulting lots has an area of more than 450m², but Lot 381 proposed with an area of 458m², is encumbered by a right-of-carriageway servicing Lot 382 of 101m², leaving an unencumbered available area of just 357m² for redevelopment

Lot 382 is proposed to have an area of 472m² but part of the Lot comprises a 0.5m handle of 19m² leaving an available area of 453m².

Clause 4.4 Floor Space Ratio

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio map.

Only Lot 381 containing the existing dwelling (with a floor area of 75m²) is required to comply with the Clause 4.4. In this regarding the proposed complies with an FSR of 0.16:1 which does not exceed the maximum floor space ratio of 0.45:1 shown for land on the Floor Space Ratio map.

Clause 5.5 Development within the Coastal Zone

The clause lists requirements for development within the coastal zone.

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10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision (cont)

The development is on land that is wholly or partly within the coastal zone.

The proposal is not inconsistent with the objectives of the clause. The proposal does not cause increased coastal hazards or adverse impacts by way of diminished foreshore access, or its relationship with the surrounding area and natural scenic quality.

Development consent must not be granted unless the consent authority has considered the following provisions:

Provision	Comment
<p>Existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:</p> <ul style="list-style-type: none"> (i) maintaining existing public access and, where possible, improving that access, and (ii) identifying opportunities for new public access 	<p>Access to and along the foreshore for pedestrians is not affected by the proposal.</p>
<p>The suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:</p> <ul style="list-style-type: none"> (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and (ii) the location, and (iii) the bulk, scale, size and overall built form design of any building or work involved 	<p>The natural scenic quality of the location is not considered to be unreasonably impacted by the proposal.</p>
<p>The impact of the proposed development on the amenity of the coastal foreshore including:</p> <ul style="list-style-type: none"> (i) any significant overshadowing of the coastal foreshore, and (ii) any loss of views from a public place to the coastal foreshore 	<p>The coastal foreshore is not nearby the site of the development therefore its amenity is not affected as a result of overshadowing or loss of views from a public place.</p>
<p>How the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected</p>	<p>The site is not on the headland, and the scenic quality of any headland is therefore not adversely affected by the</p>

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10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot
Torrens Title Subdivision (cont)

Provision	Comment
	proposal.
How biodiversity and ecosystems, including: (i) native coastal vegetation and existing wildlife corridors, and (ii) rock platforms, and (iii) water quality of coastal waterbodies, and (iv) native fauna and native flora, and their habitats, (v) can be conserved	The biodiversity and ecological values are not adversely affected by the proposal.
The cumulative impacts of the proposed development and other development on the coastal catchment.	There are no foreseeable adverse cumulative effects of the development affecting the coastal zone.

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The development is on land that is wholly or partly within the coastal zone and the following matters have been satisfied:

Matter	Comment
Whether the proposed development will impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore	Access to the coast is not affected by the proposal
Whether if effluent from the development is disposed of by a non-reticulated system, it will have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform	The site is serviced by a reticulated sewerage system.
Whether the proposed development will discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform	Stormwater is proposed to be connected to the existing system constructed for the locality.
Whether the proposed development will: (i) be significantly affected by coastal hazards, or (ii) have a significant impact on coastal hazards, or	The development is neither affected by coastal hazards, or adversely impacts on coastal hazards, or increases the risks of coastal hazards on any other land

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10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision (cont)

Matter	Comment
(iii) increase the risk of coastal hazards in relation to any other land	

Clause 6.2 Earthworks

Clause 6.2 lists considerations for proposals which involve earthworks. The proposal complies with the objectives of the clause and as the proposed earthworks are both minimal and ancillary to the proposed 1 into 2 lot subdivision and separate development consent is not required.

The proposed development is consistent with the relevant provisions of the Kiama LEP 2011, with the exception of the satisfying all of the zone objectives, and is permissible within the R2 Low Density Residential zone.

Any draft Environmental Planning Instruments

- Draft State Environmental Planning Policy 55 – Remediation of Land

The draft SEPP retains elements of SEPP 55, and add new provisions to establish a modern approach to the management of contaminated land. The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

This objective remains relevant and will be replicated in the new SEPP. The key operational framework of SEPP 55 will be maintained in the new SEPP.

New provisions will be added in the new SEPP to:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant
- categorise remediation work based on the scale, risk and complexity of the work
- require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council.

The draft SEPP was placed on public exhibition until 13 April 2018, and is neither certain or imminent with respect to its adoption.

The proposed development is considered to satisfy the requirements of the draft SEPP.

- Draft State Environmental Planning Policy (Coastal Management) 2016

The draft Coastal Management State Environmental Planning Policy (SEPP), with accompanying maps, was on public exhibition until 23 December 2016 and 20 January 2017 (for the maps).

The 'coastal zone' is defined in the Coastal Management Act 2016 as four coastal management areas comprising: *Coastal Wetlands and Littoral Rainforests Area*; *Coastal Environment Area*; *Coastal Use Area*; and *Coastal Vulnerability Area*.

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10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision (cont)

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Separate development controls apply to each area and focus on achieving specific objectives.

The site of the development is within the mapped *Coastal Use Area*.

In the *Coastal Use Area* the focus is on ensuring appropriate urban development for coastal areas, taking into account urban design issues such and maintaining scenic qualities, visual amenity and aboriginal cultural heritage and places.

The proposed location of the development:

- is not near, and does not impact access to a foreshore, beach, headland or rock platform, and
- does not cause overshadowing or wind funnelling; and
- does not cause the loss of views from public places to foreshores, and
- does not adversely impact the visual amenity or scenic qualities of the coast.

The draft SEPP was brought into effect on 3 April 2018. However, applications lodged before gazettal of the Instrument are, under the savings provisions, required to be considered under SEPP 71.

Development Control Plans (DCPs)

- Kiama DCP 2012

The proposed development is not consistent with the objectives Kiama DCP 2012. The non-compliances are addressed in the table below:

Control	Comment
Chapter 4 – Low Density Development	
<p><i>C1 All applications for low density development must meet the following controls:</i></p> <ul style="list-style-type: none"> • <i>all Principal development standards as set by LEP 2011.</i> • <i>all development must be designed to minimise any environmental risks associated with its location.</i> 	<p>The principal development standards of the LEP have been met and are discussed in the report above.</p>
Chapter 7 – Subdivision	
<p><i>C18 The minimum access corridor width for a battle axe allotment shall be 5m with a minimum carriageway width of 3m for the entire length of the access handle.</i></p>	<p>The intention of this control is to minimise potential adverse streetscape and amenity impacts from the stark appearance of long un-landscaped access corridors incorporating concrete driveways adjoining</p>

Report of the Director Environmental Services

10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision (cont)

Control	Comment
	<p>neighbouring property boundaries.</p> <p>The proposal does not include sufficient width for the 3m wide concrete driveway, or the 1m wide landscape strip required adjoining the neighbouring property, due to the retention of the existing dwelling on Lot 381.</p> <p>The proposal is considered unsatisfactory due to the extent of hardstand proposed with a driveway on both side of the site and the lack of landscape relief provided to each of the driveways.</p>
<p><i>C19 A 1 metre wide landscaping strip shall be provided along each side of the required 3m wide road pavement. The landscaping strip shall be planted with suitable small trees, shrubs and groundcovers.</i></p>	<p>The variation request is considered unsatisfactory because the proposal will have an unacceptable impact on the streetscape as a result of the 'gun-barrel' appearance of the driveways arising from the non-compliances with the controls contained in Kiama DCP as set out above.</p>
<p><i>C22 A minimum 1m wide landscaping strip must be provided along each side of the required 3m wide road pavement of any shared access handle. The landscaping strip shall be planted with suitable small trees, shrubs and groundcovers and shall also include a hard stand area on one side of the access handle for garbage and recycling bins (i.e. directly abutting the public road reserve). The opposite 1m wide landscaping strip in the shared access handle shall include letterboxes for the two lots (i.e. directly abutting the public road reserve).</i></p>	
<p><i>C26 Each battle axe access corridor must have capacity for compliant vehicular turning facilities, passing bays at no greater than 30m intervals and 2 onsite parking spaces for each battle axe lot. A maximum 50m</i></p>	<p>The proposal does not provide sufficient area for passing bays within proposed Lot 381 that is proposed to be 40.39m long.</p>

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10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision (cont)

Control	Comment
<i>access corridor length should be considered.</i>	
<p><i>C107 Battle axe allotments shall be designed to include sufficient area within the existing public road reserve verge to cater for the provision of garbage and recycling bins. Alternatively, a garbage and recycling bin storage area may be provided within close proximity to the adjoining public road, but will be subject to private waste servicing arrangements being made by the property owner in the event that Council's waste contractor is not able to service the bin storage area.</i></p>	<p>The applicant amended the plans to propose the line of subdivision to provide 0.5m of frontage at the street-front property boundary to allow for servicing.</p> <p>However, the amendments do not provide sufficient frontage to allow for a minimum of 2 waste collection bins to be stood in front of proposed Lot 382 for collection.</p>

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The proposed development fails to comply with the relevant controls of the DCP 2012, and where strict compliance is not achieved the objectives of the controls are not maintained.

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

N/A

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

- Streetscape

The design of the proposed development is considered to be unreasonable when considered in relation to the desired future character of the site.

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10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision (cont)

The applicant contends that:

To ignore the surrounding context of the existing development located along Charles Avenue and indicate that the proposed arrangement is unacceptable demonstrates a lack of understanding the surrounding area. The context of the immediately surrounding area is demonstrated in the figure below with the subject site outlined in red.

Currently Nos. 107, 115, 134 and 136 have been subdivided in a battle axe arrangement having approximately 12m frontage widths to Charles Avenue. These lots are outlined in blue. In addition to the existing subdivided lots, dual occupancy developments are also present at Nos. 125, 113 and 122 Charles Avenue and are outlined in yellow in the figure below.



It is stressed that we are not arguing precedence but rather acknowledging the surrounding context and the merits of the case.

It is considered that the Statement of Environmental Effects submitted with the application acknowledged the non-compliances listed in Councils letter and provided suitable justification to the requested variations. We are requesting Council apply flexibly the DCP given the merits of the case. It should be recognised that Section 3.42 of Environmental Planning and Assessment Act 1979 (The Act) states that the DCP is only to provide guidance and is not a statutory document with which compliance must be demonstrated. To this end, recent cases in the Land and Environment Court have made it clear that a DCP does not have the same status or weight as an LEP, and non-compliance with a provision of a DCP does not in itself prevent the granting of consent.

To suggest that a driveway to a battle axe lot creates a gun barrel appearance and impacts on the streetscape is nonsensical given this a standard form of development. It is also acknowledged that No. 122 Charles Avenue provides for a similar arrangement with two driveways accessing the site with a battle axe handle running along the side boundary.

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Report of the Director Environmental Services

10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision (cont)

To go further the NSW State Government has acknowledged the need to increase housing opportunity within appropriate residential areas. It is noted that the amended Exempt and Complying Development SEPP allows for dual occupancy development on lots having a minimum frontage of 12m. These being attached dwellings and therefore allowing for two driveways within a 12m width. In addition, the amended SEPP allows for the Torrens title subdivision of such a dual occupancy. In this regard Council's 15m width for dual occupancy development, in many cases, will no longer valid as Complying Development Certificate applications by pass the DCP.

In light of the above, we advise that the application is not being withdrawn or amended. In this regard it is requested that the application proceed to Council for determination.

The proposal is considered to have an unacceptable impact on streetscape as a result of the extent of concrete hardstand proposed on both sides of the site, with insufficient landscape relief available arising from the non-compliance with the access corridor requirements.

A review of the Council's records shows that the sites mentioned in the applicant's justification above all predate the adoption of the Kiama Development Control Plan 2012, and in most cases involve an integrated Dual Occupancy and subdivision proposal as shown below:

DA No	Address	Description	Lodgement	Determined	Decision
Not found	122 Charles Ave	Not found	Not found	Not found	Not found
5.1996.118.1	115 Charles Ave	detached dual occupancy/ subdivision	19/08/1996	24/02/1997	Approved
10.1999.217.1	113 Charles Ave	Dwelling	07/06/1999	15/11/1999	Approved
10.2000.231.1	107 Charles Ave	Demolition of Existing Dwelling & Dual Occupancy/ Strata	30/06/2000	14/09/2000	Approved
10.2001.76.1	136A Charles Ave	2 Lot Torrens Title Subdivision	06/03/2001	06/04/2001	Approved
10.2006.205.1	134 Charles Ave	2 Lot Subdivision	06/07/2006	26/09/2006	Approved
10.2006.196.1	125 Charles	Demolish 1	30/06/2006	17/04/2007	Approved

Report of the Director Environmental Services

10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision (cont)

DA No	Address	Description	Lodgement	Determined	Decision
	Ave	existing dwelling & erect new dwelling & alterations			

Item 10.2

The sites mentioned by the applicant at No 113 and No 125 Charles Avenue are not relevant to the proposal as they are single dwelling sites, and are not subject to the controls applicable to this application. The two relevant sites that are comparable to the subject application are No 134 and No 136A Charles Avenue.

The unsatisfactory ‘gun-barrel’ appearance of the driveways in the streetscape and the limited mitigation that very narrow landscape strips provides at the street front of No 134 and No 136A Charles Avenue is shown below:



Figure 9 - 134 Charles Avenue



Figure 10 - 136A Charles Avenue

Report of the Director Environmental Services

10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision (cont)

The contention that the amended Exempt and Complying Development SEPP allows for dual occupancy development on lots having a minimum frontage of 12m, and their subdivision is correct, but for that the fact that the amended code only relates to dual occupancy in a side-by-side configuration, not one-behind-the-other as is proposed in this battle-axe proposal. Also, the application of the code has been deferred in Kiama.

- 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

The distribution of the proposed building mass to the rear of the site in a future potential double storey dwelling configuration, may result in potential adverse impacts on privacy and overlooking of rear open space areas of adjoining residential allotments to the north and south of the site.

However with inclusion of the mitigation measures in the design of any future potential double storey dwelling, no significant concerns are raised in relation to privacy loss and overlooking.

In light of this, the future privacy and overlooking impact is not considered unreasonable because, in an urban residential context a degree of overlooking is unavoidable, and it is not reasonable to require total privacy.

- Overshadowing

The northeast-southwest orientation of the subject allotment is such that any two-storey dwelling proposed on Lot 382 within the proposed building envelope would cause overshadowing of the adjoining site to the south in the morning.

The potential overshadowing impacts have not been addressed by the applicant, but the size of Proposed Lot 382 is such that any potential adverse overshadowing impacts could be ameliorated with skillful design that ensures the affected adjoining sites receive at least 3 hours of sunlight on the winter solstice to the majority of rear of the allotment.

In light of this, the future overshadowing impact is not considered unreasonable because, in an urban residential context a degree of overshadowing is unavoidable, and it is not reasonable to ensure total uninterrupted solar access at all times.

- Views

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

- Vehicular Access, Parking and Maneuvering

Maneuvering is compliant with AS/NZS 2890.1 – 2004 and the driveway will comply with required gradients, but the required 3.0m wide driveway and passing bays is not satisfied by the proposal.

Report of the Director Environmental Services

10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot
Torrens Title Subdivision (cont)

- Stormwater Management

A satisfactory drainage design has not been provided with the application, however, all stormwater will drain to the street.

- Environmental Impacts

Vegetation Removal – No vegetation is to be removed.

Fauna Impacts – It is unlikely that the proposal will affect any 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 – Stormwater will be conveyed to the drainage easement. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

The proposed development will likely have minimal adverse social or economic impacts. However, the placement of waste bins for collection in front of proposed Lot 381 for Lot 382 has the potential to cause inconvenience, since the two driveway accesses proposed within the 12.45m frontage will likely either result in conflict with any car parked in the street on collection day, or conflict with vehicles seeking to enter or exit the site.

- Effect on public domain

As the proposed development will be occurring entirely within the subject site it is unlikely that the proposed development will impact upon the public domain, with the exception of the streetscape impact.

- Utility needs and supply

Utility services are already supplied to the subject site.

- Safety, security & crime prevention

There are no concerns in relation to safety, security and crime prevention.

- Operational waste

Conditions of development consent have been recommended should the application be approved, that require the waste generated as part of the construction process is to be managed in accordance with the submitted Waste Management Plan.

- BCA compliance & Construction impacts

It is noted that impacts (i.e. noise etc.) are likely to occur during construction. Conditions will be added to mitigate construction impacts (i.e. construction hours) and compliance with the BCA.

Report of the Director Environmental Services

10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot
Torrens Title Subdivision (cont)

The Suitability of the Site for the Development

The proposal fails to fit within the site and the site attributes are considered to be non-conducive to development.

Whilst support is not guaranteed, justification for subdivision of the site, is considered best achieved with an integrated development and subdivision incorporating a detached dual occupancy development and one into 2 Lot Torrens Title subdivision with a shared access arrangement on one side of the allotment.

This approach is required to demonstrate the streetscape, landscape, stormwater, access and waste servicing requirements can be met on a site with a frontage of 12.45m.

The Council's DCP requires that dual occupancy development be restricted to sites with a frontage of not less than 15m width. The narrow width of the site presents particular challenge that will require skillful design to demonstrate that a satisfactory outcome can be achieved at the site.

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 no submissions were received.

External Referrals

Nil

Internal Referrals

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

- Subdivision & Development Engineer

The proposal is unsatisfactory in its current form because:

1. The applicant has not provided a suitable access handle from proposed Lot 382 to the public road (Control C17 and C21).
2. The applicant has not provided a suitable subdivision layout plan which takes into account the required 5.0m wide access handle, 3.0m wide driveway, and easement for services and drainage.
3. The applicant has not provided a Concept Stormwater Management Plan prepared by a suitably qualified engineer detailing the proposed method of stormwater detention and discharge from all proposed hardstand areas. Any infiltration measures proposed should be supported with appropriate calculations which have been endorsed by a suitably qualified geotechnical engineer.
4. It appears that the proposed access driveway will impact on the proposed private open space areas for the existing dwelling. Private open space for the existing dwelling must be nominated and in compliance with the controls. A floor plan of the existing dwelling shall also be included.

Report of the Director Environmental Services

10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot
Torrens Title Subdivision (cont)

- Landscape Design Officer

The proposal is unsatisfactory in its current form.

The following information and/or amendments should be submitted to Council and then re-referred to myself for endorsement prior to the issue of any development consent.

There is no landscaping along the drive and cannot comply with DCP chapter 7 C18, C19, C22 as there is insufficient space for 1m landscape strip along the entire length of the handle between the driveway surface and the side boundary.

- GIS Officer

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

The Public Interest

The proposal is considered to be inconsistent with Kiama LEP and Kiama Development Control Plan, is likely to cause adverse impact on the built environment, is likely to cause adverse impacts due to the unsuitability of the site, and is therefore considered to be inconsistent with the public interest because the proposal:

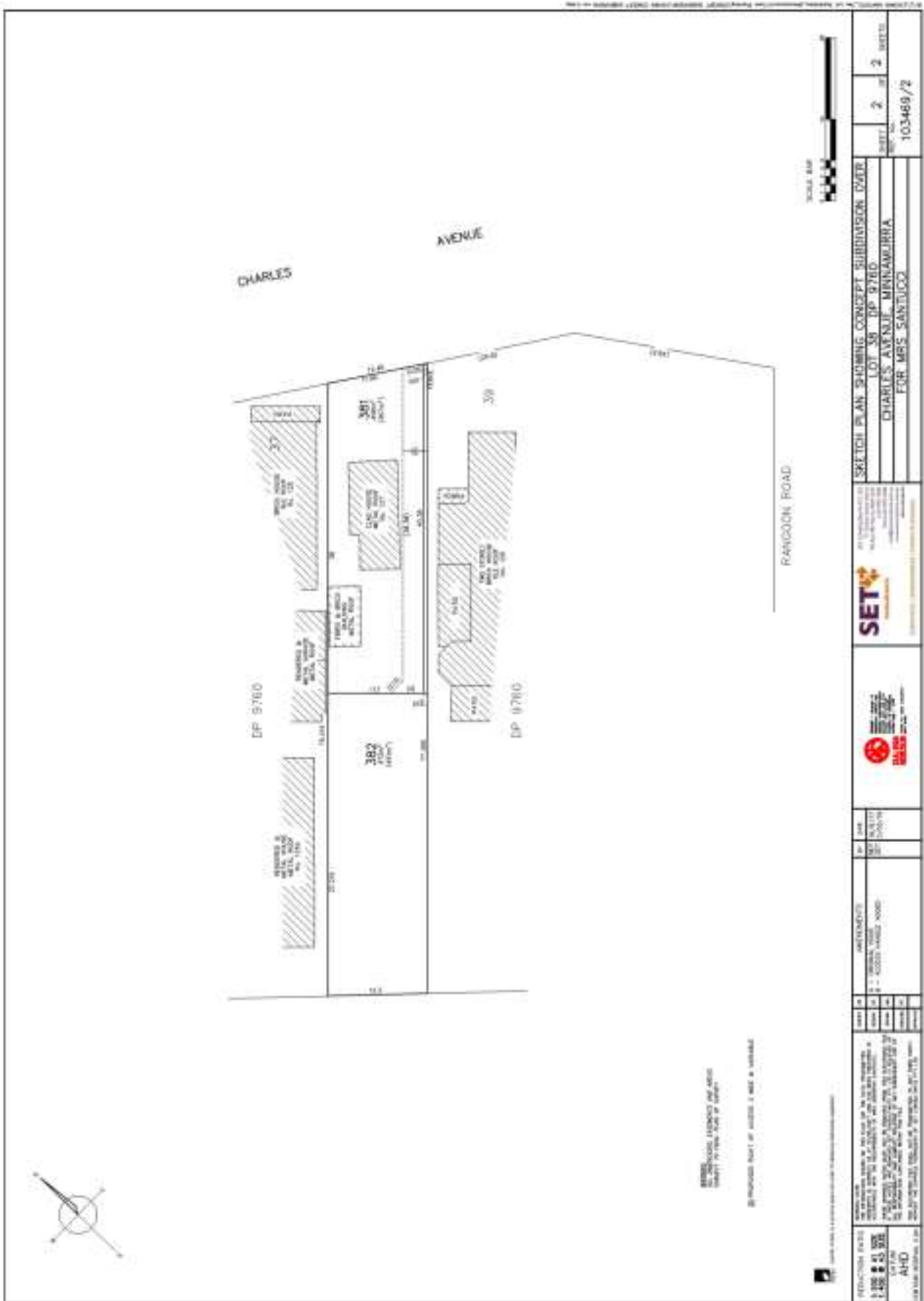
- does not satisfy the objectives of the Environmental Planning and Assessment Act to promote good design and amenity of the built environment due to the unsatisfactory appearance of the access corridors at the front of the site and is therefore not in the public interest.
- sets an undesirable planning precedent, and is not consistent with the streetscape performance outcomes envisaged in the DCP for battle-axe subdivisions each with a 1m wide landscape strip provided for the length of the access corridor external boundary and is therefore not in the public interest.

Final Comments and Conclusions

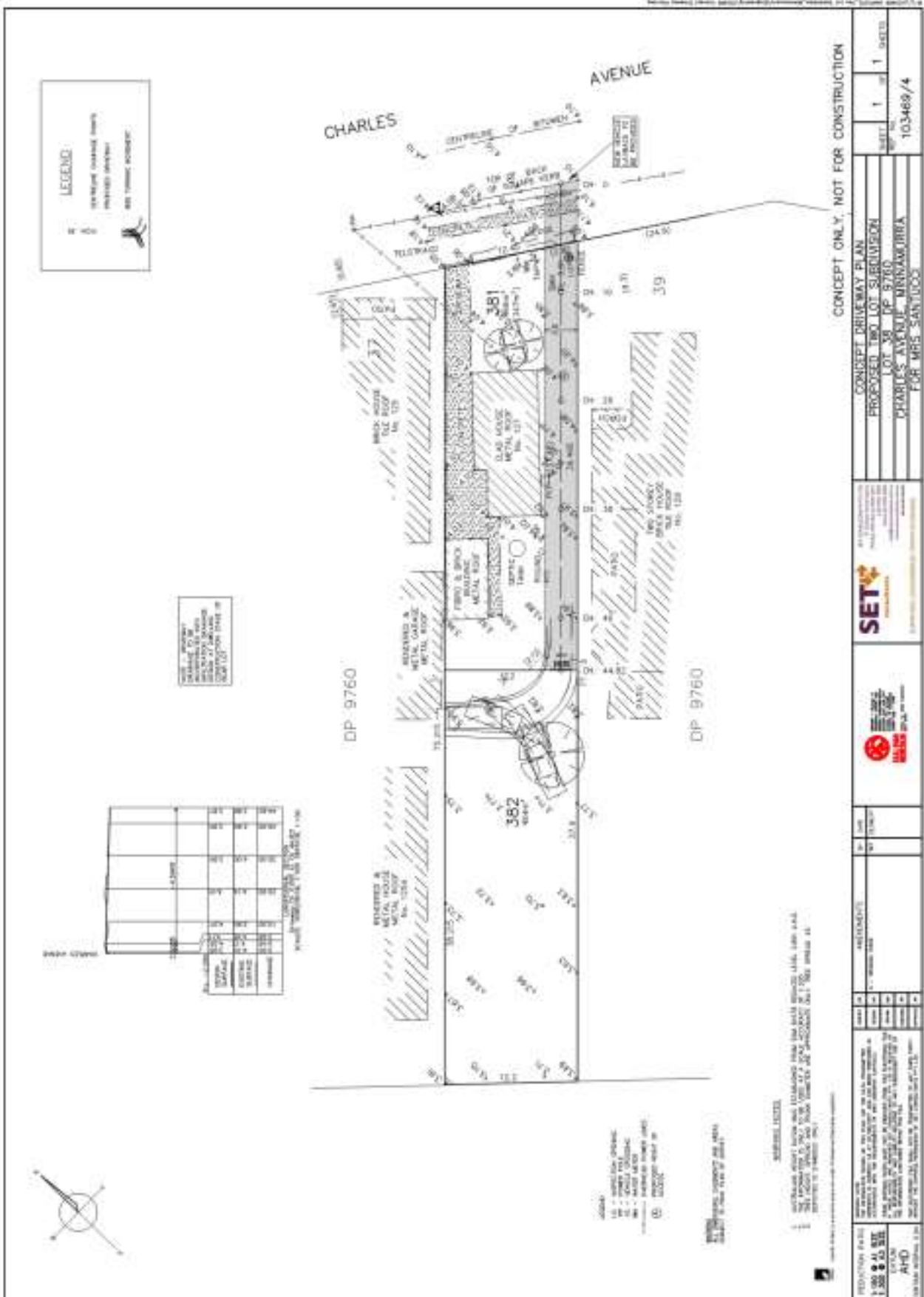
The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is technically consistent with Kiama LEP 2011 minimum resulting lot size requirements, and the maximum Floor Space Ratio requirements, however, the objectives of the low density zone are not fully met, and a number of key relevant DCP objectives are not met that remain unmitigated.

Consideration has been given to the social, economic and environmental impacts of the proposed development and concerns are raised with the adverse visual impact of the proposal on the desired future character of the streetscape.

On balance, the proposed development is considered to be unreasonable and refusal is recommended.



Attachment 1 Item 10.2



Attachment 1 Item 10.2

10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs - Demolition of Existing Carport and 2 Lot Torrens Title Subdivision

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

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

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

Item 10.3

Summary

This report reviews the DA 10.2017.320.1 which involves the demolition of an existing carport and a one into 2 lot Torrens Title subdivision in a battle-axe configuration.

The report recommends that Council refuse DA 10.2017.320.1 as the proposal is:

- generally inconsistent with the Kiama Development Control Plan 2012 (DCP), battle-axe handle width requirements, which results in an unsatisfactory streetscape presentation; and
- does not satisfy the objectives of the Environmental Planning and Assessment Act to promote good design and amenity of the built environment due to the long and un-landscaped access corridor and the skewed alignment of the subdivision at the front of the site.

