



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 18 July 2017

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

- 1 Apologies
- 2 Acknowledgement of Traditional owners
- 3 Confirmation of Minutes of Previous Meeting
- 4 Business Arising From The Minutes
- 5 Public Access Summary
- 6 Mayoral Minute
- 7 Minutes of Committees
- 8 Public Access Reports
- 9 Report of the Director Environmental Services
- 10 Report of the General Manager
- 11 Report of the Director Finance, Corporate and Commercial Services
- 12 Report of the Director Engineering and Works
- 13 Report of the Director Community Services
- 14 Reports for Information
- 15 Addendum To Reports
- 16 Notice of Motion
- 17 Questions for future meetings
- 18 Confidential Summary
- 19 Confidential Reports
- 20 Closure

Members

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

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

14 July 2017

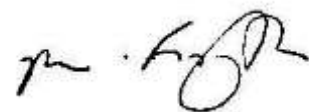
To the Chairman & Councillors:

NOTICE OF ORDINARY MEETING

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

11 Manning Street, KIAMA NSW 2533 on **Tuesday 18 July 2017** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully



Michael Forsyth
General Manager

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 18 JULY 2017**

1 APOLOGIES

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Meeting of Council on 22 June 2017

Attachments

- 1 Minutes - Ordinary Council - 22/06/17 [↓](#)

Enclosures

Nil

RECOMMENDED

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



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5.15pm on

THURSDAY 22 JUNE 2017

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON THURSDAY 22 JUNE 2017 AT 5.15PM

PRESENT: Deputy Mayor – Councillor K Rice (Acting Mayor),
Councillors M Brown, N Reilly, W Steel, D Watson, M Way and
M Westhoff

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

1 APOLOGIES

OC-17/192

Resolved that the apologies from Councillor Sloan and the Mayor, Councillor Honey be received and noted.

(Councillors Steel and Way)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council Meeting on 16 May 2017

OC-17/193

Resolved that the Minutes of the Ordinary Council Meeting held on 16 May 2017 be received and accepted.

(Councillors Way and Westhoff)

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

3.2 Extraordinary Council Meeting on 7 June 2017*OC-17/194*

Resolved that the Minutes of the Extraordinary Meeting held on 7 June 2017 be received and accepted.

(Councillors Brown and Westhoff)

4 BUSINESS ARISING FROM THE MINUTES

Nil.

5 PUBLIC ACCESS

David Friedlieb		Alternate access to Cedar Grove 2
Yusef Reza	7.1	Traffic Committee Minutes Item 4.1 – Noble & Belinda Streets, Gerringong Work Zone
Graham Pike	9.1	Planning Proposal – Rezoning of Lot 2 DP626183 Golden Valley Road, Jamberoo
Ron Wyber	9.2	DA 10.2016.7.1 – Lot 20 DP1186998, 22 Manning Street, Kiama – shop & 4 residential units
Glenn Jones	9.2	DA 10.2016.7.1 – Lot 20 DP1186998, 22 Manning Street, Kiama – shop & 4 residential units
Dr Mark Burgess Dr Gamage	9.3	DA 10.2017.1.1 – Lot 1 DP1203416, 35 Jupiter Street, Gerringong – basement car park, ground floor medical centre with outdoor parking area and 3 residential units
Dr George Albert	9.3	DA 10.2017.1.1 – Lot 1 DP1203416, 35 Jupiter Street, Gerringong – basement car park, ground floor medical centre with outdoor parking area and 3 residential units

6 MAYORAL MINUTE**Disclosure of Interest - Councillor Steel**

Councillor Steel declared a non-significant non-pecuniary interest in this matter as he is a member of the Kiama Bowling Club. Councillor Steel remained in the Chamber, participated in the debate and voted on the matter.

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

6.1 Request for Sponsorship - Kiama Women's Bowling Club

OC-17/195

Resolved that Council take up the Major Sponsor offer of the Jarratt Cup for the amount of \$500.

(Councillors Brown and Steel)

7 MINUTES OF COMMITTEES

Item 7.1 Minutes of the Kiama Local Traffic Committee is included in Public Access Reports.

COMMITTEE OF THE WHOLE

OC-17/196

Resolved that at this time, 5.20pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

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

(Councillors Brown and Way)

8 PUBLIC ACCESS REPORTS

OC-17/197

Committee Recommendation that at this time, 5.20pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Way and Reilly)

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

7.1 Kiama Local Traffic Committee - meeting 6 June 2017

OC-17/198

Committee recommendation that the Minutes of the Kiama Local Traffic Committee meeting held on 6 June 2017 be received and the recommendations therein adopted.

(Councillors Way and Brown)

9.1 Planning Proposal - Rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo

An amendment was moved by Councillor Reilly and seconded by Councillor Rice that the Council accepts the role of Relevant Planning Authority (RPA) and respond to the Panel accordingly but ensure full public engagement is followed and following that, if necessary, a consultant is appointed to assist developing the Jamberoo DCP.

The amendment was put and **LOST**.

OC-17/199

Committee recommendation that Council accepts the role of Relevant Planning Authority (RPA) and respond to the Panel accordingly.

(Councillors Way and Westhoff)

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

Against: Nil

9.2 DA 10.2016.7.1 - Lot 20 DP 1186998, 22 Manning Street, Kiama - shop & 4 residential units

OC-17/200

Committee recommendation that Council approve Development Application number 10.2016.7.1 pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.

(Councillors Way and Steel)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

9.3 DA 10.2017.1.1 - Lot 1 DP 1203416, 35 Jupiter Street, Gerringong - basement car park, ground floor Medical Centre with outdoor parking area and 3 residential units

OC-17/201

Committee recommendation that Council refuse Development Application number 10.2017.1.1 as the proposed development:

1. use 'medical centre' is prohibited in the R3 zone under Kiama LEP 2011 and is incompatible with surrounding land uses
2. does not meet the objectives of the R3 zone in Kiama LEP 2011 as it does not meet an established day to day need of local residents
3. does not meet an established need for additional medical services in Gerringong
4. will undermine the viability of the existing medical practices
5. is not easily accessible by patients as it is separate from the town centre on a steep site and will result in excessive on street parking with difficult grades to enter the building
6. relies upon multiple variations to Council's local planning controls
7. may create a precedent for height variations on partly excavated sites and for out of town centre medical centres
8. is a purpose built medical facility with little capacity for adaptation to other uses.

(Councillors Brown and Watson)

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

Against: Nil

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.4 Cities Power Partnership - invitation to join

OC-17/202

Committee recommendation that Council:

1. Accept the invitation from the Climate Council to join the Cities Power Partnership Program
2. Endorse the Mayor or Deputy Mayor to attend the launch of the Cities Power Partnership Program on 19 July 2017 in Canberra.
3. Consider a further report in October 2017 to determine the 5 key actions/pledges.

(Councillors Steel and Westhoff)

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

10 REPORT OF THE GENERAL MANAGER

10.1 Question for Future Meeting: Prohibiting the release of helium balloons

OC-17/203

Committee recommendation that Council take no further action on this matter.

(Councillors Steel and Brown)

10.2 Sponsorship Request Kiama Show Society - Kiama Show 2018

OC-17/204

Committee recommendation that Council provide sponsorship of the Kiama Show through:

1. the provision of waste services for the Show Ball to be held on Saturday 18 November 2017 and the Kiama Show to be held on 26 & 27 January 2018; and
2. the donation of the hire fees for the Kiama Leisure Centre and The Pavilion Kiama for the Trivia night to be held on 19 August 2017 and the Show Ball.

(Councillors Way and Watson)

10.3 Request for sponsorship - Seaside & Valley Veterans Golf Tournament

OC-17/205

Committee recommendation that Council provide sponsorship in the amount of \$500 for the Seaside & Valley Veterans Golf Tournament.

(Councillors Steel and Way)

10.4 Draft Community Strategic Plan, Delivery Program and Operational Plan

OC-17/206

Committee recommendation that :

1. It be noted in accordance with Section 402 to 406 of the Local Government Act, 1993, Council is required to prepare an Integrated Plan with respect to:
 - (a) an Operational Plan for 1 year
 - (b) a Delivery program for 4 years
 - (c) a Community Strategic Plan for 10 years

The Community Strategic Plan 2017/2027, Delivery Program 2017/2021 and Operational Plan 2017/18 were notified to the public through newspaper

MINUTES OF THE ORDINARY MEETING**22 JUNE 2017**

advertisements and was placed on public exhibition at various locations from 16 May 2017 to 16 June 2017 as required under the Local Government Act. It was advised to the public that written submissions may be made in accordance with legislation to the Council any time during the period of the exhibition.

2. Council adopt its Community Strategic Plan 2017/2027, Delivery Program 2017/2021 and Operational Plan 2017/2018 in accordance with Sections 402 to 406 of the Local Government Act, 1993 including the following amendments that Council:
 - a) Make and levy an ordinary rate comprising a base charge of \$702.00 on each assessment subject to the rate which represents 49.66% of the total amount payable by the levying of the rate and an ad valorem amount of 0.001699 cents in the dollar on the land value of \$3,978,657,237 (base date 2016) of all rateable land categorised as Residential be now made for 2017/18 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Residential".
 - b) Make and levy an ordinary rate comprising a base charge of \$702.00 on each assessment subject to the rate which represents 25.83% of the total amount payable by the levying of the rate and an ad valorem amount of 0.001909 cents in the dollar on the land value of \$137,260.712 (base date 2016) of all rateable land categorised as Rural Residential be now made for 2017/18 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Rural Residential".
 - c) Make and levy an ordinary rate comprising a base charge of \$702.00 on each assessment subject to the rate which represents 28.73% of the total amount payable by the levying of the rate and an ad valorem amount 0.001249 cents in the dollar on the land value of \$327,645,200 (base date 2016) on all rateable land categorised as Farmland be now made for 2017/18 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Farmland".
 - d) Make and levy an ordinary rate of 0.003438 cents in the dollar on the land value of \$12,982,290 (base date 2016) of all rateable land (not being categorised as "Residential" or "Farmland" and not including rateable land used or zoned for commercial, professional, industrial or trade purposes) categorised as Business be now made for 2017/18 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Business".
 - e) Make and levy an ordinary rate of 0.004995 cents in the dollar on the land value of \$204,938,970 (base date 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 2017/18 with a minimum amount of rate which will apply in respect to each assessment being \$702.00 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Business - Commercial Industrial".
3. A rate of interest of 7.5% accruing daily on rates and charges that remain

MINUTES OF THE ORDINARY MEETING**22 JUNE 2017**

- unpaid after they become due and payable be now made for 2017/18 in accordance with Section 566 of the Local Government Act, 1993.
4. Council adopt a 1.5% rate increase for the 2017/2018 year as approved by the Independent Pricing and Regulatory Tribunal.
 5. The Fees & Charges Schedule as proposed in Council's Operational for 2017/18 be adopted with the following variations:
 - a) A section 88 waste levy of \$138.20 per tonne GST inclusive
 - b) A permit to create smoke (burning vegetation) of \$23.10 per inspection
 6. Council make and levy a Domestic Waste Service Annual Charge for 2017/18 for services to all service collection zones:
 - a) For premises currently receiving this service or for new services the charge is \$730.55 for a fortnightly garbage 240 litre bin, 240 litre weekly recycling bin, weekly garden waste/food organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
 - b) For premises currently receiving this service or new services the charge is \$544.45 for a fortnightly garbage 140 litre bin, 240 litre weekly recycling bin, weekly garden waste/food organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
 - c) For premises currently receiving this service or new services the charge is \$519.70 for a fortnightly garbage 80 litre bin, 240 litre weekly recycling bin, weekly garden waste/food organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
 - d) \$60.00 for vacant land
 - e) \$90 for additional 240 litre recycling bin serviced weekly
 - f) \$90 for additional 240 litre garden waste/food organics bin serviced weekly
 - g) 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 \$519.70, for a 140 litre weekly garbage bin service \$544.45 for a 240 litre weekly garbage bin service \$730.55.
 - h) Residential premises such as multi-unit dwelling houses, seniors housing, shop top housing, and residential flat buildings may upon application and approval by Council be provided with shared 240 litre bins for garbage, recycling and/or garden waste /food organics services or individual bins. A smaller 80 or 140 litre garden waste /food organics bin can be provided as an alternative. A separate Domestic Waste Management Charge will be charged to each property, unit, flat or dwelling within residential properties that use shared bins.
 7. Council in accordance with Section 501 of the Local Government Act 1993 make and levy a Commercial Waste Service Annual Charge for 2017/18 for specific commercial wastes services namely:
 - a) \$711.00 for a weekly 240 litre garbage bin service and a weekly 240 litre recycling bin service

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

- b) \$647.00 for a weekly 240 litre garbage bin service and a fortnightly 240 litre recycling bin service
 - c) A weekly 240 litre garden waste /food organics bin service will only be provided to childcare centres, pre-schools, churches, neighbourhood and community centres, rural fire and emergency services premises or other similar facilities upon request and approval of the Council
 - d) An additional \$13.30 per service charge will apply for the collection of a 240 litre garbage or 240 litre recycling bin service at \$13.30
 - e) No weekly garden waste /food organics bin service, kerbside Clean Up Service or Household Bulky Waste Drop-off is provided to premises receiving a commercial service.
8. Council make and levy a Rural Waste Service Annual Charge for 2017/18 of \$425.00 for premises receiving this service for the provision of fortnightly garbage, fortnightly recycling service using 240L bins and one household bulky waste drop off, be made for the period 1 July 2017 to 30 June 2018 in accordance with Section 501 of the Local Government Act 1993.
 9. Council make and levy an Annual Waste Charge for 2017/18 for services applying to Tourist Accommodation of:
 - a) \$694.00 for a weekly 240 litre bin and a fortnightly 240 litre recycling bin (suitable for a 3 bedroom tourist apartment/unit)
 - b) \$481.00 for a weekly 140 litre bin and a fortnightly 240 litre recycling bin (suitable for a 2 bedroom tourist apartment/unit)
 - c) \$457.00 for a weekly 80 litre bin and a fortnightly 240 litre recycling bin (suitable for a 1 bedroom tourist apartment/unit)
 - d) No weekly garden waste /food organics bin service, kerbside Clean Up Service or Household Bulky Waste Drop-off is provided to premises receiving this service.
 10. For premises used as Short Term Rental Accommodation for holiday purposes a Waste Service Charge of \$730.55 for 240L garbage bin serviced fortnightly, 240L recycling bin serviced weekly and a 240L organics bin serviced weekly, one kerbside clean-up service and one household bulky waste drop-off.
 11. For a premises used as Short Term Rental accommodation for holiday purposes \$1,317.55 for 240L bin (garbage serviced weekly) plus purchase of an all red 240L garbage bin. Subject to approval. Cancellation fee of \$100.00 applies (only one cancellation per financial year).
 12. The Mayoral Allowance and Councillor's fees for 2017/18 be set at the maximum for Regional Rural Councils as permitted by the Local Government Remuneration Tribunal.
 13. The approved fee for 2017/18 for a section 603 Certificate is determined to be \$80.
 14. The Belvedere and Irvine Streets footpath be deferred to consideration in the 2018/19 budget.
 15. Submissions 4, 5 and 6 for improvements to Arthur Campbell Reserve be allocated \$20,000 in the 2017/18 budget.

MINUTES OF THE ORDINARY MEETING

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16. Submission 7 for a footpath link between Kiama Harbour and Blowhole Point exit roads be allocated \$15,500 in the 2017/18 budget.
 17. Submission 8 for an outdoor table tennis table be allocated \$9,000 in the 2017/18 budget.
 18. The late request for increasing the Aboriginal Liaison Officer from one day to two days per week be allocated \$13,000 in the 2017/18 budget.
 19. The late request for transportation costs of a Spiegel tent to Kiama for use by Council be allocated \$6000 in the 2017/18 budget.
- Note: Submissions 13 and 14 are already included in the draft 2017/18 budget which were construction of a footpath along the northern side of Terralong Street from Browns Lane to Woolworths and the grant allocation to the Kiama District Sports Association.
20. In relation to submissions 1, 2 and 3 that staff continue to review these issues and embed into the integrated plans where appropriate.
 21. All submission makers be advised of Council's resolution.

.(Councillors Reilly and Steel)

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Statement of Investments - May 2017

OC-17/207

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

(Councillors Westhoff and Brown)

11.2 Optus Mobile Pty Limited Lease at Kiama Sports Complex

OC-17/208

Committee recommendation that Council enter into a lease agreement with Optus Mobile Pty Limited for the use of Part Lot 12 DP708075, Havilah Place, Kiama (known as Kiama Sports Complex) for the erection of antenna and ODU cabinet subject to the following:

1. Lease agreement of five (5) years.
2. "Commissioning Heads of Agreement" to deal with the logistics and operational issues of the removal of existing light pole and erection/commission of the new antenna to be appended to the lease agreement.
3. Annual rental charge of \$15,000.00 and increased by 3% on each anniversary of the commencement date.

MINUTES OF THE ORDINARY MEETING

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4. The General Manager and Mayor be authorised to sign any documentation associated with this lease.

(Councillors Steel and Watson)

11.3 Capital works at Saddleback Telecommunications Facility

OC-17/209

Committee recommendation that Council approves of an upgrade to equipment at the Saddleback Telecommunications Facility, with a capital expenditure of \$25,000 in the 2016/2017 financial year.

(Councillors Brown and Steel)

11.4 Economic Development Committee Recommendations

OC-17/210

Committee recommendation that Council arranges a meeting with the Roads and Maritime Services (RMS) to facilitate discussion to identify sites that they own or control that may be surplus to their needs.

(Councillors Brown and Watson)

11.5 SMART Drumlins - Invitation to participate in NSW Government trial

OC-17/211

Committee recommendation that Council supports the proposed trial of SMART Drumlins between Kiama and Shell Cove.

(Councillors Brown and Westhoff)

11.6 Assignment of Lease - Kiama District Tourist Commerce and Industrial Association Limited to Kiama Municipal Council

OC-17/212

Committee recommendation that Council:

1. Agree to the assignment of the current lease of the Kiosk and Tourist Information Centre located on Crown Reserve (R87397) from Kiama District Tourist Commerce and Industrial Association Limited to Kiama Municipal Council, subject to the formal approval of Department of Primary Industries (Lands).
2. Agree to the assignment of the current sub-lease of the kiosk/café located on Crown Reserve (R87397) between Kiama District Tourist Commerce and

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

Industrial Association Limited and Michael Patrick Dignam and Elizabeth Jane Lewis to Kiama Municipal Council and Michael Patrick Dignam and Elizabeth Jane Lewis subject to the formal approval of Department of Primary Industries (Lands).

3. Agree to the assignment of the current licence agreement for the parcel of land adjacent to the Kiosk and Tourist Information Centre from Kiama District Tourist Commerce and Industrial Association Limited to Kiama Municipal Council, subject to the formal approval of Department of Primary Industries (Lands).
4. Give delegated authority to the General Manager and Mayor to sign all documentation associated with the lease assignment, including the seal of Council.

(Councillors Brown and Watson)

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 Amenities Building Expenditure - Jamberoo public pool refurbishment

OC-17/213

Committee recommendation that Council approve expenditure in the current financial year for the ordering of a prefabricated amenities building as part of the Jamberoo Pool Refurbishment project.

(Councillors Way and Reilly)

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

13.1 Health & Sustainability Committee Grants Program

OC-17/214

Committee recommendation that Council:

1. Note the minutes of the committee meeting held 23 May 2017
2. Endorse the establishment of the Health & Sustainability Grants Program.

(Councillors Reilly and Way)

13.2 Multicultural Bulk Loans Services State Library NSW

OC-17/215

Committee recommendation that Council:

1. Write to the State Library of NSW expressing its disappointment in ceasing the on-demand service and the changes to Multicultural Bulk Loans which will result in the potential loss of a valuable resource to our community

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

2. Support the community driven petition undertaken by Machteld Hali asking the State Library to consider reinstating the provisions of library resources in foreign languages to our community
3. Write to the Member for Kiama, seeking support for the reintroduction of the on-demand service for the Multicultural Bulk Loans.

(Councillors Reilly and Way)

13.3 Age Friendly Cities Australia Forum

OC-17/216

Committee recommendation that Council

1. Nominate Councillor Rice to attend the Age Friendly Cities Australia Forum
2. Endorse attendance at the Forum by an appropriate staff member.

(Councillors Steel and Reilly)

14 REPORTS FOR INFORMATION

OC-17/217

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

- 14.1 Partnership with University of Wollongong in the Dementia Friendly Kiama Project chosen to feature in the universities Research Impact booklet and website.
- 14.2 Question for Future Meeting: Rose Valley
- 14.3 Planning Committee - minutes - 18 May 2017
- 14.4 Minutes of the Youth Advisory Committee meeting held 4 May 2017
- 14.5 Minutes of the Kiama Access Committee meeting held 12 May 2017
- 14.6 Minnamurra Progress Association Minutes
- 14.7 Jamberoo Valley Ratepayers & Residents Association Inc – Minutes
- 14.8 Parking Statistics - May 2017
- 14.9 2017 Caravan Industry Association of Australia National Conference
- 14.10 Questions for Future Meeting: Implementation of Investment Policy
- 14.11 Question for Future Meeting: Town and Village Boundaries
- 14.12 Question for Future Meeting: 27 Princes Highway Gerringong
- 14.13 WSL World Surf League - Post Event Marketing Report
- 14.14 Gerringong Surf Music Festival - Post Event Report
- 14.15 Question for Future Meeting: Kiama Design Standards
- 14.16 Question for Future Meeting: Train Station Map at Kiama Station

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

- 14.17 Modified DA for Kiama Aged Care Centre of Excellence
- 14.18 Kiama Tourism Advisory Committee - Minutes of the 31 May and 5 June 2017 meetings
- 14.19 2017 Local Government Tourism Conference – Taree
- 14.20 Appreciation letter from Kiama/Jamberoo RSL Sub-branch
- 14.21 Local Government Performance Audits
- 14.22 South Precinct Minutes
- 14.23 Question for Future Meeting: Dog Faeces Waste Bins
- 14.24 Conference Reports - Australian Coastal Councils Conference
- 14.25 Local Government NSW Annual Conference 2017
- 14.26 Caravan & Camping Industry Association Report - Councillor Mark Westhoff
- 14.27 Future of Local Government Forum Report - Councillor Kathy Rice
- 14.28 Minnamurra Progress Association – Minutes
- 14.29 Kiama Central Precinct Meeting – Minutes
- 14.30 Questions for Future Meetings Register as at 15 June 2017

(Councillors Steel and Westhoff)

RESUMPTION OF ORDINARY BUSINESS

OC-17/218

Committee recommendation that at this time, 6.31pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Steel and Way)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

OC-17/219

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 17/197 to 17/218 above.

(Councillors Steel and Westhoff)

15 ADDENDUM TO REPORTS

Nil

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

16 NOTICE OF MOTION

16.1 27 Princes Highway Gerringong

Moved by Councillor Reilly and seconded by Councillor Rice that:

1. A further forensic report be prepared examining all aspects of all the development approvals that were issued on the various developments overlooking Werri Lagoon known as '27 Princes Highway Gerringong'.
2. This report be prepared by a suitably qualified firm or individual with no previous relationship with Kiama Municipal Council nor staff who were involved in the preparation of the above approvals.
3. This report will make recommendations to improve our processes, should any improvements be necessary.
4. This action in no way reflects on the quality of previous reports on this matter.

The Motion was put and Lost.

For: Councillors Reilly, Rice and Westhoff

Against: Councillors Brown, Steel, Watson and Way

17 QUESTIONS FOR FUTURE MEETINGS

17.1 98 Fern Street development

Councillor Reilly requested a report on compliance with the development consent condition for 98 Fern Street, Gerringong which required Council and the developer entering into a deed of agreement prior to construction commencing.

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

17.2 Development Application tracker

Councillor Reilly requested, with regard to a more streamlined development application tracker, a list of actions that can be immediately implemented with an indication of the actions that can be implemented within the next 3 months.

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

17.3 Gerringong Library and Museum visit

Councillor Reilly requested that a site visit by the Councillors to the Gerringong Museum be organised, as the Museum Committee have extended them an invitation.

The Deputy Mayor referred this matter to the Director Community Services for action.

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

17.4 Cedar Grove access

Councillor Steel requested a report addressing the items raised by Mr Friedlieb, particularly how they relate to Council's adopted policies.

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

17.5 Terralong Street proposal - rock removal

Councillor Steel requested a report on the volume of the rock, the cost of removal of the rock located at the corner of Terralong Street and Havilah Place, Kiama, and investigation of expressions of interest for a hotel development to be erected on the site.

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

17.6 Minnamurra Waste & Recycling Facility

Councillor Way requested a report on the potential of the Minnamurra Waste & Recycling Facility remaining open on Saturdays until 4pm and for ratepayers to dispose of their green waste for free.

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

17.7 Manning Street design standards

Councillor Brown requested clarification of the meaning of the phrase "designed to preserve" in the information report item 14.15.

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

17.8 Fern Street cars for sale

Councillor Westhoff requested a report on how to stop cars that are for sale, being parked on Fern Street, Gerringong adjacent to the Arthur Campbell Reserve.

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

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

17.9 Disposal of problem weed material

Councillor Rice requested a report on how Council can assist the disposal of problem weed material (such as Madeira Vine) by Landcare groups operating in Kiama's rural areas where Council green waste collection does not occur.

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

17.10 Jones Beach Dune project

Councillor Rice requested a report on the progress of the Jones Beach Dune project that includes:

- the clearance of a large section of vegetation from the dunes in the northern and middle sections
- from the Landcare log, the details of all work-to-date that the Jones Beach Landcare Group have undertaken in this area
- details of Council staff oversight in relation to the Landcare group activity and, in particular, the vegetation removed from Jones Beach
- an explanation of the planning for revegetation of this area.

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

17.11 Legality of cars for sale

Councillor Watson requested to be included in the report on Councillor Westhoff's question whether it is actually illegal for either registered or unregistered cars to be parked on the street with a "for sale" sign displayed.

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

17.12 Westonprint closure - retaining historical information

Councillor Way requested that Council liaise with the Weston family to make arrangements to retain the historical information relating to the Kiama area that would no longer be required by Westonprint.

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

Councillor Brown left the meeting at 6.48pm.

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

18 CONFIDENTIAL SUMMARY

OC-17/220

Resolved that at this time, 6.48pm, 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 Steel and Way)

Councillor Brown returned to the meeting at 6.49pm.

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-17/221

Committee 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 to deal with the following matters on the grounds as detailed below.

19.1 TERMINATION OF CONTRACT WITH KENPASS FOR CARRINGTON FALLS BRIDGE REPLACEMENT

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 CONTRACT VARIATIONS - KIAMA AGED CARE CENTRE OF EXCELLENCE

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 KIAMA AMBULANCE STATION

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

19.4 STRATEGIC PROPERTY ACQUISITION

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

22 JUNE 2017

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

(Councillors Steel and Way)

19 CONFIDENTIAL REPORTS

19.1 Termination of Contract with Kenpass for Carrington Falls bridge replacement

OC-17/222

Resolved that Council select another contractor, through public tender, to complete the outstanding bridge replacement works.

(Councillors Brown and Steel)

19.2 Contract Variations - Kiama Aged Care Centre of Excellence

OC-17/223

Resolved that Council receive and note this report.

(Councillors Steel and Way)

19.3 Kiama Ambulance Station

OC-17/224

Resolved that the recommendation contained in the report be adopted and remain in Confidential Committee of the Whole until the matter is completed.

(Councillors Steel and Brown)

19.4 Strategic Property Acquisition

OC-17/225

Resolved that

1. the recommendation of the Confidential Committee of the Whole be adopted, and
2. the recommendation of the Confidential Committee of the Whole continue to remain in Confidential Committee of the Whole until the matter is finalised.

(Councillors Brown and Steel)

MINUTES OF THE ORDINARY MEETING

22 JUNE 2017

Councillor Steel left the meeting at 6.57pm.

Close of Confidential Committee of the Whole:

OC-17/226

Committee recommendation that at this time, 6.57pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Westhoff 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-17/227

Resolved that that the Confidential Committee of the Whole recommendations numbered 17/221 to 17/226 be confirmed and adopted.

. (Councillors Reilly and Watson)

20 CLOSURE

There being no further business the meeting closed at 6.58pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 July 2017

.....
Mayor

.....
General Manager

4 BUSINESS ARISING FROM THE MINUTES

5 PUBLIC ACCESS SUMMARY

6 MAYORAL MINUTE

6.1 Rotary Club of Minnamurra

Attachments

- 1 Letter from Rotary Club of Minnamurra [↓](#)

Enclosures

Nil

RECOMMENDED

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

REPORT

Council recently received a letter from Mr Harry Mitchell, the Secretary of the Rotary Club of Minnamurra, advising that as of 30 June 2017 the Club would disband. This decision followed months of deliberation by the few remaining members and at its meeting of 10 May 2017 the decision was made to close and hand in its charter.

The Club felt that although regrettable the decision to close and allow members to transfer to other local clubs would be of greater benefit to the community as recruitment of new members to the Minnamurra club was proving difficult.

Sadly, the community will miss the Rotary Club's support at the Australia Day festivities as well as the Emergency Services Expo.

Earlier this month a letter was sent to the Rotary Club of Minnamurra acknowledging their cessation advice as well as thanking all members, past and present, for their tireless efforts and support for the community and Kiama Council over a number of years.

**THE ROTARY CLUB OF
MINNAMURRA
P.O. BOX 3025
MINNAMURRA 2533**

4 June, 2017

Michael Forsyth
General Manager
Kiama Municipal Council
Manning Street
KIAMA NSW 2533

Dear Michael,

It is with sadness that I hereby advise of the pending closure of the Rotary Club of Minnamurra Inc. The closure was not an easy decision and in fact involved months of deliberation by all members.

The decision to close and hand in its Charter was finally determined at the Club's meeting of 10th May 2017.

The Club has been in a holding pattern for a number of years given its small membership. The final straw came when two members indicated their intent to resign at the end of this year.

Despite numerous attempts to recruit new members, all processes have proven unproductive.

The Club has formally voted to cease all operations on 30th June 2017 and to disband. Some members have decided to join either Kiama or Shellharbour Rotary clubs.

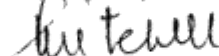
The Club members regret this outcome however believe that the decision to close and transfer individual memberships will be of significant benefit to the other two clubs.

Accordingly, I should be pleased if you would arrange the removal of all references to the Rotary Club of Minnamurra Inc from Council's database as from 30 June, 2017.

Lastly, the Club will no longer participate in the annual Australia Day Brekky on the Beach.

On behalf of all members, I wish to extend our sincere appreciation of Council's support over many years.

Yours sincerely



Harry Mitchell
Secretary

Item 6.1

Attachment 1

7 MINUTES OF COMMITTEES

7.1 Walking Tracks and Cycleways Committee - meeting 14 June 2017

Responsible Director: Engineering and Works

Attachments

- 1 Minutes - Walking Tracks & Cycleways Meeting 14/06/17 [↓](#)
- 2 Berry Trails Project - proposed route map [↓](#)
- 3 Berry Trails Project - Map 1 - Foxground to Kiama via Foxground Road, Hoddles Road and Saddleback Mountain Road [↓](#)
- 4 Berry Trails Project - Map 1b - Foxground to Kiama via Foxground Road, possible variation via Williams Road [↓](#)
- 5 Berry Trails Project - Map 3 - Werri Beach to Rose Valley Road via Omega Bridge [↓](#)
- 6 Berry Trails Project - Map 6 - Rose Valley Road to Foxground via Free Selectors Road [↓](#)
- 7 Berry Trails Project - Map 9 - Gerroa to Beach Road National Park [↓](#)

Enclosures

Nil

RECOMMENDED

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

BACKGROUND

The minutes of the Walking Tracks and Cycleways Committee meeting held on 14 June 2017 are attached for information.

MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN MEETING ROOM, OLD COUNCIL ADMINISTRATION BUILDING ON WEDNESDAY 14 JUNE 2017 COMMENCING AT 4.00PM

Present: Clr Mark Way (MW), Darren Brady (DB), Barry Booth (BB), Fiona Wilmot (FW), Neil McLaren (NM), Alan Pomeroy (AP)

Apologies: Clr Mark Honey (MH), Peter Stuckey (PS), Gwyneth Rhys (GR).

1 Berry Trails Project (guest speaker)

Mr Derek Jorgensen (project chairman) addressed the Committee with an outline of the proposed Berry Trails Project. The project is predominantly clustered along the south coast rail line from Kiama to Bomaderry, with Berry at the hub. It consists of ~ 30 proposed trails (~260km) being formalised along existing formed and unformed public and crown roads that could be utilised for walking, cycling and possibly horse riding. (See attachments for route details). The trails system is modelled on similar eco-tourism trails around Queenstown, NZ. There is currently a grant application pending for \$5.5M to establish a rail trail along the existing rail corridor, with high level support from the state government. The trail system will be self-managed and funded through tourism bookings along the routes' accommodation. No inputs from Council are required at this stage other than to object to any proposed sale of existing Crown land along the potential trail routes. Further presentations will be made to the Committee in future once the project progresses.

2 Minutes of the previous meeting

The minutes of the previous meeting held on 22 March 2017 were received. NM noted that item 6.2 had been incorrectly titled as *Bombo Quarry* instead of *Bombo Headland*.

3 Business arising from Minutes

3.1 Swamp Road to Jamberoo shared pathway

DB advised that works are approximately 75% completed from Swamp to Browns Lanes. Two grant funding applications are currently with the RMS for completing the next stage from Browns Lane to Jamberoo Road and also for project planning of the future route along Jamberoo Road to Jamberoo Village.

3.2 Tourist signage

NM advised that the signs have been installed at the railway station. AP requested a copy of the previous signage audit report be circulated to the Committee.

Action:

1. DB to provide a copy of the previous signage audit report with the minutes.
2. That Council's new tourism manager (once appointed) be invited to the next Committee meeting to discuss tourism related ideas.

3.3 Walker's Beach pathway/Gerringong to Gerroa Walking Track

DB advised that a previous meeting was held between Council's General Manager, Director of Engineer & Works and the Golf Club representatives regarding a pathway to Walker's Beach. At present some of the greens extend into the walkway corridor. Future expansion of the course to the south may allow re-orientation of the greens to reduce potential risk to walkers. It was agreed that risk representatives from Council and the Golf Club, would inspect other courses to identify how those clubs are addressing their risks with the view to implementing these measures in the interim period.

MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN MEETING ROOM, OLD COUNCIL ADMINISTRATION BUILDING ON WEDNESDAY 14 JUNE 2017 COMMENCING AT 4.00PM

Action: DB to follow up with Council's Risk Officer on this matter.

3.4 Kiama Bends / Bushbank Mill track

MW advised that there may be grant funding opportunities available for the creation of a walking/cycling track and emergency vehicle access along the old highway corridor. FW questioned the viability of this route given the steep topography may make it unsuitable for cyclists. AP raised a number of safety concerns with the way the existing cycle lane along the newly constructed section of Highway simply terminates on approach to the bends. There are no warning signs of this dramatic reduction in shoulder widths on this high speed section of road and it was questioned why there was the need for such wide traffic lanes around the bends.

Committee Recommendation:

1. That Council write to the RMS requesting investigation into reducing the speed limit around the Kiama bends to 70kph for improved cyclist safety.

Moved: AP/BB - Vote: Unanimous.

3.5 Cycleway maps update

BB advised that Kiama BUG have a new member who may be able to continue the previous digital cycling maps. BB to advise in future on progress.

3.6 Minnamurra Bends walkway – Riverside Drive

DB advised that a concept design is currently being prepared by a consultant.

3.7 Coastal Walking Track – Werri Lagoon footbridge

DB advised that a preliminary investigation had been completed as per the attached report. The initial estimate of \$182,000 for a footbridge was subject to further detailed investigation and consultation. The Committee discussed a number of bridging options, however it was agreed that a footbridge is unlikely to be supported by the community for aesthetic reasons given the strong opposition to the dwelling under construction further north.

An alternate proposal was discussed for a low level boardwalk to be considered 2.5m - 3m wide, with no handrails if possible (similar to attached image) and be just above the water level reached when Council opens the lagoon. This would allow uninterrupted access to the Coastal Walking Track, with exception to periods of high flooding and could also provide an access point for fishing, canoeing etc.

NM proposed that community consultation should be undertaken in the first instance before any further detailed investigation is undertaken.

Committee Recommendation:

1. That Council undertake community consultation on a concept proposal to construct a boardwalk across the eastern edge of Werri Lagoon to provide a link to the Coastal Walking Track.

Moved: NM/BB – Vote: Unanimous.

3.8 Bombo Headland / Darien Ave – Directional signage

MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN MEETING ROOM, OLD COUNCIL ADMINISTRATION BUILDING ON WEDNESDAY 14 JUNE 2017 COMMENCING AT 4.00PM

DB advised that Council had endorsed the Committee's previous recommendation to install four 'You are here' type signs in different locations to direct tourist/visitors around the area. The Committee believed that as Councillor Steele was involved in the initial request and given his local knowledge of the area, that he be consulted as to the final sign locations.

Action: Council's Director of Engineering & Works to consult with Clr Steele on the sign locations and arrange for their installation.

3.9 Cycleway pavement markings

DB has discussed these concerns with Council's maintenance department, who will refresh the existing markings as they become worn. AP identified that an additional cyclist pavement marking is required in Railway Ave, Minnamurra near the railway station as there are large gaps between markers which leads to confusion as to the direction to follow.

Action: DB to advise Council maintenance department of additional pavement logo required.

3.10 Dunmore shared pathway

DB advised that the previous issues identified were within the Shellharbour Local Government Area. AP also noted that there is no signage along this section of pathway that welcomes cyclists/walkers into the Kiama Municipality. It was suggested that another tourism 'you are here' sign, be installed at this location to welcome visitors from the north.

Committee Recommendation:

1. *That Council consider the installation of a tourism / directional sign on the shared pathway at the northern Kiama local government boundary at Dunmore, to welcome visitors from the north*

Moved: NM/AP - Vote: Unanimous.

4 New business arising

4.1 Princes Highway Debris

AP raised issues with the extent of debris on the cycling lanes on the Princes Highway north from Kiama. DB advised that the Princes Highway is under the control of the RMS. This is an issue raised by the local BUGs at the quarterly meetings with the RMS. The RMS had previously promised to increase the sweeping frequency and raise the matter with local quarry operators.

4.2 Kiama Tourism Website

AP advised that the current Kiama Tourism website has a number of outdated cycleway map information and links that do not work.

Action: AP to forward a list of issues to MW so he can follow up with Tourism.

4.3 Coastal Walk to Boat Harbour

FW advised that all the current promotional information and signage for the coastal walking track appears to terminate at North Warri Beach. She suggested that with some simple directional signage installations, it would be easy to extend the Walk to Boat Harbour, Gerringong.

MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN MEETING ROOM, OLD COUNCIL ADMINISTRATION BUILDING ON WEDNESDAY 14 JUNE 2017 COMMENCING AT 4.00PM

Action: DB to investigate and discuss with new Tourism Manager.

There being no further business, the meeting closed at 6.10pm.

Next meeting will be held on Wednesday 13 September 2017 at 4.00pm.

Item 7.1

Attachment 1

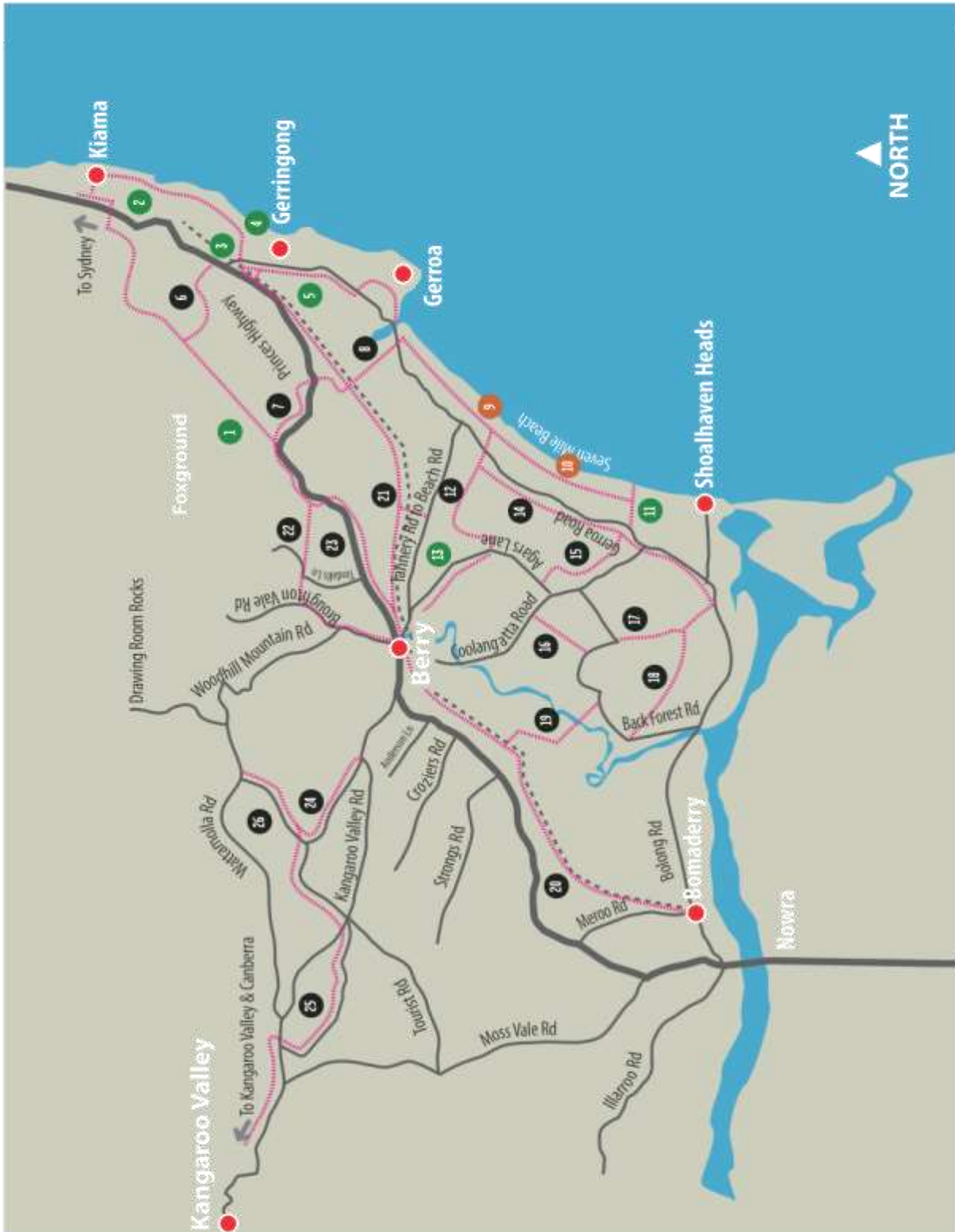
MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN MEETING ROOM, OLD COUNCIL ADMINISTRATION BUILDING ON WEDNESDAY 14 JUNE 2017 COMMENCING AT 4.00PM

Attachment – Boardwalk concept



Item 7.1

Attachment 1



BERRY ESTATE TRAILS

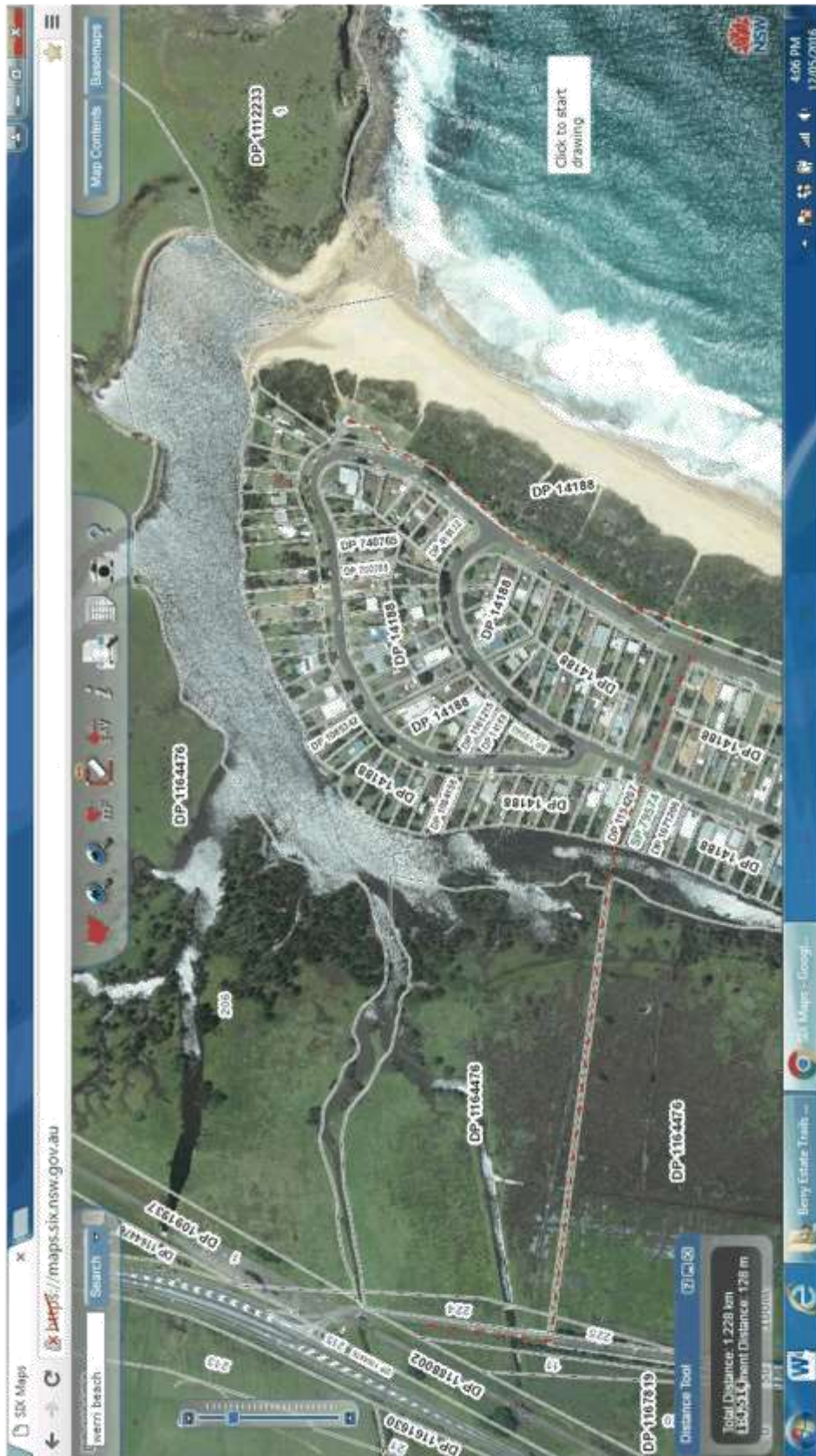
PROPOSED ROUTES

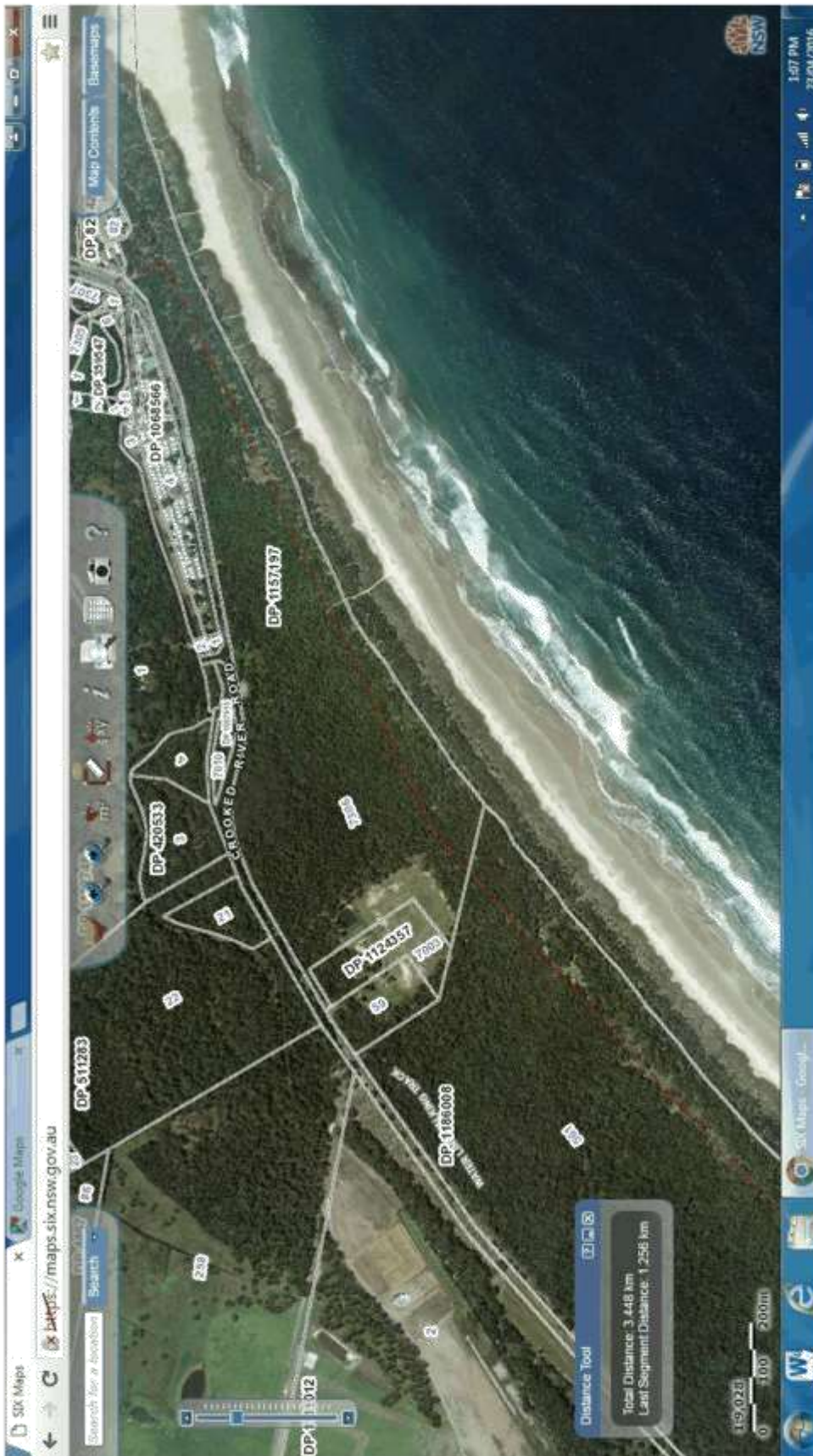
Item 7.1

Attachment 2











7.2 Kiama Local Traffic Committee - meeting 4 July 2017

Responsible Director: Engineering and Works

Attachments

1 Minutes - Kiama Local Traffic Committee - 04/07/17 [↓](#)

Enclosures

Nil

RECOMMENDED

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

BACKGROUND

The minutes of the Kiama Local Traffic Committee meeting held on 4 July 2017 are attached for information.



**MINUTES OF THE
LOCAL TRAFFIC COMMITTEE
MEETING**

commencing at 9.00am on

TUESDAY 4 JULY 2017

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 7.2

Attachment 1

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

4 JULY 2017

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 4 JULY 2017 AT 9.03AM

PRESENT: Councillor K Rice (Acting Mayor) (Chairman), Councillor Mark Way, Amy Thomson (RMS Representative), Kevin Brown (NSW Police Representative), Darrell Clingan (Local Member's Representative), Gino Belsito (Director Engineering & Works), Darren Brady (Manager Design & Development) and Cathie Bax (Minutes)

1 APOLOGIES

LTC-17/021

Committee recommendation that the apologies from the Mayor, Councillor Honey and Kiama Council Road Safety Officer, Janelle Burns be received and noted.

(Clingan and Brown)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Kiama Local Traffic Committee meeting on 6 June 2017

LTC-17/022

Committee Recommendation that the Minutes of the Kiama Local Traffic Committee meeting held on 6 June 2017 be received and accepted.

(Way and Brown)

4 BUSINESS ARISING FROM THE MINUTES

An update of the Work Zone in Noble Street was provided. The contractor has been directed to remove all stored items and provide a revised traffic management plan.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

4 JULY 2017

5 REPORT OF RMS DELEGATED FORMAL ITEMS

5.1 Stop sign installation - intersection of Commissioners Lane and Cathedral Rocks Avenue, Bombo

LTC-17/023

Committee recommendation that subject to a minor amendment to the line marking on the tabled plan, regulatory "Stop" signage and line marking be installed at the intersection of Commissioner Lane and Cathedral Rocks Avenue, Bombo.

(Way and Clingan)

5.2 Toolijooa Road, Toolijooa - 10 tonne weight limit

LTC-17/024

Committee recommendation that:

1. a 10 tonne weight limit be implemented in Toolijooa Road from the new off-ramp / bus interchange in the north, to the Kiama / Shoalhaven Council area boundary to the south.
2. Shoalhaven City Council be notified of the proposed load limit restrictions on Toolijooa Road.

(Way and Brown)

5.3 Hindmarsh Park Laneway, Kiama - No Parking Zones

LTC-17/025

Committee recommendation that regulatory signage be installed in the un-named laneway on the eastern side of Hindmarsh Park, to formalise "No Parking" zones in the lane and carpark area.

(Clingan and Brown)

5.4 Shoalhaven Street, Kiama - central median barrier kerb (intersection with Seaview Street)

LTC-17/026

Committee recommendation that a concrete centre median be installed, in lieu of the separation kerb tabled, along the existing road centreline in Shoalhaven Street opposite Seaview Street, Kiama.

(Clingan and Thomson)

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

4 JULY 2017

6 INFORMATION REPORTS – INFORMAL ITEMS

LTC-17/027

Committee recommendation that the following Report for Information listed for the Committee’s consideration be received and noted:

- 6.1 North Kiama Drive, Kiama Downs – request for pedestrian crossing upgrade near Flinders Avenue

(Rice and Brown)

7 GENERAL BUSINESS

- 1. Darrell Clingan advised that the proposed pedestrian refuge in Fern Street, Gerringong was well received by residents at the South Precinct meeting.
- 2. Darrel Clingan requested an investigation into installing a ‘No Parking’ zone or a timed zone on the western side of Fern Street, Gerringong between Sandy Wha Road and Burnett Avenue. Vehicles are continually parked along here causing issues for the school bus pick-up and affecting sight lines for those turning out of Burnett Avenue. This matter will be reported back to a future meeting.
- 3. Darrel Clingan requested that the dip in the road along Sandy Wha Road be made more prominent so that motorists are warned, either by road marking or signage. This matter will be investigated and reported back to a future meeting.
- 4. Amy Thomson advised that the Active Transport Nominations program funding for 2018/2019 is open for submissions. This program provides funding for walking and cycling projects.
- 5. Darren Brady advised that the RMS Centre for Road Safety has provided \$100,000 funding to undertake fatal crash response works on Jamberoo Mountain Road, Jamberoo following a motocyclist fatality in May 2017. Janelle Burns work in securing this funding was commended.

Gino Belsito also noted that the repairs to the road will be undertaken in the September school holidays and Jamberoo Mountain Road will be closed while work is completed.

7 CLOSURE

There being no further business the meeting closed at 9.32am.
These Minutes were confirmed at the Ordinary Meeting of Council held on 1 August 2017

.....
Mayor

.....
Director Engineering & Works

7.3 Estuary and Floodplain Management Committee - meeting 16 May 2017

Responsible Director: Engineering and Works

Attachments

- 1 Estuary and Floodplain Management Committee - minutes of meeting 16/05/17 [↓](#)
- 2 Minnamurra River Coastal Zone Management Plan update 2017 - presentation [↓](#)
- 3 Minnamurra River and Crooked River - laser survey data results [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Estuary and Floodplain Management Committee Meeting held on 16 May 2017 be received and accepted.

BACKGROUND

The minutes of the Estuary and Floodplain Management Committee meeting held on 7 June 2016 and supporting documents are attached for information.

Estuary and Floodplain Management Committee

Minutes of meeting held 16 May 2017

Kiama Council Committee Room 2 @ 3pm

Attendance: Cllr Andrew Sloan, Cllr Mark Westhoff, Darren Brady (KMC), Byron Robinson (KMC), Ben Pinch, Warren Holder, Graham Pike, Lee Walsh, Barry Mahoney, Aimee Beardsmore (OEH), Andrew Monk (RMS).

Apology: John Murtagh (OEH)

1. Minutes of previous meeting	The Minutes of the previous meeting held on 14 February 2017 were accepted. Moved/seconded: GP / WH
2. Committee Name	As per the previous meeting, GP sought a modification to the Committee's title to <i>Estuary & Catchment Management Committee</i> . DB advised that other councils have a myriad of different names, but believed the word 'flood' should be retained in some form to recognise the role of the Committee to external parties. AM advised that there are legislative requirements for councils to map, manage and reduce the flood risks. GP advised there is similar legislative requirements to manage the catchments as a whole. AB advised that the OEH have no opinion on the Committee's name. AS moved that in recognition of the above, that the Committee's title be amended to, 'Catchment & Flood Risk Management Committee'. Committee Recommendation: 1. That Council approve the renaming of the Committee to the, 'Catchment & Flood Risk Management Committee'. Moved: AS/GP - Vote: Unanimous
3. Ooaree Creek Flood Study	DB advised that consultants SMEC Australia have been engaged by Council to undertake a flood study of the Ooaree Creek / Werri Lagoon catchment. The first phase was public consultation, with every property in the catchment receiving a letter and questionnaire seeking information about flooding on their property, in addition to media advertising. Council received a high number of responses from residents and interested parties, with the consultant currently compiling these and contacting some respondents to obtain further information as necessary to assist in the study. A number of key infrastructure items have been identified and are being ground surveyed to provide accurate information for the study modelling. As the study progresses over the next 12 months or more, the Committee will be asked to review preliminary chapters of the Study document before the completed draft is publicly exhibited. LW queried about the opening of the lagoon and the number of cattle she has seen in and around lagoon especially at the very lower end. She acknowledged that while the lagoon appears to be far cleaner now that residential septic tank runoff is not contributing, there is still the runoff from the rural lands. LW advised that in recent times especially when the water levels have been low, there

	<p>appeared to be a white powdery algae growing across the lagoon, and the coliform count was > 500,000 from her testing, which by the NZ study it is not advised to be in contact with the water.</p> <p>AS acknowledged that there are environmental issues still to be resolved in the lagoon and that will be part of the Committee's future role, however in this instance the water quality issues are outside the scope of the current study, as it will be predominantly investigating the effects of flooding only.</p>
<p>4. Surf Beach Catchment Flood Risk Management Study & Plan</p>	<p>AS advised that the final report was going to the Council meeting that night seeking adoption. Only three submissions were received during the public exhibition period, which are addressed in the Council report. The study has made a number of recommendations, both planning and engineering related to minimise the flood risk to the catchment. This will allow Council to seek funding both internal and external to implement these actions.</p>
<p>5. Crooked River and Minnamurra River CZMP update</p>	<p>5.1 Minnamurra River Coastal Zone Management Plan (CZMP)</p> <p>BR gave a PowerPoint presentation (see attached) that was previously made to the Minnamurra Progress Association, to provide an update on the CZMP. Both CZMP's are awaiting certification by the Minister which would enable grant funding. Projects currently underway include:</p> <ul style="list-style-type: none"> - Minnamurra River wetlands weed control. To be completed in June; - Gainsborough coral tree removal and casuarina replanting. To be completed this year; - Minnamurra landfill leachate remediation. Approvals gained and awaiting quotes for pump systems. Brackish water to be extracted over 3-5 years and mixed with the stormwater capture dam to then spray irrigate over the area. This is a proven methodology to disperse the ammonia, similar to what was previously completed at Gerroa; - Reserve usage surveys completed and shows a large visitation increase. The data will be used for future planning for the reserve facilities and future upgrades where required. - Erosion control for Minnamurra Headland. The grant application was not successful as the plan has not been signed by the Minister. AB advised that once the plans are signed, the funding may become available. BR to consult with Council's Engineering Department to investigate the options available to complete the erosion repair works as there is aboriginal heritage issues to consider. At this stage BR indicated the repair works would consist of smaller ballast type rock work and erosion matting, with planting into it as this seems to be the best practice methodology. Works would be completed in the next financial year subject to funding. <p>BR advised that OEH are currently completing hydrographic surveys of Minnamurra River and Crooked River. AB tabled some initial laser survey data results of the area (see attached). It was agreed that AB could provide more detailed information at the next meeting on the OEH hydrographic surveys and how this will be utilised.</p> <p>Action: AB to provide more detailed information to the next Committee meeting on the OEH's hydrographic survey program and how this will be utilised in future.</p>