Requests to vary the DCP controls have been received.

Finance

N/A

Policy

N/A

Reason for the Report

At its meeting held on 26 June 2018 Council resolved to defer DA 10.2017.320.1 to allow consideration of the information provided at public access. The reference at public access by the proponent that the development has been assessed against the wrong controls in Chapter 4 of Kiama DCP 2012 is an error in the table of the DCP section of this report (the heading for "Chapter 7 – Subdivision" was inadvertently omitted). This has now been corrected. Therefore, this report is resubmitted to Council following that deferral, and the DCP provisions that are proposed to be varied concerning the width of the access corridor are more than of a minor nature and affect, comprising a variation of 40%.

Communication/Community Engagement

Required: Yes (letter notification)

Notification Period: 14 days from 13/11/2018 to 27/11/2018

Submissions: Nil submissions

Report of the Director Environmental Services

10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs -
Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)**Attachments**1 10.2017.320.1 - plans [↓](#)**Enclosures**

Nil

RECOMMENDATION

That Council refuse Development application 10.2017.320.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:

1. The proposal does not satisfy the objectives of the R2 zone to provide for the housing needs of the community within a low density residential environment because the needs of the community extend to appropriate amenity and streetscape presentation which are not satisfied by the long un-landscaped access corridor abutting the adjoining neighbouring property boundary.
2. The proposal is generally inconsistent with the Kiama Development Control Plan 2012 (DCP), because of the non-compliance with the objectives and controls regarding the access corridor width requirements, which results in an unsatisfactory streetscape presentation because there is not sufficient area for a landscaping strip to mitigate the unsightly appearance of the full length of the concrete driveway in the access corridor.
3. The location of the existing dwelling footprint does not allow for an access corridor to be proposed that ensures the development is in keeping with the existing and desired future streetscape, and the proposal emanates unsatisfactory visual impacts.
4. The site is unsuitable for the proposed subdivision because the constraints are such that the outcome does not ensure the arrangements are in keeping with the existing streetscape and the desired future character of the locality due to the location of the existing dwelling footprint not accommodating an access corridor that complies with :
 - a. the minimum corridor width requirements;
 - b. the landscape setback requirements; and
 - c. the retention requirements for trees of special significance
5. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act to promote good design and amenity of the built environment and is therefore not in the public interest due to the visual impacts of the long un-landscaped access corridor adjoining the neighbouring boundary and the skewed alignment of the line of subdivision at the front of the site.
6. The proposal sets an undesirable planning precedent, and is not consistent with the streetscape performance outcomes that have been granted nearby for battle-axe subdivisions each with a landscape strip provided for the length of the access corridor external boundary and is therefore not in the public interest.

Report of the Director Environmental Services

10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs -
Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)

Item 10.3

BACKGROUND

At its meeting held on 26 June 2018 Council resolved to defer DA 10.2017.320.1 to allow consideration of the information provided at public access. The reference at public access by the proponent that the development has been assessed against the wrong controls in Chapter 4 of Kiama DCP 2012 is an error in the table of the DCP section of this report (the heading for “Chapter 7 – Subdivision” was inadvertently omitted). This has now been corrected. Therefore, this report is resubmitted to Council following that deferral, and the DCP provisions that are proposed to be varied concerning the width of the access corridor are more than of a minor nature and affect, comprising a variation of 40%.

Development Site

The property is described as Lot 324 DP 703905 which is located at 82 Barton Drive, Kiama Downs.

The overall site measures 1,299.2 m² and is rectangular in shape with a depth of 64.96m and a width of 20m.

The site currently contains Class 1 and Class 10 buildings comprising a two-storey single dwelling, partially enclosed car port, retaining walls, pergola and garden shed. The site is bounded by residential allotments containing single dwellings on 2 sides with the exception of the rear boundary which abuts an NSW RMS allotment that adjoins the Princes Highway Road reserve.

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

The site contains a tree of special significance in the rear half of the allotment and slopes moderately from south to north.

The site has a vertical rise of 7.5m from the street front at RL 42.0m up to the rear of the allotment at RL 49.5m (11.5% or 6.56 degrees).

The site drains to the street front drainage network. Access to the property is gained through a Public Road. The site is serviced with utilities.

The site is not subject to any environmental planning constraints.

The locality plan and site photographs are shown below in Figures 1, 2, 3, 4, 5, and 6:



Figure 1 – GIS Locality Plan

Report of the Director Environmental Services

10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs - Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)



Figure 2 – Site Photograph (South View) – Existing Dwelling, Carport and Driveway



Figure 3 – Site Photograph (South View) – Propose Access Corridor Location



Figure 4 – Site Photograph (South View) -Norfolk Island Pine

Item 10.3

Report of the Director Environmental Services

10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs -
Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)

Figure 5 – Site Photograph (North View) – Carport proposed to be demolished



Figure 6 – Site Photograph (North View) – Allotment Rear half– Proposed Lot B

Description of the Proposed Development

The proposal involves the demolition of an existing carport and a two (2) lot Torrens Title subdivision.

Subdivision involves creation of Lot A and B in a battle-axe configuration, with Lot A fronting Barton Drive and Lot B at the rear accessed with generally a 3.2m wide access corridor along the eastern boundary.

Proposed Lot A, and has a width of 15.158m a depth of 29.95m and area of 500.55m². The site contains the existing dwelling that has a GFA of 229.355m² which equates to an FSR of 0.386:1 for Lot A.

Lot B is proposed to have an area of 798.378m² (699.346m² excluding the access corridor). Frontage to Barton Drive would be 4.837m with the access corridor forward of the front building line narrowing down to a width of 3.2m at the front building line due to the site constraint imposed by the eastern setback of the existing dwelling.

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10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs - Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)

The proposal also includes demolition of the existing carport that abuts the eastern side of the existing dwelling to create the access corridor and removal of the Norfolk Pine.

The proposal is shown in Figure 7 below:

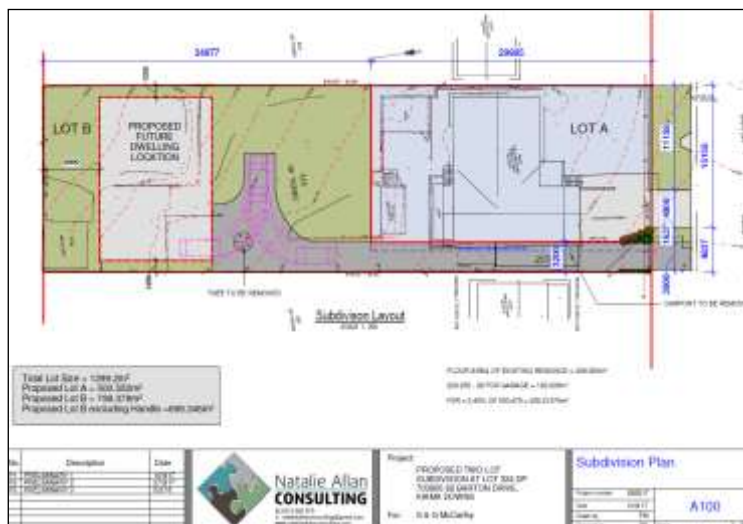


Figure 7 – Site/Subdivision Plan

The proposed future building envelope has been positioned on Lot B in a manner that causes the turning circle for the future dwelling to conflict with the existing Norfolk Pine and therefore requiring remove of the tree.

It is noted that there are alternative building footprint locations that could be proposed that would allow the retention of the Norfolk Pine.

Section 4.15 Assessment

The proposed development has been assessed in accordance with Section 4.15 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)

In broad terms, the aims of the SEPP seek to protect and manage the unique attributes of the NSW coast by encouraging sensitive and appropriate development. The SEPP 71 is a means of implementing the State's *Coastal Policy*.

SEPP 71 aims to protect the unique attributes of the NSW Coast by ensuring that flora and fauna are protected, heritage is conserved and that development is appropriate. SEPP 71 applies to land and development within the coastal zone as defined by the *Coastal Protection Act 1979*.

The site is within the coastal zone as defined by the Coastal Protection Act being within 1 kilometre of the coastline, but is not within a coastal sensitive location.

Item 10.3

Report of the Director Environmental Services

10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs -
Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)

Consideration has been given to the objectives of the SEPP and the matters prescribed by Clause 8. The proposed development is considered to be consistent with the objectives of the SEPP which are addressed further below under the heading "Clause 5.5 Development within the Coastal Zone".

The proposed development is not considered inconsistent with the aims of the SEPP 71 as the heads of consideration listed in clause 8 and part 4 are satisfied by the development or have no relevance to the subject site.

- State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of the SEPP No 55 requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required.

Council is unaware of any historic land use which would deem the site unsuitable for the proposed development. The land is therefore considered to be suitable for the proposed use.

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Clause 9 and 10 of the SEPP (Vegetation in Non-Rural Areas) 2017 outlines that consent is required for the clearing of certain vegetation in non-rural areas. Council's Development Control Plan (DCP) 2012 outlines that certain trees can be removed without requiring consent.

A Norfolk Pine tree is proposed to be removed as part of this development. As stated above, redesigning the building envelope could preserve the tree.

- Kiama LEP 2011

Specific clauses requiring consideration are discussed below:

Clause 2.1 Land Use Zones

The subject land is zoned R2 Low Density Residential under Kiama LEP 2011. The proposal is defined as a *subdivision* under the provisions of the LEP 2011, which are permitted with consent in the R2 Low Density Residential zone.

The zone objectives are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To increase the supply of secondary dwellings for affordable rental housing stock.*
- *To provide economic and employment opportunities for people who conduct business activities from their homes where these will not adversely affect the amenity of neighbours or the neighbourhood.*

Whilst the proposal provides an additional residential allotment to provide housing for the community, the housing needs of the community extend to the quality of the urban form.

Report of the Director Environmental Services

10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs -
Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)

In this case the proposal presents unacceptable streetscape impacts due to the 'gun-barrel' appearance of the narrow access corridor, due to the sub-optimal and aesthetically poor appearance of the long un-landscaped access corridor adjoining the neighbouring boundary and the skewed alignment of the line of subdivision at the front of the site.

The proposed arrangement of the access corridor does not meet with the provisions of the Development Control Plan adopted by the Council to deliver the community's housing needs for development in the municipality with respect to the quality of the built environment. Therefore, the proposal does not fully satisfy the objectives of the low density residential environment.

Specific clauses requiring consideration:

Clause 4.1 Minimum Subdivision Lot Size

Clause 4.1 requires that the minimum subdivision resulting lot size is not less than the minimum size shown on the Lot Size Map.

The proposal complies with the minimum resulting lot size of 450m² for subdivision requirement indicated on the Lot Size Map. Each of the proposed resulting lots has an area of more than 450m² with Lot A proposed to have an area of 500.55m² and Lot B have an area of 798.378m².

Clause 4.4 Floor Space Ratio

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio map.

Only Lot A containing the existing dwelling is required to comply with the Clause 4.4. In this regard the proposed complies with an FSR of 0.386:1 which does not exceed the maximum floor space ratio of 0.45:1 shown for land on the Floor Space Ratio map.

Clause 5.5 Development within the Coastal Zone

The clause lists requirements for development within the coastal zone.

The development is on land that is wholly or partly within the coastal zone.

The proposal is not inconsistent with the objectives of the clause. The proposal does not cause increased coastal hazards or adverse impacts by way of diminished foreshore access, or its relationship with the surrounding area and natural scenic quality.

Development consent must not be granted unless the consent authority has considered the following provisions:

Provision	Comment
Existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to: (i) maintaining existing public access and,	Access to and along the foreshore for pedestrians is not affected by the proposal.

Report of the Director Environmental Services

10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs - Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)

Provision	Comment
where possible, improving that access, and (ii) identifying opportunities for new public access	
The suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account: (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and (ii) the location, and (iii) the bulk, scale, size and overall built form design of any building or work involved	The natural scenic quality of the location is not considered to be unreasonably impacted by the proposal.
The impact of the proposed development on the amenity of the coastal foreshore including: (i) any significant overshadowing of the coastal foreshore, and (ii) any loss of views from a public place to the coastal foreshore	The coastal foreshore is not nearby the site of the development therefore its amenity is not affected as a result of overshadowing or loss of views from a public place.
How the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected	The site is not on the headland, and the scenic quality of any headland is therefore not adversely affected by the proposal.
How biodiversity and ecosystems, including: (i) native coastal vegetation and existing wildlife corridors, and (ii) rock platforms, and (iii) water quality of coastal waterbodies, and (iv) native fauna and native flora, and their habitats, (v) can be conserved	The biodiversity and ecological values are not adversely affected by the proposal.

Item 10.3

Report of the Director Environmental Services

10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs -
Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)

Provision	Comment
The cumulative impacts of the proposed development and other development on the coastal catchment.	There are no foreseeable adverse cumulative effects of the development affecting the coastal zone.

The development is on land that is wholly or partly within the coastal zone and the following matters have been satisfied:

Matter	Comment
Whether the proposed development will impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore	Access to the coast is not affected by the proposal
Whether if effluent from the development is disposed of by a non-reticulated system, it will have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform	The site is serviced by a reticulated sewerage system.
Whether the proposed development will discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform	Stormwater is proposed to be connected to the existing system constructed for the locality.
Whether the proposed development will: <ul style="list-style-type: none"> (i) be significantly affected by coastal hazards, or (ii) have a significant impact on coastal hazards, or (iii) increase the risk of coastal hazards in relation to any other land 	The development is neither affected by coastal hazards, or adversely impacts on coastal hazards, or increases the risks of coastal hazards on any other land

Clause 6.2 Earthworks

Clause 6.2 lists considerations for proposals which involve earthworks. The proposal complies with the objectives of the clause and as the proposed earthworks are ancillary to the proposed one into two lot subdivision separate development consent is not required.

The proposed development is consistent with the relevant provisions of the KLEP 2011, with the exception of the satisfying all of the zone objectives, and is permissible within the R2 Low Density Residential zone.

Report of the Director Environmental Services

10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs -
Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)

Any draft Environmental Planning Instruments

- Draft State Environmental Planning Policy 55 – Remediation of Land

The draft SEPP retains elements of SEPP 55, and add new provisions to establish a modern approach to the management of contaminated land. The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

This objective remains relevant and will be replicated in the new SEPP. The key operational framework of SEPP 55 will be maintained in the new SEPP.

New provisions will be added in the new SEPP to:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant
- categorise remediation work based on the scale, risk and complexity of the work
- require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council.

The draft SEPP was placed on public exhibition until 13 April 2018, and is neither certain or immanent with respect to its adoption.

The proposed development is considered to satisfy the requirements of the draft SEPP.

- Draft State Environmental Planning Policy (Coastal Management) 2016

The draft Coastal Management State Environmental Planning Policy (SEPP), with accompanying maps, was on public exhibition until 23 December 2016 and 20 January 2017 (for the maps).

The 'coastal zone' is defined in the Coastal Management Act 2016 as four coastal management areas comprising: *Coastal Wetlands and Littoral Rainforests Area*; *Coastal Environment Area*; *Coastal Use Area*; and *Coastal Vulnerability Area*.

Separate development controls apply to each area and focus on achieving specific objectives.

The site of the development is within the mapped *Coastal Use Area*.

In the *Coastal Use Area* the focus is on ensuring appropriate urban development for coastal areas, taking into account urban design issues such and maintaining scenic qualities, visual amenity and aboriginal cultural heritage and places.

The proposed location of the development:

- is not near, and does not impact access to a foreshore, beach, headland or rock platform, and
- does not cause overshadowing or wind funnelling; and
- does not cause the loss of views from public places to foreshores, and

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10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs - Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)

- does not adversely impact the visual amenity or scenic qualities of the coast.

The draft SEPP was brought into effect on 3 April 2018. However, applications lodged before gazettal of the Instrument are, under the savings provisions, required to be considered under SEPP 71.

Development Control Plans (DCPs)

- Kiama DCP 2012

The proposed development is not consistent with the objectives Kiama DCP 2012. The non-compliances are addressed in the table below:

Control	Comment
Chapter 4 – Low Density Development	
<p><i>C1 All applications for low density development must meet the following controls:</i></p> <ul style="list-style-type: none"> • <i>all Principal development standards as set by LEP 2011.</i> • <i>all development must be designed to minimise any environmental risks associated with its location.</i> 	<p>The principal development standards of the LEP have been met and are discussed in the report above.</p>
Chapter 7 – Subdivision	
<p><i>C47 Battle axe block must have a minimum frontage and access handle width of 5m for consideration of dual occupancy or secondary dwelling development. This frontage must include a 3m concrete driveway and a 1m landscaped strip adjoining the neighbouring property.</i></p>	<p>The intention of this control is to minimise potential adverse streetscape and amenity impacts from the stark appearance of long un-landscaped access corridors incorporating concrete driveways adjoining neighbouring property boundaries.</p> <p>The proposal includes sufficient width for the 3.0m wide concrete driveway, but the 1m wide landscape strip required adjoining the neighbouring property cannot be provided.</p> <p>The proposal is considered unsatisfactory due to the lack of landscape relief provided to the access corridor.</p>
<p><i>C18 The minimum access corridor width for a battle axe allotment shall be 5m with a</i></p>	<p>The variation request is considered unsatisfactory because the proposal will have an unacceptable impact on the streetscape as a result of the 'gun-</p>

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10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs - Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)

Control	Comment
<p><i>minimum carriageway width of 3m for the entire length of the access handle.</i></p>	<p>barrel' appearance of the driveway arising from the non-compliances with the controls contained in Kiama DCP as set out above.</p>
<p><i>C19 A 1m wide landscaping strip shall be provided along each side of the required 3m wide road pavement. The landscaping strip shall be planted with suitable small trees, shrubs and groundcovers.</i></p>	
<p><i>C22 A minimum 1m wide landscaping strip must be provided along each side of the required 3m wide road pavement of any shared access handle. The landscaping strip shall be planted with suitable small trees, shrubs and groundcovers and shall also include a hard stand area on one side of the access handle for garbage and recycling bins (i.e. directly abutting the public road reserve). The opposite 1 metre wide landscaping strip in the shared access handle shall include letterboxes for the two lots (i.e. directly abutting the public road reserve).</i></p>	
<p><i>C107 Battle axe allotments shall be designed to include sufficient area within the existing public road reserve verge to cater for the provision of garbage and recycling bins. Alternatively, a garbage and recycling bin storage area may be provided within close proximity to the adjoining</i></p>	<p>The applicant amended the plans to propose a skewed alignment of the line of subdivision to provide 1.6m of frontage at the street-front property boundary to comply with waste collection requirements.</p> <p>However, due to the unsatisfactory appearance of the proposed long un-landscaped access corridor adjoining the neighbouring boundary, the skewed alignment of the line of subdivision is considered</p>

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10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs -
Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)

Control	Comment
<i>public road, but will be subject to private waste servicing arrangements being made by the property owner in the event that Council's waste contractor is not able to service the bin storage area.</i>	unacceptable because it sets an undesirable precedent, and does not to promote good design and amenity of the built environment.

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The proposed development fails to comply with the relevant controls of the DCP 2012, and where strict compliance is not achieved the objectives of the controls are not maintained.

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*

N/A

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

- *Streetscape*

The design of the proposed development is considered to be unreasonable when considered in relation to the context of the site. The proposal is considered to have an unacceptable impact on streetscape as a result of the extent of concrete hardstand proposed with insufficient landscape relief available arising from the non-compliance with the access corridor requirements

- *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.

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10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs -
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- Privacy and Overlooking

The distribution of the proposed building mass to the rear of the site in a future potential double storey dwelling configuration, may result in potential adverse impacts on privacy and overlooking of rear open space areas of adjoining residential allotments to the north and south of the site, which have a lower topography.

However with inclusion of the mitigation measures in the design of any future potential double storey dwelling, no significant concerns are raised in relation to privacy loss and overlooking. In light of this, the future privacy and overlooking impact is not considered unreasonable because, in an urban residential context a degree of overlooking is unavoidable, and it is not reasonable to require total privacy.

- Overshadowing

The north-south orientation of the subject allotment is such that any two-storey dwelling proposed on Lot B within the proposed building envelope would cause overshadowing of the adjoining site to the west in the morning.

The potential overshadowing impacts have not been addressed by the applicant, but the size of Proposed Lot B is such that any potential adverse overshadowing impacts could be ameliorated with skilful design that ensures the affected adjoining sites receive at least 3 hours of sunlight on the winter solstice to the majority of rear of the allotment.

In light of this, the future overshadowing impact is not considered unreasonable because, in an urban residential context a degree of overshadowing is unavoidable, and it is not reasonable to ensure total uninterrupted solar access at all times.

- Views

The proposal will 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 street.

- Environmental Impacts

Vegetation Removal – The proposal seeks to remove a Norfolk Pine tree that could be retained through design.

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

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10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs -
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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 the submitted BASIX Certificate. Stormwater will be conveyed to the drainage easement. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

The proposed development will likely have minimal adverse social or economic impacts. The amenity impacts of the proposed development have been considered in detail and no concerns are raised that are fatal to the application.

- Utility needs and supply

Utility services are already supplied to the subject site.

- Safety, security & crime prevention

As the proposed development seeks to establish two new occupancies the safety of the area will benefit from additional passive surveillance.

- BCA compliance & Construction impacts

It is noted that impacts (ie noise etc) are likely to occur during construction. Conditions will be added to mitigate construction impacts (i.e. construction hours) and compliance with the BCA.

The Suitability of the Site for the Development

The proposal fails to fit within the locality and the site attributes are considered to be non-conducive to development without the existing dwelling being further modified.

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, no submissions were received.

The applicant amended the plans to include a skewed alignment of the line of subdivision at the front of the site to address unsatisfactory issues with the streetscape and waste servicing arrangements. The amended plans were re-notified no further objections were received.

External Referrals

Nil

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10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs -
Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)

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.

- Landscape Design Officer

The proposal is unsatisfactory in its current form.

The landscape plan supplied shows landscaping in the rear lot. This is not required. There is nearly no landscaping along the drive and cannot comply with DCP Chapter 7 C18, C19, C22 as there is insufficient space for 1 metre landscape strips either side.

The immature Norfolk Island Pine in the rear yard may be removed for the driveway.

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

- GIS Officer

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

The Public Interest

The proposal is considered to be inconsistent with Kiama LEP and Development Control Plans, is likely to cause adverse impact on the built environment, is likely to cause adverse impacts due to the unsuitability of the site, and is therefore considered to be inconsistent with the public interest because the proposal:

- does not satisfy the objectives of the Environmental Planning and Assessment Act to promote good design and amenity of the built environment due to the unsatisfactory appearance of the access corridor at the front of the site and is therefore not in the public interest.
- sets an undesirable planning precedent, and is not consistent with the streetscape performance outcomes that have been granted nearby for battle-axe subdivisions each with a landscape strip provided for the length of the access corridor external boundary and is therefore not in the public interest.

Council has consistently applied the access corridor requirements contained in the DCP in the other two battle-axe subdivisions in this section of Barton Drive, and the proposal if approved, would amount to an inconsistent application of the relevant DCP objectives and controls and would undermine the weight that ought to be given to them in the future.

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10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs -
Demolition of Existing Carport and 2 Lot Torrens Title Subdivision (cont)

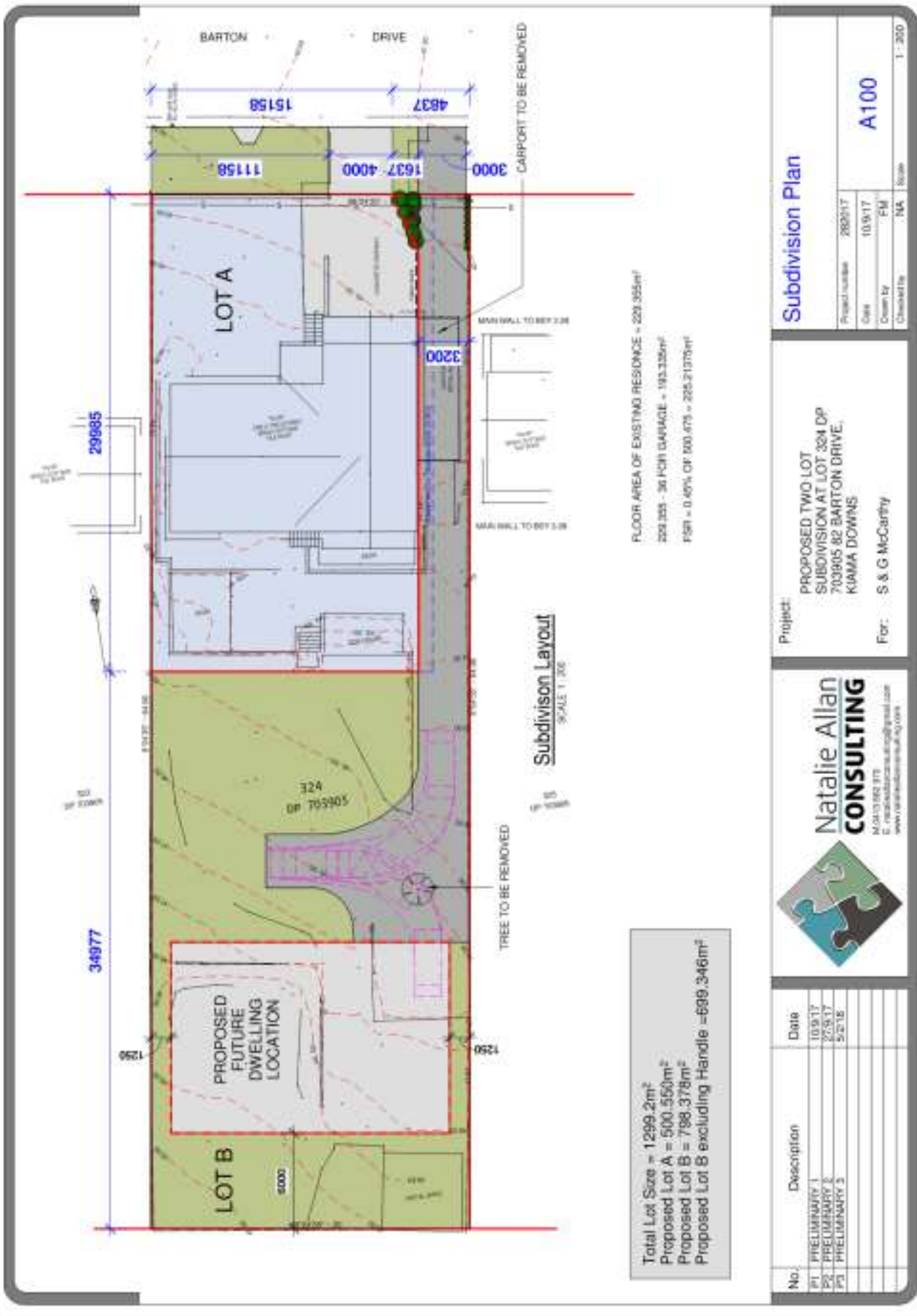
Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 minimum resulting lot size requirements, and the maximum Floor Space Ratio requirements, however, the objectives of the low density zone are not fully met, and a number of key relevant Development Control Plan objectives are not met that remain unmitigated.

Consideration has been given to the social, economic and environmental impacts of the proposed development and concerns are raised with the adverse visual impact of the proposal on the existing and desired future character of the streetscape.

On balance, the proposed development is considered to be unreasonable and refusal is recommended.

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Subdivision Plan

Project number	2002017
Date	10/9/17
Drawn by	FM
Checked by	MA
Scale	1:200

Project:
 PROPOSED TWO LOT
 SUBDIVISION AT LOT 324 DP
 703905 82 BARTON DRIVE,
 KIAMA DOWNS

For: S & G McCarthy

Natalie Allan
CONSULTING

M0103903 BTL
 E: natalie@nataleallanconsulting.com.au
 www.nataleallanconsulting.com.au

No.	Description	Date
P1	PRELIMINARY 1	10/9/17
P2	PRELIMINARY 2	27/9/17
P3	PRELIMINARY 3	5/2/18

10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama - Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision

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

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

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

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Summary

This report reviews the Section 4.55 Modification of Consent Application No. 10.2017.60.2 which involves the modification of consent granted for the demolition of existing dwelling and 2 Lot Torrens Title subdivision of Lot 11 DP 258846 to create Lot 110, and 111.

The existing consent includes the removal of a number of trees. The modification proposes to add 4 trees to the list of trees to be removed from the site (numbered Tree 9, 11, 21 and 22). Removal of 2 of these trees is supported.

The report recommends that Council approve Section 4.55 Modification of Consent Application No 10.2017.60.2 to add Trees 9 and 11 to the list of trees approved for removal as the proposal is:

- Permissible in the R2 Low Density Residential and complies with the zone objectives and is consistent with the Kiama Local Environment Plan 2011 (LEP); and
- generally consistent with the Kiama Development Control Plan 2012 (DCP), with the exception of the controls requiring the Norfolk Island Pine (which is a tree of special significance) at the front of the site to be retained.

Requests to vary these DCP controls have been received.

NOTE: Following finalisation of this report the applicant amended the proposal to withdraw Tree No 21 and 22 from the proposal which is consistent with the recommendation. As a result, the modification application before the Council for determination is proposing the inclusion of Tree 9 and 11 to the approved tree removal list only.

Finance

N/A

Policy

N/A

Reason for the Report

This report is submitted to Council because it involves a variation to Kiama DCP 2012 controls concerning the retention of significant trees.

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10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision (cont)

Communication/Community Engagement

Notification letters were sent to neighbouring property owners, and those persons that originally made submissions, who were provided with 29 days in which to comment on the proposal. At the conclusion of the notification period, 2 submissions were received.

Attachments

1 10.2017.60.2 - plans [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council approve the Section 4.55 Modification of Consent Application No 10.2017.60.2 under Section 4.55 of the Environmental Planning and Assessment Act 1979, subject to the following modified condition:

Vegetation Management

(1) The following trees shall be removed;

- Tree 3 Liquidambar
- Tree 9 Norfolk Island Pine
- Tree 10 Date palm
- Tree 11 Bangalow palm
- Tree 17 Radiata pine
- Tree 18 Privet
- Tree 23 Privet
- Tree 24 Red cedar
- Tree 25 Bangalow palm
- Tree 26 Red cedar,
- Mulberry tree north west corner
- Macadamia tree near tree 22
- Tree 30 Casuarina – on sewer manhole in the road reserve and
- all other Pittosporums, Olives, Privets and vegetation less than 3m tall.

The Project Arborist is to identify these trees for the contractor. Refer to Arboricultural Development Assessment Report by Moore Trees dated October 2016.

Report of the Director Environmental Services

10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision (cont)

BACKGROUND

Development Site

The property is described as Lot 11 DP 258846 which is located at 95 Shoalhaven Street Kiama. The overall site measures 1011 m² and is rectangular in shape. The site currently contains Class 1 and Class 10 buildings and is bounded by residential development containing principally dwellings.

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

The site is vegetated and slopes moderately from the north corner to the south corner. The site drains to the adjoining public road. Access to the property is gained through both Sommerville Place and Shoalhaven Street. The site is serviced with utilities including water, sewer, electricity and telecommunications.

Item 10.4

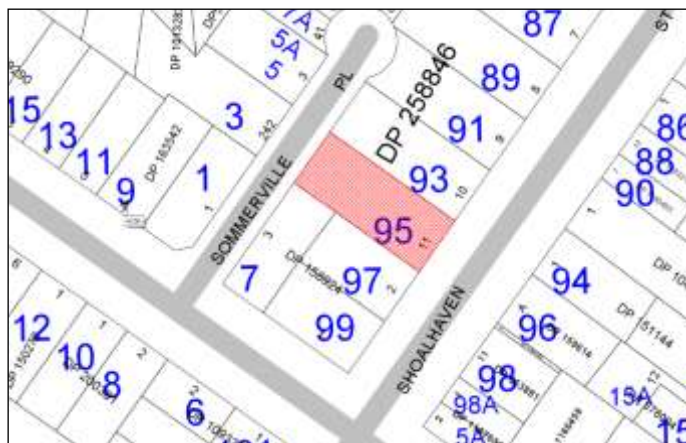


Figure 1 – Locality Plan



Figure 2 – Site Photograph (North View)

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10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision (cont)

Background

The consent history at the site is as follows:

DA/BA No	Description	Lodgement	Determined	Decision
6.1954.134.1	Dwelling	02/09/1954	07/09/1954	Approved
10.2017.60.1	Demolition of existing Dwelling and 2 lot Torrens title subdivision	10/03/2017	05/06/2017	Approved

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Council staff issued Development Consent No 10.2017.60.1 under delegation on the 5 June 2017 for the *Demolition of existing Dwelling and 2 Lot Torrens Title subdivision*.

The applicant proposed to have 24 trees removed from the site including the Norfolk Island Pine at the front half of the site, and 6 trees in the road reserve removed adjacent to Shoalhaven Street, so that 30 trees were proposed to be removed in total.

However, rather than seeking to have the applicant amend the application to reduce the number of trees to be removed, Council staff imposed a condition on the development consent outlining those trees approved to be removed to facilitate the subdivision and excluded those trees that are to remain.

Council staff consented to removal of 9 of the 30 trees that the applicant proposed to have removed.

The following 4 trees (tree 9, 11, 21 & 22) proposed to be removed were excluded and are the subject of this modification application with the applicant again seeking to have them removed:

1. Tree 9 Norfolk Island Pine
2. Tree 11 Bangalow palm
3. Tree 21 Coast Grey Box
4. Tree 22 *Alectryon subcinereus* (Native Quince)

Description of the Consented Development

The development consent involves the *Demolition of existing Dwelling and 2 Lot Torrens Title Subdivision*.

The approved development is shown in Figures 3 below:

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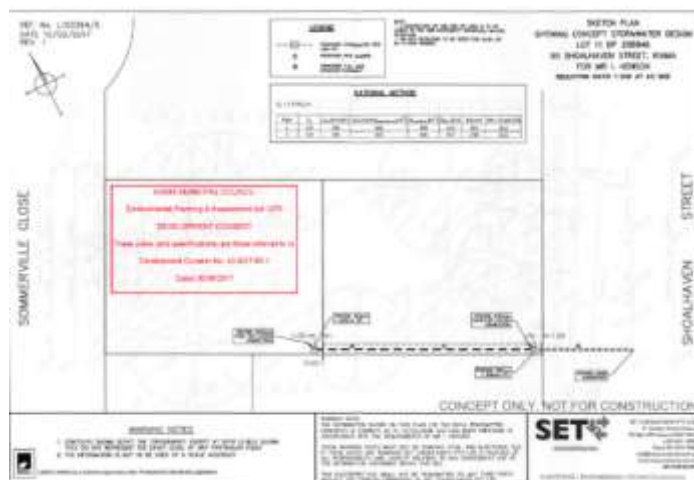
10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision (cont)

Figure 3 – Approved Subdivision Plan

In relation to the proposed tree removal, contrary to that which was proposed by the applicant for tree removal, the following condition of consent was imposed:

Vegetation Management

(1) *The following trees shall be removed;*

- *Tree 3 Liquidambar*
- *Tree 10 Date palm*
- *Tree 17 Radiata pine*
- *Tree 18 Privet*
- *Tree 23 Privet*
- *Tree 24 Red cedar*
- *Tree 25 Bangalow palm*
- *Tree 26 Red cedar,*
- *Mulberry tree north west corner**
- *Macadamia tree near tree 22**
- *Tree 30 Casuarina – on sewer manhole in the road reserve and*
- *All other Pittosporums, Olives, Privets and vegetation less than 3m tall.*

The Project Arborist is to identify these trees for the contractor. Refer to Arboricultural Development Assessment Report by Moore Trees dated October 2016.

- * trees approved for removal not included in the original request for 30 trees to be removed.

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10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision (cont)

The trees that were not approved to be removed were considered unjustified for removal, since they were either trees of special significance or protected trees. The trees that were also considered to be located outside the building envelope in the front setback to the street or side setback areas of any future development on the resulting lots created by the subdivision and therefore not required to be removed to facilitate a reasonable redevelopment opportunity.

The following table is provided to show the trees that are either:

- Permitted to be removed as exempt development; or
- Protected and requiring consent to be removed; and
- Approved for removal; or
- Not approved for removal (retained).

	Name	Size	Health	Category	Removal Status
1	Spotted Gum	14m	Fair	Protected species	Not approved (retained)
2	Bangalow palm	12m	Good	Protected species	Not approved (retained)
3	Liquidambar	18m	Good	Exempt species	Approved (exempt)
4	Bangalow palm	9m	Good	Special Significance	Not approved (retained)
5	Cabbage Tree Palm	4m	Good	Protected species	Not approved (retained)
6	Swamp She Oak	13m	Fair	Protected species	Not approved (retained)
7	Swamp She Oak	13m	Fair	Protected species	Not approved (retained)
8	Bangalow palm	7m	Good	Special Significance	Not approved (retained)
9*	Norfolk Island Pine	22m	Good	Special Significance	Not approved (retained)
10	Date palm	5m	Good	Protected species	Approved
11*	Bangalow palm	12m	Good	Special Significance	Not approved (retained)
12	Lilly Pilly	9m	Good	Protected species	Not approved (retained)
13	Lilly Pilly	5m	Good	Protected species	Not approved

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10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision (cont)

	Name	Size	Health	Category	Removal Status
					(retained)
14	Cabbage Tree Palm	7m	Good	Protected species	Not approved (retained)
15	<i>Melaleuca bracteata</i>	3.5m	Good	Protected species	Not approved (retained)
16	<i>Melaleuca bracteata</i>	3.5m	Good	Protected species	Not approved (retained)
17	Radiata pine	17m	Fair	Exempt species	Approved (exempt)
18	Privet	7m	Poor	Exempt species	Approved (exempt)
19	Red Ash	9m	Good	Protected species	Not approved (retained)
20	Red Ash	9m	Good	Protected species	Not approved (retained)
21*	Coast Grey Box	14m	Fair	Protected species	Not approved (retained)
22*	<i>Alectryon subcinereus</i> (Native Quince)	8m	Good	Protected species	Not approved (retained)
23	Privet	7m	Poor	Exempt species	Approved (exempt)
24	Red cedar	10m	Good	Protected species	Approved (building envelope)
25	Bangalow palm	12m	Good	Special Significance	Approved (building envelope)
26	Red cedar	13m	Good	Protected species	Approved (damaged/unsafe)
27	Native Daphne	4m	Good	Protected species	Not approved (retained)
28	Swamp She Oak	13m	Fair	Protected species	Not approved (retained)
29	Swamp She Oak	13m	Fair	Protected species	Not approved (retained)
30	Swamp She Oak	11m	Fair	Protected species	Approved (Sewer manhole)

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***N.B. The trees shown blue are the subject of the Section 4.55 Modification Application**

The tree location plans is shown below:

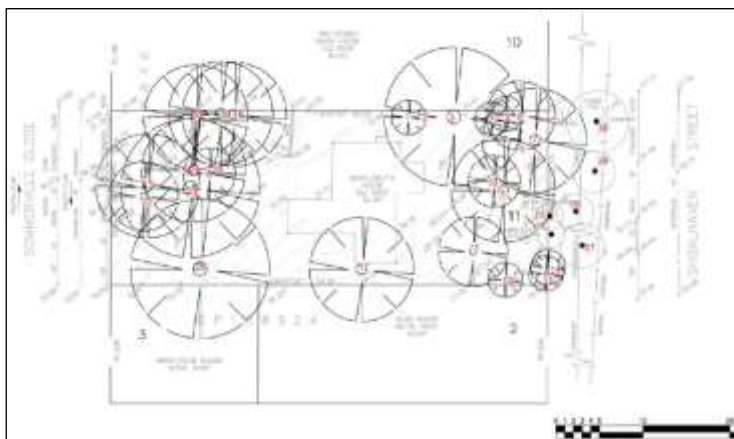


Figure 4– Tree Location Plan

Of the 9 trees that were approved for removal (highlighted in the above table), only 4 of them required consent for their removal, as the remaining 5 trees are exempt development.

Description of the Proposed Modification

This modification application seeks to modify the development consent to remove 4 trees (tree 9, 11, 21 & 22) that were not approved for removal when the development consent was granted. The ultimate aim is to facilitate appropriate redevelopment of the resulting lots in accordance with Council’s planning controls.

If the removal of an additional 4 trees is approved, this would result in the retention of 17 trees described as Tree No 1, 2, 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 19, 20, 27, 28 and 29. The proposed modified tree removal plan is shown at Figure 5 below:

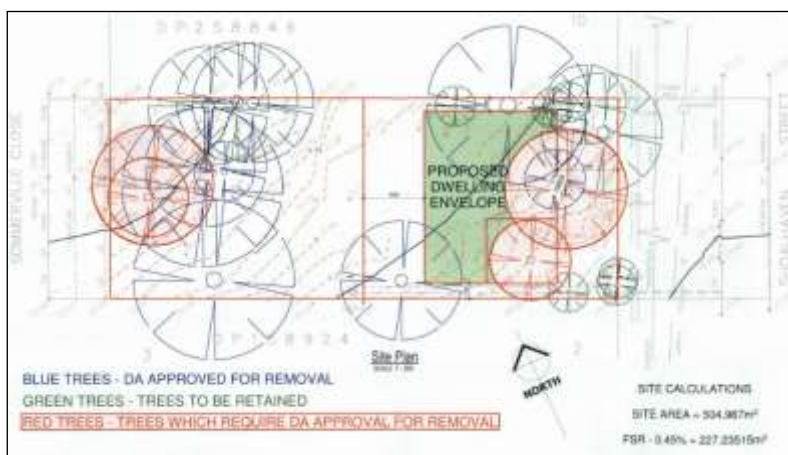


Figure 5– Proposed Tree Removal Plan

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Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision (cont)

Section 4.55 Modifications

Under Section 4.55 of the Environmental Planning and Assessment Act 1979, Council, when considering a request to modify a determination, must:

- a) *be satisfied that the development as modified is substantially the same development as the development for which consent was originally granted;*
- b) *consult with any relevant authority or approval body;*
- c) *notify the application in accordance with the regulations;*
- d) *consider any submissions made; and*
- e) *take into consideration the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application.*

These matters are addressed below:

Substantially the Same Development

Is the development substantially the same development?

A Council must first determine whether the modified development will be 'substantially the same' as the development that was originally approved (before any modifications had been made to it). Councils must decide in the circumstances if a development will be substantially the same development.

Section 4.55(1A) and 4.55(2) of the Environmental Planning and Assessment Act 1979 requires the consent authority to be satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

"Substantially the same" in this context means essentially or materially having the same essence.

This involves a comparison of the proposed modifications to the approved development and the development originally approved involves both a qualitative and quantitative analysis.

Councils must compare the likely impacts of the proposed modified development, including the environmental, social and economic impacts, with the impacts of the original development.

When a Council looks at the impacts of the proposed modified development, the modified development includes all modifications made to the development since the original consent was granted.

When a Council looks at the impacts of the original development, the Council must consider the impacts of the original development as if they were occurring at the time the modification application is determined, not at the time the original application was determined. This comparison takes into account any changes to the external environment that have occurred since the original development consent was granted.

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10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision (cont)

Where the applicant seeks to modify an aspect of the development that has been modified before, the Council must make the comparison between the proposed modified development and the original development carefully.

In relation to the characterisation of the modified development according to the land-use definition in the Dictionary to the Kiama LEP 2011, the landuse has not changed from that which was originally approved being “*Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision*” development which satisfies the requirements of Cl.2.3(1)(b) to the Kiama LEP 2011 as development that may be carried out only with consent.

Of the 9 trees that were approved for removal, 4 more trees are proposed to be removed, bringing the total number of trees to be removed to 13 or a 30% increase in the number of trees. On this basis the development being modified is substantially the same development from that for which consent was originally granted, as there is no change to the approved subdivision.

Consultation with any Relevant Authority or Approval Body

No authorities or bodies were required to be consulted.

Application notification in accordance with the Regulations

The application was notified in accordance with the regulations and Council’s policy.

Consideration of any Submissions

The submissions received have been addressed in the report below under the heading ‘Public Submissions’.

Matters referred to in Section 4.15(1) as are of relevance to the Development

The matters of relevance are addressed below,

Section 4.15 Assessment

The proposed modification has been assessed in accordance with Section 4.15 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)

In broad terms, the aims of the SEPP seek to protect and manage the unique attributes of the NSW coast by encouraging sensitive and appropriate development. The SEPP 71 is a means of implementing the State’s *Coastal Policy*.

SEPP 71 aims to protect the unique attributes of the NSW Coast by ensuring that flora and fauna are protected, heritage is conserved and that development is appropriate. SEPP 71 applies to land and development within the coastal zone as defined by the *Coastal Protection Act 1979*.

The site is within the coastal zone as defined by the Coastal Protection Act being within 1km of the coastline, but is not within a coastal sensitive location.

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10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision (cont)

Consideration has been given to the objectives of the SEPP and the matters prescribed by Clause 8. The proposed development is considered to be consistent with the objectives of the SEPP which are addressed further below under the heading "Clause 5.5 Development within the Coastal Zone".

The proposed development is not considered inconsistent with the aims of the SEPP 71 as the heads of consideration listed in clause 8 and part 4 are satisfied by the development or have no relevance to the subject site.

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Clause 9 and 10 of the SEPP (Vegetation in Non-Rural Areas) 2017 outlines that consent is required for the clearing of certain vegetation in non-rural areas. Council's Development Control Plan (DCP) 2012 outlines that certain trees can be removed without requiring consent. Trees are proposed to be removed as part of this development, that require consent be obtained for their removal.

- Kiama LEP 2011

Clause 2.3 Zone objectives and Land Use Table

The subject land is zoned R2 Low Density Residential under Kiama LEP 2011.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The zone objectives are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To increase the supply of secondary dwellings for affordable rental housing stock.*
- *To provide economic and employment opportunities for people who conduct business activities from their homes where these will not adversely affect the amenity of neighbours or the neighbourhood.*

The proposal provides an additional residential allotment to provide for the housing needs of the community.

Specific clauses requiring consideration:

Clause 5.5 Development within the Coastal Zone

The clause lists requirements for development within the coastal zone.

The development is on land that is wholly or partly within the coastal zone.

The proposal is not inconsistent with the objectives of the clause. The proposal does not cause increased coastal hazards or adverse impacts by way of diminished foreshore access, or its relationship with the surrounding area and natural scenic quality.

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10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
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Development consent must not be granted unless the consent authority has considered the following provisions:

Provision	Comment
<p>Existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:</p> <ul style="list-style-type: none"> (i) maintaining existing public access and, where possible, improving that access, and (ii) identifying opportunities for new public access 	<p>Access to and along the foreshore for pedestrians is not affected by the proposal.</p>
<p>The suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:</p> <ul style="list-style-type: none"> (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and (ii) the location, and (iii) the bulk, scale, size and overall built form design of any building or work involved 	<p>The natural scenic quality of the area has been significantly altered by the historical establishment of the township of Kiama. The proposal is consistent with the zoning of the township, and does not contravene the desired future character of the area.</p>
<p>The impact of the proposed development on the amenity of the coastal foreshore including:</p> <ul style="list-style-type: none"> (i) any significant overshadowing of the coastal foreshore, and (ii) any loss of views from a public place to the coastal foreshore 	<p>The coastal foreshore is not nearby the site of the development therefore its amenity is not affected as a result of overshadowing or loss of views from a public place.</p>
<p>How the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected</p>	<p>The site is not on the headland, and the scenic quality of the headland is therefore not adversely affected by the proposal.</p>
<p>How biodiversity and ecosystems, including:</p> <ul style="list-style-type: none"> (i) native coastal vegetation and existing wildlife corridors, and (ii) rock platforms, and 	<p>The biodiversity and ecological values is not adversely affected by the proposal.</p>

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10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama - Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision (cont)

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Provision	Comment
(iii) water quality of coastal waterbodies, and (iv) native fauna and native flora, and their habitats, (v) can be conserved	
The cumulative impacts of the proposed development and other development on the coastal catchment.	There are no foreseeable adverse cumulative effects of the development affecting the coastal zone.

The development is on land that is wholly or partly within the coastal zone and the following matters have been satisfied:

Matter	Comment
Whether the proposed development will impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore	Access to the coast is not affected by the proposal
Whether if effluent from the development is disposed of by a non-reticulated system, it will have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform	The site is serviced by a reticulated sewerage system.
Whether the proposed development will discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform	Stormwater is proposed to be connected to the existing system constructed for the subdivision, which includes water quality control measures.
Whether the proposed development will: (i) be significantly affected by coastal hazards, or (ii) have a significant impact on coastal hazards, or (iii) increase the risk of coastal hazards in relation to any other land	The development is not neither affected by coastal hazards, or adversely impacts on coastal hazards, or increases the risks of coastal hazards on any other land

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Clause 5.9AA Trees or vegetation not prescribed by development control plan

Clause 5.9AA stipulates that trees or vegetation which are not of a species or kind prescribed for preservation in a development control plan may be cut down, lopped or removed. The proposal includes species on the site which are included within the development control plan and are not permitted to be removed without consent.

The proposed development is consistent with the relevant provisions of the Kiama LEP 2011 and is permissible within in both the R2 Low Density Residential zone.

Any Draft Environmental Planning Instruments

- Draft State Environmental Planning Policy

The following draft State Environmental Planning Policies (SEPP) have been exhibited and are required to be considered:

- Draft SEPP – Coastal Management

The draft Coastal Management State Environmental Planning Policy (SEPP), with accompanying maps, was on public exhibition until 23 December 2016 and 20 January 2017 (for the maps).

The draft Coastal Management SEPP:

- Seeks to balance social, economic and environmental interests by promoting a coordinated approach to coastal management, consistent with the objectives of the Coastal Management Act 2016.
- Is part of the NSW Government's commitment to improving the way the coastal zone is managed, due to its unique environmental, social and economic values.
- Reviews and consolidates existing SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection). These older policies will be repealed once the Coastal Management SEPP is finalised.
- Seeks to redefine the coastal zone into four areas, rather than by a single fixed area along the entire coastline, to enable more targeted management of the diversity of environments and interests in the coast.

Separate development controls apply to each area and focus on achieving specific objectives.

The 'coastal zone' is defined in the Coastal Management Act 2016 as four coastal management areas comprising: *Coastal Wetlands and Littoral Rainforests Area*; *Coastal Environment Area*; *Coastal Use Area*; and *Coastal Vulnerability Area*.

The site of the modified - demolition of existing dwelling and 2 lot Torrens Title subdivision are within the mapped *Coastal Use Area*.

In the *Coastal Use Area* the focus is on ensuring appropriate urban development for coastal areas, taking into account urban design issues such and maintaining scenic qualities, visual amenity and aboriginal cultural heritage and places.

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10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
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The draft SEPP states:

Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:

- a) *is satisfied that the proposed development:*
 - i. *if near a foreshore, beach, headland or rock platform—maintains or, where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and*
 - ii. *minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and*
 - iii. *will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and*
 - iv. *will not adversely impact on Aboriginal cultural heritage and places, and*
 - v. *will not adversely impact on use of the surf zone, and*
- b) *has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development.*

The proposed location of the development:

- is not near, and does not impact access to a foreshore, beach, headland or rock platform, and
- does not cause overshadowing or wind funnelling; and
- does not cause the loss of views from public places to foreshores, and
- does affect the visual amenity or scenic qualities of the coast.

The gazettal of the draft SEPP bringing it into law, is not considered to be imminent or certain because the public consultation periods closed in January 2017.

Development Control Plans (DCP's)

- Kiama DCP 2012

The proposed development is inconsistent with the controls of the Kiama DCP 2012, but its objectives are considered to be maintained. The relevant controls and the response to the non-compliance is addressed below:

Chapter 8 - Section 15 - Treatment of Trees of Special Significance

C30 Kiama Municipal Council is concerned about the conservation of an important part of the heritage of the area that is the trees of special significance in the Municipality. These may be single trees, stands or avenues of trees which may be significant for a number of reasons. The following criteria should be used as a guide in determining if a tree or group of trees are of special significance.

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10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision (cont)Occurrence

- *Species listed as endangered on the schedules of NSW Threatened Species Conservation Act 1995 and the Federal Environment Protection and Biodiversity Conservation Act 1999.*
- *Species which occur rarely within the Municipality; these may be native or exotic species.*

Heritage

- *Trees which have an historical significance because of their age or association or commemorative value.*

Cultural

- *Trees which may have a particular cultural value because of their use or identification by a particular group.*

Landscape

- *Trees which add special character to a site or form a particular group e.g. avenues, or add to the aesthetics in a special way or are a very prominent feature in the landscape.*

Form or Habit

- *Trees which are very large, or have a special shape or growth characteristics or have special botanical interest.*

Environmental Benefit

- *Trees which provide special habitat values or shade or food source or act as a significant erosion control.*

Many of these trees are Figs, Norfolk Island Pines and Palms and the following design criteria are provided for those species. However, there are other trees not specified in this document which also require particular treatment because of their significance. Persons preparing landscape plans to consult early with Council's development assessment staff regarding the treatment of these trees. A report prepared by a qualified arborist SHALL be prepared for any tree of special significance affected by the development

Norfolk Island Pines

Araucaria heterophylla (Norfolk Island Pine) These trees are synonymous with the coastal landscape. Although not a native tree to this region, Norfolk Island Pines are a part of the historical landscape of the Municipality and part of its identity.

Design Criteria

- *No structure shall compromise the health and integrity of the roots and canopy of the tree or trees.*
- *Wherever possible, access ways should be located beyond the dripline.*

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- *In locations where access can only be provided within or partly within the dripline, a segmented paver shall be used. Alternatively, a suspended structure shall be provided to allow vehicular and pedestrian access without impacting upon the trees root system.*

The applicant has provided the following justification for the removal of the 4 additional trees:

Background to Request for Modification

The critical matter to our client is modification of the consent for the two lot subdivision, seeking permission for removal of the Norfolk Island Pine Tree, identified as tree 9 on the Arborist report, Tree Location Plan, as submitted with the development application for the subdivision.

Council consent to the subdivision is acknowledged however the consent is of no assistance to the owners as the resultant subdivision limits their ability to achieve the building form they require for their family's requirements.

It is acknowledged that the initial approval sought from Council was for a two lot subdivision only, however the client's ultimate goal is to achieve a dual occupancy on each of the resultant lots. A permitted use within the R2 zone.

It is further accepted & understood that Council were not aware of the future plans for the site at the time of determining the subdivision. The Project Arborist's report recommendations did state:

Tree 9, the large Norfolk Island Pine (NIP) in the front garden will be the subject of negotiation with Council. The locations of Trees 9 and 26 clearly impede any possibility of locating two dwellings on this site. These conclusions do not take into account any neighbour objections to tree removal.

We believe the Arborist comments were some indication of future intent for the site, however clearly the DA did not make reference to the detail of the future development.

During the assessment process an indication was given to the applicant at the time that Council had concerns about the tree, it is unfortunate that no opportunity was provided to have discussions with Council about the tree and future development of the site, prior to determination of the application.

It is understood that perhaps the best option may have been to submit a staged development application, resulting in a proposed dual occupancy for each lot. However our clients were concerned about the level of costs involved to provide detailed design plans and other documentation prepared for the dual occupancies in advance of any certainly that approval to the tree removal would be achieved.

Another matter our clients seek to have clarified is that this application for subdivision was in no way an attempt to circumvent the normal process of achieving approval to the tree removal. This was not a back door approach it was an up-front genuine request, acknowledging tree 9 from day one and the Arborist's view that while the tree had a good SULE rating, it did limit the site capacity for rebuilding and would be the subject of negotiations with Council.

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A replacement single dwelling would be a design and construction challenge to avoid damaging the subject tree and its roots. However a compliant dual occupancy involves more land take, with a number of design controls being compromised and again, probably less certainty to those matters being resolved.