	<p>5.2 Crooked River Minnamurra River Coastal Zone Management Plan (CZMP)</p> <p>BR advised that they are awaiting a determination on the grant application with the Environmental Trust for \$100K over 3 years for weed control in conjunction with Sydney Water.</p>
<p>6. Priority areas for Crooked & Minnamurra Rivers CZMP</p>	<p>WH raised concerns with the poor water quality in Crooked River during the previous summer when the entrance closed for ~ 3 months, presumably due to large seas and tides holding the sediment at the entrance. When the entrance is closed for extended periods and the water levels rise, there are concerns especially from residents and those within the caravan parks, that they may become inundated if there was a large storm event. This has presumably led to some members of the public attempting to open the entrance manually. BR indicated that the results of this were noted in the report where it could be seen on the tidal gauges that the entrance closed back up in a short time period. Following a substantial rain event in the catchment, the entrance opened naturally and stayed open for long periods.</p> <p>BR advised that water quality samples were taken during some of the closure periods and results obtained were surprisingly good, but this is dependent on the climatic conditions at the time. AS outlined that the report does recommend to not intervene in the entrance conditions unless there is a safety or flood risk issue. The Committee agreed that this natural system should be maintained.</p> <p>WH also raised concerns with Foyes Swamp which is a significant freshwater wetland, that is very degraded due to landowners having constructed drainage ditches across it through sulphate acid soil areas. GP suggested that education of the landowners and community be undertaken to highlight the function and importance of these wetland areas. BR indicated that the acid sulphate risk and the flood gate operation are concurrent issues that need to be addressed, however as there is no specification legislation to control this (only general pollution provisions), Council needs to work with the landowners to undertake studies and research. Due to recent occurrences, BR believes that the land managers are now more aware of the issue. Kiama & Shoalhaven Councils have had a number of meetings on site with landowners to increase the awareness and seek their co-operation and where necessary, take action if required.</p> <p>BR requested if there are any water quality issues to be investigated, that he be contacted as the University is always looking for items to study.</p>
<p>7. NZ Water Quality Report</p>	<p>GP tabled a recent report on New Zealand water quality. Many of the issues outlined in the report are also applicable to the Minnamurra River and Crooked River catchments especially in view of the large areas of agricultural land. The NZ government has recently legislated that all landowners must fence off watercourses which has led to a big improvement in water quality and bank stabilisation.</p> <p>BR advised that in some cases research has shown that runoff from urban areas can contribute higher concentrations of nutrients to the catchment than rural / agricultural runoff. For example, there is an article to appear in a future Kumuniko edition regarding the washing of cars on street, in response to recent incidents in local watercourses where detergents led to large volumes of suds from stormwater drain runoff into the creek.</p>

	<p>AS queried when the next review of the catchment management plans is scheduled. BR advised that these may be undertaken at any time, however the CZMP's must be reviewed in 2021. At this point all issues may be revisited and it was suggested that the NZ report could be used as a base checklist for items.</p> <p>BR suggested that Mr Lyle Bogie from the Local Land Services could be invited to a future meeting to discuss some issues as he has co-ordinated much of the work completed in the catchment in the past. BR advised that as a result of recent Commonwealth legislative changes there will be additional funding reinstated to Landcare & Catchment Management Authority groups in future.</p> <p>MW suggested that as outlined in the NZ report, local indigenous groups should be approached to seek their input on options for catchment management proposals.</p> <p>AS advised that many of the current Actions outlined in the Coastal Zone Management Plans are broad and generic and open for guidance by the Committee to some degree in their implementation.</p>
<p>8. New Item - Oral History</p>	<p>BM suggested that as part of the flood study and catchment management process, an oral history of local knowledge should be obtained from longer term residents. From his discussions with these residents there have been significant changes to the bank conditions, water levels and vegetation extents in their time, which may be a useful basis for the current and future studies.</p> <p>BM indicated that he would be prepared to gather these oral history recordings if supported by the Committee and a letter of support is provided Council. These recordings could then be stored by the Library or Kiama District Historical Society.</p> <p>Committee Recommendation:</p> <ol style="list-style-type: none"> 1. That the Committee support Mr Mahoney in undertaking an oral history of long term residents on the past conditions of the catchment areas. 2. Council provide a letter of support to Mr Mahoney to undertake the above. <p><i>Moved: AS/GP - Vote: Unanimous</i></p>
<p>9. Next meeting</p>	<p>The next meeting is proposed for 15 August 2017 at 3pm.</p> <p>A draft agenda and call for agenda items from the committee will be sent well ahead of the meeting.</p> <p>End of meeting 4:25pm.</p>

Minnamurra River Coastal Zone Management Plan update 2017



Item 7.3

Attachment 2

NSW Coastal Reforms

- NSW Coastal Reforms have been underway since late 2015 and involve a new Coastal Management Act, Coastal Management SEPP and related mapping and production of new coastal management manual
- Council was required to certify its existing Coastal Zone Management Plans to be eligible for funding under the Coastal Management Program, and also so they were not required to immediately review the current plans under the new guidelines

Projects and programs underway

- Minnamurra wetlands weed control program in partnership with Conservation Volunteers Australia



• Gainsborough wetlands coral tree removal





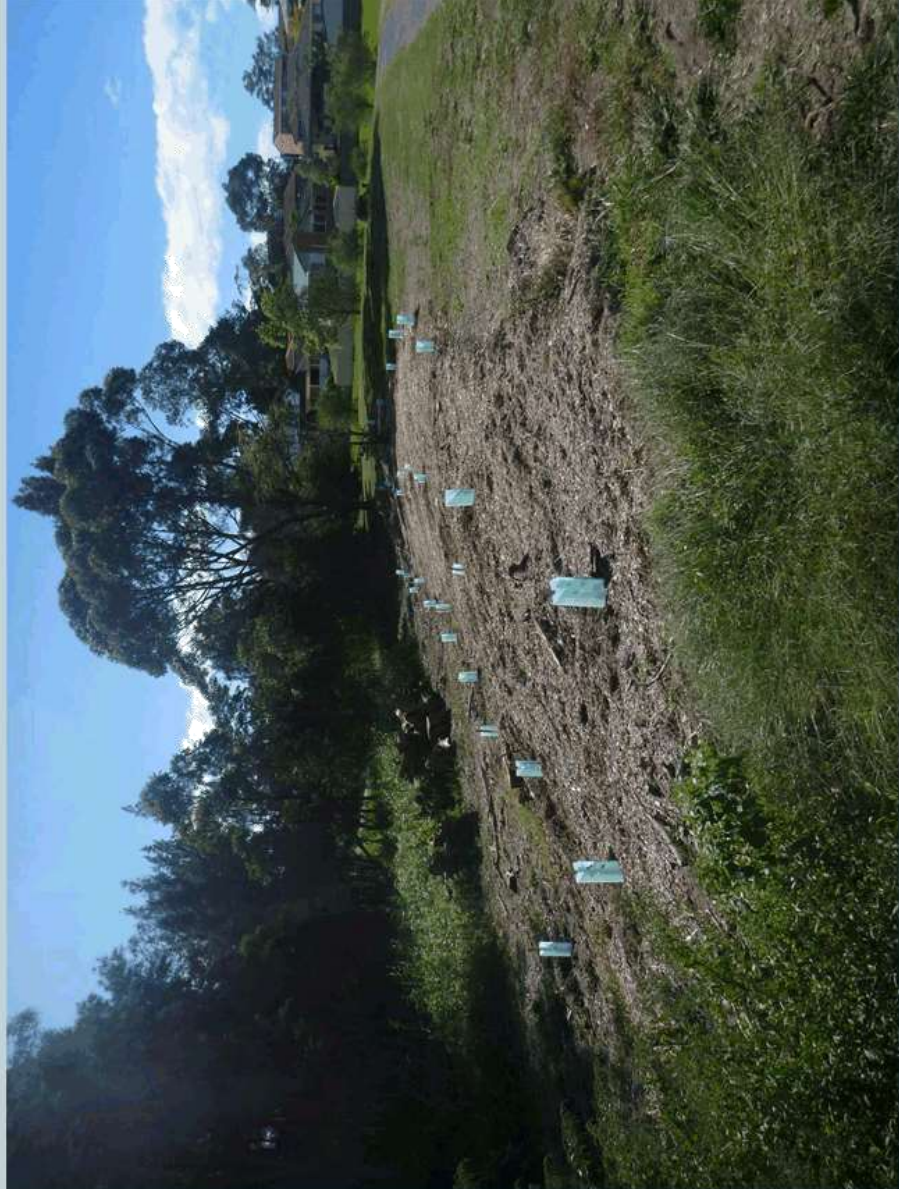
Item 7.3

Attachment 2



Item 7.3

Attachment 2



Item 7.3

Attachment 2



Item 7.3

Attachment 2

• Minnamurra landfill leachate remediation



● Reserve usage survey summer 2015-16





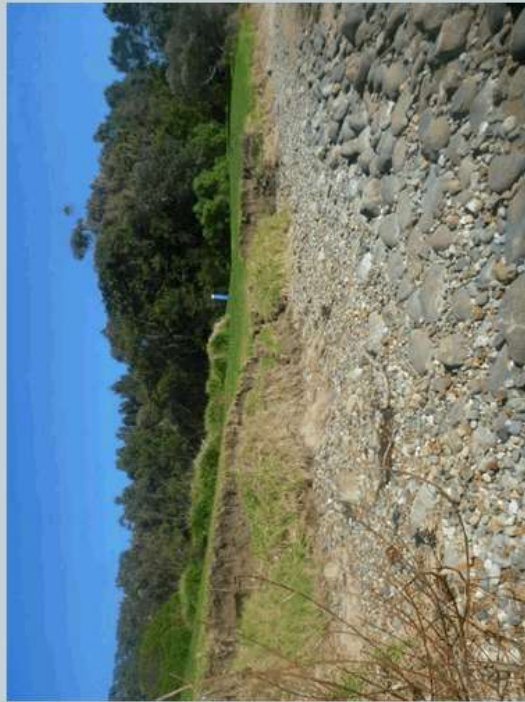
• Traffic counter results

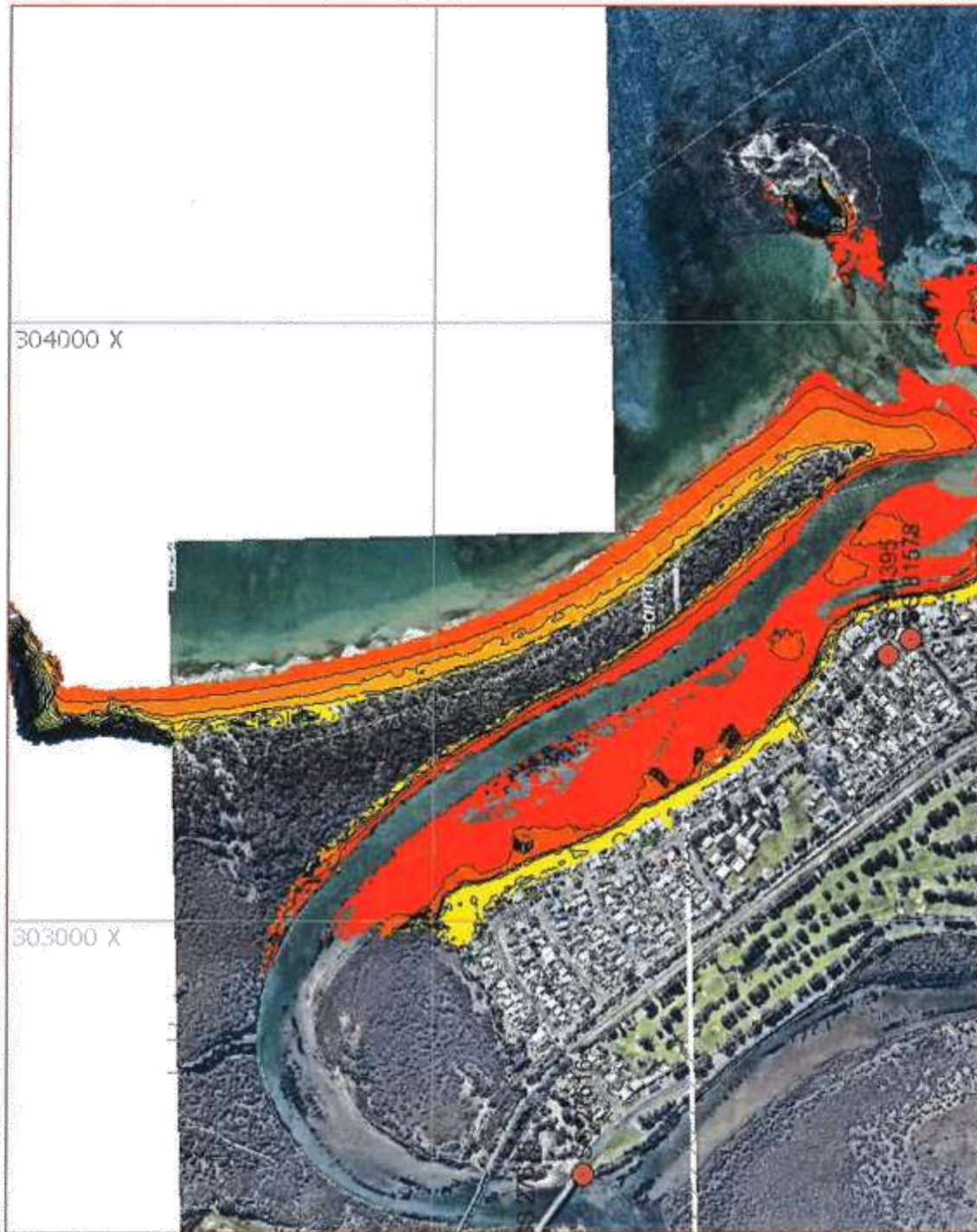
- - James Oates Reserve access road 26/11/2015 – 22/12/2015
 - 444 vehicles per day average traffic (222 vehicles)
 - Peak hourly volume n/e 52 vehicles Sunday 10:00am-11:00am
 - Peak hourly volume s/w 50 vehicles Sunday 4:00am-5:00pm
- - James Oates Reserve access road 23/12/2015 – 28/12/2015
 - 554 vehicles per day average traffic (277 vehicles)
 - Peak hourly volume n/e 54 vehicles Saturday 11:00am-12:00 Noon
 - Peak hourly volume s/w 49 vehicles Saturday 11:00am-12:00 Noon
- - James Oates Reserve access road 11/01/2016 – 16/01/2016
 - 615 vehicles per day average traffic (308 vehicles)
 - Peak hourly volume n/e 54 vehicles Tuesday 11:00am-12:00 Noon
 - Peak hourly volume s/w 54 vehicles Thursday 2:00pm-3:00pm



- Charles Avenue outside 146 26/11/2015 – 18/12/2015
 - 2486 vehicles per day average traffic
 - Peak hourly volume n/e 238 vehicles Wednesday 8:00am-9:00am
 - Peak hourly volume s/w 203 vehicles Wednesday 8:00am-9:00am
- - Charles Avenue outside 146 22/12/2015 – 11/01/2016
 - 2107 vehicles per day average traffic
 - Peak hourly volume n/e 202 vehicles Friday 11:00am -12:00 Noon
 - Peak hourly volume s/w 151 vehicles Sunday 2:00pm-3:00pm
- - Charles Avenue outside 146 11/01/2016 – 16/01/2016
 - 2405 vehicles per day average traffic
 - Peak hourly volume n/e 141 vehicles Tuesday 11:00am-12:00 Noon
 - Peak hourly volume s/w 130 vehicles Tuesday 11:00am – 12:00 Noon

- Grant applications completed for erosion control at Minnamurra Headland and supported for the Local Aboriginal Land Council works crew for weed control activities





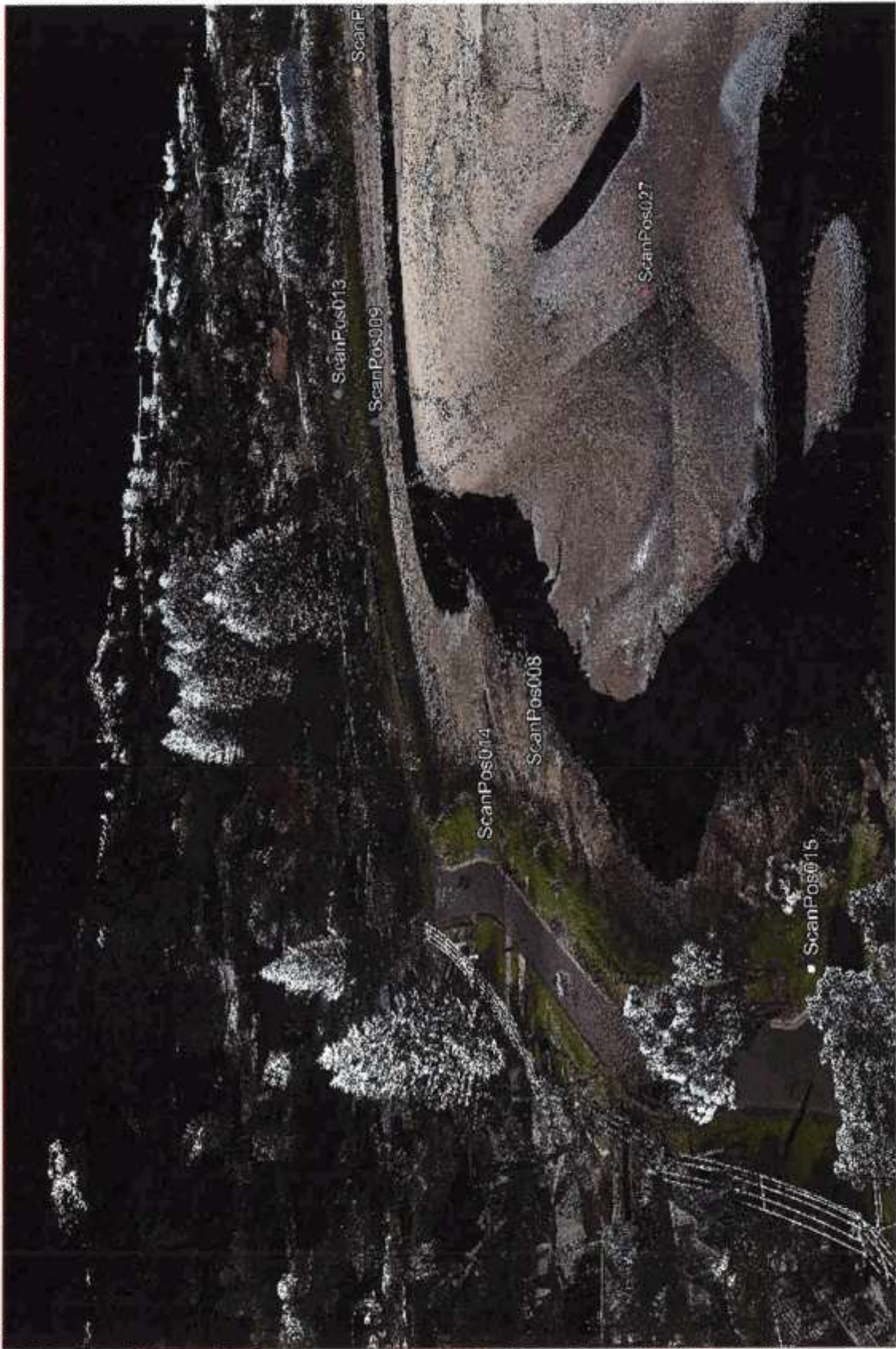
Item 7.3

Attachment 3



Item 7.3

Attachment 3



Item 7.3

Attachment 3



Item 7.3

Attachment 3

8 PUBLIC ACCESS REPORTS

Committee Of The Whole

RECOMMENDATION

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

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

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

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

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report concerns a request from Mission Australia for Council to review the payment of a Section 94A Contribution for the development of a drug and alcohol detoxification facility at the Triple Care Farm Knights Hill.

Finance

This report concerns a request for the reduction of the Section 94A Contribution payment of \$29,175.77 paid on 1 of May 2017 (Receipt No 722397).

Policy

N/A

Attachments

1 10.2015.316.1 - letter from Mission Australia [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council consider making a donation to Mission Australia which reflects a reduction in the paid Section 94A contribution.

BACKGROUND

A written request has been received from Mission Australia (attached) seeking Council's review of a required Section 94A Contribution paid for the development of a model domestic residential social/medical drug & alcohol detoxification accommodation at the Triple Care Farm at Knights Hill.

The subject \$2.8 million development named David Martin Place was approved under development application 10.2015.316.1 and the consent conditions required payment of CPI adjusted Section 94A contribution of \$29,175.77 prior to the release of the Occupation Certificate.

The \$29,175.77 contribution was paid by Mission Australia on 1 of May 2017 (Receipt No 722397) prior to the release of the Occupation Certificate.

Report of the Director Environmental Services

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

Mission Australia wish Council to consider their request and to review the amount of the contribution for the following reasons:

- *“Mission Australia is a not for profit charitable organisation providing a wide range of services to assist members of the community in need.*
- *David Martin Place will be used to provide programs for youth drug and alcohol detoxification. The need for this service is growing and that there are very few facilities that cater for such treatment in NSW. The model of care, as a domestic residential, social and medical model, will be particularly suitable to young persons and Mission Australia is very confident that it will be successful.*
- *The service will clearly be of benefit directly to persons who will be able to access the programs and importantly also to the broader community in many ways.*
- *The project has the support of both the Commonwealth and State Government health services and many other numerous stakeholders.”*

Section 94A levies under the provisions of the Environmental Planning and Assessment Act are specified in a dedicated plan which has been exhibited and adopted in accordance with a statutory process. Councils ability to vary the amount of levy from the adopted plan may be questionable from a legal perspective and would set a precedent.

It is considered that, if Council is of a mind to offer some form of financial assistance to Mission Australia, it would be more appropriate as a donation which equates to a reduction in the Section 94A levy.

The subject drug and alcohol detoxification facility recently opened at the Triple Care Farm.



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Level 7, 580 George St,
Sydney, NSW, 2000

t 1800 88 88 68
e email@missionaustralia.com.au
w missionaustralia.com.au

8 March 2017

Kiama Municipal Council
11 Manning Street
KIAMA NSW 2533

To whom it may concern

Re: Mission Australia Triple Care Farm - New Accommodation DA 10.2015.316.1
Request for Review of Section 94A Contribution

The new Triple Care Farm facility, named David Martin Place, is nearing completion.

We appreciate the co-operation, advice and support given by the Council for this project particularly in the preparation of the development application and construction certificate and Council's role as the Principal Certifying Authority for construction.

We note that this project requires a Section 94A Indirect Contributions payment of \$28,800 as a condition of the issuing of the Occupation Certificate. We wish Council's to consider this request for a review of the amount of this contribution.

We put forward the following reasons in support of this request:

- Mission Australia is a not for profit charitable organisation providing a wide range of services to assist members of the community in need;
- David Martin Place will be used to provide programs for youth drug and alcohol detoxification. The need for this service is growing and that there are very few facilities that cater for such treatment in New South Wales. The model of care, as a domestic residential social and medical model, will be particularly suitable to young persons and Mission Australia is very confident that it will be successful;
- The service will clearly be of benefit directly to persons who will be able to access the programs and importantly also to the broader community in many ways; and
- The project has the support of both the Commonwealth Government and the State Government health services and many other numerous stakeholders.

We appreciate that Council seeks such funding as the Section 94A for its infrastructure however a reduction in the contribution in this case will be gratefully appreciated.

Standing together with Australians in need until they can stand for themselves



National Office
Level 7, 580 George St,
Sydney, NSW 2000

1 800 88 88 68
e email@missionaustralia.com.au
w missionaustralia.com.au

We look forward to hearing from you shortly in this matter.

Yours sincerely

Carole Dunphy
General Manager
Property and Procurement Services

Standing together with Australians in need until they can stand for themselves

Item 9.1

Attachment 1

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

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews DA 10.2017.50.1 which seeks consent for the construction of 2 retaining walls and access stairs to Werri Lagoon. The report recommends that Council approve DA 10.2017.50.1 subject to conditions.

Finance

N/A

Policy

NA

Reason for the report

This report is submitted to Council following the receipt of 6 submissions objecting to the application.

Attachments

1 10.2017.50.1 - plans [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council approve development application 10. 2017.50.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained at the end of this report.

BACKGROUND

Owner/Applicant: Mr R J Ryde

An application has been received for the construction of 2 retaining walls and access stairs on the above property.

The site is currently vacant and is bounded by residential dwellings to the west and also across the street opposite to the south, with Werri lagoon and rural land to the north and Werri Beach to the east.

Property information

Report of the Director Environmental Services

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

The property is described as Lot 280 DP 14188 – 69 Werri Street Werri Beach. The zoning of the property is R2 Low Density Residential pursuant to Kiama LEP 2011. The area of the property is approx. 1,404m² and is irregular in shape.

The site is currently vacant and slopes steeply away at the rear downwards towards Werri Lagoon to the north.

Description of the proposed development

The proposal involves the construction of 2 lime stone retaining walls and a 1m wide lime stone access stairs.

Section 79C assessment

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

Relevant environmental planning instruments

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

The site is located within the coastal zone, as defined by SEPP 71. The proposed development is considered to meet the objectives and requirements of the SEPP.

- Kiama LEP 2011

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

The proposal is permissible with consent.

The subject site has a Foreshore Building Line (FBL).

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore process or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following:
 - a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
 - b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
 - c) development for the purpose of boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycle ways, walking trails, picnic facilities or other recreation facilities. (outdoors)
- (3) Development consent must not be granted under sub-clause (2) unless the consent authority is satisfied that:
 - a) the development will contribute to achieving the objectives for the zone in which the land is located, and

Report of the Director Environmental Services

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

-
- b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
 - c) the development will not cause environmental harm such as:
 - (I) pollution or siltation of the waterway, or
 - (II) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
 - (III) an adverse effect on drainage patterns, and
 - d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
 - e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
 - f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
 - g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
 - h) the development will not be impacted by sea level rise or change of flooding patterns as a result of climate change.

The proposal is permissible with consent and complies with the above criteria.

Any draft environmental planning instruments

Nil.

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The proposed development satisfies the objectives and performance controls within the DCP.

Chapter 2 – overall controls

Kiama Development Control Plan 2012 Chapter 2 Section 16 – Foreshore Building Lines talks about the visual and environmental impact of development within close proximity to the foreshore. Whilst recognising some potentially adverse impacts to be avoided, it clearly acknowledges that certain forms of development are acceptable. Any proposed development on land impacted by a FBL must be consistent with the following objectives:

- To site dwellings having regard to possible risks to life and property resulting from storm surge, tidal inundation, flooding, erosion and sea level changes resulting from climatic changes/changing weather pattern.
- Control the bulk, scale and location of development at the water's edge.

Report of the Director Environmental Services

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

-
- Restrict development and redevelopment below the Foreshore Building Line.
 - Reduce the number of structures below the Foreshore Building Line, particularly upon redevelopment of foreshore land.
 - Restore the land below the Foreshore Building Line, as far as practicable, to a natural state, with a minimum intrusion of artificial structures.
 - Preserve and enhance the natural features and vegetation at the interface of land and water.
 - Avoid pollution of, and adverse ecological impacts on, waterways, riparian vegetation and aquatic life.
 - Preserve the foreshore vista in a natural state where the foreshore is undeveloped.
 - Provide for separation between private land uses and public access along the foreshore.
 - Provide visual separation between land-based development and water-based activities.
 - Minimise the disturbance of Acid Sulphate Soils.
 - Mitigate the potential for property loss or damage by ensuring buildings are not subjected to structural damage as a result of erosion, flooding or other coastal or riverine processes and hazards.

Comment: The proposal has been considered against the above and satisfies the relevant objectives.

Chapter 2 Section 17 - Werri Lagoon Foreshore Building Line

A foreshore building line applies to Nos 83 to 129 Renfrew Road and Nos 1 to 69 Werri Street Werri Beach, fronting Werri Lagoon (as indicated on the building line maps) The Foreshore Building Line is measured as 15 metres landward of the high water mark as denoted on Deposited Plan 14188.

The proposal is within the 15 metres and comprises of 2 retaining walls and access stairs. There are no building structures for which the controls have been adopted.

Section 5 - Maintenance of Views and Vistas

Comment: The proposed development is of a size and scale that will not significantly alter the main views within the locality and will not have an unreasonable impact on the views and scenic qualities of the site and the surrounding area.

View impact is discussed in detail under Visual Impact.

The following objectives have been considered:

- *To maintain view sharing principles through the development and redevelopment of areas.*

Comment – The development will not unreasonably affect the primary views from adjoining properties or the public domain and therefore satisfies this objective.

Report of the Director Environmental Services

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

-
- *To ensure that where practical new development is designed and sited not to significantly alter views (including water and or escarpment views)*
Comment – The proposal will not interfere with the views currently enjoyed.
 - *To ensure that primary private views are maintained through the addition of new development.*
Comment – Primary views will not be affected by the proposal.
 - *To retain views to and from the water.*
Comment – Primary views will not be affected.
 - *To protect conserve and maintain the landform of the municipality*
Comment – The proposal does not unreasonably alter the existing landform.
 - *To limit potential for large bulky housing and development*
Comment – The proposal is for retaining walls and stairs only.
 - *To encourage sensitive siting of housing.*
Comment – The retaining walls and access stairs are not unreasonably sited on the property
 - *To maintain or enhance significant public view corridors and other opportunistic views available from the public domain.*
Comment – There is no unreasonable interference with views available from the public domain.

Response: There are no breaches to the Kiama LEP 2011 and Kiama DCP 2012.

Any planning agreement

Nil

Any matters prescribed by the regulations

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

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

Any Coastal Zone Management Plan

Nil

The likely impacts of the proposed development

- Noise

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

- Environmental Impacts

Report of the Director Environmental Services

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

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 – Controls will be implemented during construction to minimize sedimentation.

- Social and Economic Impacts

It is considered that the proposed development will not result in any significant adverse social impact.

Visual impact

The proposal is considered to be of a scale and size that is not out of character with the surrounding area. The retaining walls have been designed such that the impact is reduced by limiting the number of levels to (2) and the retention of a grassed embankment. It should be noted that an existing retaining wall already is in place at the top of the embankment. This concrete crib type retaining wall is currently failing and is need of repair or replacing. Given the topography of the land, the views from neighboring properties will not be obstructed by the proposal. Concerns have been raised with the inclusion of the access stairs at the rear of the property also in an elevated position. The stairs are only a minor structure 1m wide being that of lime stone laid directly on the ground and would not detract from the lagoon or beach area.

Comment: The proposed development will have a limited visual impact to what is already currently on the site. The visual impact concerns raised in submissions have been assessed and are not considered to be significant enough to warrant refusal of the application.

Views from public domain

The proposed development will not significantly affect views from the public domain.

The suitability of the site for the development

As discussed throughout this report, the development is of a size, bulk, scale and sitting that are considered to be reasonable having regard to the site. The development is proposed within the R2 Low Density Residential zone and bounded by residential dwellings and Werri Lagoon. The site is considered to be suitable for the proposed development.

Geotechnical Constraints

A Geotechnical Report has been provided with the application from Southern Geotechnics- Consulting Geotechnical Engineers.

Within that report is states that the upper wall will need to be founded at least 1m below the finished ground surface of the slope and employ measures such as

Report of the Director Environmental Services

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

geogrids or cells to reduce the potential for soil loss/erosion within say 2m downslope of the upper wall.