Our clients wish to have the tree removal request resolved at this stage to enable them to avoid any further unnecessary costs, depending on the outcome.

In response to the content of Council's letter we provide the following comment.

- *DCP Chapter 8 Section 15 C30 refers to the conservation of an important part of the heritage of the area that is the trees of special significance in the Municipality. The control then provides criteria as a guide for determining if a tree or group of trees are of significance.*

From assessment, it is our opinion that the tree meets none of the criteria with the exception perhaps Form or Habit, which entails consideration of Trees which are very large, or have a special shape or growth characteristics or have special botanical interest. There is no stated height, numerical standard or context required to determine significance, such as whether the tree is in a highly exposed elevation, in a gully, private or public land, isolated in a section of prominent landscape, it simply comes down to an individual merit assessment devoid of any measurable interpretive standard.

- *The lack of any control that is measurable for Form, and no formal register or acknowledgement of what trees are 'significant trees' places an unreasonable limitation on the site that would otherwise not be recognised by the average person. Any purchaser of this site would have no indication by way of S.149 Certificate or "significant tree register" to check the status of a tree. Therefore the buyer beware approach is adopted, which requires an application to Council and in the absence of a development application justifying removal the individual merit assessment applies as to "what is significant". This does not deliver certainty and has the ability to cause further confusion and conflict.*

Tree Location

- i *This property was tenanted in the early 1980's by an enthusiastic gardener who overplanted trees randomly around the site. The trees were inappropriate species for the site given the long term mature growth of the species. Many of these trees have been the subject of the request for removal to facilitate redevelopment of the site. While the subject NIP tree was planted prior to the 1980's unfortunately it was planted with little thought to the future growth potential and the implications for the residents.*

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10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
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The tree continues to cause damage to the driveway access to the dwelling and sewer line that runs through the site within the driveway, despite a Council officer being of a different opinion. The tree also causes continual shading to the existing dwelling, which is now in need of maintenance. Realistically it cannot be argued that this is a suitable tree to plant within a residential lot. In addition to the problems NIP trees generate for the owners, they also impact neighbouring properties with their roots, shadowing and tree litter. NIP trees are landscape trees suited to headlands, coastlines, public reserves and iconic landscape locations, for which Kiama is a leading example of such plantings.

- ii *It is understood from Council officers that the subject NIP tree 9 is considered significant purely based on its size, with no numerical control on what size is significant. While NIP trees are not native to the region, Council's DCP states the trees are part of the historical landscape of the Municipality and part of the identity. We have no argument with this statement and an analysis of the NIP trees around Kiama headlands and throughout the town centre reflect this statement. However this is not the case with the subject NIP tree 9. The tree is not iconic in the streetscape of Shoalhaven Street, in the way the line of NIP trees form a green corridor along the northern side of Terralong St. The tree is not positioned in a substantially landscaped garden that is iconic to the local area. NIP trees have their place... gracing foreshores. Standing at the front door of a residential house is not the place on a standard residential lot in town.*
- iii *The project Arborist has stated that "based on the site inspection and my report I confirm that the TPZ calculated for the Norfolk Island pine in your front garden is 10.8 metres (Radial distance). The TPZ can be breached to a certain extent however with NIP another impediment would be the canopy. This species is considered excurrent in form (conical/having a strong central leader). The canopy of this tree is 6 metres, and being excurrent in form would not lend itself well to pruning/ canopy reduction, so ideally you would not build closer than 7m to this tree". This information is self-explanatory in terms of constraints with building in or near the subject NIP.*

Site Layout/Design

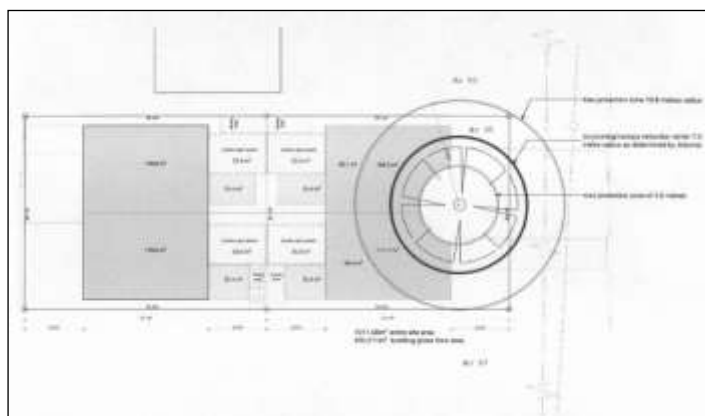
- iv *The meeting with Council officers touched on the issue of the design for proposed dual occupancy and siting the development to the rear of the lot in order to avoid impact on the NIP tree. It was also indicated that while this represents a non-compliance with the DCP controls, Council may be able to favourably consider this non-compliance. This option is not considered acceptable as it makes no provision for the existing shadowing from the adjoining up-hill dwelling at 93 Shoalhaven St. This in turn raises issues in terms of quality and amenity of private open space for the residents.*

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- v *In terms of future solar efficiency, if the dual occupancy is pushed to the rear of the site, existing overshadowing and tree shading will result in a DCP non-compliance and a negative impact.*
- vi *Considering the new approved rear boundary line for the proposed subject lot 110, with a lot depth of 25.145m, our client is proposing to adopt a front building line of 6.00m in accordance with the DCP controls and in-line with the dwellings at No.97 & 99 Shoalhaven St. The suggested option from Council of positioning the dual occupancy to the rear of the site will not deliver a compatible streetscape pattern and still results in driveway and services construction impacting the root zone. It is noted that sites to the north of the subject site along the western side of Shoalhaven St are all very large residential lots, with established homes, deep front setbacks and long driveways. With time these homes will pass their effective life and the sites will be attractive for redevelopment. At this stage it would be anticipated that Council will enforce the 6.0m front building line setback to be adopted. Hence our client's proposal would form part of that established front building setback for Shoalhaven Street.*
- vii *Forcing the design of a dual occupancy on this site to be positioned at the rear of the site for the purpose of preserving the tree would result in the private open space being within shade for a good proportion of the day, expensive construction methods for the dwellings and driveways to protect tree roots, from a tree that will grow taller and wider but is unlikely to outlive the usable life of the new dwellings. Then in the end, who pays for the expensive process of future tree removal and risk of damage to the dwellings on the site.*
- viii *Attachment 1 (below) provides an indicative layout for the site, retaining the NIP tree within the 6.0m front building line setback. Specifically relevant to Lot 110, allowing for the provision of DCP controls & potential shadowing from neighbouring structures, over 50% of the concept footprint of the dual occupancy footings, construction, driveway and services would negatively impact the NIP.*

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Regardless of construction method adopted, there would be limited guarantee of conserving the NIP tree. This then forms an added concern and cost to the burden of ongoing maintenance on and around the tree.

- ix *In addition to other constraints the tree places on the lot in terms of design limitations, the costs associated building around the tree, protecting the root system will generate a further cost to our client, which again is for a tree that is unlikely to outlive the life of any new dwellings on the site, after the dwellings have been constrained to preserve the tree.*
- x *The continued presence of the tree with uncertain growth expectations in conjunction with the neighbouring dwelling to the north will generate a considerable impact in terms of shadowing, thus impacting amenity of future residents and limited clothes drying area that meet the DCP controls. Preservation of this NIP tree which has no historical or landscape significance prevents the achievement of a functional design that ensures basic levels of comfort and amenity for future residents.*

Planning Context

- xi *The request for removal of the NIP tree 9 is a merit matter that is being considered in isolation by Council officers. On Council's website under frequently asked questions (accessed 15/3/18) "What do Council staff look at when assessing tree applications? The response states:*

In determining an application, Council's Tree Management Officer and Consulting Arborist take into consideration a number of factors, including but not limited to: whether the growth habit or mature size of a tree is undesirable in a given situation (i.e. power lines, root interference with services, infrastructure or building).

The point we make here is that determination about tree removal has no regard to planning for the people in the context of special family requirements. The tree has no specific environmental qualities relating to threatened species or habitat, heritage or culture, only the fact that the tree is large. The tree is not iconic in a visible sense. The feedback to date is that all matters relating to the tree prevail. However we are seeking a Planning determination on this matter that takes account of all issues for consideration including the needs of people.

- xii *Redevelopment of the site for a new single dwelling house may be possible however again the construction methods required to ensure tree protection will be an expense for consideration along with placement of new services. However the goal of our applicants is to achieve a dual occupancy designed specifically for the needs of two family members. Should Council insist on retention of the NIP, this will effectively sterilise the site from achieving our client's requirements.*

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10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision (cont)

-
- xiii *The family associated with this application are long term Kiama residents with their adult children being third generation residents. The connection to Kiama is the fibre of their family. The family are not developers, just a family wanting to build a home that meets the needs of their family in their home town.*

Comment

As set out above in control C30, there are 6 criteria that should be used to determine whether a tree is of special significance including 'occurrence', 'heritage', 'cultural', 'landscape', 'form and habitat', and 'environmental benefit'.

The four trees proposed to be removed by the modification do not meet with any of the criteria with the exception of the Norfolk Island Pine, but only with respect to its 'form and habitat' because its large size. The other trees on site not considered to be of special significance.

The applicant now finds itself with a consent to subdivide the land that they believe cannot be readily acted upon, without suffering significant additional building costs, principally due to the impediments that retention of the large Norfolk Island Pine at the front on the site presents to any future residential development on the land.

The applicant considers that the retention of the Norfolk Island Pine would also have adverse effects on the amenity of any future residential development due to:

- the inability to grow vegetation underneath its shaded canopy; and
- the pruning required to mitigate conflicts with the lower tree branches unbalancing the appearance of the tree; and
- the mess that the pine fronds create for the intended occupants to manage.

The justification that the trees conflict with a future dual occupancy proposal on the lots is not considered satisfactory because such a proposal may never eventuate, and may not be deemed acceptable to Council due to other policy requirements not being satisfied.

It is accepted that the proponent had demonstrated that retention of Tree 9 Norfolk Island Pine will create a challenge for the design of future residential use of the site. Advice from Council's Landscape Design Officer (discussed later in this report) has confirmed that Tree 11 is not a species that warrants retention. The applicant has not provided reasonable justification for the removal of Trees No 21 and 22. Therefore the removal of Trees No 21 and 22 is not supported, and is denied.

The ultimate aim is to facilitate appropriate redevelopment of the resulting lots in accordance with Council's planning controls.

If the removal of an additional 2 trees is approved, this would result in the retention of 19 trees described as Tree No 1, 2, 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 19, 20, 21, 22, 27, 28 and 29.

On balance, 60% of the protected and/or trees of special significance will still be retained on the site, therefore the objectives of the development control plan are considered to be maintained if Tree 9 and Tree 11 are to be removed.

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Any Planning Agreement

Nil

Any Matters Prescribed By the Regulations

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

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

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

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

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

- *Streetscape*

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

- *Views*

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

- *Social and Economic Impacts*

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

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 subject to the removal of 4 additional protected trees. The economic and social benefits of the modified proposal are considered to outweigh the constraints imposed by retaining the trees.

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners, and those persons that originally made submissions, who were provided with 29 days in which to comment on the proposal. At the conclusion of the notification period 2 submissions were received which raised the following (summarised) matters of concern:

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	Objection	Assessment Officer's Comments
Item 1	Tree 22 is an Endangered Species	Council's Landscape Officer has confirmed that Tree 22 is an <i>Alectryon subcinereus</i> (Native Quince) and is not the rare Threatened Species <i>Daphnandra johnsonii</i> (Illawarra Socketwood).
Item 2	A better design would allow the tree retention.	On balance, 72% of the protected and/or trees of special significance will still be retained on the, therefore the objectives of the development control plan are considered to be maintained if Tree 9 and Tree 11 are approved to be removed. The applicant has demonstrated that the retention of Tree 9 Norfolk Island Pine will cause unreasonable limitation on the residential use of the approved lot.

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External Referrals

Nil

Internal Referrals

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

- Landscape Design Officer

An Objection has been raised in relation to the proposed development as follows:

The modification is to Modify to the tree removal list by adding 4 trees to the removal list. The trees are numbered Tree 9, 11, 21 & 22.

Tree 9 – a mature Norfolk Island Pine – retain as per DCP 2012 chapter 8 section 6 Trees of Special Significance. This tree is 22 metres tall with a trunk diameter of 900mm. It is a significant tree because of its size and presence on the streetscape and should be retained. It is acknowledged that retention of this tree will detrimentally effect the design and construction of a dwelling on this lot.

*Tree 11 Bangalow palm – actually *Acmena smithii* (Lilly Pilly) and could be removed to allow a new driveway to be located further from the Norfolk Island Pine.*

Tree 21 Coast Grey Box & Tree 22 Socketwood (see Note) - these two trees are near the boundary of Sommerville Close. I cannot see that these trees prohibit building a dwelling. However should a development application be received for a duplex then these two trees could be re assessed.

*NOTE – Tree 22 is an *Alectryon subcinereus* (Native Quince) and is not the rare Threatened Species *Daphnandra johnsonii* (Illawarra Socketwood).*

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10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
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Modify the consent to add Tree 11 to the list of trees to be removed. Tree 21 and 22 can be reconsidered for removal when a development application is received that conflicts with the existing trees. Retention of the Tree 9 - Norfolk Island Pine will make the design and construction of a dwelling problematic ensuring long term maintenance issues however the recommendation to retain is made in accordance with current policy.

Comment:

The negative implications on the residential amenity that the retention of the Norfolk Island Pine presents to any future development on Lot 110 is considered to be outweigh the benefits of its retention due to:

- the inability to grow vegetation underneath its shaded canopy;
- the difficulty that retention will pose to designing a residential development that provides amenity and meets the needs of future residents;
- the pruning required to mitigate conflicts with the lower tree branches unbalancing the appearance of the tree; and
- the mess that the pine fronds create for the intended occupants to manage.

The justification that the trees 21 and 22 conflict with a future dual occupancy proposal on Lot 111 is not considered reasonable or satisfactory justification in circumstances The trees should be retained until such time as an application to develop the lots is prepared that attempts to accommodate the retention in the design. Justification to remove these trees may be considered at that time, if necessary.

On balance, 15 of 25 (or 60%) of the protected trees will still be retained, therefore the objectives of the development control plan are considered to be maintained if Tree 9 and Tree 11 are approved to be removed.

The Public Interest

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

Final Comments and Conclusions

The proposed modification has been assessed having regard to all relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, and is considered to be substantially the same development.

The Section 4.55 Modification of Consent Application No 10.2017.60.2 is consistent with Kiama LEP 2011. The proposed development is consistent with the objectives of R2 Low Density Residential zone.

Report of the Director Environmental Services

10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama -
Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision (cont)

If the removal of an additional 2 trees is approved, this would result in the retention of 19 trees described as Tree No 1, 2, 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 19, 20, 21, 22, 27, 28 and 29.

On balance, 60% of the protected and/or trees of special significance will still be retained on the, therefore the objectives of the development control plan are considered to be maintained.

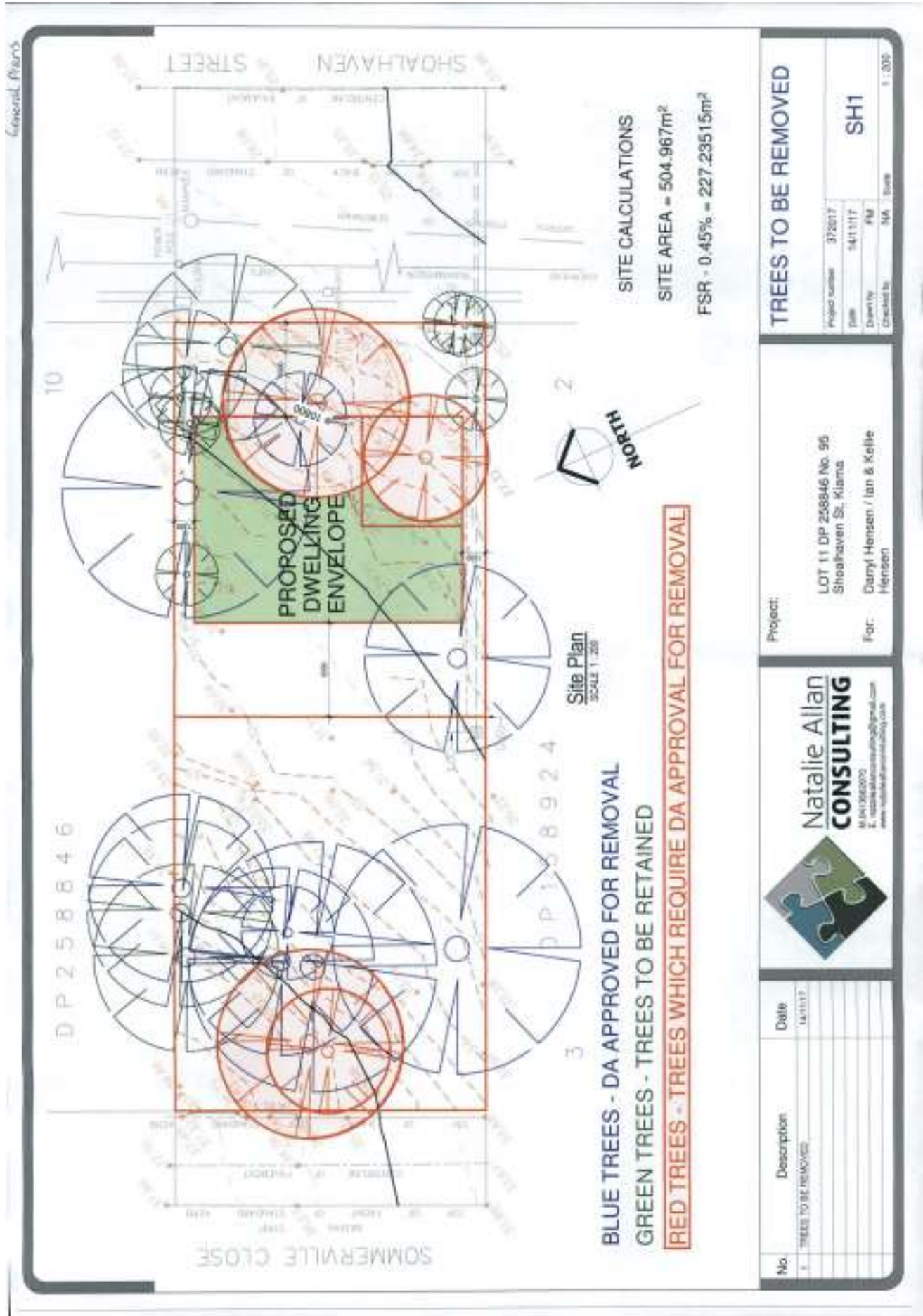
The negative implications on the residential amenity that the retention of the Norfolk Island Pine presents to any future development on Lot 110 is considered to be outweigh the benefits of its retention due to:

- the inability to grow vegetation underneath its shaded canopy;
- the difficulty that retention will pose to designing a residential development that provides amenity and meets the needs of future residents;
- the pruning required to mitigate conflicts with the lower tree branches unbalancing the appearance of the tree; and
- the mess that the pine fronds create for the intended occupants to manage.

The justification that the trees 21 and 22 conflict with a future dual occupancy proposal on Lot 111 is not considered reasonable or satisfactory justification in circumstances. The trees should be retained until such time as an application to develop the lots is prepared that attempts to accommodate the retention in the design. Justification to remove these trees may be considered at that time, if necessary.

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

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



10.5 10.2018.49.1 - Lot 179 DP 14188 - 10 Renfrew Road Werri Beach – Proposed detached shed and carport

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

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

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

Summary

This report reviews the development application 10.2018.49.1, which seeks consent for the construction of a shed and carport.

The report recommends that Council refuse development application 10.2018.49.1.

Finance

N/A

Policy

N/A

Reason for the Report

A Councillor has requested that Council consider this matter.

Communication/Community Engagement

Required: Yes (letter notification)

Notification Period: 14 days from 13/3/2018 to 27/3/2018

Submissions: Nil submissions

Attachments

1 10.2018.49.1 - plans [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council refuse Development Application No 10.2018.49.1, under Section 4.16 of the Environmental Planning and Assessment Act 1979 for the following reasons:

- (1) The proposed development is inconsistent with Kiama Local Environmental Plan 2011, Zone R2 Low Density Residential, (3. Permitted with consent table) which does not allow for the stand alone use development of a shed and carport.
- (2) The proposed development is inconsistent within the definition of ancillary use, which means it must serve the dominant purpose being that of a dwelling house which is permitted in the zone.
- (3) Having regard to the proposal it would not be in the public interest and would create an undesirable precedent.

Report of the Director Environmental Services

10.5 10.2018.49.1 - Lot 179 DP 14188 - 10 Renfrew Road Werri Beach –
Proposed detached shed and carport (cont)

BACKGROUND

A Development Application has been received by Council for the construction of a new detached shed and carport on the above property, under DA 10.2018.49.1. The applicant seeks approval for the proposal on what is currently vacant land.

Property Information

The property is described as Lot 179 DP 14188 at 10 Renfrew Road Werri Beach. The zoning of the property is R2 Low Density under Kiama LEP 2011. The total area of the property is approximately 656m², is rectangular in shape and largely level.

The site is currently vacant. Residential dwellings adjoin the rear and side boundaries of the property and across the road to the west. The owners of this site also own the adjoining property to the south which contains a dwelling.

Description of the Proposed Development

The proposal involves the construction a detached shed and carport with a floor area of approximately 156m² being 12m wide by 13m in depth with a roof height of 4.45m with a rear boundary setback of 900mm and side boundary setbacks of 2.2m and 600mm. The shed part is approximately 84m² and the carport is approximately 74m².

Section 4.15 Assessment

The proposed development has been assessed in accordance with Section 4.15 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 satisfy the requirements of the SEPP.

- Kiama LEP 2011

The subject land is zoned R2 Low Density Residential under Kiama LEP 2011.

The proposal is not a listed permissible use under the “permitted with consent” landuse table 3 as it is considered to be an ancillary development to a dwelling. As there is no dwelling on the subject site, the proposal is prohibited development.

The applicable land use table lists a “boat shed” as a separately defined permissible landuse in the R2 zone however:

- the proposal has not been lodged as a “boat shed”;
- a “boat shed” is purpose built for the storage and maintenance of boats – this proposal is for a regular shed structure; and
- the definition of a “boat shed” requires that it be associated with a private dwelling similarly to a shed.

The proposed development, not being ancillary to an approved dwelling on the property, is prohibited development.

Report of the Director Environmental Services

10.5 10.2018.49.1 - Lot 179 DP 14188 - 10 Renfrew Road Werri Beach –
Proposed detached shed and carport (cont)

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

Chapter 2 Section 12 – Design Standards – Building Lines in Urban Areas.

The rear building lines for properties with a 6m front building line is 6m.

The proposed shed and carport is only setback a distance of 900m.

In the case of allotments affected by a 6m front building line, habitable structures shall be generally sited on the established rear building line of the adjoining development or 6m whichever is the greater; subject to such development having a reasonable economic life. It must be demonstrated that the objectives of this plan are satisfied where a departure from an established building line is sought

Single storey structures including garages, pools, pergolas and barbecue areas may be sited at a lesser distance from the rear property boundary, where such a structure satisfies the objectives of this plan and where, in the opinion of Council, no unreasonable impacts on neighboring properties will result.

Should the proposal be lodged with a dwelling it may be considered to be reasonable to support the reduced rear boundary setback subject to justification being provided.

The southern side boundary setback is proposed as 600mm. This is considered inadequate given there is an 820mm door proposed in the southern elevation. Whilst no boundary fence currently exists if one was to be erected it would impede the full opening of the door and constrict the access and egress performance of the doorway.

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*.

- 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.

Report of the Director Environmental Services

10.5 10.2018.49.1 - Lot 179 DP 14188 - 10 Renfrew Road Werri Beach –
Proposed detached shed and carport (cont)

- Social and Economic Impacts

It is considered that the proposed development would have a minimal social impact on dwellings in the locality however would establish an undesirable precedent.

Public Submissions

Notification letters were sent to neighboring property owners of which no submissions were received against the proposal.

Internal Referrals

No internal referrals were required for the proposal.

The Public Interest

The proposal is considered to be inconsistent with the relevant matters contained in Kiama LEP 2011. The proposal does not comply with the LEP requirements as it is considered to be ancillary development to a dwelling and there is no dwelling house on the subject allotment. The proposed development is therefore not considered to be consistent with the public interest.

The proposal would also not be permissible as complying development as the proposed shed and carport exceed the 60m² maximum gross floor area, fails to satisfy the 900mm side boundary setback and also fails the test of having an existing dwelling house or approval to erect a dwelling house on the allotment which is required under the Complying Development Code.

Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposed development is considered to be inconsistent with Kiama LEP 2011.

It has been identified that the applicant proposes to construct the proposed detached shed and carport on vacant land. Approval of the proposal would result in an unacceptable situation by which a prohibited stand-alone use is created.

The proposal is considered to be ancillary use. The definition of an ancillary use is a use that is subordinate or subservient to the dominant use or purpose. The concept is important when a development involves multiple components on the same land.

To put it simply:

- If a component serves the dominant purpose, the ancillary use is subordinate to that dominant purpose:
- If a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right.

It should be noted that the owners of this land are also the owners of the lot directly to the south and have been advised by Council staff to reconsider the proposal by way of consolidating their two lots or alternatively look at providing a shed and carport on the adjoining property, which currently has a dwelling. The owner has chosen not to pursue the alternatives as recommended by Council staff.

Report of the Director Environmental Services

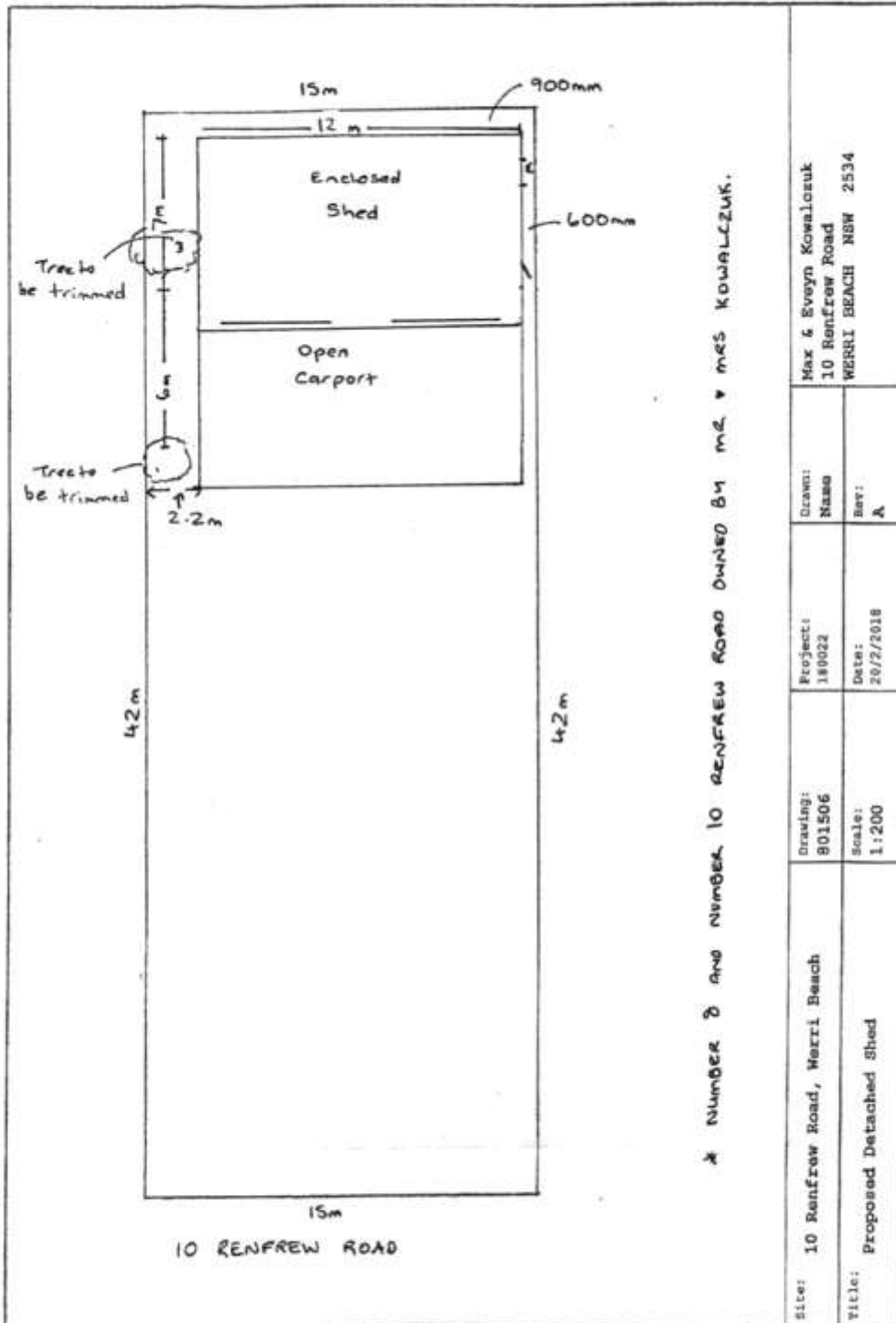
10.5 10.2018.49.1 - Lot 179 DP 14188 - 10 Renfrew Road Werri Beach –
Proposed detached shed and carport (cont)

The proposal is such that Council cannot support the approval of a structure, which is not permitted on the block of land without a dwelling house. A similar scenario would be a development application for a pool on a vacant block of land and this too would not be supported by Council as it should only be approved as ancillary development to a dwelling house.