The proposed use of 2 low walls and a grassed slope to support the northern end of the dune is considered to have a low risk of slope instability, provided that potential sources of infiltration and seepage within the proposed development are managed.

The proposed works will be carried out above the elevation at which acid sulfate soils might be expected.

Norfolk Island Pine Constraints

A Consulting Arborists Report was provided and states that an engineering plan that shows a new 'add on' "free draining wall is acceptable.

Submissions

Public Submissions

Notification letters were sent to neighboring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, 6 submissions were received which raised the following (summarised) matters of concern:

Item 1: "Need for extra retaining wall"

Comment: - This matter has been address in the Engineering Report and is designed to give stability to the embankment and possible pressure on the existing stone retaining wall.

Item 2: "planting on the bank from coastal plants to a grass bank"

Comment: - The design indicates grass embankment which is not to dissimilar to other properties further to the west.

Item 3: "variation to foreshore building line"

Comment: - The structures are permissible within the foreshore building line.

Item 4: "access stairs proposed will also impact on the foreshore building line"

Comment: - The access stairs are not a structural component but only that of the stone laid on the sloping ground to form steps.

Item 5: "impact on the management of Werri Lagoon"

Comment: The retaining walls and steps will not impact on the management of Werri Lagoon.

Item 6: "illegal wooden jetty"

Comment: - The jetty at the rear does not form part of this development application and is currently subject to a separate matter being dealt with.

External referrals

Nil

Internal referrals

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

Report of the Director Environmental Services

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

- 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 Officer

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

The public interest

The proposal is considered to be consistent with relevant Environmental Planning Instruments and DCP 2012 and is not expected to cause significant adverse impacts on the visual amenity of the area or streetscape. The proposal is considered to be suitable for the site having regard to the zoning. The proposed development is therefore considered to be consistent with the public interest.

Final comments and conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposed development is consistent with Kiama LEP 2011 and relevant DCP 2012.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised in relation to the environmental impact of the proposal, particularly the likely visual impacts.

Concerns raised in submissions have been considered and do not warrant refusal of the application.

The proposed development is considered to be acceptable and approval is recommended.

Draft conditions of development consent

General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2017.50.1 dated - except as amended by the following conditions:

Prior to commencement of works

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:
 - i The licensee's name and contractor licence number;
 - ii That the licensee has complied with Part 6 of the Home Building Act 1989.

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

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

or

Report of the Director Environmental Services

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

-
- b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989.
- (2) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
 - b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
 - c You **must** notify the Council of the appointment; and
 - d You **must** give at least 2 days' notice to Council of your intention to commence work.

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

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

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

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

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

- (4) The project arborist is to inspect the trunk battens and TPZ fencing prior to any site work commencing and certifying (including photographs) these items are in place.
- (5) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal

Report of the Director Environmental Services

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

Certifying Authority for any reinforced concrete slabs, footings or structural steel.

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

Item 9.2

Vegetation Management

- (1) Construction issues that may require unexpected activity within the TPZ areas (e.g. trenching) to be referred to the project arborist first.
- (2) Protection fencing shall be erected around the Norfolk Island Pine trees to be retained on site so as to prevent damage to the roots of the tree. The fencing shall be erected prior to the commencement of works. The fencing shall consist of 1.8 meters high cyclone wire supported on galvanized steel posts at a minimum 3.0 meter centers. The fencing shall be maintained and shall remain in situ until all building works are completed. No machinery, builder's materials and/or waste shall be located inside the fencing.
- (3) During excavation of the footings for the retaining wall near the Norfolk Island Pine any roots discovered that need severing that measure more than 100mm in diameter, then an arborist shall be called and work only to proceed following the instructions of that arborist as to any requirements or treatments to preserve the stability and health of the tree.

Inspections

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

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

Building construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.
- (3) A survey shall be undertaken and a copy be made available to the accredited certifier, certifying that the retaining walls and access stairs are correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted prior to works commencing.
- (4) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;

Monday to Friday - 7.00 am to 6.00 pm

Saturdays - 8.00 am to 1.00 pm

No construction work is to take place on Sundays or Public Holidays.

Report of the Director Environmental Services

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

-
- (5) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled.

Erosion and sedimentation controls/soil and water management

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

Site facilities

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

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

Prior to occupation

- (1) At the end of the works inspection of the trees and their health and physical condition (eg wounds/damage, if any) to be recorded by the arborist prior to the issue of any Occupation Certificate.
- (2) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to release of the Final Occupation Certificate.

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

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

- (3) The whole or part of the site must not be occupied unless an Occupation Certificate has been issued in relation to the structure or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.
- (4) A contribution pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94A (Indirect Contributions) Plan shall be paid to Council prior to the issuing of any Occupation Certificate. The total contribution required for the development is \$550.00.

The amount of the contribution shown on the development consent will be indexed to the time of payment in the following manner:

Contribution (at time of payment) = $\frac{C \times CPI_P}{CPI_c}$

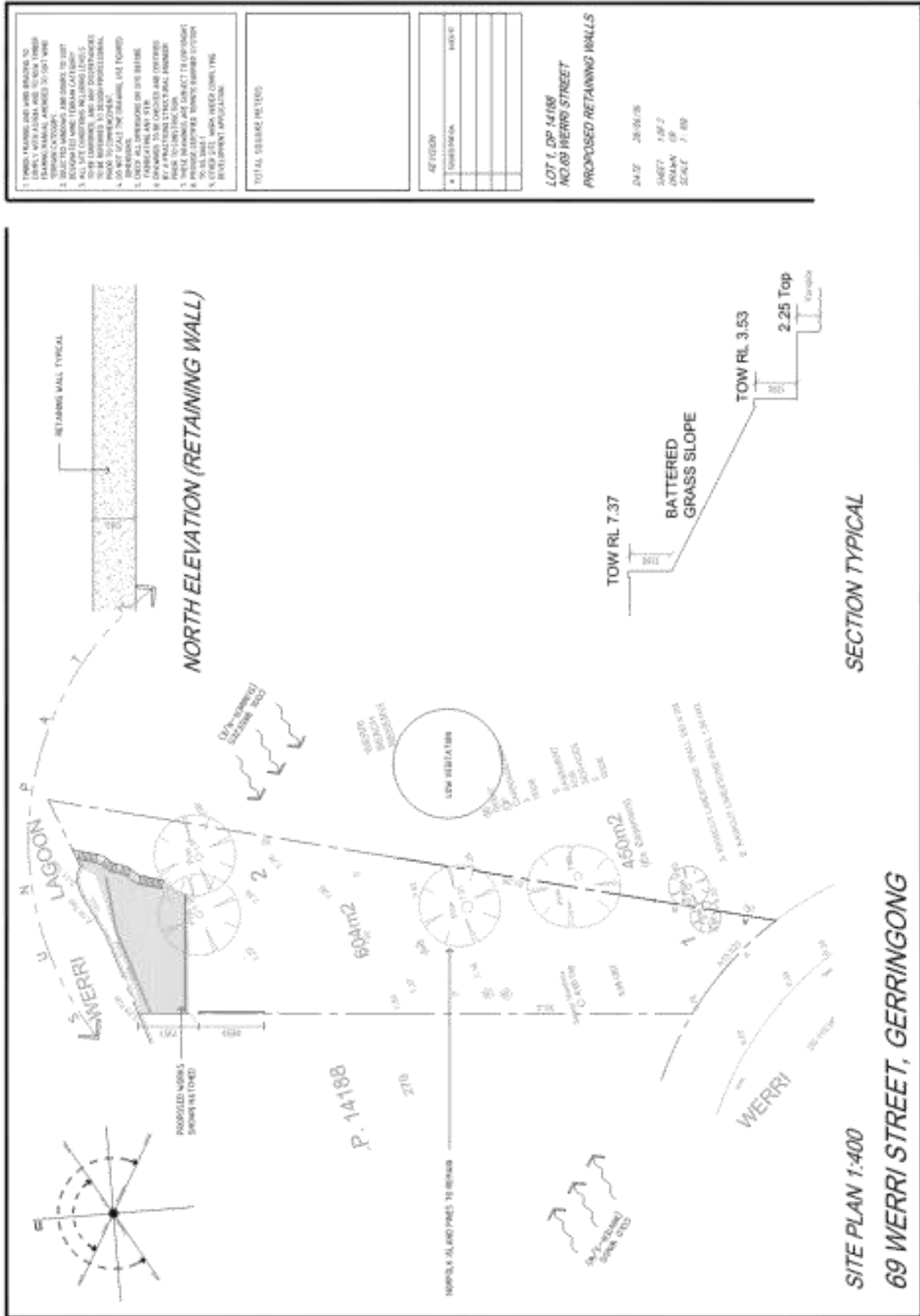
CPI_c

Where:

C = The original contribution amount as shown in the development consent.

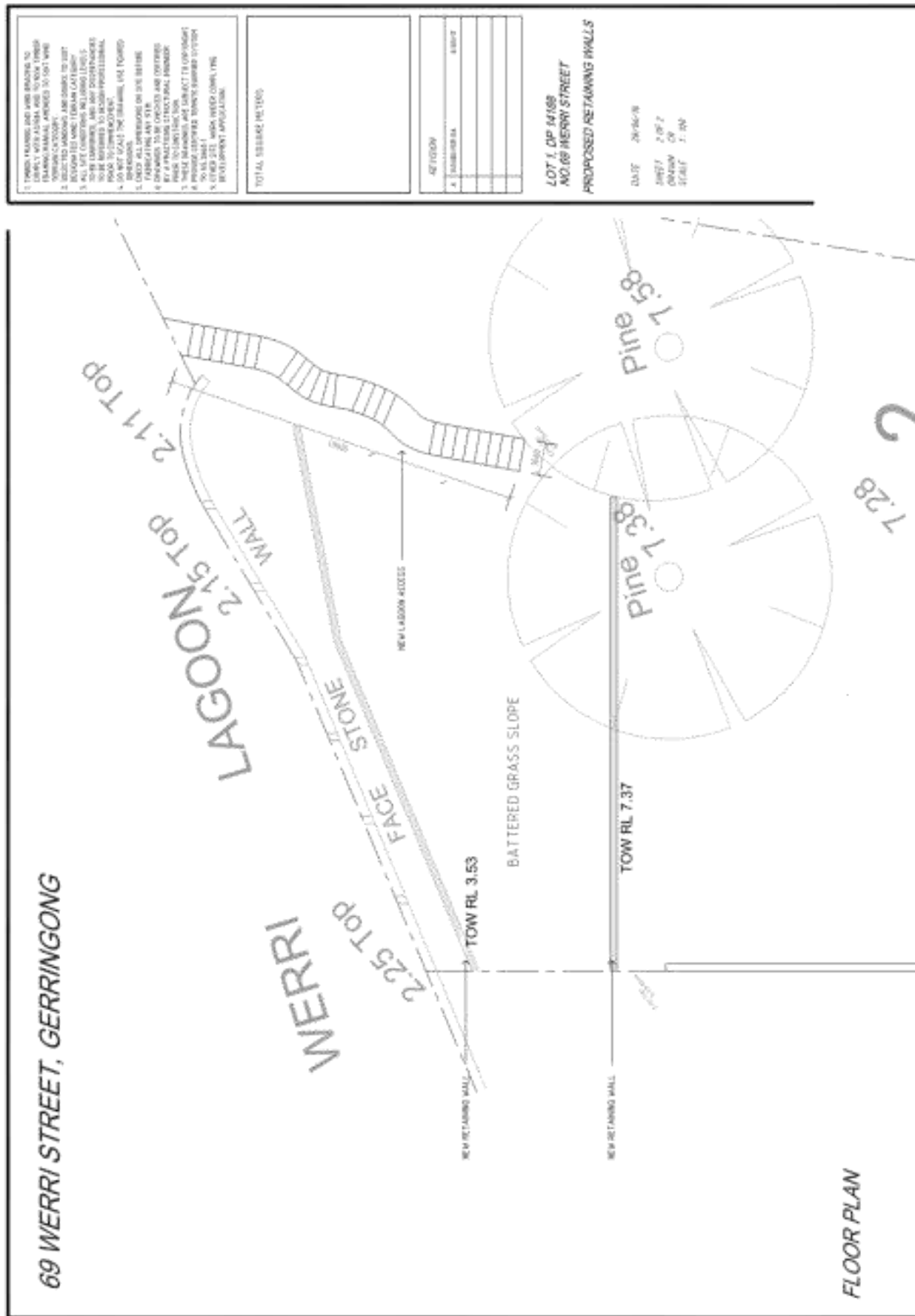
CPI_P = The *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of payment.

CPI_c = The *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of issue of the development consent. (po001.doc)



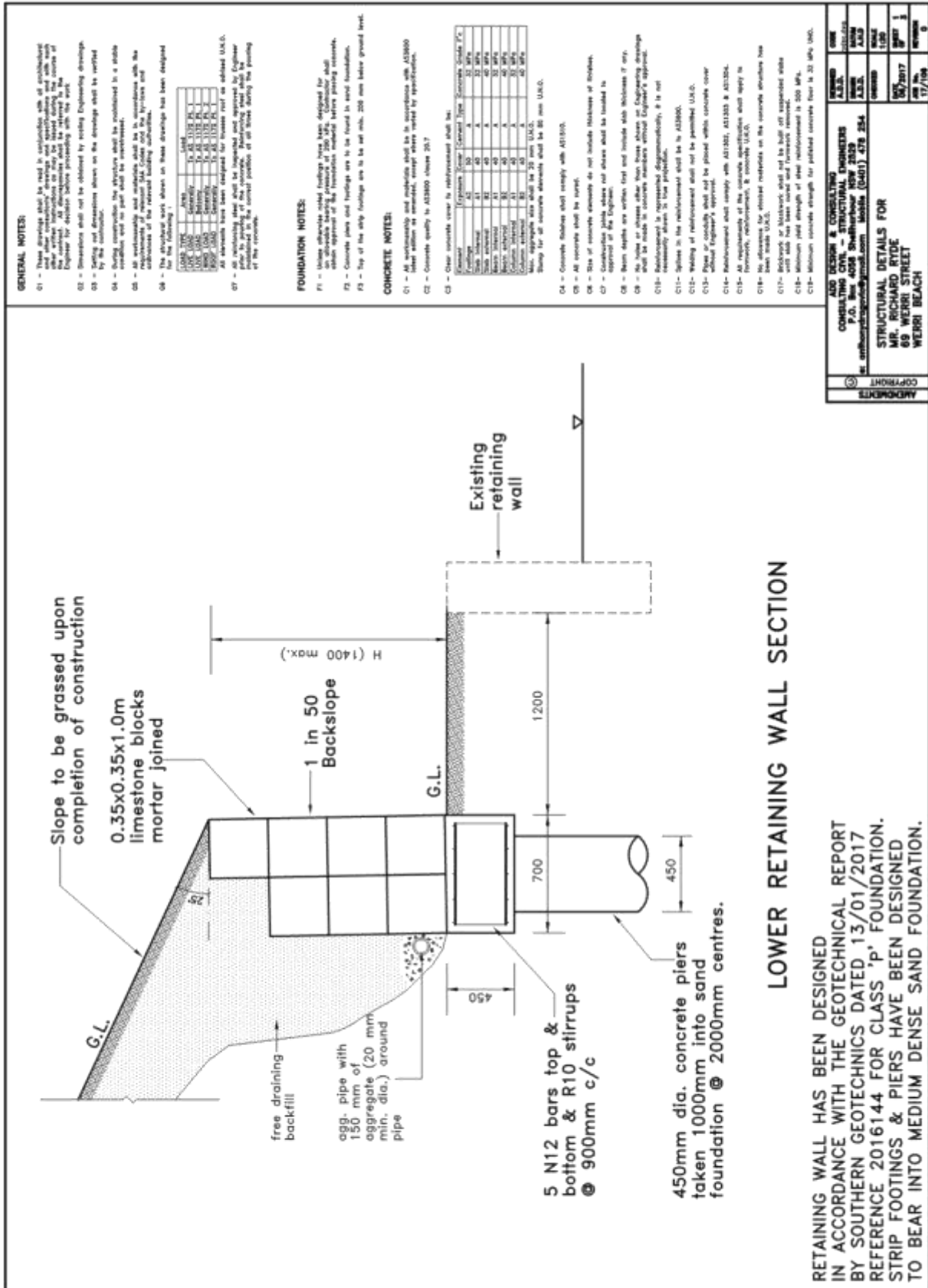
Item 9.2

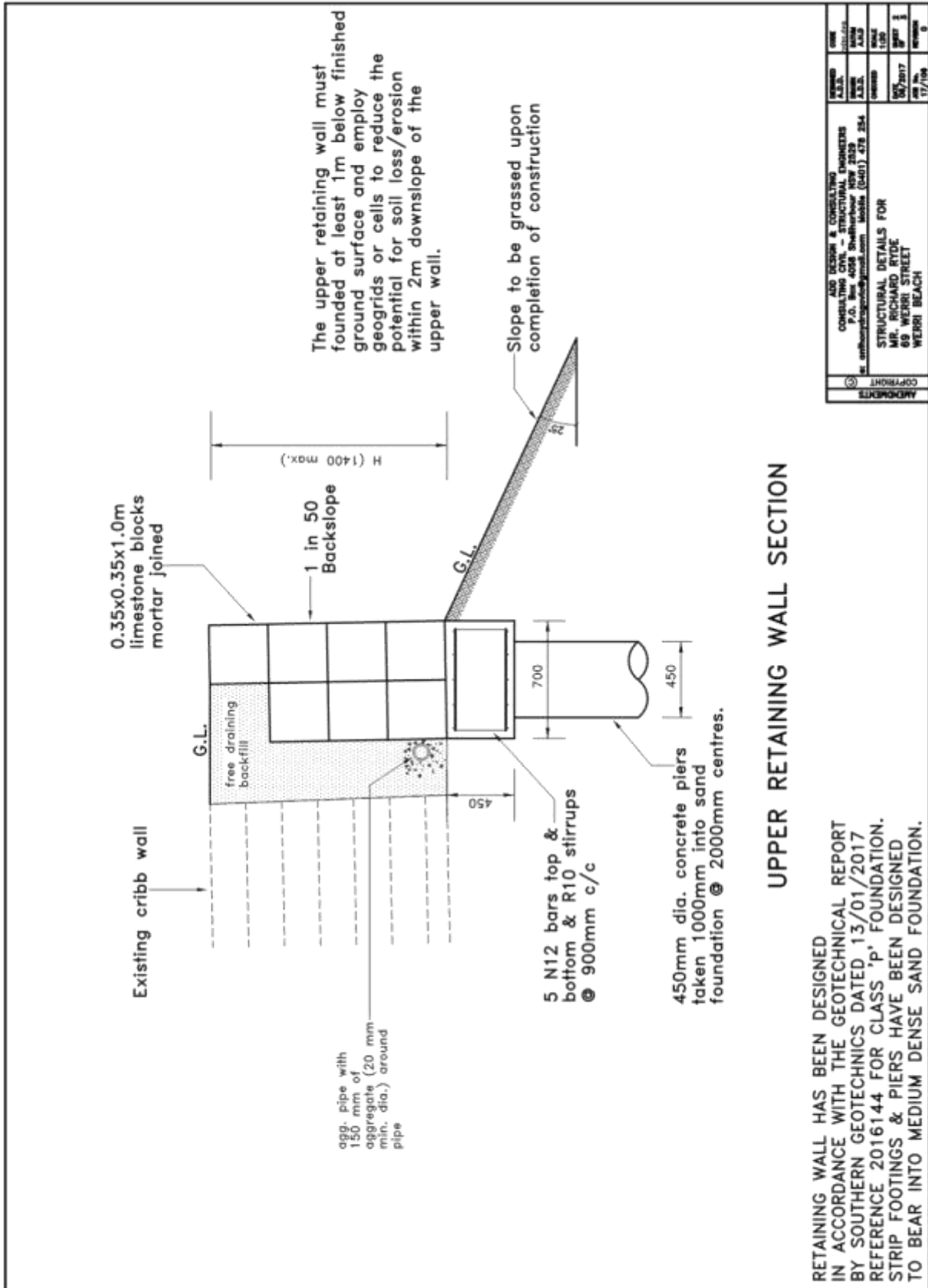
Attachment 1



Item 9.2

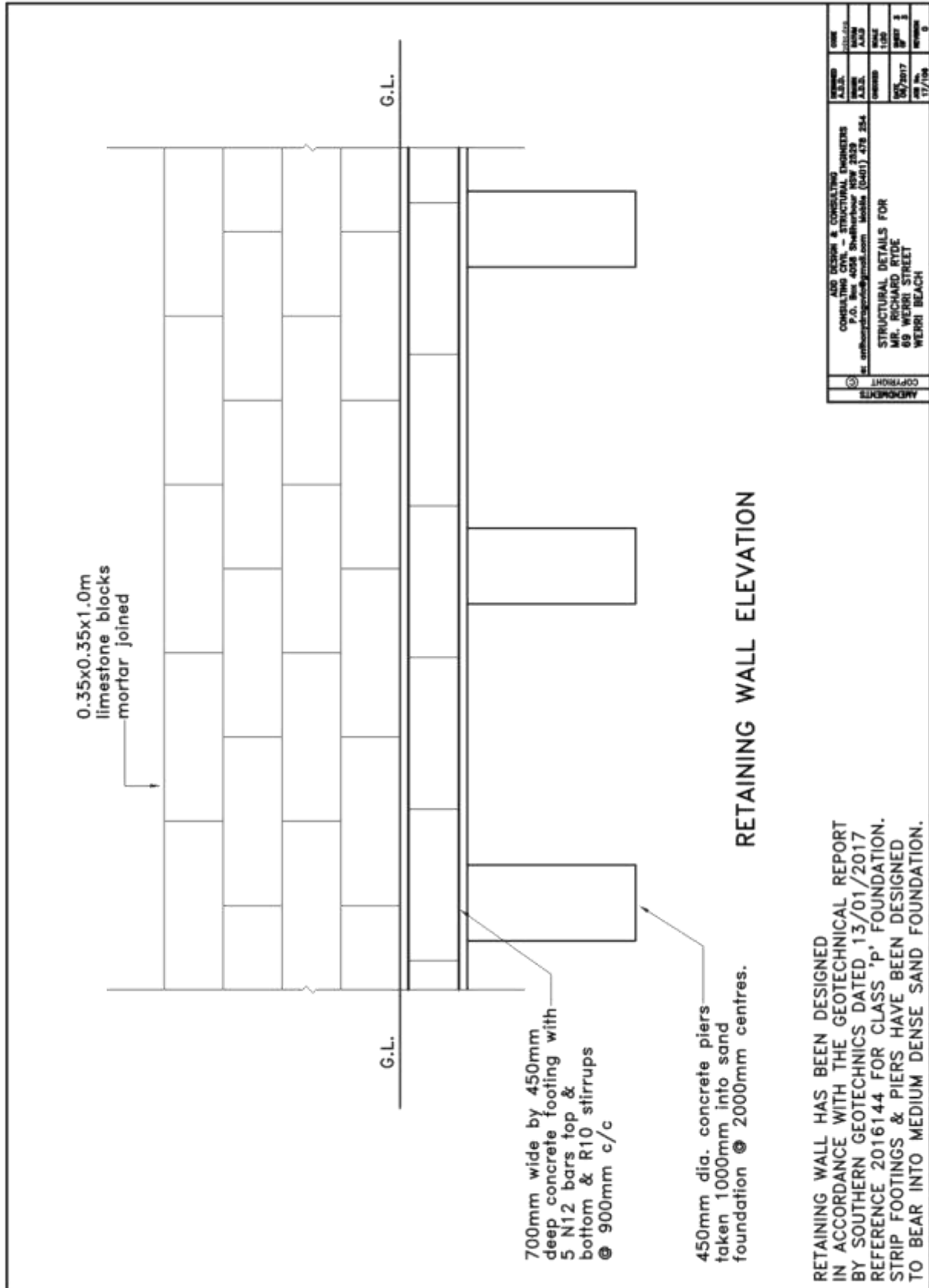
Attachment 1





Attachment 1

Item 9.2



Attachment 1

Item 9.2

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

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews the development application seeking consent for a 2 lot Torrens title subdivision of the subject land. The proposed development complies with Council's LEP and DCP provisions. More than 3 submissions were received objecting to the proposed development. The report recommends approval of the application.

Finance

N/A

Policy

N/A

Reason for the Report

The development application attracted more than 3 submissions.

Attachments

1 10.2017.117.1 - plan [↓](#)

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND**Development Site**

The property is described as Lot 229 DP 30126 which is located at 44 Anembo Crescent, Kiama Heights.

The overall site measures 1808m² in size and is irregular in shape. The site currently contains a dwelling (Class 1 building) setback in excess of 43m from the front boundary (Anembo Crescent). The site is bounded by residential land to the east, south and north principally containing dwellings. Anembo Crescent adjoins the land to the west.

Report of the Director Environmental Services

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

The land is zoned R2 Low Density Residential pursuant to Kiama Local Environmental Plan 2011, is predominantly cleared and slopes gently from northwest downward to the southeast.

Access to the property is obtained from Anembo Crescent.

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

Description of the Proposed Development

The proposal involves the 2 lot Torrens title subdivision of the subject land.

Proposed Lot 2291, at 560m² in size (some 490m² excluding easement for access and some 454m² further excluding easement for landscaping) fronts Anembo Crescent and will be a vacant allotment.

Proposed Lot 2292, at 1247m² in size (1122m² excluding access handle), is situated at the rear of the site and will contain the existing dwelling.

Access to the proposed lots is from a reciprocal Right of Carriageway (to be registered) over a proposed new access driveway adjacent the northern property boundary (deviating from the current driveway alignment) but utilising the current access point to Anembo Crescent. The majority of the existing driveway is to be demolished for future development of the proposed vacant Lot 2291 and part of the front wall and landscape wall adjacent the northern property boundary is also proposed to be demolished for the purpose of the access driveway.

Section 79C Assessment

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

Relevant Environmental Planning Instruments

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

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

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

- State Environmental Planning Policy No 55 - Remediation of Land

There is no record or evidence of site contamination. The land appears to be suitable for the proposed development and future use.

- Kiama LEP 2011

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

Specific clauses requiring consideration:

Report of the Director Environmental Services

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

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

The subject lot is 1808m² in size, which is large for R2 zoned land and contains an existing dwelling setback in excess of 43m from the front boundary. Subdivision of the land will promote more efficient use of existing residential land resource.

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio map (0.45:1 in this instance). The subject land includes an existing dwelling that is proposed to be contained within Lot 2292. The subdivision does not lead to a breach of the FSR as it relates to this proposed lot. It is furthermore accepted that the proposed vacant Lot 2291 is capable of supporting a residential dwelling satisfying the FSR development standard.

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

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

Any draft Environmental Planning Instruments

- Draft State Environmental Planning Policy (Coastal Management) 2016

Consideration has been given to the objectives of the draft SEPP and no concerns are raised in relation to the proposed development.

Development Control Plans (DCPs)

- Kiama DCP 2012

The proposed development is consistent with Kiama DCP 2012.

The DCP Chapter most directly relevant to the proposed development is Chapter 7 – Subdivision. The proposed amended development satisfies the objectives and performance controls of Chapter 7.

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*.

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

- 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.

- Noise

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

- Privacy and Overlooking

No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development (subdivision). Subsequent development of the proposed vacant lot (should the subdivision be approved) will need to consider privacy loss and overlooking issues in direct response to the proposal at the time.

- Overshadowing

No significant concerns are raised in relation to potential overshadowing. Subsequent development of the proposed vacant lot (should the subdivision be approved) will need to consider overshadowing in direct response to the proposal at the time.

- Views

No significant concerns are raised in relation to potential view sharing of view impact. Subsequent development of the proposed vacant lot (should the subdivision be approved) will need to consider views and view loss issues in direct response to the proposal at the time. Council's view sharing principles will apply most directly at that stage.

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is available within proposed Lot 2292 and is capable of being accommodated within the proposed vacant lot 2291.

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

- Stormwater Management

A satisfactory drainage design has been provided with the application.

Report of the Director Environmental Services

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

All stormwater from future development of the proposed vacant Lot 2291 will drain to the street.

- Environmental Impacts

Vegetation Removal – The trees from front to back along the southern boundary that may be removed are:

- Coastal banksia 6m of unknown health
- Pittosporum undulatum – exempt 5m
- Fraxinus griffithii – exempt 4m
- Dead something possibly Cootamundra wattle
- Magnolia grandiflora – 2 x 1.5m currently exempt on height.
- Fraxinus griffithii – exempt 4m

The *Schinus areira* (Peppercorn tree) on the northern side of the property entrance may also be removed for the purpose of the subdivision (as per the amended plans).

This issue has been considered by Council's Landscape Officer and no concerns have been raised.

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

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

Impact on Water Resources – Stormwater will be conveyed to the street with future development of the proposed vacant Lot 2291. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

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

The following matters have also been considered:

- Traffic

The impact of the proposed development in relation to traffic and the local road network has been considered by Council's Development Engineers, who have raised no objections to the development on the grounds of traffic, access and the like.

- Contamination from previous land uses

Report of the Director Environmental Services

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

There is no record or physical and anecdotal evidence of site contamination apparent for this property.

- Effect on public domain

The development is generally considered to be acceptable in terms of its effect on the public domain.

- Utility Needs and Supply

The proposal is serviced by all essential services.

- Safety, Security and Crime Prevention

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

- Operational Waste

Bin servicing from the road verge is readily available.

- Operational Noise

No on-going significant noise impacts are expected as a result of the development.

- Risks to People and Property from Natural and Technological Hazards

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

- Construction Impacts

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

- BCA Compliance

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

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, 7 submissions were received with attached petitions totaling 63 signatories, which raised the following (summarised) matters of concern:

Item 1: Objection is raised to Kiama DCP 2012 Chapter 7 – Subdivision control C22 which requires, for battle-axe lots, a minimum 3m wide driveway with 1m wide landscaping strips either side i.e. 5m wide access handle (as per C18). The original Statement of Environmental Effects supporting the application identified a proposed variation to this control, referencing 0.5m wide landscaping strips either side of the driveway. The form letter highlights this and objects to the variation.

Response: The comments in the SEE in relation to control C22 are not consistent with the proposed plan of subdivision. The applicant was contacted about this

Report of the Director Environmental Services

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

discrepancy and the SEE was subsequently amended to reflect the proposed development.

Amended plans have also been submitted showing an access handle ranging in width from between 5.3m & 6.3m wide, containing an access driveway ranging in width from between 3.0m & 5.3m wide and a landscape strip on the northern side of the driveway ranging in width from between 1.0m & 2.3m wide. A 1m wide landscape strip is proposed within an easement along the southern side of the access handle.

The amended development satisfies control C22 of DCP 2012 Chapter 7.

Item 2: DCP 2012 Chapter 4 – Low density development control C42 states that lots must have a minimum frontage of 15m for dual occupancy/secondary dwelling development. The submission states that the site currently has a frontage of 14.935m and the development is objected to on this basis.

Response: The proposed development seeks consent for subdivision of land, not dual occupancy development or secondary dwelling development. Chapter 4 and control C42 is not applicable to the proposed subdivision.

Item 3: It is queried as to whether or not the LEP minimum lot size will be achieved once the area of the access handle is excluded from the lot size calculation (as required under DCP 2012 Chapter 7 control C13).

Response: Proposed Lot 2291 is 560m² in size and some 490m² excluding easement for access. The development satisfies the minimum 450m² lot size requirement of LEP Clause 4.1.

Item 4: The length of the driveway is queried in relation to DCP 2012 Chapter 7 – Subdivision control C22 which requires access handles to have passing bays at minimum 30m intervals.

Response: Amended plans identify a 35m long access driveway inclusive of a passing bay as required. The proposal satisfies control C22 of DCP 2012 Chapter 7.

Item 5: Concern is expressed about traffic safety and additional car movements as a consequence of residential development of the additional lot proposed.

Response: The proposed additional lot with subsequent development is not considered to result in unacceptable levels of additional traffic or unacceptable road safety implications. Council's engineers have raised no concerns in relation to vehicle movement, manoeuvring, access and the like.

Item 6: Concern is expressed about the view loss and privacy loss to neighbours that may be brought about with future development of proposed Lot 2291.

Response: Measures can be imposed with future development of the proposed lot to address potential privacy loss and view loss for neighbours. Such matters will need to be considered in detail, on merit, with subsequent development of the land.

Item 7: The current proposal "*does not allow sufficient space for garbage bins on the medium strip*".

Response: The land has a 14.935m frontage to Anembo Crescent. Adequate room is available for the kerbside collection of garbage bins.

Report of the Director Environmental Services

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

Item 8: Concern is expressed that the development will lead to increased street parking and reduced vehicle visibility.

Response: Onsite parking to meet Council's requirements is available for the dwelling on proposed Lot 2292. On-site car parking to meet Council's requirements is capable of being provided with future development of proposed Lot 2291. Council is not able to impose more onerous requirements than the requirements currently contained within its DCP.

As previously stated, Council's engineers have raised no concerns in relation to vehicle movement, manoeuvring, access and the like.

Item 9: The development will impede "*water and escarpment views*" for pedestrians in the street.

Response: There is no view corridor available over the site from the street that is of such significance as to warrant refusal on the basis of public view loss. Partial water views are available from many locations in the street and unimpeded water views are readily available from the public reserve along the Kiama Heights waterfront.

External Referrals

Nil

Internal Referrals

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

- Development Assessment Officer - Building

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

- Subdivision & Development Engineer

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

- Landscape Design Officer

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

- GIS Officer

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

The Public Interest

The proposal is considered to be consistent with all relevant Environmental Planning Instruments and Development Control Plan 2012, 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

Report of the Director Environmental Services

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

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant DCP Chapters. The proposed development is consistent with the objectives of the R2 Low Density Residential zone.

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

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

Draft Conditions of Consent

General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2017.117.1 dated 18/07/2017 except as amended by the following conditions: (g005.doc)
- (2) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate. (g030.doc)
- (3) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Maritime Services (RMS) "*Traffic Control at Work Sites*" manual. The traffic control management plan must be designed by an RMS accredited designer and must be provided to Council prior to the commencement of any construction works. (g130.doc)
- (4) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to occupy the public road reserve, Anembo Crescent for the purpose of carrying out activities associated with the development. All of the conditions of approval shall be complied with at all times during occupation of the public road reserve. (g145.doc)
- (5) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this development consent on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - a Motor vehicle insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or Roads and Traffic Authority permit (Including Compulsory Third Party insurance). Primary producer's registration is not valid registration for use on Public Road construction work.
 - b Workers Compensation Insurance.
 - c Ten Million Dollar Public Liability Insurance. (g155.doc)

Report of the Director Environmental Services

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

-
- (6) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:
- a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used. (g165.doc)
- (7) The trees on the southern boundary of proposed Lot 2291 may be removed as required. These trees are one Coastal Banksia, two Evergreen Ash and one Sweet Pittosporum.

The *Schinus areira* (Peppercorn tree) on the northern side of the drive may be removed for the new driveway construction.

- (8) Standard Torrens Title addressing applies. Letterboxes are to be located at the access point and public road boundary. House numbers shall be applied as follows:

Proposed Lot 2291 – 44A Anembo Crescent

Proposed Lot 2292 – 44 Anembo Crescent

Contributions

- (1) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plan No. 1 shall be paid to Council for tree planting prior to issuing of the Subdivision Certificate. The total contribution required for the subdivision is **\$6,857.74**. (bo010.doc)

Prior to Commencement of Works

- (1) The developer shall lodge with Council a bond of **\$2,700** in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

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

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

- a There being no damage to the infrastructure within the road reserve.
- b Twelve (12) months has elapsed from the date of issue of the occupation certificate and/or subdivision certificate.

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

- c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council. (pt013.doc)
- (2) The developer shall obtain a Construction Certificate prior to the commencement of any subdivision construction works. (pt045.doc)
- (3) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
- b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c Stating that unauthorised entry to the work site is prohibited.
- Note:** Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee. (pt060.doc)
- (4) A detailed Waste Minimisation Plan in accordance with the provisions of Chapter 11 Kiama Development Control Plan 2012 – covering the construction phases of the development and on-going waste management shall be provided to Council prior to the release of the Construction Certificate. (pt064.doc)

Demolition Works

- (1) Security fencing shall be provided around the perimeter of the demolition site and any additional precautionary measures taken, as may be necessary to prevent unauthorised entry to the site at all times during the demolition period. (dw010.doc)

Civil Engineering Design

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

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

- a Plan, longitudinal and cross sectional detail shall be provided for the proposed access driveway;
- b The proposed pavement treatment to the access driveway. The minimum surface treatment shall be concrete;
- c Strategically located passing bays, where required, shall be positioned within the access driveway to accommodate minimum design requirements;

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

- d The location and reduced level of all services under the control of public utilities or agencies.

All reduced levels shall relate to Australian Height Datum (AHD). (ced030.doc)

Erosion and Sedimentation Controls / Soil and Water Management

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
- a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.
 - b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
 - c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
 - d All the above requirements must be in place for the duration of the construction works. (esc005.doc)
- (2) The developer shall submit to the Principal Certifying Authority for approval prior to the issue of the construction certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007).

All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development. (esc010.doc)

- (3) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work. (esc020.doc)

Stormwater Management

- (1) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. (sm055.doc)
- (2) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to

Report of the Director Environmental Services

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

the Principal Certifying Authority prior to the release of any of the Subdivision Certificate. (sm130.doc)

Access Construction

- (1) The developer shall construct the footpath access driveway in compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's "*Driveway and Footpath Works Procedure Manual*". (ac001.doc)
- (2) The access driveway shall be constructed to meet the design requirements of Council's "*Driveway and Footpath Works Procedure Manual*". The access driveway shall be installed prior to the issue of any occupation certificate. (ac015.doc)

Civil Engineering Construction

- (1) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties. (cec015.doc)
- (2) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama Development Control Plan 2012, and civil engineering drawings approved by the Principal Certifying Authority. (cec065.doc)
- (3) The developer shall undertake engineering inspections, sampling, testing and recording of results of all constructed civil engineering works in accordance with the requirements of the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama Development Control Plan 2012 and civil engineering drawings approved by the Principal Certifying Authority. (cec070.doc)

Geotechnical Requirements

- (1) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a final report to be submitted to the Principal Certifying Authority prior to the issue of the subdivision certificate. The report shall cover, but not be limited to:
 - a The suitability of each allotment for residential development. In this regard each Lot shall be given a classification in accordance with the Australian Standard AS 2870 1996 - Residential Slabs and Footings.
 - b The exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location and sub-surface drainage lines which shall be burdened with a restriction-as-to-user within the Section 88B Instrument. (gr040.doc)

Utility Servicing

- (1) A Section 73 Compliance Certificate under the Sydney Water Act, 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to the issuing of the Subdivision Certificate. (us010.doc)

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

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- (2) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document “*A Model Agreement for Local Councils and Utility/Service Providers*” prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area. (us035.doc)
- (3) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access. (us045.doc)

Prior to Issuing of Subdivision Certificate

- (1) The Subdivision Certificate shall not be released until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority. (sub005.doc)
- (2) Prior to the issue of any Subdivision Certificate, the developer shall prepare an instrument under Section 88B of the Conveyancing Act 1919, for approval by the Principal Certifying Authority which incorporates the following easements and restrictions on the use of land:
- a) Easement for services;
 - b) Easement for drainage of water;
 - c) Right of way;
 - d) Easement for landscaping, except to provide access to Lot 2291;
 - e) Restriction as to user over lot 2291 which includes terms that that “*Any future development application shall include for approval a detailed hydrologic and hydraulic analysis prepared by a qualified person and that the hydrologic and hydraulic analysis shall limit the outflows from the development site to the totally undeveloped site discharge.*”;
 - f) Restriction as to user over lot 2291 which includes terms that “*No building or other structure will be permitted to be constructed or remain on the land unless all stormwater discharge discharging from impervious surfaces are directed to the kerb and gutter in the adjoining road reserve.*”; and
 - g) Restriction as to user over lot 2291 with terms which excludes vehicular ingress and egress to the adjoining road reserve, except within the access driveway location approved within Development Consent 10.2017.117.1
- (3) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:
- a) All relevant Construction and Compliance Certificates (where these have not been issued by Council).
 - b) Payment of fees in accordance with Council’s adopted fees and charges.
 - c) A Final Plan of Subdivision and four (4) copies.

A copy of the satisfactory final plan of subdivision shall also be provided as an electronic file in either DXF or DWG format. In this regard the electronic copy must be on MGA (Zone 56) orientation, where this is

Report of the Director Environmental Services

- 9.3 10.2017.117.1 - Lot 229 DP 30126 - 44 Anembo Crescent, Kiama Heights -
2 lot Torrens title subdivision
(cont)
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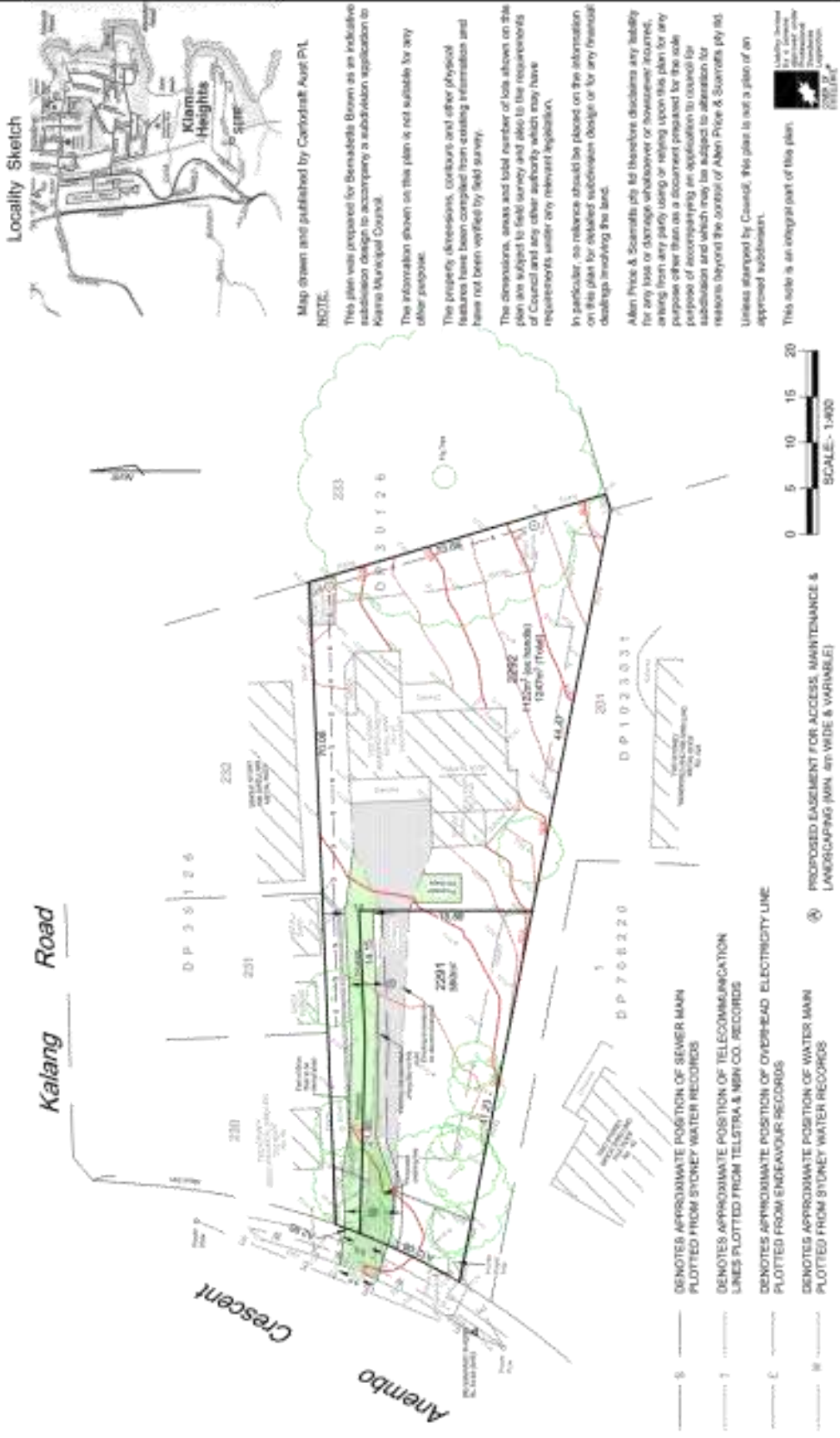
required by the Surveying Regulation 2001, and should preferably use co-ordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided either on disc or thumbdrive.

- d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
 - e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
 - f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
 - g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.
 - h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
 - i) The payment of all required Section 94 Contributions identified in this consent. (sub020.doc)
- (4) The developer shall submit to the Principal Certifying Authority, prior to the release of the Subdivision Certificate, two (2) copies of a certified Works-as-Executed (WAE) drawing including (but not limited to) the following:
- a Final locations and reduced levels for all works associated with the development on both public and private land; and
 - b In contrasting coloured ink, all changes to the Approved Drawings and actual values of all levels shown on the Drawings.

The WAE drawing shall be signed by a Registered Surveyor or Chartered Professional Engineer and certified that all the work as completed, including variations, meets the original intent of the Approved Drawing and will have no adverse impact on adjacent properties. (sub025.doc)

- (5) The developer shall submit to the Principal Certifying Authority, prior to the release of the Subdivision Certificate an electronic copy of the Works-as-Executed drawing as follows:
- a A full set of engineering drawings in either DWG or DXF format;
 - b An ASCII point file database of all surveyed points in PENZD (point number, easting, northing, elevation, description) format in MGA coordinates. (sub030.doc)

PROPOSED RESIDENTIAL SUBDIVISION



Map drawn and published by Camdraf Aust Pty.

NOTE:
This plan was prepared by Bernadette Brown as an indicative subdivision design to accompany a subdivision application to Kiama Municipal Council.
The information shown on this plan is not suitable for any other purpose.
The property dimensions, contours and other physical features have been compiled from existing information and have not been verified by field survey.
The dimensions, areas and total number of lots shown on the plan are subject to field survey and also to the requirements of Council and any other authority which may have requirements under any relevant legislation.
In particular, no reference should be placed on the information on this plan for detailed subdivision design or for any financial dealings involving the land.

Allen Price & Scarratts Pty Ltd therefore disclaims any liability for any loss or damage whatsoever or howsoever incurred, arising from any party using or relying upon this plan for any purpose other than as a document prepared for the sole purpose of accompanying an application to Council for subdivision and which may be subject to alteration for reasons beyond the control of Allen Price & Scarratts Pty Ltd.

Unless stamped by Council, this plan is not a plan of an approved subdivision.
This site is an integral part of this plan.



REV	DESCRIPTION	BY	DATE

PLAN SHOWING PROPOSED RESIDENTIAL SUBDIVISION OVER LOT 229 DP 30126 AT No. 44 ANEMBO CRES, KIAMA HEIGHTS FOR Ms. BERNADETTE BROWN		RATIO: 1:400 (AT A3 ORIGINAL)	DATE OF PLAN: 04.04.2017
DRAWING NUMBER: K127618-02		SHEET: 1	REVISION: 0
OF 1		OF 0	

allen price & scarratts pty ltd
 land and development consultants
 70 Princes Street, Sydney NSW 2011
 Kiama Branch: 5125 Maribong Street, Kiama NSW 2513
 (02) 451 4611 (02) 451 4612 (02) 451 4613
 www.allenprice.com.au

PROPOSED EASEMENT FOR ACCESS, MAINTENANCE & LANDSCAPING (MIN. 4m WIDE & VARIABLE)	D P 1 0 2 3 0 3 1
DENOTES APPROXIMATE POSITION OF SEWER MAIN PLOTTED FROM STONEY WATER RECORDS	D P 7 0 8 2 2 0
DENOTES APPROXIMATE POSITION OF TELECOMMUNICATION LINES PLOTTED FROM TELSTRA & NBN CO. RECORDS	D P 1 0 2 3 0 3 1
DENOTES APPROXIMATE POSITION OF OVERHEAD ELECTRICITY LINE PLOTTED FROM ENDEAVOUR RECORDS	D P 1 0 2 3 0 3 1
DENOTES APPROXIMATE POSITION OF WATER MAIN PLOTTED FROM STONEY WATER RECORDS	D P 1 0 2 3 0 3 1

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

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

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

Finance

N/A

Policy

N/A

Attachments

1 10.2017.116.1 - plans [↓](#)

Enclosures

Nil

RECOMMENDATION

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

1. The proposal breaches prescribed height limit;
2. The proposal is not appropriate in the coastal zone;
3. The proposal is not consistent with the objectives of the B2 Local Centre Zone;
4. The proposal will negatively affect the heritage significance of the adjoining Kiama Uniting Church;
5. The proposal is not consistent with the relevant objectives and design criteria of the Apartment Design Guide, specifically:
 - a. Visual Privacy;
 - b. Bicycle and Car Parking;
 - c. Solar & Daylight Access;
 - d. Natural Ventilation;

Report of the Director Environmental Services

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

- e. Ceiling Heights;
 - f. Private open space;
 - g. Storage;
 - h. Acoustic Privacy;
 - i. Apartment Mix;
 - j. Facades;
 - k. Landscape Design;
 - l. Planting on Structures;
 - m. Universal Design;
 - n. Energy Efficiency; and
 - o. Building Maintenance.
6. The proposal does not comply with the requirements of Chapter 5 – Medium Density Development of the Kiama Development Control Plan 2012, specifically:
- a. Lot Width;
 - b. Adaptable Housing;
 - c. Setbacks;
 - d. Sound Transmission Class rating;
 - e. Deep Soil Zone Landscaping; and
 - f. Drying Facilities;
7. The proposal has not provided sufficient car parking spaces;
8. The proposed car parking areas do not meet relevant engineering standards;
9. Insufficient information has been submitted to ensure compliance with Council's Waste Management requirements;
10. Insufficient information has been submitted to ensure compliance with Council's Demolition requirements; and
11. Upgrading of the right-of-way is required as part of proposal and consent of owner of Lot C DP 380582 has not been received.

BACKGROUND

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

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

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

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

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

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

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

Development Site

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

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

Report of the Director Environmental Services

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

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

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

The site is subject to the following constraints:

- The site directly adjacent to the south, containing the Kiama Uniting Church, is identified as a local Heritage Item (I114 & I115) by Schedule 5 of the *Kiama Local Environmental Plan 2011*. It is noted that several other heritage items are located on surrounding allotments, notably: Grand Hotel (I116) at 49 Manning Street, the Former ANZ Bank (I113) at 33 Manning Street, the Westpac Bank (I112) at 32 Manning Street, the former Commercial Banking Company of Sydney (I110) at 18 Manning Street, the former Council Chambers (I109) at 11 Manning Street, the Kiama Post Officer (I150) at 24 Terralong Street and the Kiama Railway Station Group (I133).
- Benefitted by right-of-way burdening Lot D DP 380582.

Description of the Proposed Development

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

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

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

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

Demolition

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

Shop Top Housing

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

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- 9.4 10.2017.116.1 - Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking (cont)
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Pedestrian access is to be provided to the residential units via a lobby off Manning Street. The ground floor is to be occupied by a commercial tenancy with 225m² of leasable floor area fronting Manning Street. The proposal provides 33 onsite parking spaces located at grade, behind the commercial premises and accessed via the existing access handle along the north-eastern boundary.

The proposal is described in detail below:

Ground Level:

- Commercial/retail unit with 225m² of floor area built to the street boundary;
- Automatic teller machine near the south-west corner of the building;
- Residential entry in the south-west corner of the building leading to a lift to the upper levels;
- Substation and garbage rooms located on northern side to the rear of commercial unit; and
- Car parking for 33 vehicles (8 commercial including 1 accessible space and 25 residential spaces) occupying the rear of the building, accessed via the right of carriageway along the northern side of the site.

First and Second Floor Levels:

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

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

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1 WEST AERIAL

Figure 1: Aerial View from Manning Street.

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

Chapter 5 of DCP 2012 provides development control for medium density residential development. Section 1 of Chapter 5 outlines that developments of 3 units or more must attend a Council DAU meeting prior to lodgement of any DA, which will include an independent architect, who provide advice on design/character issues. The applicant chose not to attend a Council DAU meeting. When questioned about this decision the applicant indicated that they believed it to be unnecessary as an approval for a different use which has an extremely similar built form was already in place.

Section 79C Assessment

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

Relevant Environmental Planning Instruments

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

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

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

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

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

8 Matters for consideration

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-

The matters for consideration are the following:

- (a) the aims of this Policy set out in clause 2.*
- (b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.*
- (c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*
- (d) the suitability of development given its type, location and design and its relationship with the surrounding area.*
- (e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.*
- (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities.*
- (g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats.*
- (h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.*
- (i) existing wildlife corridors and the impact of development on these corridors.*
- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.*
- (k) measures to reduce the potential for conflict between land-based and water-based coastal activities.*
- (l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.*
- (m) likely impacts of development on the water quality of coastal waterbodies.*
- (n) the conservation and preservation of items of heritage, archaeological or historic significance.*
- (o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.*
- (p) only in cases in which a development application in relation to proposed development is determined:*

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- (i) *the cumulative impacts of the proposed development on the environment, and*
 - (ii) *measures to ensure that water and energy usage by the proposed development is efficient.*

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

As previously outlined the adjoining Uniting Church is listed as a local heritage item by the Kiama LEP 2011. It is considered that in its current state the proposed development does not conserve and preserve the existing heritage context of this section of Manning Street. A full assessment of the implications of the proposed development on the heritage significance of the site has been carried out below. It is noted that the exceedance of the proposed development with the prescribed maximum building height is minimal. However, in its current built form, the proposal is not considered to be suitable in relationship with the surrounding area due to its adverse relationship with heritage items, excessive blank walls and excessive overshadowing. Staff requested the provision of a Section J Report from the applicant to ensure that the proposed development complies with the relevant sections of Section J of Volume One of the National Construction Code Series. No response has been received. In this regard it is considered that the proposed development is not consistent with Clause 8 (d)(n) and (p) of SEPP 71.

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

A BASIX Certificate (808382M) was lodged with the application which demonstrates that the dwellings have been designed in accordance with BASIX.

- State Environmental Planning Policy No 55 - Remediation of Land

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

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

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

- State Environmental Planning Policy No 65 – Residential Flat Buildings

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

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

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

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

- Principle 1: Context and neighbourhood character
 - The loss of commercial space/tenancies is not considered to be a response to the CBD context of the area. It is considered that the proposal will have a negative impact on the local economy.
- Principle 2: Built form and scale
 - It is considered that as the proposed building does not satisfy the prescribed building separation distances it does not represent good design. In line with the commentary of Council's Heritage Advisor further

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articulation of the expansive blank walls will assist in contributing to the character of the streetscape.

- **Principle 4: Sustainability**
 - Insufficient detail has been provided to determine the sustainability of the design in regards to natural cross ventilation and sunlight for the amenity and liveability of residents (see below).
- **Principle 6: Amenity**
 - The submitted Shadow Diagrams do not represent compliance with this Design Criteria. The proposal does not provide adequate outdoor space or internal storage. In this regard it is considered that the proposal will not result in good amenity.
- **Principle 8: Housing diversity and social interaction**
 - From the submitted plans it is clear that no variety of apartment types has been provided. Greater ceiling heights for the first floor are required to promote future flexibility of use.

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

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

1) **3F - Visual Privacy**

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

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

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

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

3) 4A - Solar & Daylight Access

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

4) 4B - Natural Ventilation

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

5) 4C - Ceiling Heights

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

6) 4E - Private Open Space

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

7) 4G - Storage

The ADG requires that adequate, well designed storage is provided in each apartment. The ADG requires that in addition to storage in kitchens, bathrooms and

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

8) 4H - Acoustic Privacy

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

9) 4K - Apartment Mix

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

10) 4M - Facades

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

11) 4O - Landscape Design

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

12) 4P - Planting on Structure

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

13) 4Q - Universal Design

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

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14) 4U - Energy Efficiency

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

15) 4X - Building maintenance

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

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

- Kiama LEP 2011

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

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

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

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

Specific clauses requiring consideration:

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

Clause 4.3 of the LEP requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map. Clause 4.3 of the *Kiama Local Environmental Plan (LEP) 2011* and Sheet HOB_012 outlines that a maximum

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

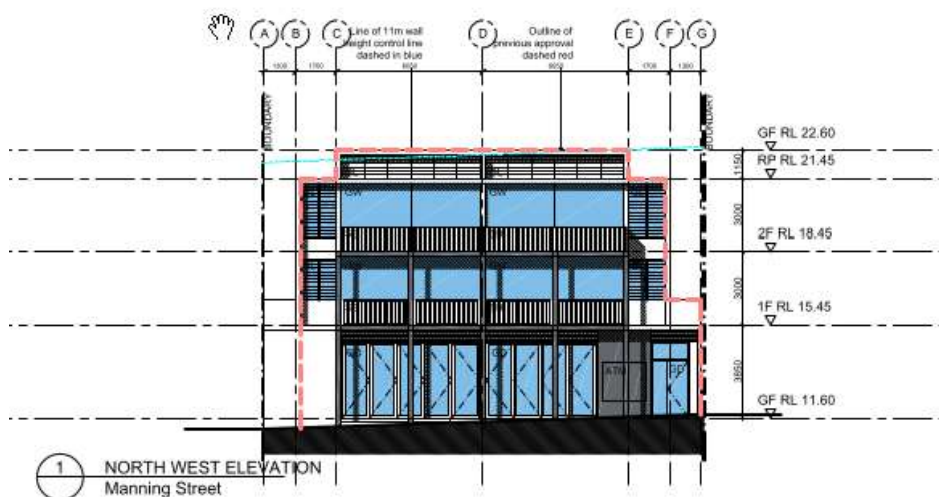


Figure 2: North West Elevation

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

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

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

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- (2) *Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:*
- (a) *existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:*
 - (i) *maintaining existing public access and, where possible, improving that access, and*
 - (ii) *identifying opportunities for new public access, and*
 - (b) *the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*
 - (i) *the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and*
 - (ii) *the location, and*
 - (iii) *the bulk, scale, size and overall built form design of any building or work involved, and*
 - (c) *the impact of the proposed development on the amenity of the coastal foreshore including:*
 - (i) *any significant overshadowing of the coastal foreshore, and*
 - (ii) *any loss of views from a public place to the coastal foreshore, and*
 - (d) *how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and*
 - (e) *how biodiversity and ecosystems, including:*
 - (i) *native coastal vegetation and existing wildlife corridors, and*
 - (ii) *rock platforms, and*
 - (iii) *water quality of coastal waterbodies, and*
 - (iv) *native fauna and native flora, and their habitats;**can be conserved, and*
 - (f) *the cumulative impacts of the proposed development and other development on the coastal catchment.*
- (3) *Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:*
- (a) *the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and*

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- (b) *if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*
 - (c) *the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*
 - (d) *the proposed development will not:*
 - (i) *be significantly affected by coastal hazards, or*
 - (ii) *have a significant impact on coastal hazards, or*
 - (iii) *increase the risk of coastal hazards in relation to any other land.*

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

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

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

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the clerestory windows are not an architectural roof feature as they are not decorative elements.

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

Clause 5.10 of the LEP lists requirements for heritage conservation for items listed in Schedule 5 of the Kiama LEP 2011. The site directly adjacent to the south, containing the Kiama Uniting Church, is identified as local Heritage Items (I114 & I115) by Schedule 5 of the *Kiama Local Environmental Plan 2011*. It is noted that several other heritage items are located on surrounding allotments, notably: Grand Hotel (I116) at 49 Manning Street, the Former ANZ Bank (I113) at 33 Manning Street, the Westpac Bank (I112) at 32 Manning Street, the former Commercial Banking Company of Sydney (I110) at 18 Manning Street, the former Council Chambers (I109) at 11 Manning Street, the Kiama Post Officer (I150) at 24 Terralong Street and the Kiama Railway Station Group (I133).

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

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

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

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

The detailing, materials and colours of the front façade as it addresses the streetscape in its present form does not appear to best reflect the character of buildings identified as contributing to the desired future character and heritage context of the Town Centre, and this section of Manning Street. The large expanse

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of door/window glazing in particular does not respond well to the visual character objective of the DCP and character of heritage items in the vicinity. The large expanse of blank wall planes at the western end of the south and north elevations, which would be visible in the streetscape, is as presently shown, out of character with traditional proportioning, materials and colours of more highly articulated older buildings in the Town Centre and this section of Manning Street.

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

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

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

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

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

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

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

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Any draft Environmental Planning Instruments

- Draft State Environmental Planning Policy (Coastal Management) 2016

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

- Kiama LEP 2011 - Planning Proposal (PP 2016 KIAMA 003 00).

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

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

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

- Draft State Environmental Planning Policy (Infrastructure)

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

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

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

- Draft State Environmental Planning Policy (Vegetation)

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

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The proposed development is not consistent with Kiama DCP 2012.

Chapter 2 - Overall controls

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

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During Construction: conditions can be added to ensure compliance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Provide sufficient separation and articulation to provide high level of visual and acoustic privacy for existing and new occupants.