The proposed development is therefore considered unacceptable, would set an undesirable precedent, is not in the public interest and refusal is recommended.

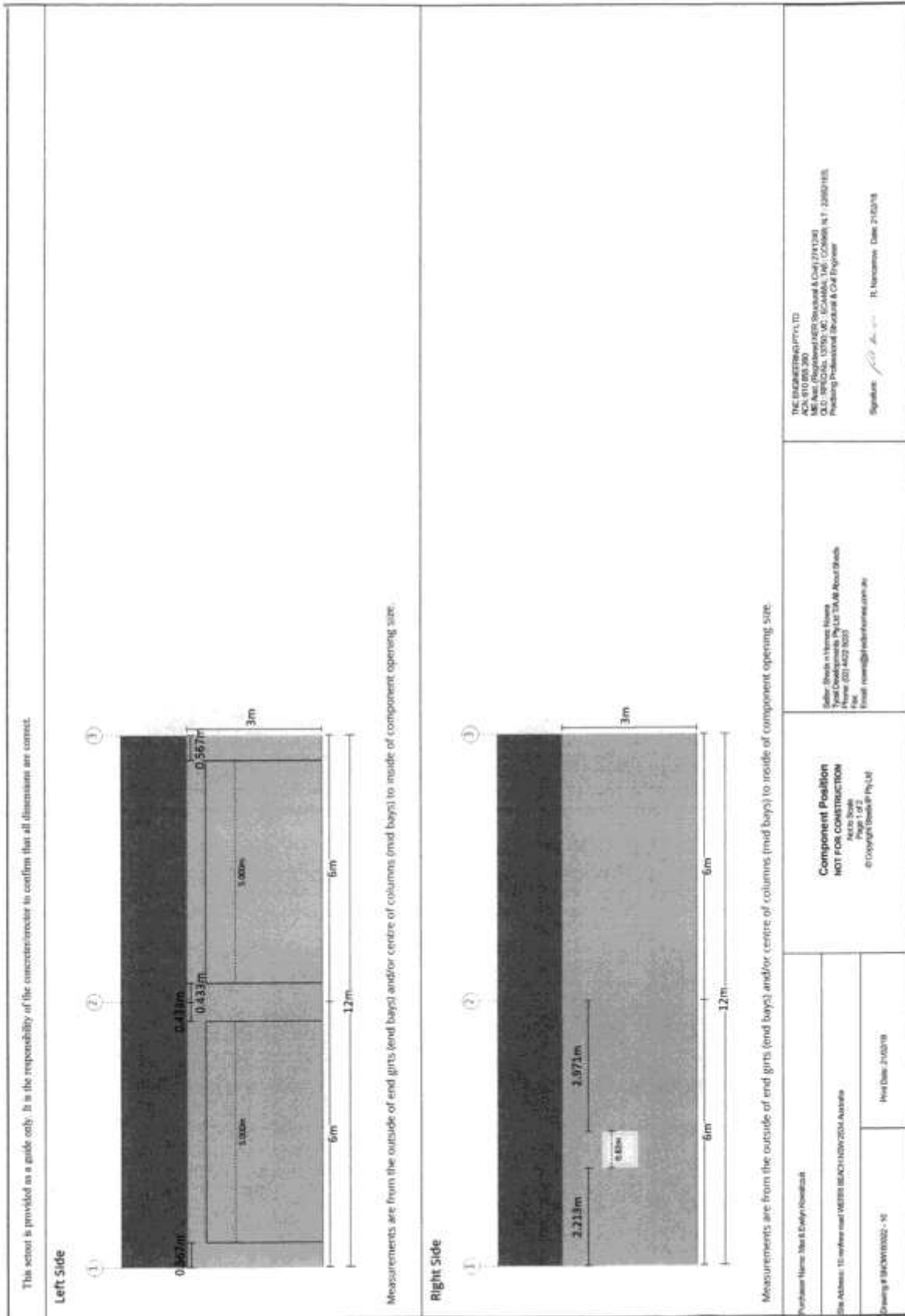
Item 10.5

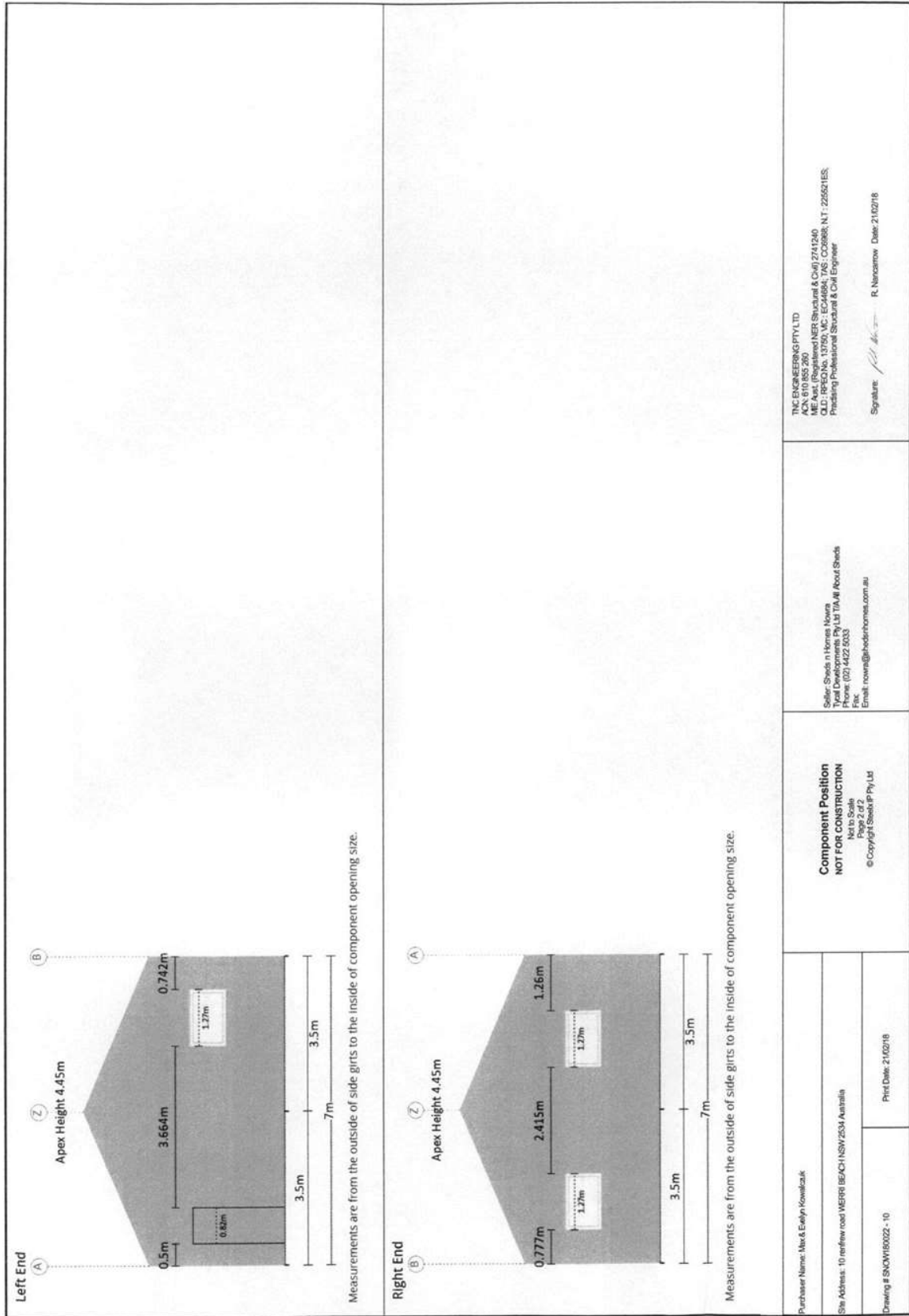
Public Plans.



Item 10.5

Attachment 1





11 REPORT OF THE DIRECTOR CORPORATE, COMMERCIAL & COMMUNITY SERVICES

11.1 2018 Australian Age-friendly Cities Forum

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.1 Developing and implementing services and programs that promote social cohesion, healthy and active lifestyles for residents of all ages, abilities and interests

Delivery Program: 1.1.1 Improving the liveability of Kiama for those with diverse backgrounds and abilities

Summary

This report informs Council of the 2018 Australian Age-friendly Cities Forum and recommends that Council nominate a Council officer and Councillor to attend the forum.

Finance

Registration \$320 plus airfares and accommodation

Policy

N/A

Communication/Community Engagement

N/A

Attachments

- 1 Invitation to attend 2018 Australian Age Friendly Cities Forum - Banyule City Council [↓](#)
- 2 2018 Australia Age Friendly City Forum - Promotional Brochure - Final version [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council

- 1) Nominate Councillor representation to the Age-friendly Cities Australia Forum
- 2) Endorse attendance at the Forum by an appropriate staff member.

BACKGROUND

In 2015 Kiama Council became a member of the World Health Organisation (WHO) Global Network of Age Friendly Cities and Communities. There are no membership fees, but participation in the network requires a commitment to ongoing development

Report of the Director Corporate, Commercial & Community Services

11.1 2018 Australian Age-friendly Cities Forum (cont)

of age-friendly environments, and to share learning and achievements with fellow network members.

The WHO website provides the following information about membership:

Membership is not an accreditation for age-friendliness. Rather, it reflects a city's commitment to listen to the needs of their ageing population, assess and monitor their age-friendliness and work collaboratively with older people and across sectors to create accessible physical environments, inclusive social environments, and an enabling service infrastructure.

According to the website the WHO Global Network for Age-friendly Cities and Communities currently includes 400 cities and communities in 37 countries, covering over 146 million people worldwide.

As per the enclosed letter of invitation from the Mayor of the Banyule City Council in Melbourne Victoria and the promotional brochure, the third AFCA Forum will be held on the 17 and 18 of October 2018. As part of Kiama's commitment to membership of the network, attendance at the Forum is recommended.



PO Box 94, Greensborough VIC 3088
T (03) 9490 4222
enquiries@banyule.vic.gov.au
ABN 16 456 814 549

Tuesday 3rd April 2018

Doc Ref: D1862170

Dear Age-friendly City Manager,

It is with great excitement that Banyule City Council would like to invite your Council to participate in the **2018 Australian Age-friendly Cities Forum on the 17th and 18th October in Greensborough, Victoria.**

Our Age-friendly City Advisory Committee is busy making all the necessary preparations. The theme of the forum will be on engaging with older adults and offers plenty of opportunities to network, learn and explore age-friendly approaches.

To assist with our communications as the forum plans develop could you please email agefriendly@banyule.vic.gov.au with the contact details of people in your Council most relevant or interested in participating in this forum.

As agreed at the 2017 forum, this invitation is restricted to WHO Global Network of Age- friendly City organisations.

Please save the date in your calendar and we look forward to seeing you all in October.

Yours sincerely

A handwritten signature in black ink, appearing to read "Simon McMillan".

Simon McMillan
CHIEF EXECUTIVE OFFICER

Item 11.1

Attachment 1

Age Friendly Cities Australia 3rd National Forum



Save the Date!

17 - 18
October 2018
Greensborough,
Victoria

With bus tour proposed for
19 October of age-friendly site visits.
Further information email
agefriendly@banyule.vic.gov.au
or 03 9490 4365



3rd NATIONAL FORUM
AGE FRIENDLY CITIES AUSTRALIA
 17 - 18 October 2018
 Geelong/Banora, Victoria

Engaging with Ageing - Connect, Collaborate, Build, Grow
 Proudly hosted by Banyule City Council

DELEGATE INFORMATION

THE VENUE AND SETTING AROUND
 BANORA CITY COUNCIL
 7 HUNTER STREET, GEORGETOWN
 The venue is a modern facility with a large hall and a fully equipped kitchen. The building is wheelchair accessible and has a lift to the main level. There is a car park for delegates. The venue is a short walk to the city centre and the beach.

WHERE TO STAY

MANRICE
 BEST ROOMS APARTMENTS
 1111 HUNTER STREET, GEORGETOWN
 Close to the venue, modern facilities, free parking, close to the beach.

SHACLEDON
 BUNGALOWS PROVISION
 227 Commercial Road, Geelong
 Close to the venue, modern facilities, free parking, close to the beach.

BUNDOOMA
 BEST ROOMS APARTMENTS
 1111 HUNTER STREET, GEORGETOWN
 Close to the venue, modern facilities, free parking, close to the beach.

REGISTER NOW
 To find out more about the forum, visit our website at www.agefriendlycities.com.au. You can also register now by visiting our website at www.agefriendlycities.com.au/register. Register now to secure your place.

TO REGISTER GO TO THE BOOKINGS
www.agefriendlycities.com.au

FOR FURTHER INFORMATION
 Address: Venue
 Phone: 03 524 4444
 Email: info@agefriendlycities.com.au

BlueCross
 100 South St | Geelong VIC 3220

Banyule
 100 South St | Geelong VIC 3220

SPONSORING EVENT
 OLIVER ARNOLD AND ASSOCIATES
 HATCH CONTEMPORARY GALLERY OF ART
 The gallery is a modern facility with a large hall and a fully equipped kitchen. The building is wheelchair accessible and has a lift to the main level. There is a car park for delegates. The venue is a short walk to the city centre and the beach.

Item 11.1

Attachment 2

11.2 Statement of Investments - June 2018

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.2 Identify opportunities to diversify and maximise funding sources

Summary

This report recommends receipt and adoption of the Statement of Investments for June 2018.

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 - June 2018 [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council receive and adopt the information relating to the Statement of Investments for June 2018.

BACKGROUND

Attached is a copy of the Statement of Investments for June 2018.

Investment Commentary

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

11.2 Statement of Investments - June 2018 (cont)

A decision by the Reserve Bank board meeting on 3 July 2018 has seen the cash rate unchanged at 1.50%. “*The low level of interest rates is continuing to support the Australian economy*”. As progress in lowering unemployment and having inflation return to the midpoint of the target was expected to be only gradual, members also agreed that there was not a strong case for a near-term adjustment in monetary policy. (Minutes of the Monetary Policy Meeting of the Reserve Bank Board, Reserve Bank Australia, 3 July 2018)

The Commonwealth Bank is quoting the following rates:

3 Months	6 Months	9 Months	12 Months	18 Months
2.68%	2.74%	2.76%	2.77%	2.78%

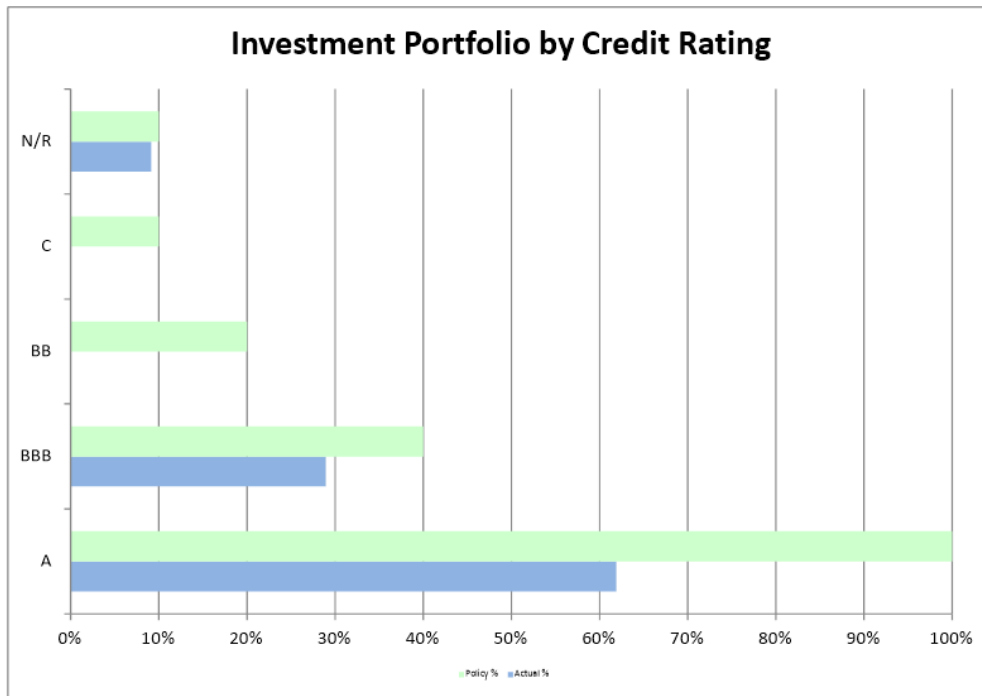
Certification – Responsible Accounting Officer

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 June, 2018

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	A	1,000,000	Term Deposit	21/02/18	21/11/18	273	2.65
AMP	A	1,000,000	Term Deposit	06/06/18	12/12/18	189	2.75
AMP	A	500,000	Term Deposit	18/10/17	24/10/18	371	2.60
Beyond Bank	BBB+	1,000,000	Term Deposit	10/01/18	11/07/18	182	2.55
Bankwest	AA-	1,000,000	Term Deposit	13/06/18	19/12/18	189	2.75
Bank of Qld	BBB+	2,000,000	Term Deposit	22/11/17	22/08/18	273	2.60
Bank of Qld	BBB+	1,500,000	Term Deposit	29/11/17	29/08/18	273	2.60
Bendigo	BBB+	1,000,000	Term Deposit	04/10/17	04/07/18	273	2.55
Community Alliance Credit Union	N/R	1,000,000	Term Deposit	13/09/17	12/09/18	364	2.65
Community Alliance Credit Union	N/R	1,000,000	Term Deposit	13/09/17	12/09/18	364	2.60
Credit Union Australia	BBB	1,500,000	Term Deposit	29/11/17	26/09/18	301	2.55
ME Bank	BBB	1,500,000	Term Deposit	24/01/18	25/07/18	182	2.60
ME Bank	BBB	1,000,000	Term Deposit	15/01/18	18/07/18	184	2.60
NAB	AA-	1,000,000	Term Deposit	03/01/18	04/07/18	182	2.50
NAB	AA-	1,000,000	Term Deposit	13/06/18	10/12/18	180	2.76
NAB	AA-	1,000,000	Term Deposit	27/09/17	26/09/18	364	2.60
NAB	AA-	2,000,000	Term Deposit	25/10/17	24/10/18	364	2.55
SA Police Credit Union	N/R	1,000,000	Term Deposit	14/02/18	15/08/18	182	2.61
Suncorp	A+	1,000,000	Term Deposit	13/06/18	17/10/18	126	2.80
Suncorp	A+	1,000,000	Term Deposit	10/01/18	11/07/18	182	2.45
Total Term Deposits		23,000,000					2.62
TcorpIM Cash Fund	AAA	3,068,454	Cash Fund		AT CALL		1.99
Westpac	AA-	6,666,445	Bank Account	-	AT CALL		1.79
Westpac	AA-	81,579	Maxi Account	-	AT CALL		0.50
Total 'At Call' Funds		9,816,478					1.15
TOTAL CASH & INVESTMENTS		32,816,478			Average Rate- Jun 2018		2.35
					Average Rate- Jun 2017		2.60
TOTAL INVESTMENTS May 2018		37,304,866					
TOTAL INVESTMENTS Jun 2017		42,529,873					
							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 \$6.67M includes deposits at month-end not processed to Council's financial system and excludes cheques that have not been presented.



(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)	
Externally Restricted	S94 Developer Contributions	5,116,008	
	Grants	298,611	
	Domestic Waste	2,346,477	
	Waste & Sustainability	403,006	
	Southern Council's Group	2,730,925	
	Internally Restricted	Blue Haven ILU*	2,440,925
		Blue Haven Care-Residential*	1,367,602
		Carer Respite Centre	1,379,706
		Land Development	2,662,484
		Waste Business Unit (Plant Replacement)	1,081,912
Plant Replacement		2,006,982	
Employee Leave Entitlements		2,400,000	
S94 Recoupments		2,182,802	
Carry-over works*		-	
Holiday Parks		1,779,238	
Contingencies	779,730		
Computer	879,698		
Property Insurance	120,000		
Community Bus	263,239		
CACP	110,856		
Organisational Development	200,000		
Fleet Replacement	100,000		
Council Election	55,000		
Leisure Centre Renewal	180,000		
Revolving Energy Fund	315,000		
Future Project Development	70,000		
Arts Precinct	85,000		
The Pavilion	210,000		
Unrestricted Funds:	Funds to meet current budgeted expenditure	1,196,277	
TOTAL INVESTMENTS		32,816,478	

Note:

The above Application of Invested Funds reflects audited balances as at 30 June 2017. Actual movement in these balances are recorded at the end of the financial year.

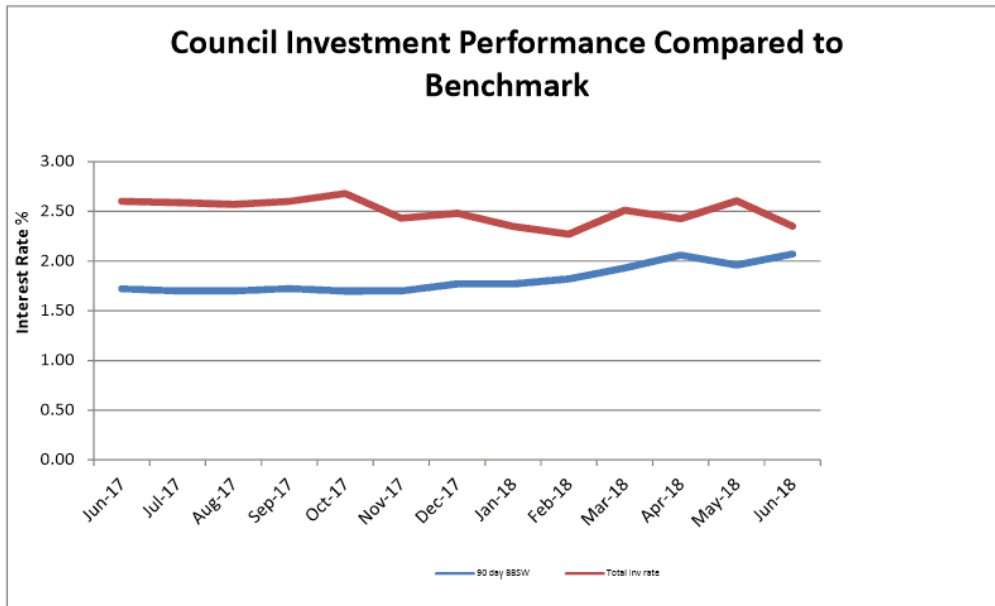
The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

*Adjusted as expensed during financial year.

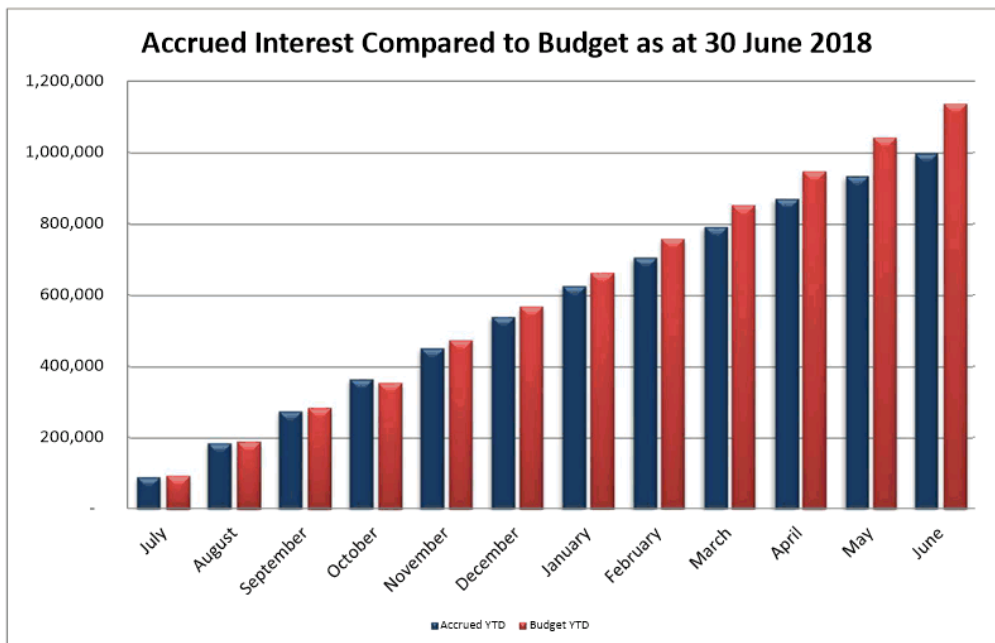
(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	2.35	2.07
3 months	2.46	2.03
6 months	2.42	1.89
12 Months	2.51	1.83



Council has been able to consistently perform above the Reserve Bank 90 day Bank Bill Index.



*Interest forecast has been adjusted based cash flow expenditure for the KACCOE project.

11.3 NSW Public Libraries Conference 2018

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.1 Developing and implementing services and programs that promote social cohesion, healthy and active lifestyles for residents of all ages, abilities and interests

Delivery Program: 1.1.4 Provide a range of library resources and services that support our community in recreational and lifelong learning

Summary

This report seeks endorsement for Councillor representation at the annual SWITCH Conference on the 27th to 29th November at Coffs Harbour. As Chair of the South East Zone, Councillor Rice will be required to attend. Manager Library Services will also be attending the conference.

Finance

Conference Registration (Early Bird rate) \$650.00 + GST plus accommodation. The Library will pay for staff to attend the conference.

Policy

n/a

Communication/Community Engagement

n/a

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council recommend the attendance of Councillor Rice along with another councillor to the NSW Public Libraries Conference.

BACKGROUND

The annual conference held by NSW Public Libraries will be held at Coffs Harbour from Tuesday 27th to Thursday 29th November 2018. The theme of the conference is Flick the SWITCH, and the focus will be on collaboration, innovation and sustainability. Speakers include Gavin Carnegie Learning and Development Manager LG professionals, Susan Benton CEO, Urban Libraries Council USA/Canada and Kelly Grigsby CEO Wyndham City Council, Victoria. Early Bird rates available until 31st August 2018

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 Supply and Lay Asphaltic Concrete 2018-19

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

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.4 Manage other assets and infrastructure through the Other Asset and Infrastructure Asset Management Plan

Item 12.1

Summary

This report informs council of the process and outcomes of the request for quotations for the Supply and Lay of approximately 6000t of Asphaltic Concrete as identified in the 2018-19 Works Program.