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- To ensure that development is designed for climate change including possibility of higher winds, extreme rain events etc.
- To ensure the high level architectural merit of buildings to ensure high levels of liveability and street amenity.
- To encourage lot amalgamation and discourage leaving isolated lots surrounded by larger developments.
- To ensure that all environmental risks such as coastal processes/sea level rises etc. are taken into consideration in the development process.
- To ensure that all design is to incorporate a high level of daylight, sunlight, air flow and ventilation to all housing.
- To select building types appropriate to the site's topography, local context, location, dimensions and landform.
- To ensure that any significant vegetation is retained and enhanced.
- To encourage a mix of housing forms to assist in achieving urban consolidation initiatives particularly in localities close to business.

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

The objectives of Chapter 9 are as follows:

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

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

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

Chapter 5 – Medium Density Residential

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

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

- C1: The proposed development does not comply with all principal development standards (i.e. maximum building height) of the LEP 2011 (see comments above),
- C2: Lots are to have a minimum frontage width of 25m. Variations to this control may be considered where it can be demonstrated that all DCP requirements have been met. This is not the case. Many of the dot points listed on page 12 of the submitted SEE infers that the variation is warranted due to the development's compliance with the SEPP No 65 and the ADG. As outlined above the proposed development does not comply with either the SEPP No 65 or the ADG.
- C4: Adaptable Housing at a ratio of 1:4 dwellings is to be provided. In this case 4 Adaptable Houses are required. Only 2 are proposed. Many of the dot points listed on page 12 of the submitted SEE infers that the variation is warranted due to the development's compliance with the SEPP No 65 and the ADG. As outlined above the proposed development does not comply with either the SEPP No 65 or the ADG.
- C10: It is agreed that the ground floor component of the proposed development need not comply with the setback controls of Chapter 5. However, it is noted that Floors 1 and 2 do not comply with the setback controls of either the DCP or the ADG.
- C11: It is noted that the encroachment allowance provided by Control 11 has also been exceeded.
- C16: This control reinforces the requirements of the ADG.
- C17: This control reinforces the requirements of the ADG.

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- C18: This control reinforces the requirements of the ADG.
- C21: This control reinforces the requirements of the ADG.
- C22: Not all living areas have a northerly aspect. The submitted SEE outlines that all POS will receive direct sunlight. From the submitted plans it would appear that this is not the case for Units 1.04 and 1.08.
- C24: This control reinforces the requirements of the ADG. Work could be done to provide sunlight to Units 1.04 and 1.08.
- C26: This control reinforces the requirements of the ADG.
- C28: No details regarding the Sound Transmission Class rating outlined by the Building Code of Australia have been provided on the submitted plans.
- C30: From the submitted plans it is unclear if Storage areas 1-13 will compromise natural ventilation in the carpark. As outlined above it was requested that details of the proposed storage areas be provided.
- C31: This control reinforces the requirements of the ADG.
- C43: Clause 6A of the SEPP No 65 outlines that the DCP can be inconsistent with the SEPP No 65 in regards to Deep Soil Zones. As such the proposed development needs to show compliance with this control by provided for 25% deep soil landscaping of the site.
- C44: Concerns regarding the blank walls associated with the proposed car park have been raised above as part of Council's Heritage Advisor's comments.
- C48: The submitted SEE outlines that drying areas are intended to be within the POS areas of each unit. As per Control 31 of Chapter 5 of the DCP drying facilities must not form part of the POS.
- C49: As drying facilities cannot form part of the POS and no additional locations have been shown on the submitted plans Council are not in a position to assess compliance with this control.
- C50: As drying facilities cannot form part of the POS and no additional locations have been shown on the submitted plans Council are not in a position to assess compliance with this control.
- C51: As drying facilities cannot form part of the POS and no additional locations have been shown on the submitted plans Council are not in a position to assess compliance with this control.
- C52: It was requested that the location of the common letterboxes be shown on the submitted plans.
- C55: Please refer to comments below regarding compliance with Chapter 11.
- C57: This control reinforces the requirements of the ADG.

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- C58: This control applies to all floors of the proposed development. This control reinforces the requirements of the ADG.
- C62: It is noted that while a draft Strata Subdivision Plan has been submitted as part of this Development Application the application form makes no mention of proposing any form of subdivision. Clarification on this matter is required.

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Chapter 8 - Landscaping

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

Chapter 9 – Car parking Requirements

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

Table 1: DCP Schedule of Requirements

Land Use Type	Minimum Car parking Standards
Shop top housing	2 spaces per 3 bedroom dwelling plus 1 visitor space per 2 dwellings
Retail/Business	1 space per 35m ² of gross leasable floor area.

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

Table 2: – Car parking Requirements

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

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

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

- The level of on-site parking provision is adequate;
- The availability of on-street parking;

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- The site has good access to public transport;

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

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

- Chapter 9 allows the applicant to undertake a parking study if they dispute Council’s parking requirements. The traffic & parking assessment prepared by Hemanote Consultants considers the 33 spaces provided as adequate given the sites access to existing public transport and nearby parking opportunities. The car parking study does not address the heads of consideration in Chapter 9. The applicant shall prepare a revised plan which addresses the requirement of Control C7 of Chapter of Kiama DCP 2012.
- The loss of on-street parking has been proposed to be accommodated within the proposal. It is questioned as to whether the general public can legally access the development via the right of way over Lot D in DP 380582. The applicant shall provide legal opinion on this matter.
- The proposed commercial spaces are 5.4m x 2.4m. AS2890.1 specifies that short-term city parking and town centre parking requires a minimum size of 5.4m x 2.6m. Revised plans shall be provided with larger commercial parking spaces.

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

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

Table 3: Bicycle parking provision

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

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

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

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

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

Chapter 11 – Waste Requirements

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

Section 5 - Garbage, Recycling Bin Storage Room

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

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

Section 6 – Internal Bins/Containers

Compliance with Section 6 can be conditioned.

Section 7 – Roadside Bin Collection Point

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

Section 8 – Onsite Bin Collection Point

From the submitted Traffic Impact Statement, it would appear that the applicant seeks to service the residential waste via a private contractor, who will collect the bins from the internal garbage room. Section 8 outlines that for this type of proposal documentation from the private contractor certifying that the design plans and development site has been inspected and that a Waste Services Agreement will be

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entered into for onsite access for provision and collection residential waste. No such documentation has been provided as part of this application.

Section 9 – Requirements for Medical Hazardous Clinical Wastes

Not applicable.

Section 10 – Ongoing Management

Compliance with Section 10 can be conditioned.

Section 11 – Low Density Developments

Not applicable.

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

Collection Bins: The provision of these bins can be enforced by way of a condition of consent. It is noted that for this type of development shared garbage and recycling bins and/or more frequent services may be an alternative option. From the submitted Traffic Impact Statement, it would appear that the applicant seeks to service the residential waste via a private contractor.

External Bin Storage Area: Not applicable

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

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

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

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

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

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

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

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

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

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

Onsite Collection Service Requirements: A Deed of Agreement and Release, including indemnity, would have to be reached between Council or the private service contractor and the development/owner of the site. No information regarding such a deed has been provided to Council.

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

Chapter 26 – Kiama Town Centre

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 30 - Heritage

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

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

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

- (a) "Visually reduce the massing of the Manning Street elevation and western end of side elevations back to the lift shaft/stair 1 by reducing its height by 1 storey. Consideration should be given to stepping back the second floor from the Manning Street frontage a minimum of 5m.

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

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

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

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

Any Planning Agreement

Nil

Any Matters Prescribed by the Regulations

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

The proposal does not compromise the strategic actions of the *NSW Coastal Policy 1997*.

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

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

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- Clauses 93, 94 & 94A

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

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

- Streetscape

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

- Noise

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

- Privacy and Overlooking

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

- Overshadowing

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

- Views

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

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking has not been proposed.

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

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

- Stormwater Management

A satisfactory drainage design has been provided with the application.

All stormwater will drain to the street.

- Environmental Impacts

Vegetation Removal – No vegetation is to be removed.

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

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

Impact on Water Resources – Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

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

- Contamination from previous land uses

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

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

- Effect on public domain

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

- Utility needs and supply

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-

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

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

- Safety, security & crime prevention

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

- Operational waste

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

- Risks to people & property from natural & technological hazards

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

- BCA compliance

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

- Construction impacts

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

The Suitability of the Site for the Development

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

Submissions

Report of the Director Environmental Services

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

Public Submissions

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

Item 1: - Architectural Form

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

Item 2: - Heritage

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

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

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

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

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

Item 5: - Traffic/Parking

Response: - Concerns were raised regarding the access to the proposed residential parking area being gained across a wide pedestrian footpath. Some submitters also commented on the volume of traffic likely to be generated as a result of this proposal and the development currently under construction at 28 Bong Bong Street (i.e.

Report of the Director Environmental Services

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

Bathers site). Concerns have also been raised regarding the adequacy of the existing right-of-way and the legalities associated with it. This matter has been discussed in length above and staff are of the same opinion. As outlined above the development as proposed is not considered to comply with Chapter 9 of the DCP 2012. Council's Subdivision and Development Engineer has also raised concerns regarding the proposed car parking spaces non-compliance with the engineering requirements of the Australian Standard 2890.1.

Item 6: - Loss of commercial spaces

Response: - The majority of submissions received voiced their concern over the loss of commercial space on the site. It was suggested that due to the proposed loss of commercial space the proposed development is not consistent with the objectives of the B2 Local Centre Zone. This matter has been discussed in length above and staff are of the same opinion. It has also been suggested that in its current form the proposed development is not consistent with the draft Community Strategic Plan 2017-2027, Kiama Economic Development Strategy 2014, or Kiama Economic and Employment Strategy 2003. As with the Kiama Town Centre Charrette the applicant is not required to consider the objectives of these plans/strategies.

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

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

Item 8: - Overshadowing

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

External Referrals

Nil

Internal Referrals

Report of the Director Environmental Services

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

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

- Development Assessment Officer - Building

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

- Subdivision & Development Engineer

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

- Landscape Design Officer

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

The Public Interest

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

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

Final Comments and Conclusions

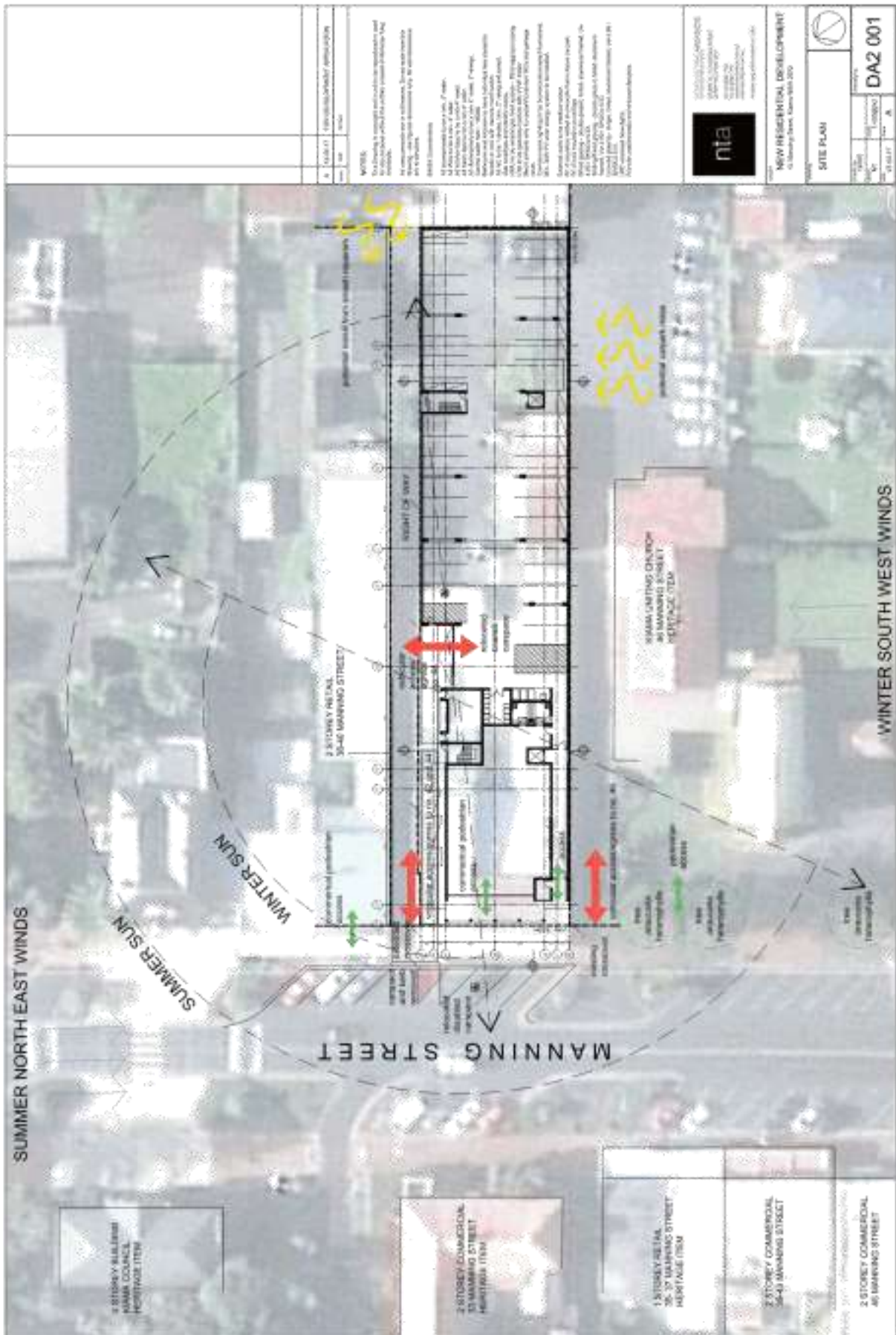
The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is inconsistent with State Environmental Planning Policy No 71 – Coastal Protection, State Environmental Planning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

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



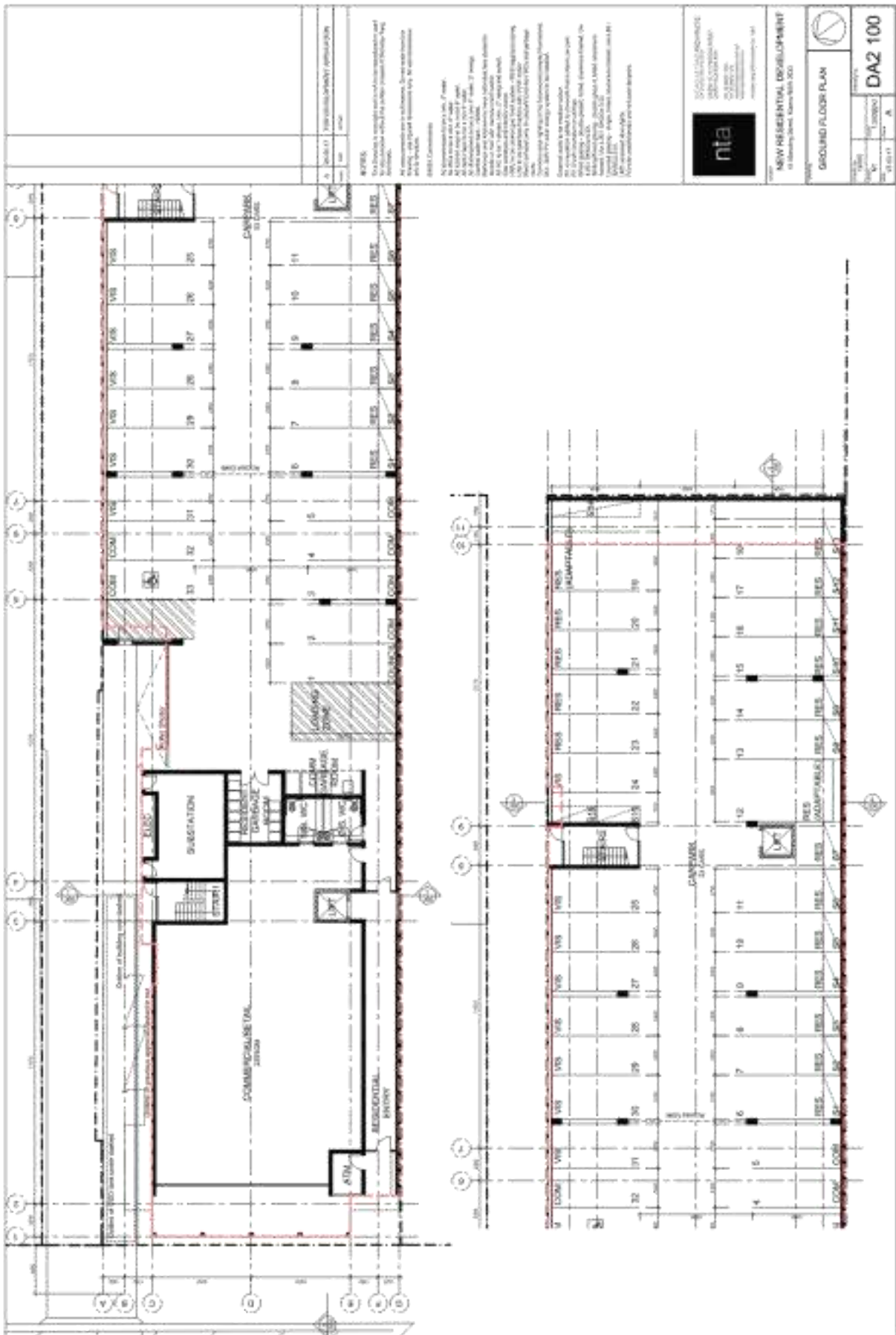
**Item 9.4 - 10.2017.116.1 - Lot C DP 380582 44 Manning Street
 Kiama – Demolition of existing building at 44 Bong Bong
 Street, Kiama - construction of a 3 Storey Mixed Use
 Development Consisting of Ground Floor Commercial/Retail
 Space and 16 Shop Top Dwellings and Associated Parking**

Attachments 1 - 10.2017.116.1 - plans



Item 9.4

Attachment 1

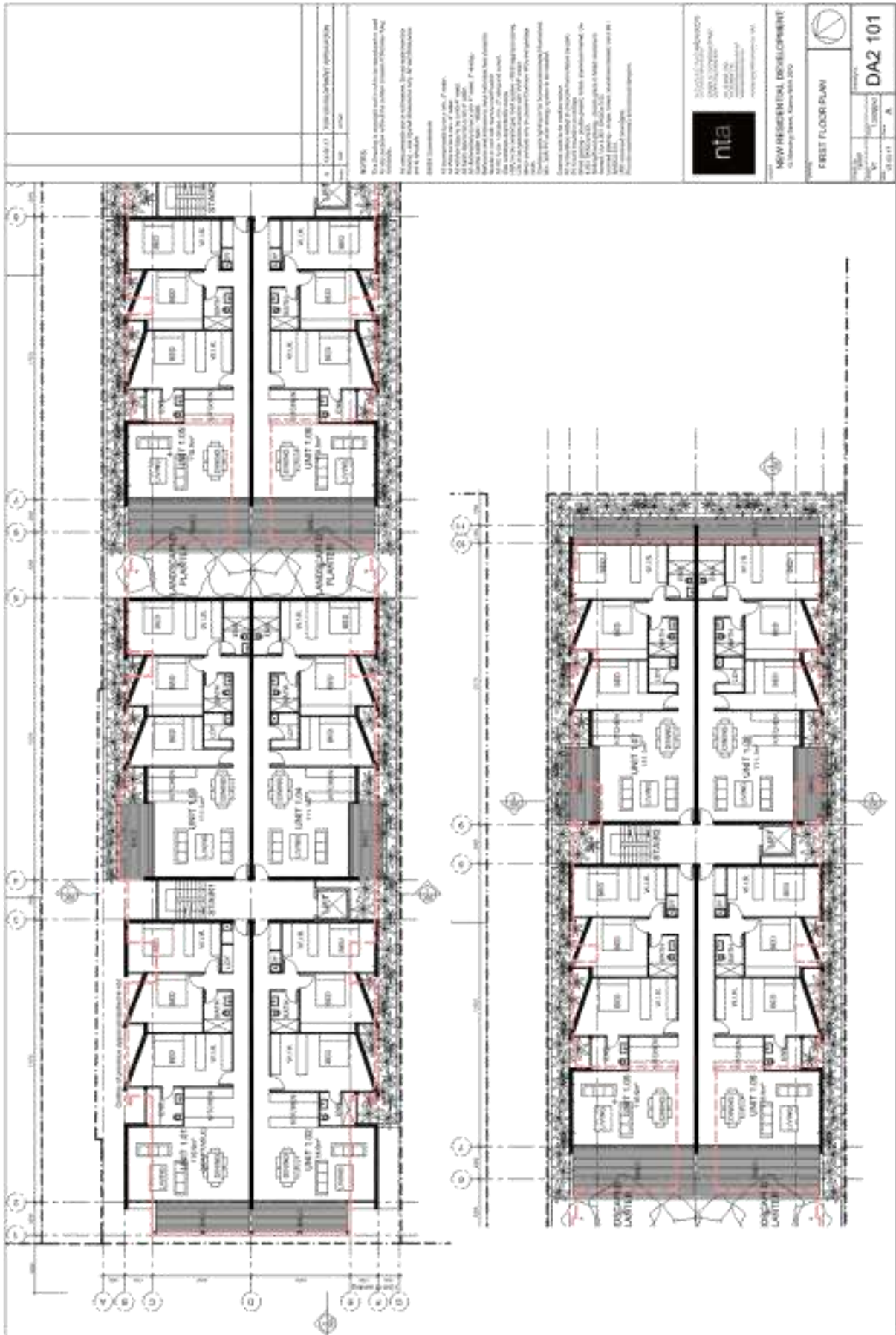


Item 9.4

Attachment 1

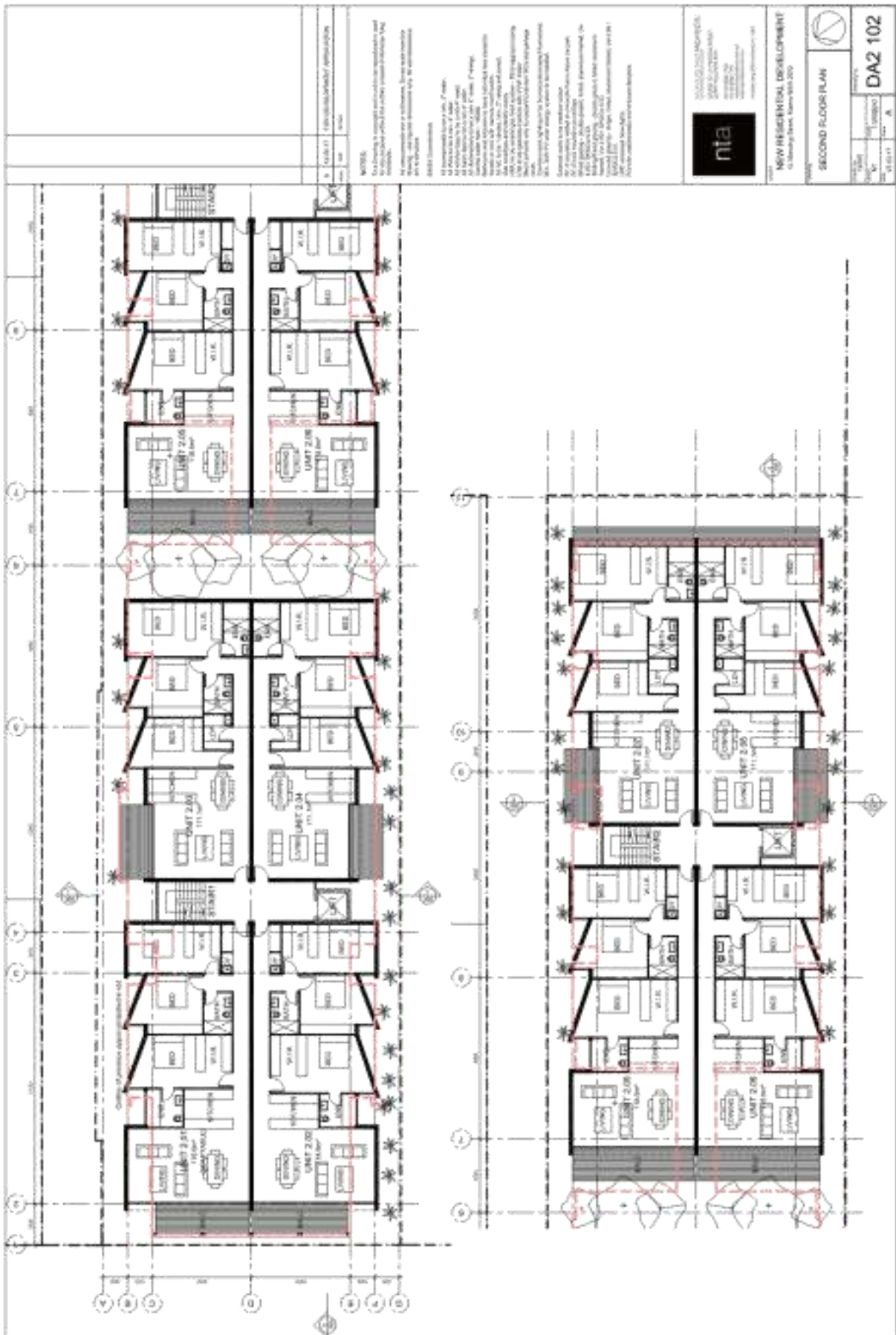
**Item 9.4 - 10.2017.116.1 - Lot C DP 380582 44 Manning Street
 Kiama – Demolition of existing building at 44 Bong Bong
 Street, Kiama - construction of a 3 Storey Mixed Use
 Development Consisting of Ground Floor Commercial/Retail
 Space and 16 Shop Top Dwellings and Associated Parking**

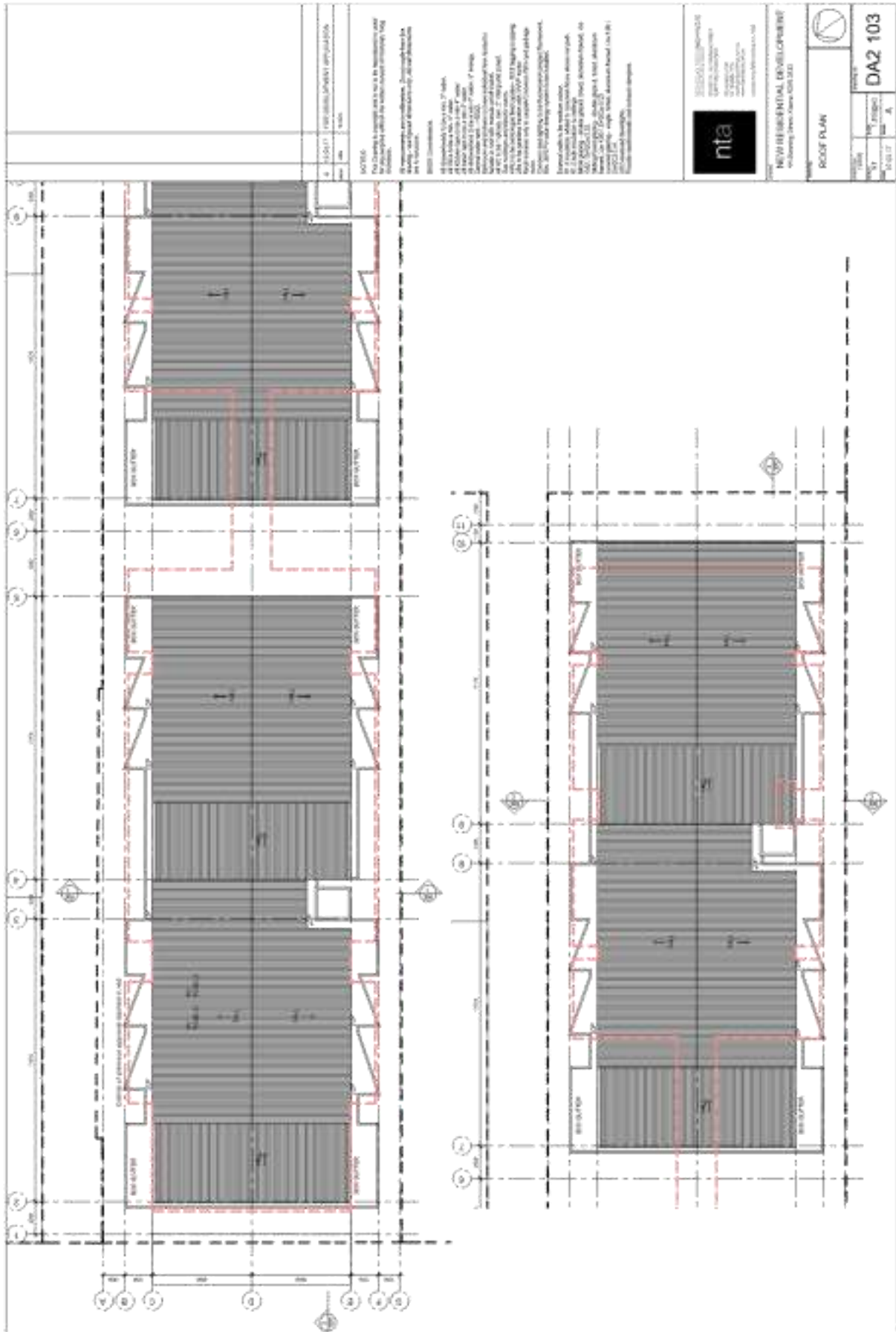
Attachments 1 - 10.2017.116.1 - plans



<p>NOTES</p> <p>1. All dimensions are in millimetres, large scale sections are in metres.</p> <p>2. All work is to be done in accordance with the Australian Standards and relevant codes of practice.</p> <p>3. All work is to be done in accordance with the relevant Australian Standards and relevant codes of practice.</p> <p>4. All work is to be done in accordance with the relevant Australian Standards and relevant codes of practice.</p> <p>5. All work is to be done in accordance with the relevant Australian Standards and relevant codes of practice.</p> <p>6. All work is to be done in accordance with the relevant Australian Standards and relevant codes of practice.</p> <p>7. All work is to be done in accordance with the relevant Australian Standards and relevant codes of practice.</p> <p>8. All work is to be done in accordance with the relevant Australian Standards and relevant codes of practice.</p> <p>9. All work is to be done in accordance with the relevant Australian Standards and relevant codes of practice.</p> <p>10. All work is to be done in accordance with the relevant Australian Standards and relevant codes of practice.</p>	
<p>PROJECT INFORMATION</p> <p>Project Name: 44 Manning Street, Kiama</p> <p>Client: nta</p> <p>Architect: nta</p> <p>Engineer: nta</p> <p>Contract No: DA2 101</p> <p>Date: 10/2017</p> <p>Scale: 1:100</p>	

Item 9.4
Attachment 1





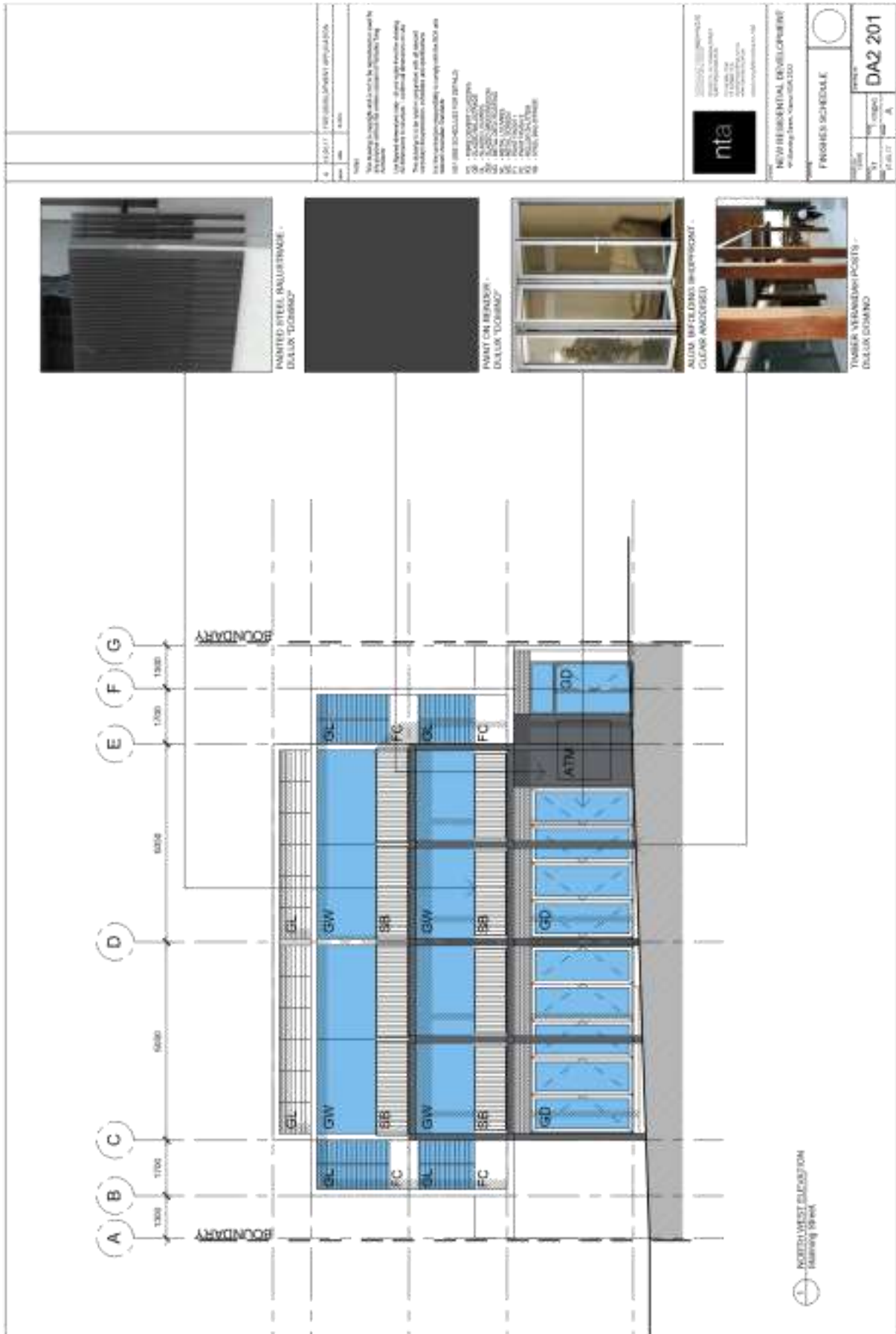
Item 9.4

Attachment 1



Item 9.4

Attachment 1



NOTES

1. This building is to be constructed in accordance with the Building Code of Australia (BCA) and the relevant provisions of the Building Act 1975 (Cth) and the Building Regulations 2006 (Cth).