Finance

The capital expenditure will be made available from the Engineering Services Works Program. This expenditure was identified and reported in the 18/19 budget. The allocated budget in the Roads Renewals Program of \$1.858M.

Policy

The RFQ has been undertaken in accordance with the Local Government Tender Regulations 2005.

Council's Vision and Goals

Kiama Councils goals include exercising good governance. The RFQ's for the supply of Asphaltic Concrete not only meets the requirements of the Local Government Act and Tendering Regulations, but ensures that the activities of the organisation are conducted so as to achieve a high level of accountability, probity and transparency. The RFQ process also ensures that Council's goal of sound financial management is addressed with the objective of obtaining best value for money.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council purchase approximately 6000t of Asphaltic Concrete from Roadworks at an average cost of \$156.12 + GST per tonne.

BACKGROUND

As part of the 2018-19 Works Program, Engineering Services have identified the need to purchase approx. 6000t of Asphaltic Concrete to meet the renewal of roads in the Municipality.

Report of the Director Engineering and Works

12.1 Supply and Lay Asphaltic Concrete 2018-19 (cont)

A specification was developed to meet the operational needs of the road renewal program.

A request for quotation was then placed with the Local Government Procurement Vendor Panel system. The request for quotation was sent to all local panel members under LGP contract LGP213.

The RFQ generated 3 submissions with a median value of \$175.87 + GST per tonne.

All submissions were evaluated using a combination of different criteria including Asphaltic Concrete price, Spray seal price, 1m Profiler price and Truck hire cost.

The combined scores for each criteria were then inputted into the LGP evaluation matrix. This produced an overall ranking and recommendation for purchase.

Item 12.1

13 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

14 REPORTS FOR INFORMATION

14.1 Minutes: South Precinct Meeting held on 21 June 2018

Responsible Director: Office of the General Manager

The minutes of the South Precinct Committee meeting held on 21 June 2018 are attached for Councillors' information.

Attachments

- 1 Minutes: South Precinct meeting held 21/06/18 [↓](#)

MINUTES OF THE SOUTH PRECINCT MEETING held on Thursday 21 June 2018 at Gerringong Town Hall

Attendance: 13 Present

Apologies: Jim Eames

Meeting opened: 7.35 pm

Confirmation of Minutes

Minutes of the previous meeting held on Thursday 17 May 2018 were taken as read and confirmed.

MOVED: Eric George/Michael Hindmarsh **carried**

Business Arising

- Nil
-

Correspondence IN:

1. Letter from Gareth Ward MP to South Precinct concerning low-rise, medium density developments approved as complying developments.
2. Letter from Gareth Ward MP to the Minister for Planning concerning the above.
3. Letter to the General Manager of Kiama Council from the Illawarra District Weeds Authority concerning aerial spraying of Bitou Bush along the cliff lines south of Gerringong Boat Harbour, north of Walkers Beach/Gerringong Golf Course.
4. Email from Sue Wiaczek Kiama Council referring to Council's Operational Plan supporting Documents.
5. Email from Narelle Mousdale responding to South Precinct motions on North Kiama Precinct, 98 Fern St. and the Rose Valley Abattoir.
6. South Precinct received an email from local residents advising they have support from Kiama Council to establish a Community Garden. Meetings are on the third Monday of each Month at 7 pm at the Gerringong Bowling Club.

Meeting: 21 June 2018

Page 2

Correspondence OUT:

1. Letter from South Precinct to Manager of Library Services offering congratulations on the Reader's Festival.
2. Letter from South Precinct to Gareth Ward MP concerning the new code for Low Rise Medium Density Housing.
3. Email from South Precinct to Pics and Flicks Committee concerning replacement of chairs in the Town Hall.

Executive Report

A special KMC Meeting was called for June 6 which unanimously rescinded their previous motion to give the Developer of the Akuna/Mitre 10 site an extension of time for more amendments to his DA. This is the site originally planned for ALDI and 30 apartments which then rocketed to 91 apartments allowing very little space for the Supermarket and inadequate parking.

125 years celebration of the railway between Kiama and Bomaderry took place on an incredibly cold and windy day at all three sites. Historical members provided afternoon tea. John Downton, one of Australia's foremost land scape artists graciously donated a framed archival print of a locomotive known locally as the "pig" to help raise funds for a new museum.

The dog parks at Gerroa and Gerringong headlands will be treated for wild rabbits after complaints by residents, residents are advised to keep their dogs on their leashes.

SP has been advised that the illegal barriers and large boulders at 164 Stafford Street Gerroa have finally been removed.

An appeal for funding by the Gerringong Men's Shed has been forwarded by Gareth Ward to State Parliament for equipment for Campbell Reserve on Fern St. The funding is to enable purchase and install a drinking fountain and additional works.

Please send your request to <http://haveyoursay.garethwardmp.com.au>

The Mayor has written to the Minister for Planning to seek exemption from the NSW Government's new Low Rise Medium Density Housing code. SP has also raised the matter with Gareth Ward. Dual Occupancy can be built on Lots of 400 sq. meters without approval or notification to neighbours.

The Gerroa Environmental Protection Society is seeking submissions on the Modification to the Gerroa Sand Quarry. For more detail see their website: <http://geps.happenings.id.au>

Council Papers

DA Applications

27 Wilson St: Demolition and construction of a new dwelling and swimming pool

6 Victoria St. Gerringong: Demolition of existing garage and construction of a shed for catering purposes.

60 Jupiter St: Demolition and erection of a new garage, shed and carport.

4 Percy St. Gerringong: Replace existing retaining wall.

DA Consents

61 Belinda St: Demolition of existing structures and alterations and additions to existing seniors Housing at the Mayflower Site.

Lot 1: DP 601671: 199 Willowvale Rd: Secondary dwelling and septic tanks.

Lot 2: 42 Headland Drive Gerroa: Dwelling.

83 Fern St. Gerringong: Demolition of existing and construction of a new dwelling.

30 Burnett Ave. Gerringong: Replace existing retaining wall.

Traffic Committee

Several complaints have been raised concerning speeding vehicles near Cronin's Oval. It is an area where children attend football training so Kiama Council installed Traffic Counters to gather data. The data registered over 1000 vehicles, 200 of which were travelling at 72 in a 50 Zone. This data will now be passed on to the Traffic Committee.

General Business

Rusty Moran gave a short presentation concerning his application to operate a surf school on Seven Mile Beach at Gerroa. Rusty is a local resident not interested in the lucrative Tourist Market but passionate about teaching local children the necessary skills and also teaching them respect for the beach, the water and their environment. There are 3 licenses available but only one operator at present. Rusty is seeking a letter of support for his application from South Precinct. South Precinct resolved to forward a letter of support for

Meeting: 21 June 2018

Page 4

Rusty's Application to the General Manager of Kiama Council with a copy to all councillors.

MOVED: Darrell Clingan/Cecily **carried**

Warren Holder from the Gerroa Environmental Protection Society (GEPS) gave an interesting talk regarding proposed modifications to the Gerroa Sand Quarry. Amongst other things was the concern for the impacts on habitat corridors, groundwater and visual impacts. GEPS have lodged a Submission giving greater detail on those concerns. GEPS are urging as many people as possible to also lodge objections, closing date is July 13. South Precinct resolved to send a letter of support to the General Manager of Kiama Council.

MOVED: Darrell Clingan/Robert Coady **carried**

Meeting closed: 9.20 pm

NEXT MEETING: Thursday 19 July 2018

.....
Chairperson

.....
Secretary

Item 14.1

Attachment 1

14.2 Ocean Lifeguard Service Annual Report 2017-2018

Responsible Director: Corporate, Commercial & Community Services

Attached for Councillors' information is a copy of the Annual Report for 2017-2018 prepared by Council's Lifeguard Coordinator, Andy Mole.

Attachments

- 1 Kiama Municipal Council Ocean Lifeguard Service Annual Report 2017/2018 [↓](#)

Kiama Municipal Council Ocean Lifeguard Service Annual Report **2017/2018**

Ocean Lifeguard Season

Report 2017/2018

Kiama Municipal Council Ocean Lifeguard Service Statistics and Summary Report

25 September 2017 to 30 April 2018

Andrew Mole, Lifeguard Coordinator



About this report

This report contains all statistics and notable information relating to Kiama Municipal Council's Ocean Lifeguard Service operations across both the shoulder season and peak summer period at seven beaches within the Kiama Municipality. This report does not contain any information or statistics from Lifesaving Operations from the three Surf Life Saving Clubs operating in the Kiama LGA.

Andrew Mole, Lifeguard Coordinator - Kiama Municipal Council Ocean Lifeguard Service

Kiama Municipal Council Ocean Lifeguard Service Annual Report | 2017/2018

General summary of season

Kiama Council's lifeguard Service saw out another successful lifeguard season. Again Kiama beaches were popular with both tourists and the Local community. Statistics showing a beach population of 349,830 over the seven beaches. Rescues and first aid incidents were the same as the previous season however there was an increase in critical incidents compared to the previous season. We also saw an increase in both Preventative actions and Beach and reserve regulations. There was an increase in shark activity at both Kendalls beach and Surf beach forcing beach closures on numerous occasions. Detailed summaries are contained within this report.

Lifeguard resources are continually being stretched during peak periods at Bombo beach when conditions are dangerous. Lifeguards will spend a large portion of their day carrying out preventative actions at this location i.e. removing people from rips or areas of high risk. This location is frequently used by tourists during the peak season and shoulder periods. These beach users have little or no surf sense, this is a real concern because that part of the beach is extremely dangerous.

Surf education and Surf Safety Material

During the month of September, The Lifeguard Coordinator conducted education programs for the majority of the regions primary schools.

As was the case in previous years, most schools within our area participated. Topics covered in Council's education program were:

- Sun Safety- a breakdown of how important it is to protect yourself from the sun when at the beach.
- Surf Safety- recognition of flags, signs, Lifesavers and Lifeguard requests.
- Rescue equipment and methods- what to do, how to use it, how to assist Lifesavers and Lifeguards.
- First Aid- different animals, blue bottles, blue ring octopus, box jellyfish etc.
- Recognition of dangerous conditions- rips, large waves, river mouths, rocks etc.
- How to escape from strong currents- rips etc.
- Surf skills- surf swimming and how to catch waves.
- The onset of panic- what to do if you need help.

The schools that participated in the program enjoyed their experience and learnt valuable theory and practical skills in water safety. The beach safety education sessions are flexible and can be tailored to suit the needs of individual schools.

Andrew Mole, Lifeguard Coordinator - Kiama Municipal Council Ocean Lifeguard Service

Kiama Municipal Council Ocean Lifeguard Service Annual Report 2017/2018

Item 14.2
Attachment 1



Further Successful Observation Tower Grants

In December 2017 Council was once again successful in receiving another grant valued at \$38,500 to purchase a surveyor Junior Observation Tower. This was gained under the New South Wales Government's Observation Tower Grants Program. The tower will arrive in July in preparation for installation at Kendall s Beach for the 2018/2019 Season.

The tower will provide Lifeguards with a clearer line of vision to spot sharks, and are also useful for spotting people in distress, monitoring beach conditions and protect the Lifeguards from the outside elements.



Andrew Mole, Lifeguard Coordinator - Kiama Municipal Council Ocean Lifeguard Service

Kiama Municipal Council Ocean Lifeguard Service Annual Report | 2017/2018



Item 14.2

Attachment 1

Project Airship

A project designed to help alert swimmers and lifeguards to the presence of sharks has been hailed a success, after logging more than 200 hours watching over Surf Beach Kiama.

Project AIRSHIP, a collaboration between University of Wollongong marine biology PhD student Kye Adams and Kiama Council lifeguards, involves a live-streaming video camera attached to a blimp that hovers for hours at a time over popular beaches. A live feed to researchers on the ground allows them to alert swimmers to any sharks in the area.

During its second season, the system demonstrated its capacity when was used to alert beachgoers to the presence of two grey nurse sharks feeding on a large school of fish.

The blimp operator was able to continuously monitor the sharks as they moved around the beach and assisted Lifeguards in their decision to re-open the beach when the fish activity moved offshore.

Kye said the footage was also providing valuable insights into the behaviour of other sea life, including curious stingrays, seals and dolphins.

“Sharks have been a rare occurrence at the monitored beach this summer with only a few spotted in conjunction with schooling fish,” he said. “In contrast, numerous stingrays have been spotted on more than 40 occasions swimming close to the beach.

“We have been able to record their movements within this beach and can seek to ask further questions of how these animals utilise these areas. The blimp has been successful in

Andrew Mole, Lifeguard Coordinator - Kiama Municipal Council Ocean Lifeguard Service

Kiama Municipal Council Ocean Lifeguard Service Annual Report **2017/2018**

spotting other large and mobile species with a few visits from a number of playful seals and dolphins.”

During the 2017-18 season, Project AIRSHIP was supported by the Save Our Seas Foundation and UOW’s Global Challenges Program, two programs that aim to better understand and sustain marine life.

“This summer it’s been great to show the public that dangerous sharks at our beaches down on the south coast are quite rare compared to other marine creatures.

“We’ve been able to successfully show that the blimp can reliably detect a range of marine life, including sharks, seals, stingrays and baitfish,” Kye said.

“To see the grey nurses was quite special considering they are an endangered species and we could watch them on the camera knowing swimmers were not in any danger. It’s great to know that we are providing a real level of safety to beachgoers.”

Kiama Municipal Council has also provided ongoing logistical support through its lifeguarding service.

In addition to the shark spotting, the aerial view provides lifeguards with an additional view of beach hazards, such as rips and swimmers in distress, providing a tool to support lifeguards in providing safer swimming areas.

The new and improved system will be trialled again next summer.

“With the University and the Department of Primary Industries we are in the process of developing automated shark detection algorithms that will have the capacity to send alerts to swimmers and surfers smart watches if a shark is spotted,” Kye said.

“Basically, we are teaching the blimp to spot sharks on its own and giving it the ability to alert beachgoers in real time.”



Aerial shot taken from the blimp this summer

Andrew Mole, Lifeguard Coordinator - Kiama Municipal Council Ocean Lifeguard Service

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Lifeguard Recruitment

Kiama Council had approximately 35 applications for casual Ocean Lifeguard positions. Physical testing and interviews was held over two recruitment sessions, with 26 people offered casual Ocean Lifeguards positions for the lifeguard season, with the majority of causal Ocean Lifeguards working across the 6 week Christmas period.

Summary of the season at Surf Beach 25 September -30 April 2018

The Statistics for Surf Beach include both the shoulder and peak season periods, shoulder season is from the start of the season through to the start of the peak summer period, 25 September 2017 to 15 December 2017 and from the end of the peak summer period 29 January 2018 to 30 April 2018.

Andrew Mole, Lifeguard Coordinator - Kiama Municipal Council Ocean Lifeguard Service

Kiama Municipal Council Ocean Lifeguard Service Annual Report **2017/2018**

2017/2018 Surf Beach Ocean Lifeguard Statistics

Month	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	PAS	PAC	B&R Regs
Sept/Oct	3845	7505	11350	0	0	0	175	64	75
November	3075	5765	8840	3	15	1	172	73	73
December	8645	13890	22535	5	16	1	283	74	94
January	7677	10408	18085	14	10	0	158	45	63
February	3205	5270	8475	7	4	4	277	116	49
March	2957	4900	7857	0	15	0	162	97	58
April	4175	5291	9466	4	11	1	82	55	47
Totals	33579	53029	86608	33	71	7	1309	524	459

PAS = Preventative Actions Swimmers, PAC = Preventative Actions Craft, B&R Regs = Beach & Reserve Regulations

2016/2017 Surf Beach Ocean Lifeguard Statistics(Comparison)

Month	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
September	755	1160	1915	0	0	0	50	22	16
October	2890	4728	7618	0	0	0	198	77	59
November	2626	4027	6653	1	12	0	131	63	70
December	6809	8905	15714	11	9	0	250	78	69
January	12590	17733	30323	9	34	4	110	50	48
February	3552	5847	9399	3	3	1	261	59	46
March	1820	2773	4593	1	1	1	110	61	48
April	2380	4955	7335	4	3	0	206	71	154
Totals	33422	50128	83550	29	62	6	1316	481	510

Andrew Mole, Lifeguard Coordinator - Kiama Municipal Council Ocean Lifeguard Service

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This season we saw an increase in the total attendances, rescues, first aid incidents and preventative actions for swimmers. To supplement Lifeguard services at Surf Beach this season, Project Airship rolled out another successful season and in addition the DPI ran a Smart drumline trail off Surf Beach. The VRG listening station was activated twice during the season alerting Lifeguards of tagged sharks within the vicinity of both Surf Beach and Kendalls. Surf Beach was closed on numerous occasions throughout the season due to shark activity and dangerous seas.

Below is a list of incidents that occurred during the shoulder and peak season periods at Surf Beach.

- 3 November 2017 Lifeguards at Surf Beach received a call from 13 Surf regarding two members of public who were caught in a rip at Gerroa Beach. Kiama 1 (Lifeguard Coordinator) immediately responded via 4WD and proceeded to the location. Upon arrival Kiama 1 witnessed the air ambulance hovering near Berry Beach and approximately 1km out to sea. Once on scene Kiama 1 paddled out to the gentleman in difficulty. Kiama 1 then brought the elderly gentleman back to shore before returning for the younger gentleman and assisted him back to shore. Special thanks must be given to the local Surfer who paddled out to the gentleman prior to Kiama 1 arriving, his quick actions prevented a potential drowning and by giving the patients his board the two gentleman were able to float and remain calm. Once on shore both patients were assessed by the NSWAS (New South Wales Ambulance Service) and were later released from Shoalhaven hospital.
- 1 December 2017 a member of public was treated for a suspected dislocated shoulder, emergency services were called and the patient was transported to Shellharbour hospital for further treatment.
- 27 December 2017 member of public was treated for a suspected fractured ankle. Patient sustained the injury after falling badly in a hole whilst running into the surf. Lifeguards on duty treated the patient on scene and handed the patient over to the ambulance service who then transported the patient to Shellharbour hospital for further treatment.
- On the same day Lifeguards were called to the Blow hole to assist in a search for two missing spear fisherman. Search was later found to be a false alarm and the search was called off.
- During the peak season Lifeguards saw an increase in shark activity due to large bait balls that were frequented the bays between both Surf Beach and Kendalls. Easts Beach, Surf Beach and Kendalls Beach were closed on numerous occasions during the peak season. Lifeguards were called upon to assist in a search for a shark at Easts beach on the 9 January and Kendalls beach on 12 January, on both of these occasions the beaches were closed for 1-hour periods. Surf Beach was closed on two separate occasions on 23 January due to two confirmed sightings and on the 24 January Surf beach was closed again due to a confirmed shark sighting, this time

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both the Blimp and Jet Ski confirmed the sighting. On the 25 January the beach was closed all day due to Shark activity, the Council Jet ski carried out patrols throughout the day ensuring swimmers didn't enter the water.

- 12 February 2018 Kiama 2 (Jet Ski) was deployed to Cathedral Rocks to assist in a search and rescue for a member of public who had fallen off the rocks. On arrival the patient was seen clinging to a life ring which his friend had thrown to him. Kiama 2 rescued the patient and transported him back to North Bombo beach where the NSWAS and NSWPF were waiting. Patient was assessed by the paramedics on scene and was later given the all clear to go.
- On the 14 February a surfer sustained a broken leg whilst surfing. Lifeguards treated the patient on scene and released the patient to the NSWAS.
- On the 15 February Lifeguards treated a member of public for a suspected shark bite. Lifeguards noticed the patient was holding onto his foot, Lifeguards immediately closed the beach and transported the patient to the tower. Lifeguards applied first aid and notified emergency services. NSWAS arrived on scene and the patient was transported to Shellharbour hospital. The Member of public was later released from hospital with what appeared to be minor puncture wounds sustained from either a Bull or Grey Nurse shark. Surf Beach remained closed for 24 Hour period.
- 2 March 2018 Kiama 2 responded to an overturned boat at Minnamurra Headland, Lifeguards were told to stand down has the NSW Water Police were already on scene.
- 20 March Beach closed due to a confirmed shark sighting, Kiama 2 was launched to search for the shark and the remained closed for the remainder of the day.
- 13 April 2018 member of public was treated for a suspected snake bite; patient was able to confirm the snake species (Red Belly). Lifeguards applied first aid and notified emergency services. Patient was transported to Shellharbour Hospital and was later released.

Summary of the season at Bombo Beach 16 December 2017 -29 January 2018

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Bombo	13399	19491	32890	17	14	4	309	153	144

Bombo Beach 17 December 2016 - 29 January 2017(Comparison)

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Bombo	12294	19840	30075	17	22	1	314	148	229

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Bombo Beach was once again a popular beach with our local residents and tourists. Bombo again hosted the World Pro Junior, the event was beamed around the globe on the WSL website. This event was a great success and the Council Lifeguard Service once again had the pleasure of providing water safety for the duration of the contest. This year the event ran smoothly and it did not have any impact on the beach statistics. There was a slight increase in the total attendances and rescues remained the same as the previous year. South Bombo still remains a concern for Lifeguards on duty during both the peak and shoulder seasons. This season numerous rescues have been carried out at this location and they have mostly been carried out by surfers or local residents. Lifeguard resources are stretched during peak periods when conditions are dangerous. Lifeguards will spend a large portion of their day carrying out preventative actions at this location i.e. removing people from rips or areas of high risk. This location is mainly used by tourists who have little or no surf sense, this is a real concern because that part of the beach is extremely dangerous.



Below is a list of incidents that occurred during the shoulder and peak season periods at Bombo Beach.

- 30 December 2017 member of public sustained a neck injury whilst body surfing in the flags, Lifeguards treated patient for a suspected spinal injury. Emergency services were contacted and the patient was released to the ambulance service and patient was transported to Wollongong hospital for further examination.
- 31 December 2017 a surfer competing in the world pro-junior was seen by Lifeguards stumbling out of the surf. The competitor complained about severe mid back pain, Lifeguards immediately suspected a spinal injury and treated patient accordingly. Emergency services were called and the patient was then assessed by the ambulance crew and transported to Shellharbour hospital for further examination.
- 10 January 2018 members of public alerted Lifeguards on duty of a bike accident on the track adjacent to the railway track. Lifeguards found a semi-conscious 9-year-old boy face down on the ground. Lifeguards treated patient for a suspected spinal injury and concussion. Emergency services were notified and the Lifeguards assisted paramedics with spinal management. Patient was transported to Shellharbour Hospital for further treatment.

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- 14 January 2018 Lifeguards on duty witnessed a boat overturn in large seas off the southern headland approximately 1km offshore. At the time of the incident Bombo beach was closed due to extremely dangerous surf conditions. Lifeguards immediately launched Kiama 2 and responded to the incident, Lifeguards found the search for the vessel very difficult due to limited visibility, wind and large swells. Lifeguards were able to find the two occupants after 20 minutes of searching; occupants were found clinging to their vessel. This rescue was extremely challenging for all parties involved and the Lifeguards on duty that day showed great skill and bravery in their efforts.
- 26 January 2018 surfer sustained a bad laceration to his head. Lifeguards were notified by a family member and immediately responded on the quad bike. Lifeguard on duty administered first aid and advised patient to seek medical attention as the wound required stitches.
- 11 February 2018 Two Kiama Students performed a rescue at the southern end of Bombo beach. Three family members were rescued, Ambulance service were on scene and assessed the family. The two students that day showed great bravery and executed an excellent rescue.

Summary of the season at Jones Beach 18 December 2017 -29 January 2018

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Jones	4923	8975	13898	6	12	1	133	38	83

Jones Beach 17 December 2016 -26 January 2017 (Comparison)

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Jones	7254	9635	16889	1	7	0	106	48	85

Jones Beach total attendance statistics were down on the previous year, however there was an increase in rescues, first aid, preventative actions and Beach and reserve regulations. Jones beach was closed during January on numerous occasions due to dangerous conditions and once for a confirmed shark sighting.

Below is a list of incidents that occurred during the shoulder and peak season periods at Jones Beach.

- 18 January 2018 two members of public were rescued at the northern end of the beach adjacent to the car park, beach was closed at the time due to dangerous conditions. Both Lifeguards immediately responded, one of the patients became very distressed due to the size of the surf and would not listen to the direction of the Lifeguard that was rescuing him. The second Lifeguard then decided to remain with both the patients whilst the other Lifeguard returned to shore and launched the Surf Club Jet ski to perform the rescue. Both patients were safely returned to shore by the Jet Ski, the Lifeguards later found out that the youngest victim had a learning

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disability which was evident in the way the rescue became difficult to execute. The Lifeguards on duty that day showed experience beyond their youth and carried out a well-executed rescue in challenging surf conditions.

Summary of the season at Kendalls Beach 16 December 2017 -29 January 2018

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Kendalls	13353	21761	35754	7	59	2	439	110	124

Kendalls Beach 17 December 2016 -26 January 2017 (Comparison)

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Kendalls	16271	24260	41001	4	38	3	186	65	173

Kendalls Beach statistics were slightly down on the previous year; this was mainly due to the dangerous surf conditions we experienced during this period. Lifeguards were forced to close the beach on several occasions, during this period there was an increase in rescues. In addition, first aid and preventative actions were up on the previous season. During mid-January there were several beach closures due to shark sighting and large bait balls.

Below is a list of further incidents that occurred during the peak season.

- 17 December 2017 Member of public dislocated their shoulder whilst swimming, Lifeguards administered first aid. Emergency services were notified and the patient was transported to Shell harbour hospital for further treatment.
- 6 January 2018 Beach closed for the day after confirmed shark sightings, DPI (Department of Primary Industries) helicopter spotted numerous sharks swimming amongst a large bait ball off the shoreline. Kiama 2 carried out water surveillance throughout the day.
- 11 January 2018 member of public sustained a suspected knee dislocation, Lifeguards administered first aid and called Emergency Services. Patient was treated by Paramedics and transported to Shellharbour Hospital.
- 12 January 2018 two divers approached Lifeguards and informed them that they had seen two sharks whilst spearfishing off North Kendalls Reef. Lifeguards closed the beach and Kiama 2 carried out a search of the area. Beach remained closed for 1 hour before re-opening again.
- 13 January 2018 Beach closed all day due to several shark sighting.
- 16 January 2018 member of public was seen by Lifeguards waving his arms near the rocks, off South Kendalls point. At the time of the incident the beach was closed due

Andrew Mole, Lifeguard Coordinator - Kiama Municipal Council Ocean Lifeguard Service

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to dangerous conditions. A rookie Lifeguard on duty that day showed amazing courage and immediately responded by paddling out to the patient. The patient was visually distressed when the Lifeguard arrived. The gentleman had sustained serious wounds to his entire body due to him being washed up and down the rocks. The Lifeguard on duty paddled the patient back to shore negotiating a large shore break in the process. Once on shore Kiama 1, the NSWAS were on scene to administer First aid treatment. The patient was then transported to Shellharbour hospital for further treatment.

- 17 January 2018 Member of public sustained a broken collar bone whilst bodysurfing, Lifeguards administered first aid. NSWAS were notified and patient was transported to Shellharbour hospital.

Summary of the season at Easts Beach 16 December 2017 -29 January 2018

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Easts	24331	32949	57280	6	15	2	211	67	125

Easts Beach 16 December 2016 -26 January 2017 (Comparison)

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Easts	28269	36763	65032	3	34	1	137	53	177

Total attendance was down on the previous year however rescues and preventative actions were up, this was mainly due to rough surf conditions we experienced during mid-January. Below is a list of incidents that occurred during the peak season period at East Beach.

- 28 December 2018 fight broke out on the beach reserve, two sets of family members became involved in an altercation. Lifeguards notified park managers and rang emergency services. NSWPF arrived shortly after and defused the situation.
- 9 January 2018 two members of public reported sighting a shark whilst snorkelling off the northern headland, Lifeguards closed the beach and Kiama 2 was notified shortly after, Kiama 2 investigated but no shark was found. Beach was reopened one hour later.
- 14 January 2018 member of public reported sighting a shark whilst walking along the southern headland, Lifeguards closed the beach and Kiama 2 investigated but no shark was found. Beach was re-opened one hour later.