2. The design is to be in accordance with all relevant standards, codes of practice, and specifications.

3. The design is to be in accordance with the relevant provisions of the Building Code of Australia (BCA) and the relevant provisions of the Building Act 1975 (Cth) and the Building Regulations 2006 (Cth).

4. The design is to be in accordance with the relevant provisions of the Building Code of Australia (BCA) and the relevant provisions of the Building Act 1975 (Cth) and the Building Regulations 2006 (Cth).

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10. The design is to be in accordance with the relevant provisions of the Building Code of Australia (BCA) and the relevant provisions of the Building Act 1975 (Cth) and the Building Regulations 2006 (Cth).

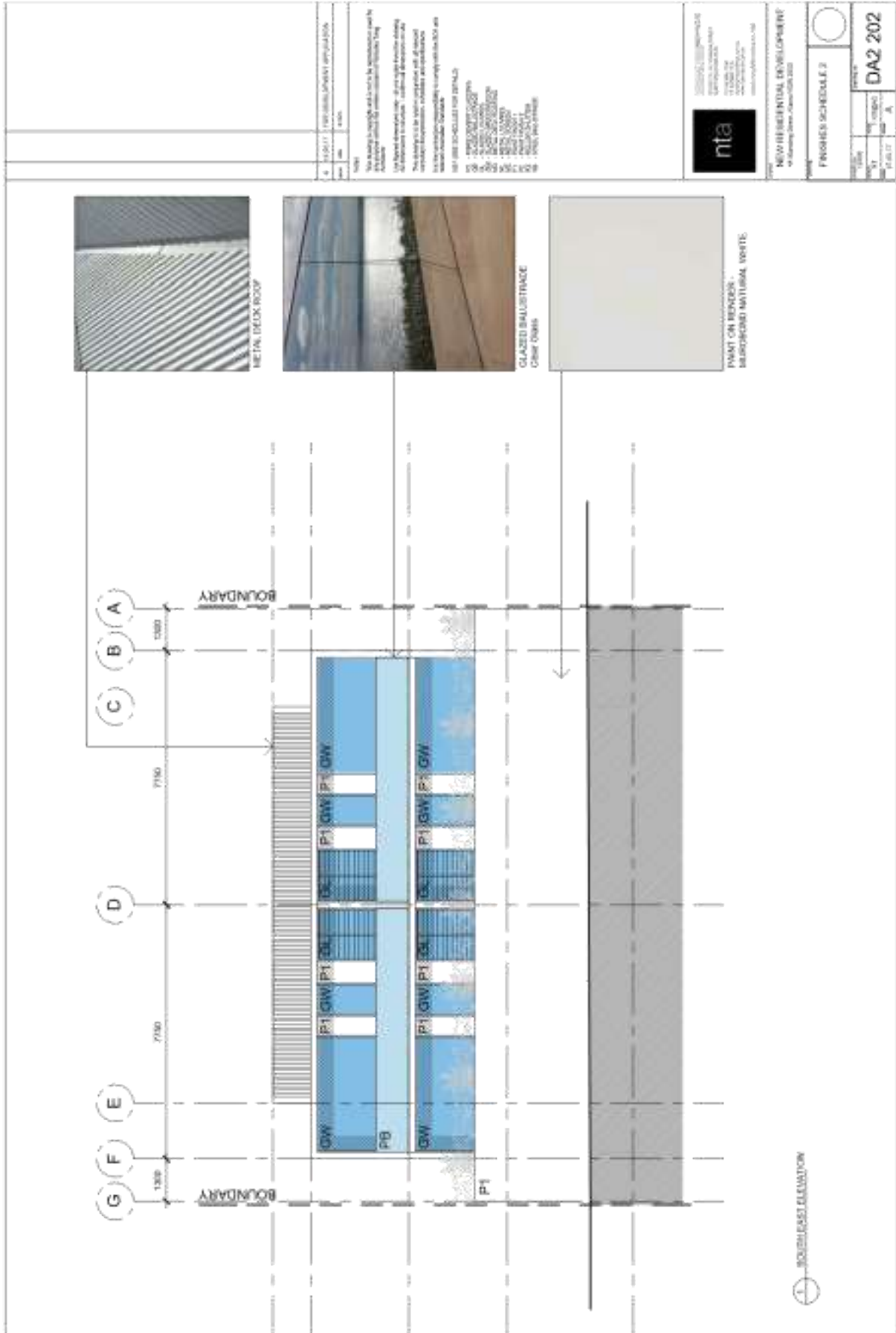
nta

NEW RESIDENTIAL DEVELOPMENT
 44 Manning Street, Kiama NSW 2533

PROFILES SCHEDULE

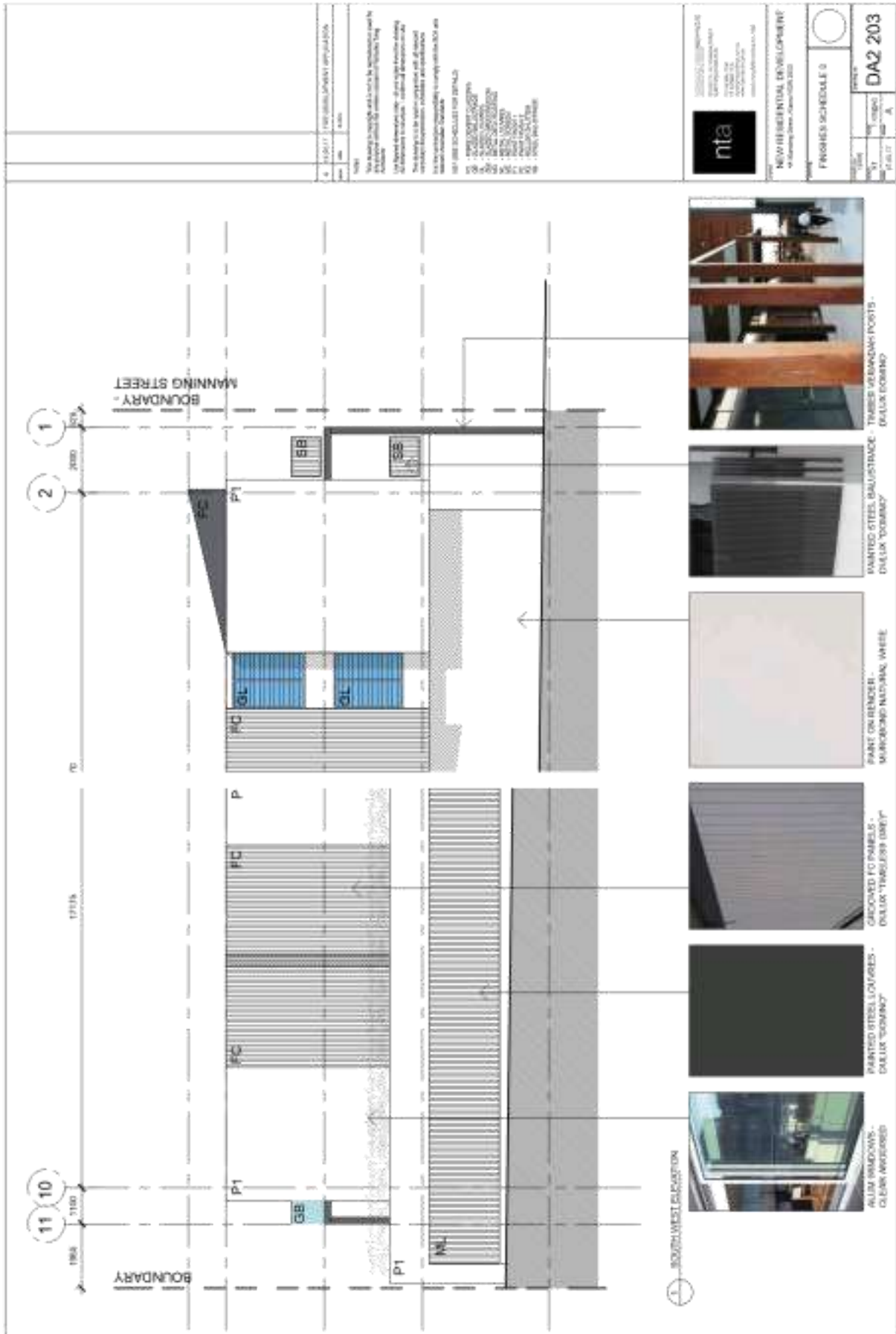
PROJECT	DA2 201
DATE	
SCALE	A

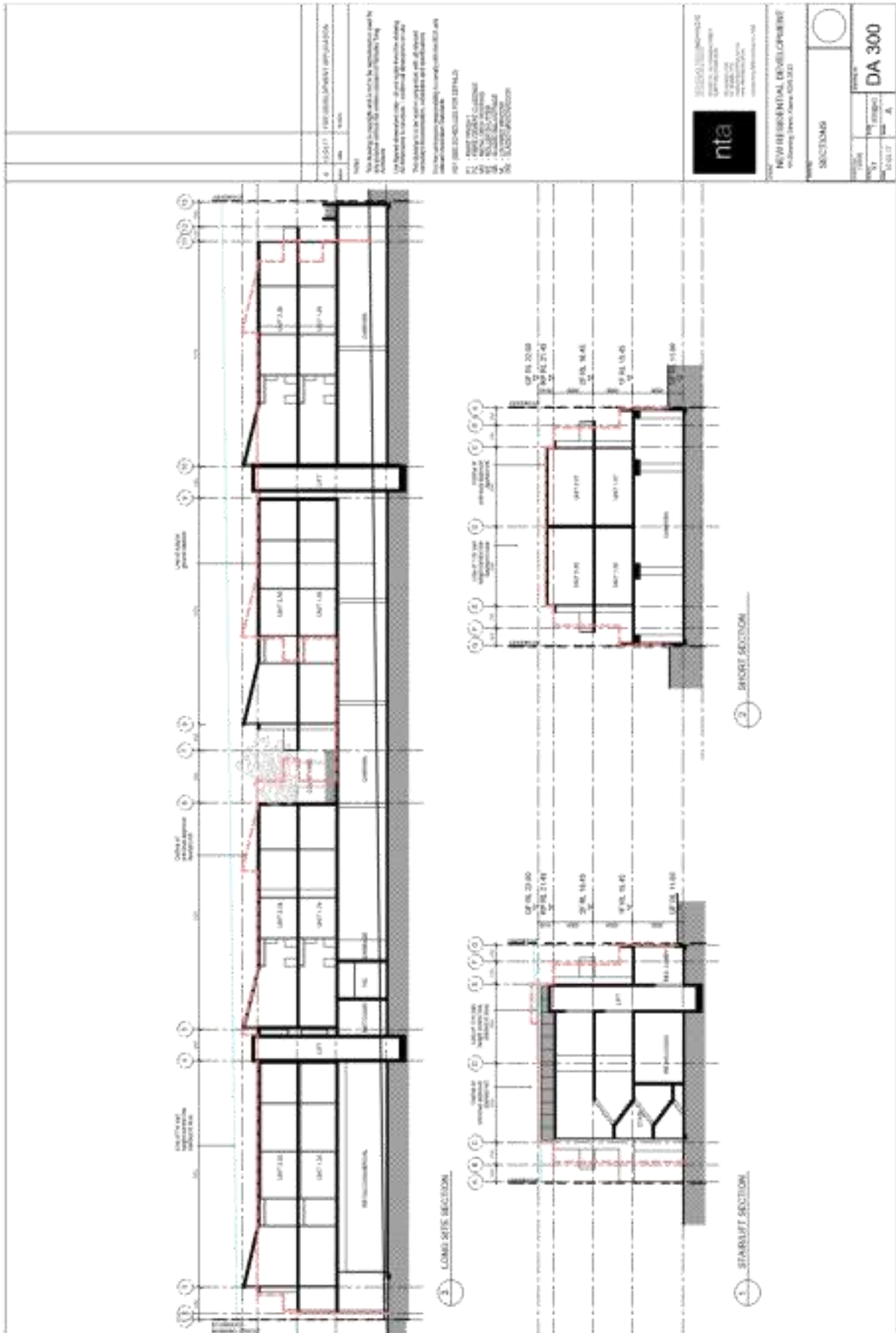
Attachment 1
 Item 9.4

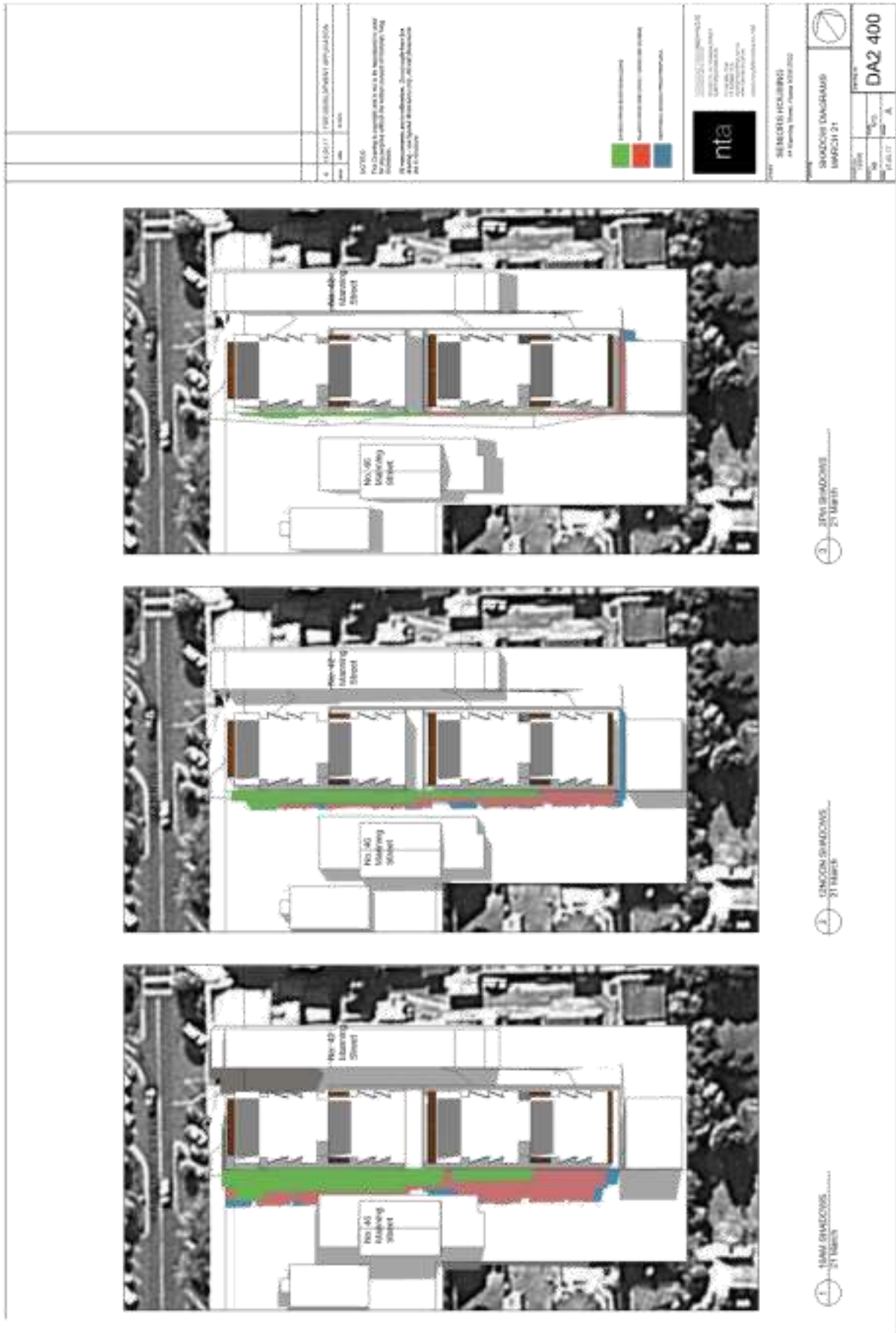


Item 9.4

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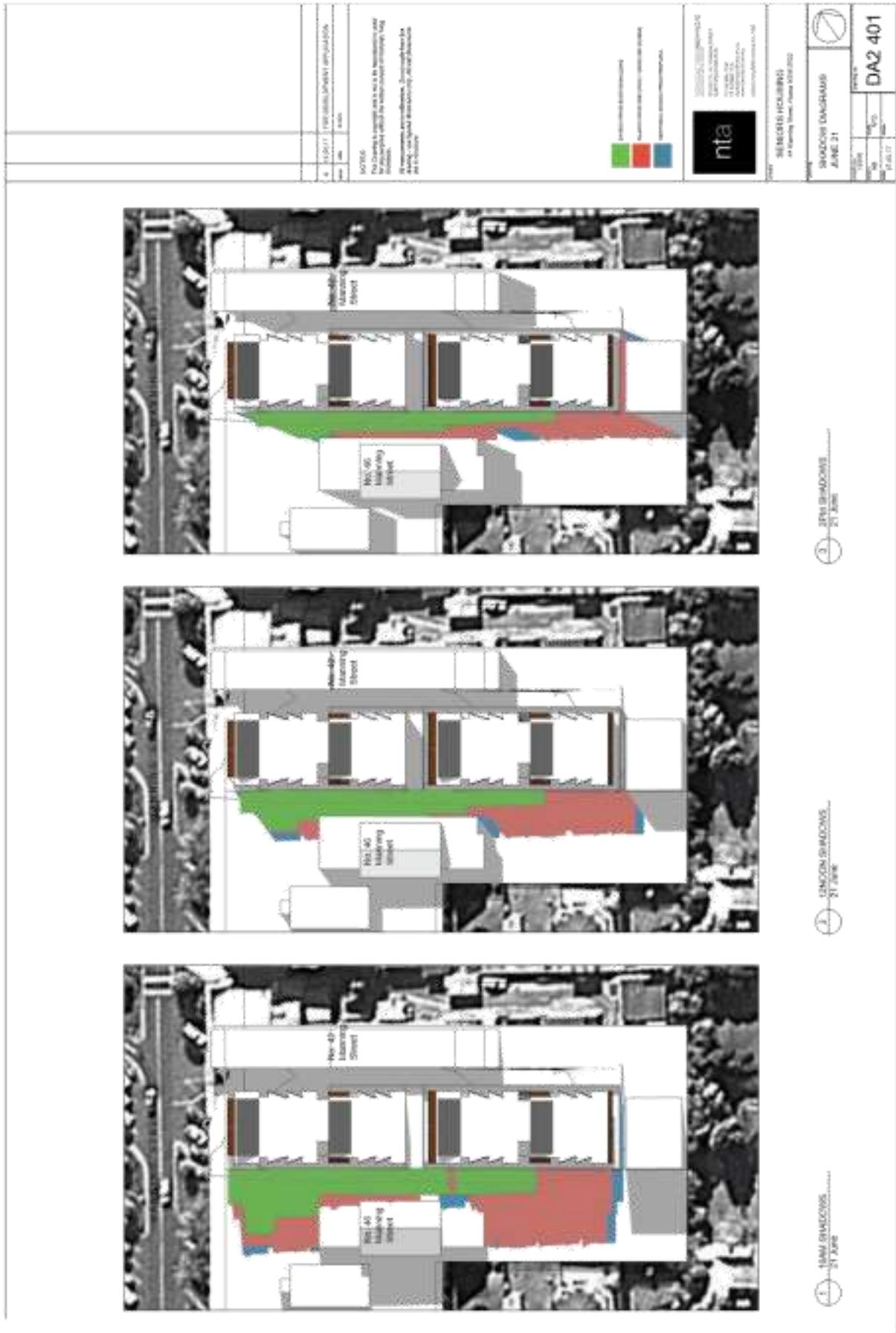






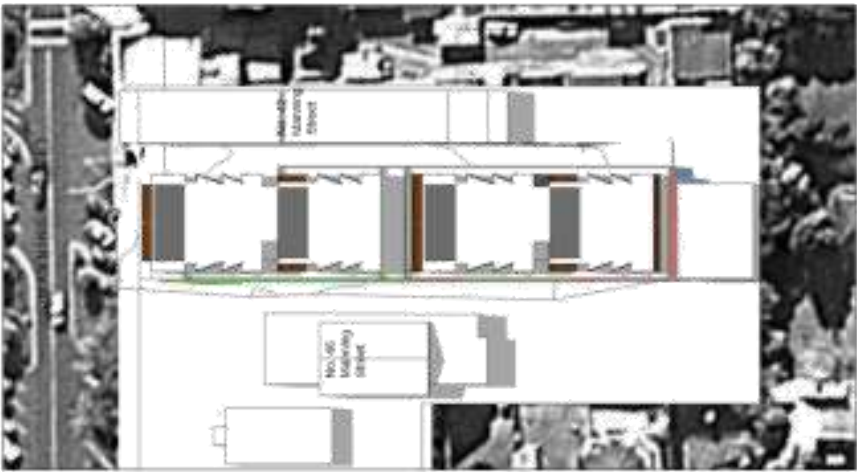
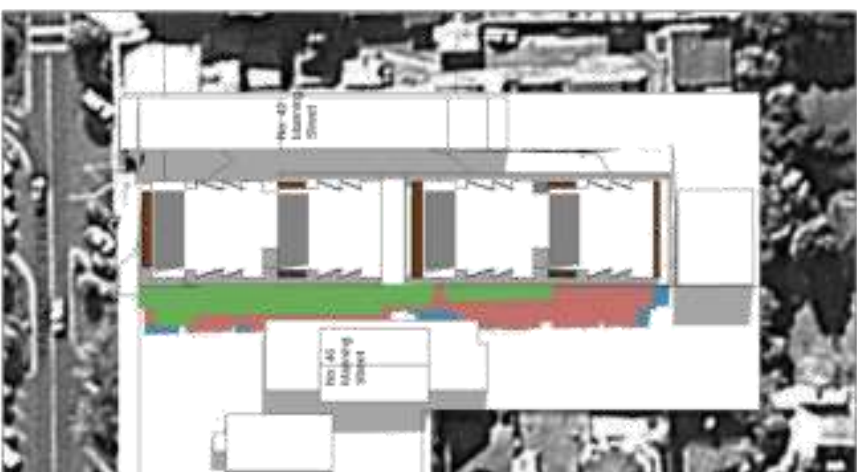
Item 9.4

Attachment 1



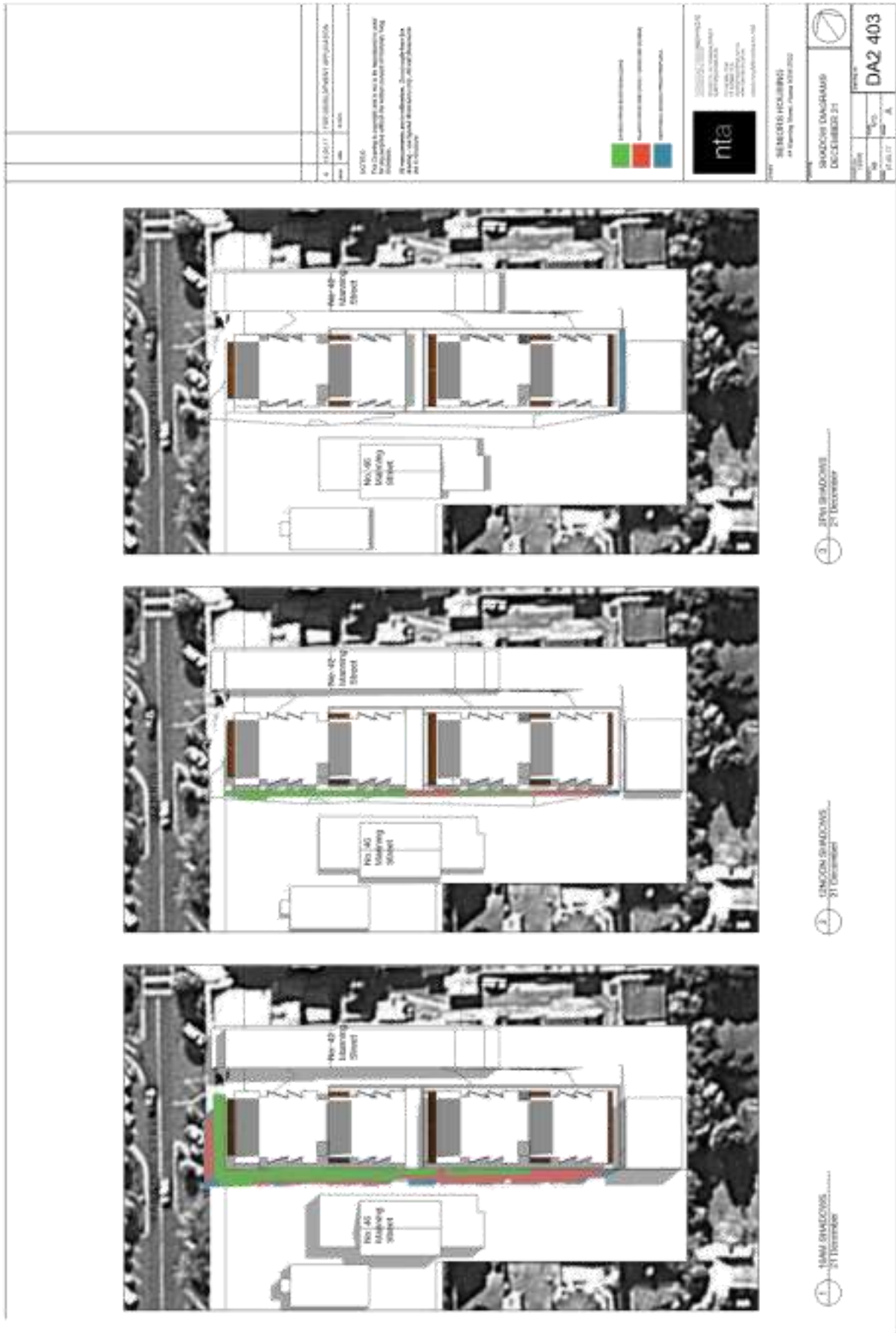
Item 9.4

Attachment 1

<p>DATE: 21/09/2017 DRAWN BY: [Name] CHECKED BY: [Name]</p> <p>NOTES: 1. This drawing is to be read in conjunction with the other drawings in this set. 2. All dimensions are in millimetres. Dimensions are to be taken to the centre of lines unless otherwise stated. 3. All work is to be done in accordance with the relevant Australian Standards.</p>	<p>SHADOWS: 15:00 DATE: 21/09/2017 DRAWN BY: [Name]</p>	<p>MEMBERS HOURING 44 Manning Street, Kiama NSW 2512</p> <p>SHADOWS: 15:00 DATE: 21/09/2017 DRAWN BY: [Name]</p> <p>DA2 402</p>
		