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Kiama Municipal Council Ocean Lifeguard Service Annual Report **2017/2018**

Summary of the season at Werri Beach 2017/2018 Season

Statistics were slightly down on the previous season, however we did see a decrease in rescues and increase in Preventative actions.

Kiama council Lifeguard Service Werri Beach NSW School Holidays 2017-2018 Season

Holidays	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	PAS	PAC	B&R Regs
Third Term	1685	2460	4145	1	10	0	32	17	18
Fourth term	5895	10869	16764	9	6	0	237	89	84
First Term	1860	2155	4015	1	4	1	67	24	15
Totals	9440	15484	24924	11	20	1	336	130	117

PAS = Preventative Actions Swimmers, PAC = Preventative Actions Craft, B&R Regs = Beach & Reserve Regulations

Kiama council Lifeguard Service Werri Beach NSW School Holiday Periods 2016-2017 Season (Comparison)

Holidays	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Swimmers	Preventative Craft	Beach & Reserve Regulations
Third Term	1445	1670	3115	4	0	0	20	16	15
Fourth term	8020	11400	18620	9	20	0	202	89	97
First Term	2360	2560	4900	3	5	0	16	15	58
Totals	11825	15630	26635	16	25	0	238	120	170

Below is a list of further incidents that occurred during the peak season.

- 10 January 2018 a child sustained a head injury whilst bodysurfing. Lifeguards suspected a spinal injury and administered First aid treatment. Emergency services were notified and Paramedics treated and transported the patient to Shellharbour hospital for further treatment.

Andrew Mole, Lifeguard Coordinator - Kiama Municipal Council Ocean Lifeguard Service

Kiama Municipal Council Ocean Lifeguard Service Annual Report 2017/2018

Summary of the season at Gerroa Beach 16 December 2017 -29 January 2018

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Gerroa	40808	55617	96425	7	40	4	394	405	106

Gerroa Beach 16 December 2016 -29 January 2017 (Comparison)

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Gerroa	48585	71475	120060	13	55	2	246	107	245

Gerroa Beach continues to show that it is still the most popular beach in the LGA to visit. A major contributor to the high numbers seen at Gerroa is that it is the prime beach used by both the Seven Mile Beach Holiday Park and the Big Four Holiday Park. It is also popular with local residents, surf schools and recreational beach craft users. There was a decrease in rescues this season however we did see a significant increase in preventative actions. Below is a list of incidents that occurred during the peak season period at Gerroa Beach.

- 3 November 2017 Lifeguards at Surf Beach received a call from 13 Surf regarding two members of public who were caught in a rip at Gerroa Beach. Kiama 1 (Lifeguard Coordinator) immediately responded via 4WD to the location. Upon arrival Kiama 1 witnessed the air ambulance hovering near Berry Beach and approximately 1km out to sea. Once on scene Kiama 1 paddled out to the gentleman in difficulty. Kiama 1 then brought the elderly gentleman back to shore before returning for the younger gentleman and assisted him back to shore. Special thanks must be given to the local Surfer who paddled out to the gentleman prior to Kiama 1 arriving, his quick actions prevented a potential drowning and by giving the patients his board the two gentleman were able to float and remain calm. Once on shore both patients were assessed by the NSWAS and were later released from Shoalhaven hospital.
- 9 January 2018 beach was closed for an hour after three surfers reported seeing a shark about 800 metres from the flags. Lifeguard cleared the water and carried out a search of the area and no shark was spotted. Lifeguards opened the beach an hour late.
- 19 January 2018 Lifeguards witnessed a Kite surfer in distress about 1Km offshore. Due to the location of the kite surfer and the strong winds at the time of the incident, the Lifeguards alerted Kiama 1 (Lifeguard Coordinator) of the incident. Kiama 1 Notified Surf Com and requested assistance from Gerringong SLSC. Gerringong SLSC then sent an inshore rescue boat to the location where they assisted the Lifeguards on scene. An extensive search was carried out, Lifeguards then lost sight of the kite surfer and the Gerringong Boat crew later found the Kite board but with no surfer attached. The Lifeguards on duty then carried out an extensive search of the beach for the surfer and they eventually found him onshore approximately in line with Shoalhaven SLSC. Lifeguards then transported the surfer back to the boat ramp to the awaiting ambulance for further assessment. No treatment was required.

Andrew Mole, Lifeguard Coordinator - Kiama Municipal Council Ocean Lifeguard Service

Kiama Municipal Council Ocean Lifeguard Service Annual Report **2017/2018**

Total Beach statistics summary for the 2017-2018 Season 25 September 2017-30 April 2018

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	PAS	PAC	B&R Regs
Surf Beach	33579	53029	86608	33	71	7	1309	524	4569
Bombo Beach	13399	19491	32890	17	14	4	309	153	144
Jones Beach	7254	9635	16889	1	17	0	106	48	85
Gerroa Beach	40508	55617	96125	7	40	1	394	405	106
East Beach	24331	32949	57280	6	15	2	211	67	125
Kendalls Beach	13353	21761	35114	7	59	2	439	110	124
Werri Beach	9440	15484	24924	11	20	0	336	130	117
Totals	141864	207966	349830	82	236	16	3104	1437	5270

PAS = Preventative Actions Swimmers, PAC = Preventative Actions Craft, B&R Regs = Beach & Reserve Regulations

Total beach statistics summary for the 2016/2017 Season (Comparison)

Kiama council Lifeguard Service Season Stats 26 September-24 April 2017

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	PAS	PAC	B&R Regs
Surf Beach	33422	50128	83550	29	62	6	1316	481	510
Bombo Beach	12294	19840	32134	17	22	1	314	148	229
Jones Beach	7254	9635	16889	1	17	0	106	48	85
Gerroa Beach	48585	71475	120060	13	55	2	246	107	245
East Beach	28269	36763	65032	3	34	1	137	53	177
Kendalls Beach	16271	24260	40531	4	38	3	186	65	173
Werri Beach	11825	15630	27455	16	25	0	238	120	170
Totals	157920	227731	385651	83	253	13	2543	1022	1589

PAS = Preventative Actions Swimmers, PAC = Preventative Actions Craft, B&R Regs = Beach & Reserve Regulations

Andrew Mole, Lifeguard Coordinator - Kiama Municipal Council Ocean Lifeguard Service

14.3 Parking Statistics - June 2018Responsible Director: Environmental Services

CBD Parking

Parking patrols conducted 34 specific – 30 general area

Infringements issued – 62

Vehicle spaces inspected – 1643

Railway Parade 2P – 2 patrols

Terralong Street 1P – 3 patrols

Terralong Street 2P – 3 patrols

Terralong Street 1/2P – 4 patrols

Collins Street 2P – 2 patrols

Surf Beach 2P – 2 patrols

Manning Street (south) 2P – 1 patrol

Manning Street (top shops) 1/2P – 4 patrols

Manning Street 2P – 1 patrol

Fern Street (east) 1/2P – 3 patrols

Fern Street (east) 1P – 3 patrols

Fern Street (west) 1/2P – 3 patrols

Fern Street (west) 1P – 3 patrols

School Zone Patrols

Minnamurra Public – 1 patrol – Nil

Kiama High – 7 patrols – 6 penalty notices

St Peter and Paul – 2 patrols – Nil

Jamberoo Public – 1 patrol – Nil

Gerringong Public – 1 patrol – Nil

Reactive Issues

Bonaira and William Streets - construction site – 2 penalty notices

Merrick Circuit - construction site – 8 penalty notices

No Stopping Garden Avenue Waste Service complaint – 1 caution

No Stopping – 4 penalty notices

Path/Strip – 4 penalty notices

Path/Strip – Woolworths – 1 penalty notice

Bus Zone – 1 penalty notice

Total amount of infringements issued = \$ 10,051

Specific patrols for July will be for locations nominated above.

14.4 Minutes: Country Mayors' Association meeting held on 1 June 2018

Responsible Director: Office of the General Manager

The minutes of the Country Mayors' Association meeting held on 1 June 2018 are attached for Councillors' information.

Attachments

- 1 Country Mayors' Association - Minutes - 1 June 2018 [↓](#)



Country Mayors Association of NEW SOUTH WALES

Chairperson: Cr Katrina Humphries
PO Box 420 Moree NSW 2400
02 6757 3222
ABN 92 803 490 533

MINUTES

GENERAL MEETING

FRIDAY, 1 JUNE 2018 PRESTON STANLEY ROOM, PARLIAMENT HOUSE, SYDNEY

The meeting opened at 9.02am.

1. ATTENDANCE:

Albury City Council, Cr Kevin Mack, Mayor
Albury City Council, Mr Brad Ferris, Acting General Manager
Bega Valley Shire Council, Cr Kristy Mc Bain, Mayor
Bellingen Shire Council, Cr Dominic King, Mayor
Bland Shire Council, Cr Tony Lord, Mayor
Bland Shire Council, Mr Ray Smith, General Manager
Blayney Shire Council, Cr Scott Ferguson, Mayor
Blayney Shire Council, Ms Rebecca Ryan, General Manager
Broken Hill City Council, Cr Marion Browne, Deputy Mayor
Broken Hill City Council, Mr James Roncon, General Manager
Cabonne Council, Cr Kevin Beatty, Mayor
Cabonne Council, Ms Coralie Nichols, General Manager
Carrathool Shire Council, Ms Joanne Treacy, General Manager
Coonamble Shire Council, Cr Michael Webb, Mayor
Cootamundra Gundagai Regional Council, Cr Abb McAlister, Mayor
Cootamundra Gundagai Regional Council, Mr Allen Dwyer, General Manager
Dubbo Regional Council, Mr Michael McMahon, Acting General Manager
Dungog Shire Council, Cr Tracy Norman, Mayor
Dungog Shire Council, Ms Coralie Nichols, General Manager
Federation Council, Cr Patrick Bourke, Mayor
Federation Council, Mr Adrian Butler, Acting General Manager
Forbes Shire Council, Cr Graeme Miller, Ma
Forbes Shire Council, Mr Steve Loane, General Manager
Gilgandra Shire Council, Cr Doug Batten, Mayor
Glen Innes Shire Council, Cr Steve Toms, Mayor

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Item 14.4

Attachment 1

Goulburn Mulwaree Council, Cr Bob Kirk, Mayor
Goulburn Mulwaree Council, Mr Warrick Bennett, General Manager
Griffith City Council, Cr John Dal Broi, Mayor
Griffith City Council, Mr Brett Stonestreet, General Manager
Gwydir Shire Council, Cr John Coulton, Mayor
Kempsey Shire Council, Cr Liz Campbell, Mayor
Kiama Municipal Council, Cr Mark Honey, Mayor
Leeton Shire Council, Cr Paul Maytom, Mayor
Leeton Shire Council, Ms Jackie Kruger, General Manager
Lockhart Shire Council, Cr Roger Schirmer, Mayor
Lockhart Shire Council, Mr Peter Veneris, General Manager
Mid Western/Mudgee Regional Council, Cr Des Kennedy, Mayor
Mid Western/Mudgee Regional Council, Mr Brad Cam, General Manager
Moree Plains Shire Council, Cr Katrina Humphries, Mayor
Murray River Council, Cr Christopher Bilkey, Mayor
Murray River Council, Mr Des Bilske, General Manager
Murrumbidgee Council, Cr Ruth McRae, Mayor
Murrumbidgee Council, Mr Craig Moffitt, General Manager
Narrabri Shire Council, Cr Catherine Redding, Mayor
Narrabri Shire Council, Mr Stewart Todd, General Manager
Narromine Shire Council, Cr Craig Davies, Mayor
Narromine Shire Council, Ms Jane Redden, General Manager
Oberon Shire Council, Cr Kathy Sajowitz, Mayor
Oberon Shire Council, Mr Garry Wallace, General Manager
Parkes Shire Council, Cr Barbara Newton, Deputy Mayor
Shoalhaven City Council, Cr Amanda Findley, Mayor
Singleton Council, Cr Sue Moore, Mayor
Singleton Council, Mr Jason Linnane, General Manager
Snowy Monaro Regional Council, Cr John Rooney, Mayor
Temora Shire Council, Cr Graham Sinclair, Deputy Mayor
Temora Shire Council, Mr Gary Lavelle, General Manager
Tenterfield Shire Council, Cr Peter Petty, Mayor
Upper Lachlan Shire Council, Cr Brian McCormack, Mayor
Upper Lachlan Shire Council, Mr Gary Woodman, Acting General Manager
Uralla Shire Council, Cr Michael Pearce, Mayor
Wagga Wagga City Council, Cr Greg Conkey, Mayor
Wagga Wagga City Council, Mr Peter Thompson, General Manager
Walcha Council, Cr Eric Noakes, Mayor
Walcha Council, Mr Jack O'Hara, General Manager
Warrumbungle Shire Council, Cr Peter Shinton, Mayor
Warrumbungle Shire Council, Mr Roger Bailey, General Manager
Yass Valley Council, Cr Rowena Abbey, Mayor
Yass Valley Council, Mr David Rowe, General Manager
Premier and Cabinet, Regional Infrastructure Coordinator, Mr Ken Gillespie

APOLOGIES:

As submitted

SPECIAL GUESTS:

Mr David Harris, CEO, Water NSW

Mr Chris Taylor, Area GM Southern NSW Telstra Customer Sales and Service

Mr David Smith, CEO, and Donna Heffernan, Deputy CEO, Local Government Super
and Richard Boyfield, Partner, Mercer

Mr Tim Hansen, Stakeholder Specialist, National Heavy Vehicle Regulator

2. ADOPTION OF MINUTES OF PREVIOUS MEETING:

The minutes need to be amended to include the attendance of Cr Reg Kidd, Mayor
of Orange

RESOLVED that the minutes of the General Meeting held on 2 March 2018 as
amended be accepted as a true and accurate record (Singleton Council / Tenterfield
Shire Council).

3. Matters Arising from the Minutes

NIL

4. Membership

RESOLVED That Cootamundra-Gundagai Regional Council and Kyogle Council be
admitted as members of the Association (Forbes Shire Council/Tenterfield Shire
Council)

5. CORRESPONDENCE

Outward

- (a) Cr Tracey Norman, Mayor, Dungog Shire Council, advising that Dungog
Shire Council has been admitted as a member of the Association
- (b) Cr Rex Wilson, Mayor, Warren Shire Council, advising that Warren Shire
Council has been admitted as a member of the Association
- (c) The Hon Gladys Berejiklian MP, Premier, requesting a separate Ministry of
Local Government with only Local Government functions
- (d) The Hon John Barilaro MP, Deputy Premier, Minister for Regional NSW,
Minister for Skills and Minister for Small Business, asking for grant funding
protocols that lead to outcomes in line with councils needs and expectations
- (e) The Hon Gladys Berejiklian MP, Premier, asking for grant funding protocols
that lead to outcomes in line with councils needs and expectations
- (f) Deputy Police Commissioner, Gary Worboys, Regional NSW Field
Operations, thanking him for his presentation to the 2 March 2018 meeting
- (g) The Hon Peter Primrose MLC, Shadow Minister for Local Government,
thanking him for his presentation to the 2 March 2018 meeting
- (h) Dr Robert Lang, NSW Local Government Remuneration Tribunal,
highlighting the inequities in remuneration for mayors and Councilors in
NSW

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- (i) Ms Lindsay cane, Royal Far West, thanking her for her presentation to the 2 March 2018 meeting
- (j) Ms Linda Daetwyler, acting Consul General, US Consul General, thanking her for her presentation to the 2 March 2018 meeting
- (k) Draft NSW Freight and Ports Plan, transport for NSW, supporting the Port of Newcastle as a container terminal

Inward

- (a) Hon Gladys Berejiklian MP, Premier, Re Local Government Portfolio (Copy Attached)
- (b) Lindsay Cane, Royal Far West, thanking the Association for the opportunity to present at the March meeting
- (c) Cr Linda Scott, President, LGNSW, providing an update on LGNSW Conference resolutions (Copy Attached)

Inward

NOTED

6. FINANCIAL REPORT

RESOLVED That the financial reports for the last quarter were tabled and accepted (Moree Plains Shire Council / Uralla Shire Council)

7. Lowering of speed limit to 40kmh around emergency incidents

Noted. This legislation has already been introduced

8. Recycling Crisis

RESOLVED (a) That the Association write to the Minister for the Environment and the EPA expressing concerns regarding Councils being steered to funding from streams that are already allocated to projects rather than the waste levy new funding opportunities

(b) That the Association seek urgent clarification of the definition of "recycle" and "recyclate" when the product is meeting the criteria for Container Deposit Funds to be refunded back to councils to use on projects clearly defined as sorting or re-use projects for products (Singleton Council/Shoalhaven City Council)

RESOLVED That the Association accept Tenterfields offer to have their Chief Executive present a paper on converting waste to energy at the next NSW Country Mayors meeting (Tenterfield Shire Council/Glen Innes Severn Council)

9. Mr David Harris, CEO, Water NSW

NSW Water is the largest water supplier in Australia. It owns 42 dams and 300+ weirs and delivers water from 33 major dams. It has a statutory function to develop water infrastructure. Functions of NSW Water include source water protection, bulk water supply, system operations, bulk water infrastructure, customer transactions and information services. The 2018-2021 Strategic Plan for 800 staff goals are Our People and Safety, Our Business, Our Performance and Our Relationships. There are 8 Strategic Priorities - customer survey outcomes, not all customers are the same, customers want more choice, customers value technology and mobility, value

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for money is important and customers are not clear about Water NSW's role and brand. Water NSW works with customers such as Local Government. In respect of Local Government collaboration on joint infrastructure projects has been undertaken in the Broken Hill area, the Tamworth area and the North Coast area

10. Mr Chris Taylor, Area General Manager, Southern NSW Telstra Customer Sales and Service

There are consistent changes in Regional NSW connectivity. Network investment drives inflows when faced with unprecedented demand for the network and a world of opportunity. Telstras network is a fixed network with 875 exchanges and a wireless network with 226 mobile sites. A mobile blackspot program is being undertaken by Telstra to boost the number of Telstra locations to 650 sites nationally representing an investment of \$260 million. Telstra are proposing co-contribution for satellite small cells that gives e-mail, basic data, and voice calls and text with a compatible device in areas where it is difficult to do so.

11. Mr David Smith, CEO, Donna Heffernan, Deputy CEO, Local Government Super and Richard Boyfield, Partner, Mercer

The reason for the additional contributions is that the fund has had to recover from losses imposed by the Global Financial Crisis. The fund has had to meet APRA's minimum funding requirements by 2019. There is a need to balance employers capacity to fund additional contributions. Current investment is 70% growth assets and 30% defensive assets. This needs to be turned around to 30% growth assets and 70% growth assets. APRA's standards require assets of the fund to meet the liabilities of the fund. The fund trustee may require the employer to pay additional contributions under the Trust Agreement. Currently the funding position needs to improve. Prior to the Global Financial Crisis there was a funding holiday where employers paid less which exacerbated the position after the Global Financial Crisis.

RESOLVED That the Association write to LGNSW and request that a skilled based Board be elected to Local Government Super (Goulburn Mulwaree Council/Gilgandra Shire Council)

RESOLVED That the Association write to Local Government Super requesting that once the assets exceed liabilities in 2019 that the additional contributions cease (Goulburn Mulwaree Council/ Gilgandra Shire Council)

12 Mr Tim Hansen, Stakeholder Specialist, National Heavy Vehicle Regulator and Reuben John RMS

NHVR is engaging with stakeholders to promote productivity and safety. The approach is strategic, tactical, information and responsive and NHRV is continually using feedback from industry and councils. For customers they prepare, lodge, and track permit applications on line, respond to consent requests and review decisions, and manage all permit actions on one platform. Heavy Vehicle Access Permits can be issued by Councils or NHVR. The National Harmonisation Project objectives are

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to reduce red tape, better heavy vehicle compliance, improved road safety for all road users, improved sustainability of road network, reduced environmental impacts and productivity gains

RESOLVED That the NHVR be requested to work with councils and the RMS to harmonise the Volumetric Livestock Loading Scheme to match Queensland and treat livestock as a specific freight recognizing the animal welfare requirements (Forbes Shire Council/Tenterfield Shire Council)

13 Low Rise Medium Density Housing Code

RESOLVED That the Country Mayors' Association write to the Minister of Planning & Environment requesting for regional and country councils who apply to the Minister, an amnesty from the new Low Rise Medium Density Housing Code for a minimum of 2 years until such time as councils have had the opportunity to engage with their communities and make required changes to Local Environmental Plans (Kiama Municipal Council/Albury City Council)

14 Applying Clause 26 Of the CMA Constitution

A motion was moved that, in accordance with Clause 26 of the Country Mayors Association of NSW Constitution, the Association allow nominations from the current Chairperson, Vice Chairperson or Secretary should they wish to nominate for the 2018/19 term of office (Narrabri Shire Council/Gilgandra Shire Council)

The Chairperson Cr Katrina Humphries vacated the Chair for discussion on this item. Cr Paul Maytom, Mayor, Leeton Shire a non Executive member was asked to Chair discussion of this item. The Chairperson Cr Katrina Humphries and Cr Michael Pearce, Mayor, Uralla Shire Council left the meeting room.

Discussion on the matter related to all members not been given advanced notice of the motion, to not having been given background information and as to whether the extension of the term of the offices was in accordance with the Constitution.

THE MOTION WAS LOST

The Chairperson Cr Katrina Humphries returned to the meeting and resumed her role as Chairperson

There being no further business the meeting closed at 12.48pm.

Cr Katrina Humphries
Chair – Country Mayor's Association of NSW

14.5 Question for future meeting: Free camping in the Local Government AreaResponsible Director: Environmental Services

At its meeting held on 26 June 2018, Councillor Westhoff requested a report on designated free camping areas/zones in the Kiama Local Government Area. Are there any, and if there are, where are they and are there any restrictions. Is there signage and are there any amenities nearby to these areas?

The only authorised short term free camping area in the LGA is Kevin Walsh Oval at Jamberoo.

Kevin Walsh Oval has been used for short stay camping for some years. An RV grey and black water disposal point located at the site makes it ideal for overnight stays and with the recently constructed new amenities at the nearby Jamberoo pool the utilisation of this area could become more popular than it already is.

There are restrictions on the use of the site for short stay camping which includes a 2 day limit, no tent camping, no littering and no fires. There are also restrictions on the areas within the reserve that short stay RV camping is allowed.

The intended capacity of the area has been significantly exceeded at times, largely as a result of the site being included in social media platforms as a free campsite. To provide an indication of the popularity of the site, the visitor vehicle register for the period 13 March to 4 May 2018 recorded 293 vehicles associated with short stay camping.

The increased use of the site and the behaviour of campers has resulted in complaints from residents and other users of the Jamberoo Parklands area including from the sporting clubs. Some of the complaints that have required the rangers to attend to include:

- tents have been erected;
- camping has extended into non-designated areas contrary to signage;
- using the garden areas as toilets;
- antisocial behaviour including consumption of alcohol;
- illegal dumping of rubbish;
- vandalism of public amenities.

To help manage the capacity and use of the area and to assist the Ranger Service in legal enforcement of the short stay RV camping area, new enforcement signage, lighting and vehicle barrier bollards have recently been installed. The Ranger Service continues to patrol, educate and enforce Council regulation at the site on a regular basis and maintains a register of visitor vehicle numbers so frequency and visitor turnaround can be monitored. Whilst an out of hours Ranger presence at the site is not considered necessary at the moment based on the register statistics, the anticipated swelling of numbers over the summer period may require consideration of an increased Ranger presence.

14.6 Ken Donnellan writing competitionResponsible Director: Corporate, Commercial & Community Services

Nearly 60 entries were received from local schools for the inaugural Ken Donnellan Local History Writing Competition. The presentation held in June saw 12 students receive awards for their creative writing pieces. Students were asked to imagine they were a World War 1 soldier in the trenches and were keeping a diary of their daily activities.

The competition held as a tribute to Library staff member Ken Donnellan and in recognition of the contribution he made to the local community by researching the WW1 soldiers listed on the Gerringong War Memorial. Ken's book, *The Names on the Wall* was published posthumously in 2017 by the library. Each school in the LGA were presented with a copy of the book which was used by many students as starting point for their research for the writing competition.

The school and local community were very supportive of the competition and all were impressed by the detailed research and standard of writing evident in their stories.

14.7 Clause 4.6 Variations to LEP Development Standards

Responsible Director: Environmental Services

Attached for information is a table listing all clause 4.6 variations for April, May and June 2018.

Attachments

- 1 4.6 Variation Table - April, May and June [↓](#)

Variations to Development Standards – April/May/June 2018 Reporting Period

Council DA reference number	Street No	Street name	Suburb/Town	Category of development	Zoning of land	Development standard to be varied	Extent of variation	Date DA determined	Approved by Council or Delegation
10.2017.363.1	141	Attunga Ave	Kiama Heights	Dual Occupancy	R2 – Low Density Residential	Minimum subdivision Lot size Clause 4.1 Height of Building Clause 4.3 Floor Space Ratio Clause 4.4	34% 2% 1.8%	15/05/2018	Council
10.2018.11.1	27	Surfleet PI	Kiama	Dual Occupancy	R2 – Low Density Residential	Minimum Lot size Clause 4.1	35.4%	15/05/2018	Council
10.2017.300.1	4	Sanctuary PI	Minnamurra	Dual Occupancy & Subdivision	R2 – Low Density Residential	Minimum Subdivision Lot Size Clause 4.1	14.3% 18.5%	17/04/2018	Council
10.2017.253.1	17	Fadden St	Kiama	Dual Occupancy & Subdivision	R2 – Low Density Residential	Minimum Subdivision Lot Size Clause 4.1	16.6% 24.4%	15/05/2018	Council
10.2018.38	36E	Willawa Ave	Gerringong	New Dwelling	R2 – Low Density Residential	Floor Space Ratio Clause 4.4	2.24%	06/06/2018	Delegation

14.8 Minutes: Minnamurra Progress Association meeting held on 5 July 2018

Responsible Director: Office of the General Manager

The minutes of the Minnamurra Progress Association Annual General Meeting and General Meeting held on 1 June 2018 are attached for Councillors' information.

Attachments

- 1 Minnamurra Progress Association Annual General Meeting Minutes - 03/07/18 [↓](#)
- 2 Minnamurra Progress Association General Meeting Minutes - 03/07/18 [↓](#)

Minnamurra Progress Association
Minutes of Annual General Meeting 3 July 2018
Held at the Progress Hall, Charles Avenue, Minnamurra

Present: 15

President Cliff Mason	Carl Ellefsen	Glenda Foster
Nellie Delhaas	Wayde Siemsen	Rae McClymont
Graeme Collinson-Smith	Ian Dodsworth	Bruce Cole
Ray Smith	Jeremy Martens	Peter Mason
Aapo Skorulis	Guests: Mayor, Mark Honey	Councilor Mark Way

Apologies:

Barry Mahoney, Robert & Janice Westley, Bob & Noelene Sinclair, Arthur & Robyn Smithers, Del Draxl, Alma Ellefsen, Cheryl Collinson-Smith, Morrie Veness

The President opened the meeting at 7.20pm, welcomed everyone to the meeting especially Kiama Council Mayor, Mark Honey and Councilor Mark Way. Apologies were accepted.

.Minutes:

The Minutes of the previous Annual General Meeting held on 4 July 2017 were accepted unanimously. [Prop: Wayde Siemson; Sec: Carl Ellefsen]

Annual Report:

The report for the 2017-18 year previously distributed by the President was taken as read and accepted unanimously. [Prop: Ian Dodsworth; Sec: Glenda Foster]

Treasurer's Annual Report:

It showed that the opening balance at 1st July 2017 was \$1,104.49 + \$1,100.00 term deposit. Balance as at 30th June 2018 was \$1,147.54 plus \$1,100.00 term deposit making total \$2,247.54.

income exceeded expenditure for the year by \$43.05.

President Cliff thanked the outgoing Treasurer, Carl Ellefsen for his excellent service. The financial report was adopted unanimously. [Prop: Jeremy Martens; Sec: Glenda Foster]

Election of Office Bearers:

Mayor Honey assumed the Chair from President Cliff and declared all positions vacant. He called for nominations for the position of President.

Cliff Mason, was re-appointed by unanimous approval. [Prop: Ray Smith; Sec: Nellie Delhaas].
Cliff resumed the Chair from Mark for the election of the remaining positions.

Vice President: Graeme Collinson-Smith was re-appointed to the post. [Prop: Rae McClymont;
Sec: Wayde Siemsen]

Secretary & Public Officer: Barry Mahoney is unable to continue as Secretary and Public Officer. No one
at the meeting was prepared to accept the position. Jeremy Martens has offered to help on an ad-hoc
basis. **The positions remain open.**

Treasurer: Carl Ellefsen is moving out of Minnamurra this month and so has reluctantly
relinquished this role. The meeting was pleased to appoint Aapo Skorulis as Treasurer, after he
volunteered his services, and be authorized to sign bank documents, including cheques, on
behalf of the Minnamurra Progress Association. [Prop: Carl Ellefson; Sec: Cliff Mason]

Additional Members on the Committee: Ian Dodsworth, Rae McClymont, Ray Smith, Glenda Foster and
Nellie Delhaas.

The Annual General Meeting Closed at 7:45 p.m.

Minnamurra Progress Association Inc.

Minutes of Meeting on 3rd July 2018

Present: 15

President Cliff Mason [C.M.] Bruce Cole [B.C.] Graeme Collinson-Smith [G.C-S.]

Carl Ellefson [C.E.] Peter Mason (P.M.) Wayde Siemsen [W.S.]

Rae McClymont [R.M.] Ray Smith [R.S.] Nellie Delhaas (N.D.)

Jeremy Martens [J.M.] Aapo Skorulis (A.S.) Ian Dodsworth [I.D.]

Glenda Foster [G.F.]

Guests: KMC Mayor, Mark Honey (M.H.) Councillor Mark Way [M.W.]

President Cliff re-opened the General Meeting after closing the AGM at 7:45pm

Apologies: Barry Mahoney, Robert & Janice Westley, Bob & Noelene Sinclair, Arthur & Robyn Smithers, Del Draxl, Alma Ellefson, Cheryl Collinson-Smith, Morrie Veness

[Moved R.S./C.E. unanimously. accepted]

Minutes of 5/6/2018 Meeting: Unanimously accepted [Prop. J.M. Sec. I.D.]

Business Arising from Minutes:

1. President Cliff noted thanks to K.M.C. for the clean-up and clearing work in the footpath garden at the rear of Minnamurra Public School. It was suggested that smaller shrubs rather than large Banksia's would be better along there as the trees get disfigured when near the power lines. Mark Honey and Mark Way noted this suggestion.
2. Letter sent to KMC re the Draft 2018/19 Operational Plan following discussion at the June meeting. Outcomes of our submission covered in General Business below.

Correspondence:

1. Letter sent to KMC re the Draft 2018/19 Operational Plan.
2. Email reply from Engineering Director, Gino Balsito, was forwarded to Progress by Councillor Way and is discussed below.

Treasurers Report: Refer Treasurers Report in AGM Minutes.

Total balance @ 30th June: \$2,247.54 (Incl Term Deposit)

General Business:

President Cliff invited the Mayor, Mark Honey to address the meeting. M.H. said that it is always a pleasure to attend Minnamurra Progress meetings due to the spirit of goodwill that exists between Council and the Association. He noted that our Association always provides constructive feedback and requests to Council and there is an excellent working relationship with our President.

Mark Honey (M.H.) gave an update on the Minnamurra River Boardwalk/Cycleway Project stating that it was about two weeks ahead of schedule. The design contractors, Cardno, planned to give Council a briefing prior to their next meeting and two weeks later, would start two public stakeholder consultations. These would include drone footage detailing the proposed route of the boardwalk and noted that much of its length could be cantilevered off the river bank. Work done with office of environment and most consulting work with govt

bodies is completed. Not sure whether there will need to environmental impact study EIS. Office of Enviro has not indicated that it is required as yet. Any public outcry may force the point and hold up works.

M.H. then addressed each of the questions (*in Italic*) initially raised in our submission:

1. *Confirm that the item on page 100 Capital Renewal Program "North Street Amenities" refers to re-construction of the Nth Street toilet block from a \$75,000 grant? Yes, it does. In fact, \$75,000 was allocated for male toilets and \$75,000 for female toilets & they'll be constructed FY 2018/19.*
2. *There are no Minnamurra roads or streets in the resealing program for 2018/19? When will our major streets (Charles Ave and Railway Ave) be resealed as they take heavy school and public bus usage and other traffic creating potholes in the northern end of Railway Ave.* M.H. noted that in this last FY, \$170,000 had been spent resealing other Minnamurra cross streets which proportionally was higher than in other areas. The two major streets have been brought forward for resealing in 2019 but each will be reviewed to see if they need to be done any earlier.
3. *There is no mention of the Minnamurra River in the whole Plan. When will projects highlighted in the 2015 Coastal Management (Estuary) Plan for Minnamurra River be funded and implemented?* State Grants have just been obtained for the Estuary Plan and details of funded projects will be released shortly. M.H. would like our Association to be actively represented on their Estuary Management Committee. It looks at erosion right up into Jamberoo valley. C.M. noted that the 2015 updated river plan could be inspected at Council & he has a copy. M.H. noted that the best example of work upstream was removal of Coral trees and replacement with native bushes to stabilise the river banks. There have been other upstream works but not a lot downstream at present. C.M. mentioned erosion of the Minnamurra Headland banks opposite the river mouth & Mark undertook to take this on notice.
4. *Referring to our May letter re a footpath from the southern end of Railway Ave along Rangoon Rd and illegal parking blocking pedestrian access.* M.H. advised that Rangers had been patrolling the street and handing out infringement notices. J.M. suggested that a footpath along the southern side of Rangoon be investigated and M.H. undertook to look at this.
5. *Need for improved car parking and drop-off arrangements at Minnamurra Railway Station (Cnr of North St & Railway Ave)?* C.E. noted the haphazard nature of parking which can be a safety issue near the school and that with increases in permanent population in Minnamurra, parking space at the station was limited. It was agreed that we really need to involve NSW Railways to make some of the rail corridor available for parking. Mark Way is meeting with Gareth Ward shortly and asked President Cliff to send him details.
6. *N.D. queried whether the southern end of the new boardwalk would connect with the pathway around Gainsborough through to Jamberoo.* M.H. confirmed that this is part of the plan.

Next Meeting:

President Cliff noted that he'd be an apology next meeting – Graeme would Chair. The Fisheries Officer from Lake Illawarra office will be the guest speaker to talk about aquatic life in Minnamurra River, so it should be an interesting meeting. N. D. offered to provide supper.

M.H. drew the raffle which was won by Bruce Cole. The Mayor thanked everyone for allowing him to participate and expressed his pleasure at the meetings constructive nature.

Farewell to Carl & Alma Ellefsen:

Carl & Alma move out of Minnamurra this month after 18 years in Progress & Carl spoke about this. They've had some grand times here and the Association has been great for social interaction. It has done some incredible things over the years with the help of Kiama Council making the life of locals much easier. He thanked everyone for their friendship and hoped he had helped in some way.

President Cliff presented Carl with a Thankyou card signed by members and a gift voucher to Minnamurra Café, which Carl really appreciated.

The meeting closed for supper at 8:45pm.

14.9 Stronger Country Communities Fund UpdateResponsible Director: Engineering and Works

Under the Stronger Country Communities Fund grant an eligibility and viability assessment has been completed for all applications and the Department of Premier and Cabinet has advised that the following projects will proceed to the next stage of assessment – community choice modelling:

1. Bombo Oval Amenities
2. Jamberoo School of Arts flood mitigation, disabled toilets upgrade and additional storage
3. Jamberoo Sports Precinct
4. Kiama Leisure Centre Splash Zone
5. Kiama Tennis Club Parking, Lighting and Shade Cover
6. Surf Beach Surf Club toilet upgrades
7. Visitor Information Centre Toilet Upgrade and Amplification

Unfortunately, the project Kiama High School Multi-Sport Development was ineligible as there was no letter of support from the landowner (Department of Education – Asset Management).

The Department will be in contact with officers from Kiama Council over the next 6 weeks with specific feedback on these projects.

Council has recently received feedback on each of the projects and is now working with the Department to finalise the grant submission.

It is envisaged that a final decision will be made by the end of August 2018.

14.10 Question for Future Meeting: Adequacy of lighting in Lockett PlaceResponsible Director: Engineering and Works

At its meeting held on 26 June 2018, Councillor Rice requested a report on the adequacy of lighting along Lockett Place to Belvedere Street, Kiama, following safety concerns of a resident. As part of this investigation, determine if the existing lighting provides sufficient illumination for the evening placement of rubbish bins to Belvedere Street.

Lockett Place is a public lane with a 5m wide road reserve (3.5m wide pavement) servicing 5 residences, with a Y-turning head at the end. The lane is approximately 55 metres long and has an existing streetlight at its intersection with Belvedere St. In accordance with Endeavour Energy asset information the existing street lighting in Belvedere St are spaced 55 – 65 metres apart, which is consistent with the standards at the time of the development of the area.

Council have investigated this matter on several occasions and it is satisfied that the existing streetlights are adequate for safe pedestrian access.

14.11 Minutes: Jamberoo Valley Ratepayers and Residents Association meeting held on 5 June 2018

Responsible Director: Office of the General Manager

The minutes of the Jamberoo Valley Ratepayers and Residents Association meeting held on 5 June 2018 are attached for Councillors' information.

Attachments

- 1 JVRRA - General Meeting minutes - 5 June 2018 [↓](#)

JAMBEROO VALLEY RATEPAYERS AND RESIDENTS ASSOCIATION Inc.

JVRRASecretary@gmail.com

PO Box 146
JAMBEROO
NSW 2533

**Minutes of the General Monthly Meeting of the JVRRA
7.30pm, Tuesday 5 June 2018 at Club Jamberoo**

Attendees

Bob Neilson, Ros Neilson, John Friedmann, Geoff Reid, Mary Lou Reid, Glenys Day, John Zimmer, Vivienne Marris, Susie Nash, Viv Boxsell, Helen Cochran, Garry Cochran, Phil Lewis, Mark Honey (Mayor), Geoff Boxsell, Cathy Law (The Bugle), Peter Brown, Narelle Day, Margaret Stephens, Max Brennan, Ray Nolan, Karen Lang (CCAG), Graham Pike, Veronica Baker, Sid Baker, Greg Harris, Marea Gardner, Andrew Waugh, Kylie Jullien, Robyn Letham.

Apologies

Roger Lyle, Julie McDonald, Rob McKinnon, Carol Dettman, Nick Dettman, Tristram Miall, Sandra Dingle, Jim Dingle, Graham Letham, Jeannie Lyall, Hazel Lewis, Ken Jeffrey, Gloria Jeffrey, Tony Day, John Booth, Ann Pike.

1. The meeting was opened at 7.30, with John Friedmann in the role of Acting Chairperson for this meeting. He welcomed members, guests and Mayor Honey.

Geoff Boxsell raised the objection that any decision to have a person acting as Chair for a particular meeting should be endorsed by the Association. He then moved that John Friedman be endorsed to act as Chair for this meeting, and the motion was carried with no further discussion.

2. Guest Speaker

Karen Lang, a Community Representative on Kiama Council's Planning Committee and the Chairperson of CCAG (Combined Communities Action Group), began with presenting information on CCAG. She described its composition and its terms of reference, and she pointed out that the representatives from each of the subcommittees that comprise CCAG (including JVRRA) should be reappointed at each AGM. She went on to outline the role CCAG has played in the presentation of Kiama Council's Draft Operational Plan, and she summarised the themes around which the Plan is organised. A copy of her presentation is [HERE](#), and the documentation of CCAG's input to the Operational Plan, to which she referred in her presentation, is [HERE](#).

3. Minutes of the previous JVRRA General Meeting of Tuesday 1 May 2018

The [Minutes](#) of the May 1 meeting as published and circulated were carried (Proposed Glenys Day, Seconded Garry Cochrane).

4. Matters arising from the previous Minutes not listed elsewhere in the Agenda

There were no matter arising.

5. Correspondence

The Secretary pointed out that there had been a good deal of significant correspondence during the past month, and that all matters of importance had been promptly circulated to members via email or regular mail at the time they cropped up.

Correspondence IN:

- Information from Council: Progress of Hyams Creek western foot bridge, availability of Draft Operational Plan, Suez Community Grants
- Guest Speaker arrangements
- Copies received of Letters to the Editor
- Motions received for JVRRRA meeting 5 June
- Safety Controls at Jamberoo Markets
- Correspondence In re retraction and apology to Jamberoo Newsagency

Correspondence OUT:

- Notices to members: Calls for agenda items, information about Draft Operational Plan, Invitation to CWA Biggest Morning Tea
- Letters to Council re infrastructure: Burra Creek Road, Off-leash dog area, cleaning of bus shelters
- Letters to NSW Minister for Planning re GVR: Original version and amended version circulated to members
- Correspondence Out re retraction and apology to Jamberoo Newsagency
- Confirmation of Guest Speaker

6. Matters Arising from the Correspondence not listed elsewhere in the Agenda

There were no matters arising.

7. Treasurer's Report

The [Financial reports](#) for this month included the regular outline of monthly expenditures, and a summary of expenses and income related to the Jamberoo Markets for three months 1 February to 30 April 2018.

The reports as published were accepted.

8. Infrastructure Sub-Committee Report

Margaret Stephens reported that Council has completed repairing pathways in Reid Park. The meeting expressed appreciation for what Council has been doing.

Re the work on Hyams Creek Bridge: Information had been sent from Council's Director Engineering and Works Gino Belsito that construction had been delayed until the steel had been delivered. Mayor Honey was pleased to report to the meeting that the steel had very recently arrived.

9. Publicity Report

Glenys Day [reported](#) that she has submitted an article about JVRRRA to Canyon News. She has also been in touch with the Kiama Independent and the Bugle with information about JVRRRA. The Independent will be publishing news of guest speakers at JVRRRA Meetings each month.

10. Motion - Garry Cochran: *This meeting supports the statement that Jamberoo is a vibrant, beautiful place in which to live, and it is very much alive. We ask Councillors and others to stop saying "Jamberoo is dying" when all indications are to the contrary. We ask JVRRA to write to Councillors to convey this meeting's sentiment and request to stop talking Jamberoo down.*

Garry Cochran spoke to this motion (his speech is [HERE](#)). It was seconded by Graham Pike. The motion was carried (16 in favour, 6 abstentions).

ACTION: Letter to be written to Councillors, and motion to be conveyed to local media.

11. Funding for Music at the Markets: Two alternative motions for debate

Discussion over these two motions was extended, with several areas of disagreement that were not resolved. The Acting Chair suggested that the unresolved issues should be discussed and clarified in another venue and could be raised again within a more general budget discussion at the next JVRRA meeting. Voting on the two motions then progressed in sequence.

a. Motion - Ken Jeffrey:

That the sum of \$1000 be earmarked for music at the Markets during 2019.

The motion was seconded by Vivienne Marris. The motion was defeated in a general vote (11 in favour, 13 against).

b. Alternative motion - JVRRA Committee:

The JVRRA Committee proposes an alternative way of funding the music at the Jamberoo Markets rather than using JVRRA funds: *That the music at the Jamberoo Markets be funded from the net surplus after expenses generated by the income from Markets with any shortfall being made up from sponsorship or grants.*

Reasons:

1. JVRRA Committee strongly supports the markets and the music on the basis that these activities together are revenue neutral to JVRRA over a 12-month period. While the Committee is more than willing to provide the necessary services (insurance, DA, payments etc) to facilitate these activities, it does not believe JVRRA members' funds should be used to financial support them as JVRRA does not have the annual income to make this sustainable.
2. Ken Jeffery is to be commended for being successful in the last few days in securing a further \$800 sponsorship for the music (from Kiama Health Destination Pharmacy). This means the music is now paid for until the end of 2018 and arrangements with musicians can now be made. This also means there is no urgency to find funding in the short term and demonstrates that sponsorship opportunities to support the music exist and should be continued to be pursued to fund the music in 2019.
3. JVRRA Treasurer has put processes in place over the last 12 months which allows accurate measurement of income and expenditure from the Markets for the first time. Based on this information, the JVRRAA Committee, in consultation

with the Markets Coordinator, has always proposed to put forward a draft 'Markets + Music' budget forecast for 2018/19 year to the July meeting for members' approval so these activities can be planned and supported for in a sustainable way for the next 12 months.

The motion was seconded by Graham Pike.

Andy Waugh proposed an amendment to the above motion, stating that any shortfall could be made up JVRRRA funds as well as by sponsorships and grants. This proposed amendment was defeated (9 in favour, 12 against).

The JVRRRA's motion as presented was carried (15 in favour, 2 against).

12. Motion: Graham Pike re enforcement of freedom camping restrictions, Jamberoo

Background to the following Notice of Motion (supplied by Graham Pike): Observers report that despite new signage and restrictions on freedom campers along Jamberoo's Hyams Creek, Reid Park, some campers are stretching or flouting the rules, resulting in human and animal excrement and litter around and on Kevin Walsh Oval. Observers also report that Kiama Council's new signage is difficult to understand, particularly as to delineation of camping and no camping areas and that there are still sometimes overstayers in the camping area and this situation will worsen in summer. It is reported that enforcement of the camping area provisions by Kiama Council's rangers are sporadic and for the most part ill-timed.

Consequently, it is moved by Graham Pike, seconded by Ann Pike, that the JVRRRA requests Kiama Council to step up its ranger patrols of the camping area and Reid Park and that patrols are made at more appropriate times, i.e. about 9 o'clock at night instead of 9am when offenders have packed up and left. Council should be advised that if this fails to deter offenders and offending practices, Council should consider allowing camping only for self-contained motorised vehicles and clarifying signage at the camping area.

Discussion on the motion:

- Mayor Honey confirmed that Council now budgets for Rangers to operate out of hours, so that patrols can indeed be made at appropriate times.
- Margaret Stephens commented that 6.00 p.m. is a critical time for campers to be setting up.
- Garry Cochrane pointed out that the social network within the camping and caravanning world tends to be savvy about warning people about the timing of ranger patrols, so it is important that patrols be staggered.
- The issue of overflow of campers onto the parking area was also mentioned.
- Some discussion ensued about the relative powers of Council Rangers and the NSW Police to issue fines for breaches occurring on Council property.
- The meeting expressed general appreciation of the changes to signage, etc., that Council has instigated so far.

The motion to write to Council expressing the current concerns was carried by very general support.

ACTION: Letter to be written to Council expressing appreciation of existing measures and confirming the need for after-hour rangers.

13. Motion: Graham Pike re Opposing New Urban Planning Legislation

Background to the following Notice of Motion (supplied by Graham Pike):

Kiama Mayor, Mark Honey, has recently publicly complained that new urban planning legislation the NSW government intends to impose on the people of NSW and on NSW local governments on 6 July 2018, will “override some of the planning protections Council has developed for the community”, allow medium density housing developments without Councils’ approvals and result in developments “that are out of character with surrounding neighbourhoods”.

In response to similar and earlier strong complaints from Sydney councils and community groups about the proposed legislation, the NSW Planning Minister announced in the week of 21 May that **“if a suitable proposal is received by my department from any concerned council, I will consider deferring the commencement of the (new legislation) until such time as its local plans can be rectified to meet the strategic intent of that Council”**.

It is moved by Graham Pike, seconded by Ann Pike, that *the JVRRRA write urgently to Kiama Council and the Mayor, requesting the Council to write, also urgently, to the NSW Planning Minister and the Member for Kiama, making it clear that Council opposes the proposed legislation and accepts the minister’s offer to at least defer the new legislation until after Kiama Council, with the Municipality’s residents, has reviewed and updated the Kiama Local Environment Plan and the Kiama Urban Strategy.*

The JVRRRA also asks Council to make it clear to the minister that urban planning legislation designed mainly for cities like Sydney is unsuitable for rural environments and rural villages and that ‘one size does not fit all’. The JVRRRA seeks planning legislation and regulations which will preserve the characteristics of rural lands and villages in NSW.

Discussion on the motion:

Mayor Honey spoke to the motion, confirming that he has been taking a strong and proactive stance on the issue of the new planning legislation. His concern is that if low rise medium density housing could be approved as complying development, without the need to have a DA approved by Council, this could allow developments to be built that are out of character with Kiama’s neighbourhoods. He has ensured the community is aware of the issue via articles in the Mayoral Columns in the local media, and he has liaised with other local Councils and a group of NSW Country Mayors. He has made strong requests to both the local State Member of Parliament, Gareth Ward, and the NSW Planning Minister, asking for a two-year amnesty on the legislation. He also provided information, after the meeting, to the effect that the Director of Environmental Services has expressed concern that the design criteria within the proposed code are often not consistent with Kiama’s existing criteria, and

that there are problems inherent in the lack of neighbour notification and the ten-day turnaround within the code.

Mayor Honey suggested that the wording of the motion might be directed more clearly to the NSW Minister for Planning, stressing the extent to which JVRRA supports Council's efforts to obtain an amnesty.

The meeting voted on the motion, and it was carried with very general support.

ACTION: Letter to be written to NSW Planning Minister supporting Council's request for an amnesty.

14. Current DA discussions: [26 Drualla Road](#)

An issue was raised by the JVRRA Committee regarding the visual impact of the proposal. It was pointed out that the Statement of Environmental Effects contains an anomaly, as seen in the following extract from DA 10.2018.74.1 - Statement of Environmental Effects:

"4.1 Public Views and Vistas

The proposed subdivision development is located adjacent to the western periphery of the current urban extent of Jamberoo. In resolving to rezone the subject land from rural to residential, the Council has considered the location in the context of visual impact. This assessment is confirmed within a rezoning report authored by the Director Environmental Services to the Ordinary Meeting of Council dated 21 March 2017 (Item 9.3). Within the report to Council the Director responds to objections raised during Public Notification of the Planning Proposal regarding visual impact by making the observation:

'It has been stated that the proposal will encroach on the rural landscape thus detracting from Jamberoo's tourism appeal. The site has minimal to zero visibility from Jamberoo Road and the main thoroughfare through the village. As Drualla Road is currently a no-through road it is considered that the proposal will be unnoticed by the majority of visitors to the village.'

The Council subsequently resolved to proceed with the preparation and finalisation of the draft Kiama Local Environmental Plan following consideration of those matters raised within the report, inclusive of the recommendations to Council in regards to objections received relating to visual impact."

The anomaly is that the northern edge of the proposed subdivision will be highly visible from another major tourist route through Jamberoo: Jamberoo Mountain Road. The existing plans have provisions for a couple of trees alongside the houses in this section of the subdivision, but this will do nothing to mitigate the visual impact of the view across farmland up the hill towards Drualla Road. This area comprises very salient rural landscape.

Further discussion at the meeting raised the issues of possible fire danger involved in planting extra vegetation. Max Brennan mentioned the possibility of using this construction period to clear a path for a walking track and riding track connecting Drualla Road and Jamberoo Mountain Road, and it was generally agreed that this would be an excellent project.

The following motion was proposed by John Friedmann, seconded by Ros Neilson: *JVRRA requests that Kiama Council reconsider the visual impact of the proposed 16-lot subdivision at 26 Drualla Road (DA. 10.2018.74.1), in the light of the fact that the development will encroach considerably on the rural landscape and detract from Jamberoo's tourist appeal. JVRRA requests that Council put in a plan to mitigate this environmental consideration.*

The motion was carried at the meeting (15 in favour, 6 abstentions).

ACTION: Submission to Council

15. General Business

There was no further general business.

16. Date of Next JVRRA Meeting: Tuesday 3 July 2018

17. Close of meeting at 9.05 pm.

14.12 Questions for future meetings register as at 10 July 2018

Responsible Director: Office of the General Manager

Attached for Councillors' information is the questions for future meetings register as at 11 July 2018.

Attachments

- 1 Questions for Future Meetings Register as at 11 July 2018 [↓](#)

Questions for Future Meetings Register

16/73192

No	Details	Actions
18 July 2017		
17.1	<p>Bombo walking track – name Councillor Steel requested that a report be provided on suggested names for the walk between Darien Avenue and the Bombo quarry look out, where the new signs will be placed. The Mayor referred this matter to the Director Engineering & Works for investigation and report.</p>	To be reported to a future Council meeting
20 March 2018		
17.1	<p>Surf School Policy Councillor Steel requested a report be presented to the April meeting of Council to review the Surf School Policy. The Mayor referred the matter to the Director Corporate, Commercial & Community Services for investigation and report.</p>	Reported to June 2018 Council meeting
15 May 2018		
17.2	<p>Seating Locations Councillor Rice requested a progress report that examines all factors to date on an item from a past Economic Development meeting that suggested documenting the best roadside locations for seating and/or picnic tables. The Mayor referred the matter to the Director Engineering & Works for investigation and report.</p>	To be reported to a future Council meeting
26 June 2018		
17.1	<p>Adequacy of lighting in Lockett Place Councillor Rice requested a report on the adequacy of lighting along Lockett Place to Belvedere Street, Kiama, following safety concerns of a resident. Does existing lighting provide sufficient illumination for the evening placement of rubbish bins to Belvedere Street? The Mayor referred this matter to the Director Engineering & Works for investigation and report.</p>	Reported to July 2018 Council Meeting
17.2	<p>Free Camping the Local Government Area Councillor Westhoff requested a report on designated free camping areas/zones in the Kiama Local Government Area. Are there any, and if there are, where are they and are there any restrictions. Is there signage and are there any amenities nearby to these areas? The Mayor referred this matter to the Director Environmental Services for investigation and report.</p>	Reported to July 2018 Council meeting.

No	Details	Actions
17.3	<p>Terms of Reference Councillor Reilly requested a report on Council defining specific terms that are used in our Terms of Reference for Committees. The Mayor referred this matter to the General Manager for investigation and report.</p>	To be reported to August 2018 Council meeting

15 ADDENDUM TO REPORTS

16 NOTICE OF MOTION**16.1 NSW State Government Library funding cuts**

Clr Kathy Rice has submitted the following Notice of Motion for Council's consideration:

MOTION

That Council:

1. Notes with concern the 5% cut to Public Library funding in the 2018-2019 State Budget.
2. Writes to the NSW Premier requesting:
 - a) An explanation as to why this funding decision has disregarded the recommendation for increased funding submitted by the Library Council of NSW.
 - b) Suggestions as to how NSW Councils are expected to maintain library service levels when demand continues to increase and funding has decreased to that of 20 years ago.
 - c) The NSW Government reverse the funding cuts and instead increase public library funding.
3. Sends copies of this letter to the Minister for the Arts, The Hon. Don Harwin and Local Member Gareth Ward MP
4. Notes the imminent Local Government NSW and NSW Public Libraries Association 'Renew Our Libraries' campaign.

Signed Councillor Kathy Rice

17 QUESTIONS FOR FUTURE MEETINGS

18 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 17 July 2018

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 KENDALLS ON THE BEACH HOLIDAY PARK CONTRACT

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. .

19.2 BLUE HAVEN BONAIRA - CONSTRUCTION UPDATE

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 BLUE HAVEN BONAIRA - MONTHLY UPDATE

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 CONFIDENTIAL REPORTS

19.1 Kendalls on the Beach Holiday Park Contract

CSP Objective: 3.0 A diverse, thriving economy

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

Delivery Program: 3.3.1 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

19.2 Blue Haven Bonaira - Construction Update

Responsible Director: Office of the General Manager

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

19.3 Blue Haven Bonaira - Monthly Update

Responsible Director: Office of the General Manager

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

20 CLOSURE