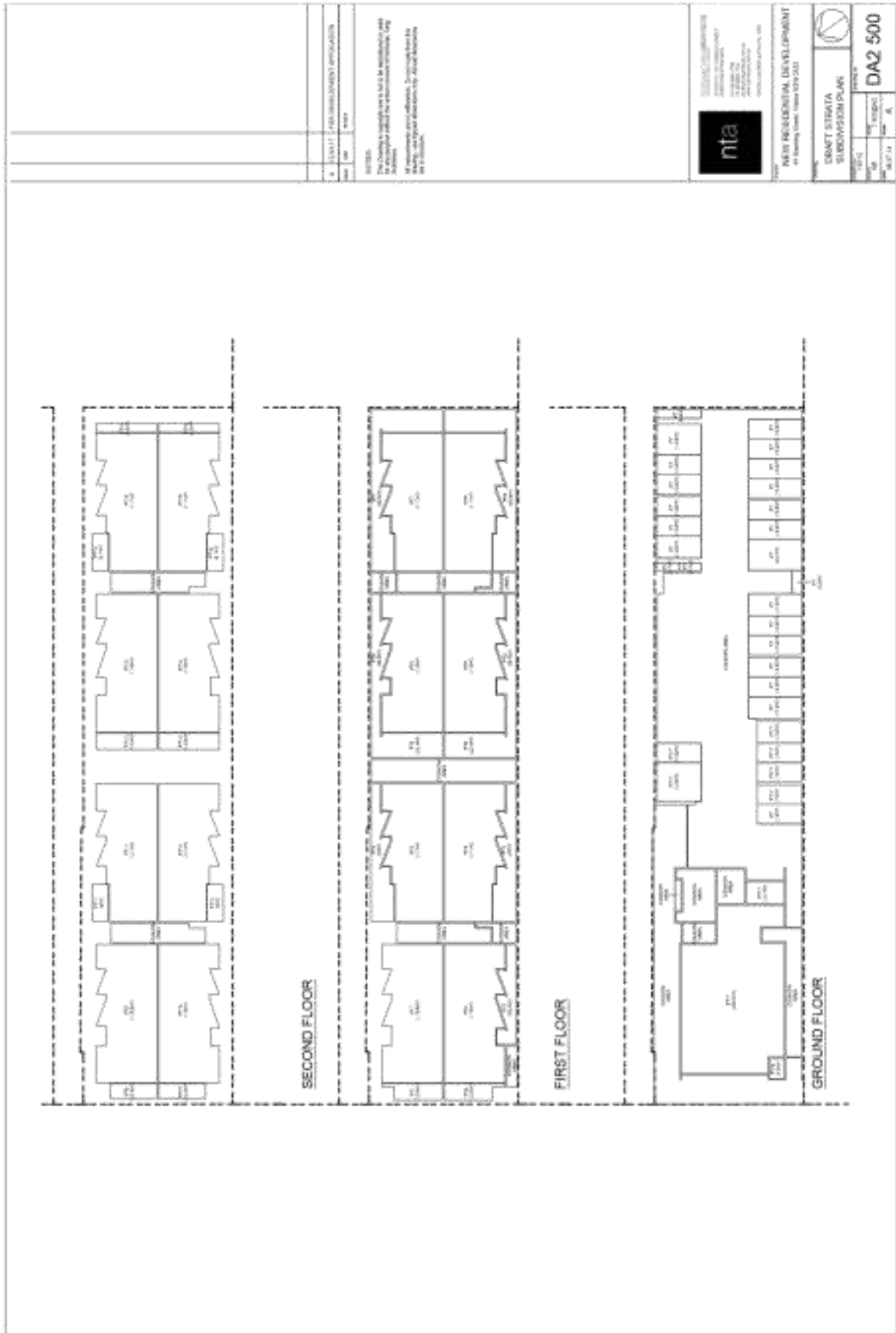
Item 9.4

Attachment 1



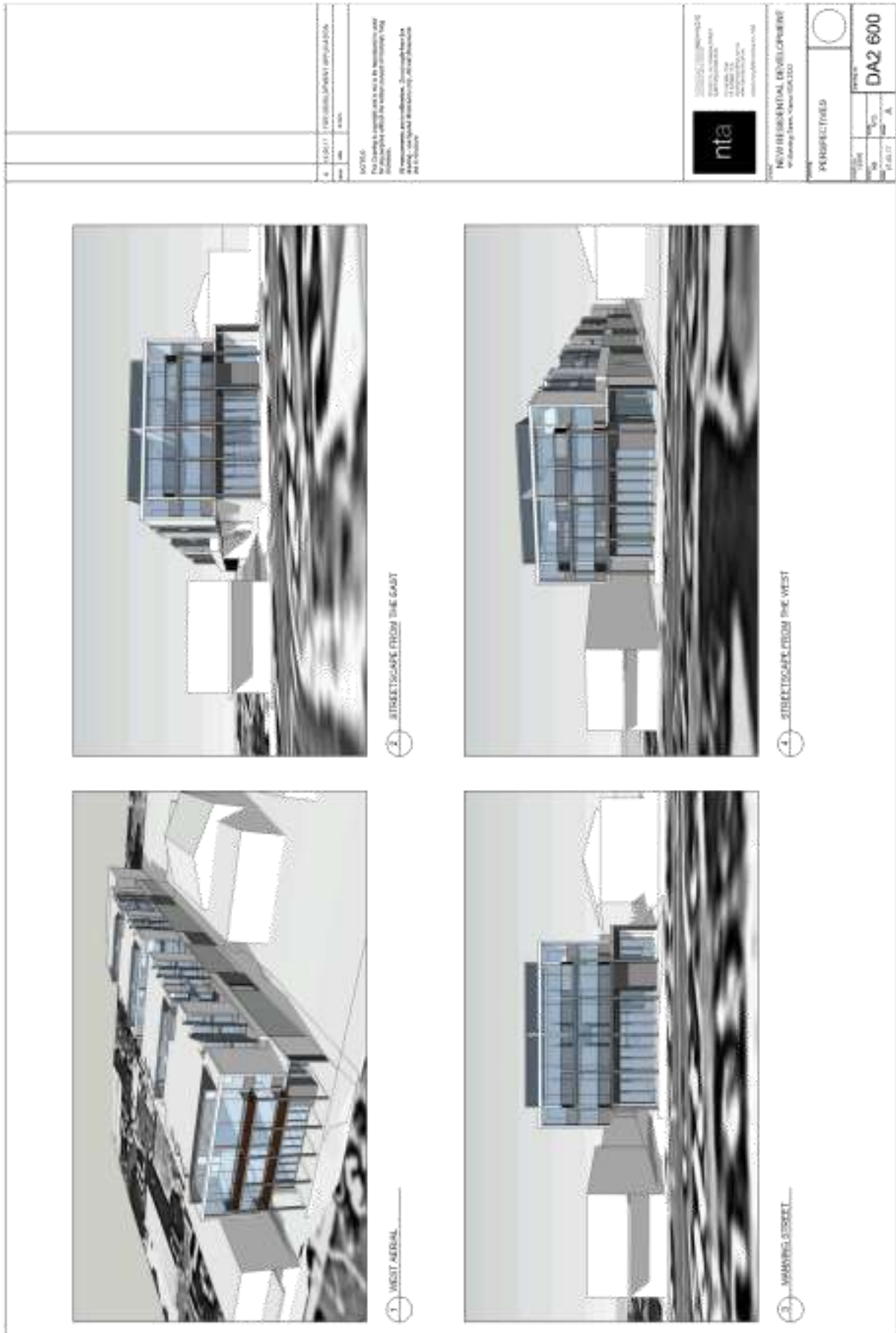
Item 9.4

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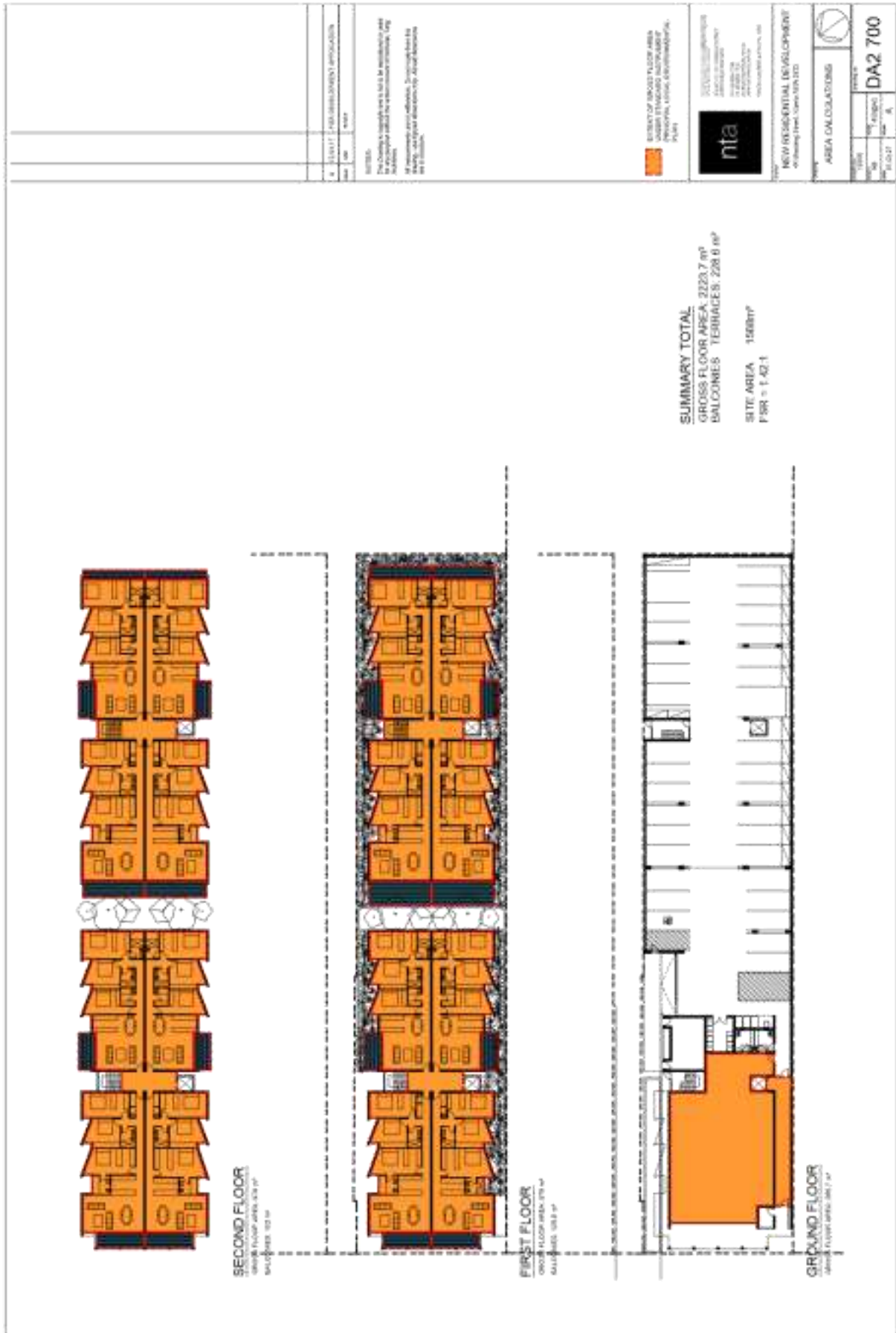
Item 9.4

Attachment 1



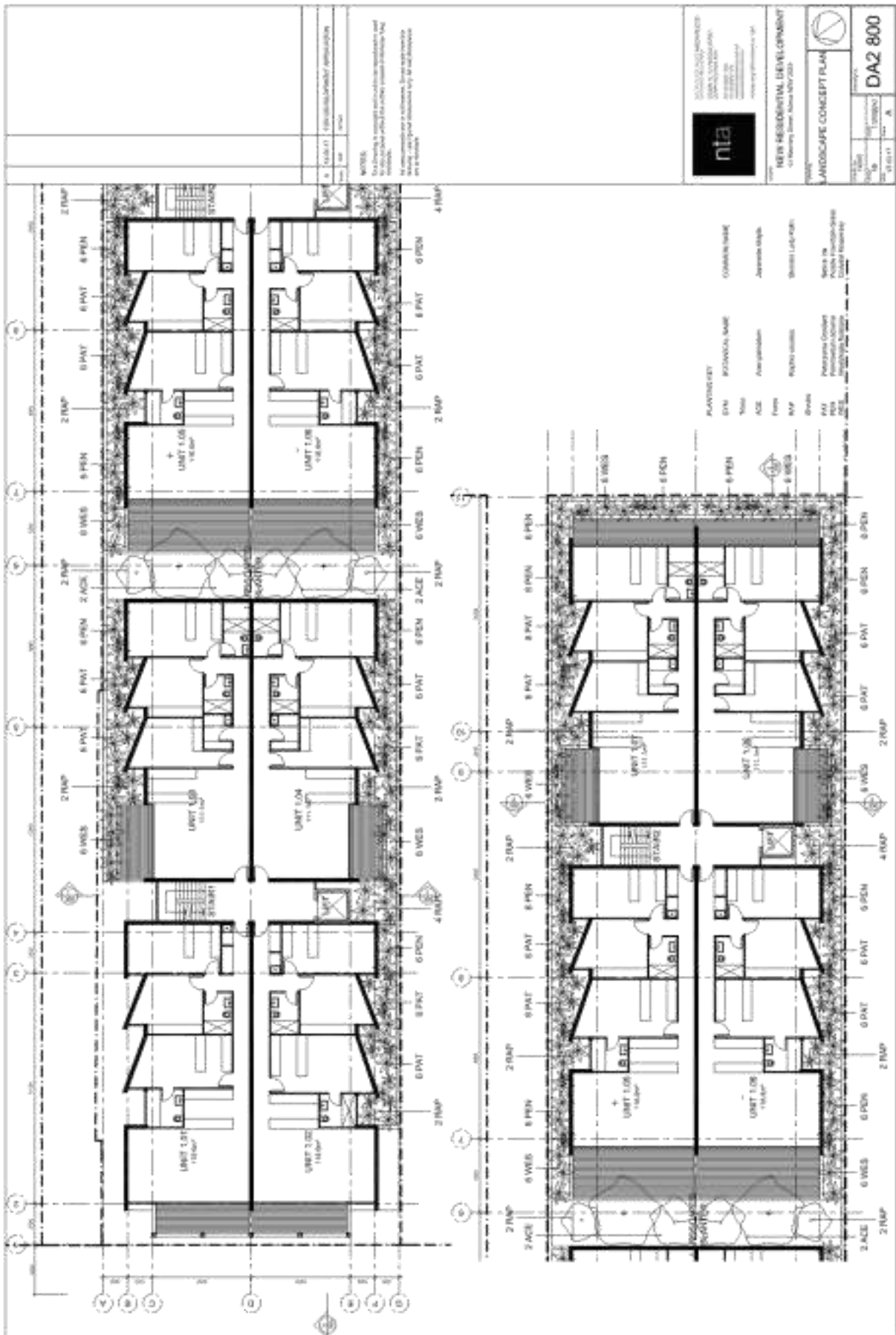
Item 9.4

Attachment 1



Item 9.4

Attachment 1



Item 9.4

Attachment 1



10.2017.116.1 - LOT C DP 380582 44 MANNING STREET	
DATE	10/2017
SCALE	AS SHOWN

NOTES
 1. This drawing is prepared in accordance with the requirements of the Building Act 2003 and the Building Regulations 2006.
 2. All measurements are in millimetres. Dimensions shown are for information only and are not to be used for construction purposes.
 3. All dimensions are to the face of the work unless otherwise stated.



NEW RESIDENTIAL DEVELOPMENT
 44 Manning Street, Kiama NSW 2533

ADAPTABLE APARTMENT LAYOUT	
NO. OF UNITS	16
DATE	10/2017
SCALE	AS SHOWN
PROJECT NO.	DA2 900

Item 9.4

Attachment 1

NEW RESIDENTIAL DEVELOPMENT

44 Manning Street, Kiama NSW 2533

DEVELOPMENT APPLICATION SET APRIL 2017

SCHEDULE OF ACCOMMODATION

COMMERCIAL/RETAIL 229M2

UNITS

3 BEDROOM 16 @ 111-119m²

TOTAL UNITS 16 UNITS

CAR SPACES 33 CARS

DRAWING SCHEDULE

DRAWING NO.	DRAWING NAME	SCALE @ A3	REV
000	LOCATION PLAN	1:1000	A
001	SITE PLAN	1:500	A
100	GROUND FLOOR PLAN	1:200	A
101	FIRST FLOOR PLAN	1:200	A
102	SECOND FLOOR PLAN	1:200	A
103	ROOF PLAN	1:200	A
200	ELEVATIONS 1	1:250	A
201	FINISHES SCHEDULE 1	1:50	A
202	FINISHES SCHEDULE 2	1:50	A
203	FINISHES SCHEDULE 3	1:50	A
300	SECTIONS 1	1:250	A
400	SHADOW DIAGRAMS - MARCH 21	N/S	A
401	SHADOW DIAGRAMS - JUNE 21	N/S	A
402	SHADOW DIAGRAMS - SEPTEMBER 21	N/S	A
403	SHADOW DIAGRAMS - DECEMBER 21	N/S	A
500	DETAILED STAIR SUBMISSION PLAN	1:200	A
600	PERSPECTIVES	0/N/S	A
700	AREA CALCULATIONS	1:500	A
800	LANDSCAPE CONCEPT PLAN	1:500	A
900	ADAPTABLE PARKING LAYOUT	1:50	A



nta
 NICHOLAS TANG ARCHITECTS
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 SURREY HILLS NSW 2010
 PH: 02 8004 1700
 FX: 02 8004 1775
 nta@ntaarchitects.com.au
 www.ntaarchitects.com.au

9.5 Draft DCP for Jamberoo

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

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

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

Summary

The purpose of this report is to provide an overview and seek endorsement of the draft Development Control Plan (DCP) which has been developed for Jamberoo. If endorsed. Council should also determine the timeframes and nature of community engagement to ensure that all members of the community have the opportunity to have input into the controls and overall content of the DCP.

Finance

N/A

Policy

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

Attachments

- 1 Draft DCP - Jamberoo [↓](#)
- 2 Extract from the NSW General Housing Code [↓](#)

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

At its Ordinary meeting on 19 December 2016, Council considered a request to prepare a Planning Proposal (PP) for the rezoning of land from RU2 Rural Landscape to R2 Low-Density Residential for Lot 2 DP 626183 Golden Valley Road. The request was subject to public exhibition which received a large number of submissions, from which it was evident that there was a feeling within the Jamberoo community that they were losing their rural village character as a result of development within the village. As such, Council did not endorse the request to prepare a PP and recommended that a Jamberoo specific DCP be developed. A similar number of submissions were received during the public exhibition of another PP of a similar nature in Drualla Road.

Report of the Director Environmental Services

9.5 Draft DCP for Jamberoo (cont)

Some of the key issues raised during the public exhibition of these two proposals were:

- Over-development eroding the rural village character;
- Loss of agricultural land;
- Increased traffic and noise;
- Visual impact will reduce tourism appeal.

In response to the concerns raised by the local community, the attached draft DCP was formulated. The draft DCP was created in collaboration with Council's Planning Committee, which includes Council staff, elected Councillors and appointed members of the public. It should be noted that the document is a draft, and there is scope to alter the contents following the public exhibition and community engagement regarding the draft document. Also attached is a summary of the provisions of the NSW General Housing Code which allows for dwellings to be constructed on residential land as Complying Development. That is, an accredited certifier (private or Council) can issue a Complying Development Certificate if the plans meet the standards specified in the General Housing Code. The intent of Council is to create a document that represents the kind of development that the Jamberoo community would like to occur, keeping in mind that if the proposed development controls are too onerous then developers are likely to opt for the use the Housing Code.

Another issue that arose during the creation of this plan was the question of how to control dual-occupancy development, which is a permissible land use within the R2 Low-Density Residential zone. Section 74B of the Environmental Planning & Assessment Act 1979 states that:

The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:

- (a) giving effect to the aims of any environmental planning instrument that applies to the development,*
- (b) facilitating development that is permissible under any such instrument,*
- (c) achieving the objectives of land zones under any such instrument.*

The provisions of a development control plan made for that purpose are not statutory requirements.

As stated in subsection (a), the DCP gives effect to the LEP and therefore cannot prohibit dual-occupancies outright, as they are a permitted land use in the LEP. Development controls, however, may be put in place within the DCP to ensure they occur in appropriate locations such as corner allotments or lots of a sufficient size/width to accommodate them. Provisions to this effect have been incorporated into the draft DCP. Another option for Council to consider is to create a new LEP clause and associated map sheet to create a minimum lot size on which dual-occupancies may occur. This approach aligns with the LEP standard template, however, would require a resolution of Council to prepare a Planning Proposal. This could be considered as one of the controls to achieve the character outcomes

Report of the Director Environmental Services

9.5 Draft DCP for Jamberoo (cont)

sought by the Jamberoo community and it is recommended that Council wait until after the exhibition period to determine whether this approach is needed.

Another option put forward by the Jamberoo Valley Residents and Ratepayers Association (JVRRA) was to introduce a new R1 General Residential zone, prohibiting dual-occupancies in the zone. This approach is not recommended as the R1 zone is generally of a slightly higher-density than the R2 zone which is reflected in its mandatory objectives set out by the Standard Instrument Principal LEP (see below):

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

It should also be noted that multi-dwelling housing is a mandatory permitted land use in the R1 zone as prescribed by the Standard Instrument.

Due to the high level of interest in this matter, which was highlighted at the recent meeting of the JVRRA meeting on 4 July 2017, it is recommended that the normal minimum statutory 28 days of exhibition be extended to 60 days to provide the community with sufficient time to read the document and provide feedback. Further, Council staff will be conducting 2 community engagement sessions to obtain views of community members first hand.



Item 9.5

33 Jamberoo Village

Attachment 1

- This Chapter was adopted by Council on xxxxxxxxxx.

Purpose of the Chapter

Future development in Jamberoo needs to reflect the existing development within the village and wider valley as well as satisfying the expectations of the community. Future development needs to provide opportunities for casual surveillance of streets and public open spaces, as well as connecting the village to the adjoining agricultural land. Future development within Jamberoo needs to pay close attention to the importance of providing direct vehicular and pedestrian connections to the commercial centre of Jamberoo village.

This chapter outlines the requirements for development within the residential and business zoned land of Jamberoo, having regard to the following objectives:

- Preserve the existing low-density character of Jamberoo, as outlined below;
- Conserve the agricultural potential of the Jamberoo Valley;
- Conserve areas of native vegetation;
- Protect items of environmental and cultural heritage and promote their restoration and enhancement;
- Preserve the scenic amenity of Jamberoo village and surrounding agricultural valley;
- Ensure future development is sited, designed and of a scale that is consistent with the desired future character of the area.

Character of Jamberoo

The village of Jamberoo is nestled within the historical agricultural Jamberoo valley, through which the Minnamurra River flows. Jamberoo is located at the top of the valley which is edged to the south by Saddleback Mountain and the west by the Illawarra escarpment.

There is a historic and rather English feel to the Jamberoo area which is characterised by the town's charming churches and accentuated by the dry stone walls which separate the farms in the area. The prominent buildings in Jamberoo include the Jamberoo Pub, which is distinguished by its faux-Elizabethan half-timbered façade, St Stephen's Presbyterian Church, with its square tower and rounded arches, the cement rendered Anglican Church of the Resurrection, and the restored Frederick's General Store.

The style of residential development within the village is characterised by an eclectic mixture of single and double storey dwellings. The predominant building materials utilised within the village include brick and timber facades with older dwellings having tiled roofs compared to the corrugated iron being utilised in more recent developments. The older dwellings along Allowrie Street are setback a relatively smaller distance from their respective front boundaries compared to more recent developments within the village. Dwellings generally incorporate pitched roof forms. Due to its siting within an agricultural valley residential development within Jamberoo directly neighbours and overlooks active farming land. This forms part of the village character and it is important that this is maintained and preserved.

Application of this Chapter

The Chapter applies to all categories of development carried out within the residential and business zoned land of Jamberoo village, with the exception of the area identified in Figure 1 of Chapter 31 – Site Specific Controls - Wyalla Road Residential Release Area of the DCP 2012.

This chapter should be read in conjunction with the overall controls specified in Chapter 2 of the DCP.

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 chapter. These applications will be assessed on individual merit.

Development Control

33.1 RESIDENTIAL DEVELOPMENT (R2 LOW DENSITY RESIDENTIAL ZONE)			
Performance Criteria		Acceptable Solutions	
Siting of Development			
P1	New development should be designed and located to preserve view corridors between adjoining buildings and reinforce the existing character.	A1	Refer to acceptable setback solutions below.
P2		A2	Dual-occupancy will only be considered where the allotment has a minimum width of 20m measured at the front building line, or is located on a corner allotment.
P3	Buildings are setback from front boundaries to contribute to the existing or proposed streetscape character and are generally consistent with the prevailing setbacks in the area.	A3 A3.1	In the absence of an established setback, dwellings are to be set back a minimum 6m from the front boundary and 6m to the garage. Where an established setback exists, dwellings are to be set back from the front boundary the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected.
P4	Buildings are setback from side boundaries to reduce the impact on adjoining properties in terms of bulk and scale, privacy and overshadowing.	A4 A4.1	Side boundary setbacks for new dwellings on land directly adjoining RU1 or RU2 zoned land shall be a minimum 1.5m to one side boundary and 3m to the other, or as prescribed by the building envelope or easement applying to the land. Side boundary setbacks for all other lots, with a width measured at the building line of less than 20m, are to be a minimum of: - 900mm for any single storey (up to 4.5m) component of the building and 600mm to the eaves; - 1.5m for any part of the building higher than 4.5m, 1.2m to the eaves. Side boundary setbacks for all other lots, with a width measured at the building line equal to or greater than 20m, are to be a minimum of: - 1.5m for any single storey (up to 4.5m) component of the building and 600mm to the eaves; - 2.1m for any part of the building higher than 4.5m, 1.2m to the eaves.

Item 9.5

Attachment 1

Performance Criteria		Acceptable Solutions	
Siting of Development			
P5	Buildings are setback from rear boundaries so as not to reduce the visual amenity and privacy of adjoining properties and to reduce the impacts from overshadowing.	A5	In the absence of an established setback, buildings, with the exception of outbuildings (see below), are to be setback a minimum of 6m from the rear boundary.
		A5.1	Where an established setback exists, buildings, with the exception of outbuildings (see below), are to be set back from the rear boundary an average distance of the setbacks of the nearest 2 dwelling houses located within 40m of the lot on which the dwelling house is erected. Rear setbacks are not to inhibit the establishment of Private Open Space.
P6	Buildings should step down with slope to minimise their impact on the natural landscape and to preserve view corridors between adjoining buildings.	A6	Cut and fill on the site beyond the perimeter of the building is limited to 1m.
Built Form (Materials & Finishes)			
P7	The bulk and scale of new development shall be consistent with the low density residential character of the Jamberoo village area.	A7	Maximum building height and gross floor area is to be in accordance with the Kiama LEP 2011.
		A7.1	Roofs are to have a minimum pitch of 25°
		A7.2	Front entrances to dwellings are to be through front verandas/patios of a minimum depth of 1.5m.
P8	Materials and finishes are to be sympathetic to the surrounding rural and natural settings.	A8	Materials and finishes comply with relevant BASIX requirements.
		A8.1	Dwellings are to incorporate building materials that are sympathetic to the established streetscape character into the facades. These may include stone, brick or timber elements with tile or corrugated metal roofs.
Private Open Space (POS)			
P9	Dwellings are to be provided with sufficient POS, with the principal POS area facing north and having direct access to the main living area.	A9	Each dwelling must be provided with a minimum 24m ² of private open space with a minimum dimension of 6m x 4m.
		A9.1	The gradient of the principal POS shall not exceed 1:4.

Draft Chapter 33 – Kiama Development Control Plan 2012 – Jamberoo Village

Performance Criteria		Acceptable Solutions	
Siting of Development			
Outbuildings			
P10	Outbuildings are to have minimal visual impact on adjoining properties and should be of a suitable bulk and scale for the site.	A10	Detached garages and outbuildings are to be located behind the front building line of the principal dwelling and located a minimum 450mm from the property boundary.
P11	The dimensions and built form of outbuildings including sheds, detached garages and the like are to be consistent with the established character of Jamberoo village.	A11	Total floor area of outbuildings shall be: <ul style="list-style-type: none"> - For lots 1000m² or larger: 80m²; - For lots below 1000m²: 50m²
P12	Stormwater systems should be designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property.	A12	Stormwater is discharged to the street or approved inter-allotment drainage system.
P13	Materials and finishes are to be sympathetic to the surrounding rural and natural settings.	A13	Outbuildings are to incorporate building materials that are sympathetic to the main dwelling facades.
Garaging/Car Parking			
P14	Car parking complies with the requirements of Chapter 9 and is located so as to have minimal impact on the streetscape.	A14	Two car parking spaces are to be provided with at least one located within a garage or carport at or behind the front building line.
		A14.1	Garages/car parks can constitute a maximum of 50% of the width of the front/street elevation of the development.
		A14.2	Garages are to be set back a minimum of 6m from the street to allow for stacked parking.
Safer By Design			
P15	Developments are designed to enhance the community perception of safety and security.	A15	The main entrance of the dwelling is to be clearly visible from the street;
		A15.1	Windows are to be provided to the front elevation to provide passive surveillance of the street.
		A15.2	Landscaping within the front setback is to be limited to low growing species or tree species with an elevated canopy which allows a clear view to the primary entry point of the building.

Item 9.5

Attachment 1

Draft Chapter 33 – Kiama Development Control Plan 2012 – Jamberoo Village

Performance Criteria		Acceptable Solutions	
Siting of Development			
	A15.3	Sensor lights are to be installed to ensure that the front entrances to dwellings are illuminated.	
Views			
P16	New development should be designed and located considering the view-sharing principles in Chapter 2 and building separation to preserve existing character and ensure views to farmland from the streetscape are maintained or introduced.	A16	New development is located within pre-established development envelopes or outside of view sharing easements (where established).
		A16.1	Development is to comply with acceptable setbacks outlined above.

33.2 COMMERCIAL DEVELOPMENT (B2 LOCAL CENTRE ZONE)			
Street Frontage			
P1	Buildings are designed to attract pedestrian traffic along ground floor street frontages.	A1	Development must have an active street frontage i.e. all premises on the ground floor of the building facing the street must be used for either business premises or retail premises.
Setbacks			
P2	New buildings are setback an appropriate distance to the front boundary to ensure interaction with the streets.	A2	Buildings can be setback zero metres from the front boundary.
P3	Side boundary setbacks of new buildings are to be consistent with the existing streetscape and shall not adversely impact on the amenity of adjoining land uses.	A3	Side boundary setbacks can be zero metres subject to compliance with the National Construction Code (as amended).
Design and colour			
P5	Materials and colours are to be compatible with the surrounding streetscape.	A5	New development utilises building materials in its design that are sympathetic to the established streetscape character into the facades. These may include stone, brick or timber elements with tiled or corrugated roofs.
Waste Management			
-	-		Refer to Chapter 11 for waste requirements.
Car Parking			
-			Refer to Chapter 9 for car parking requirements.

Item 9.5

Attachment 1

Draft Chapter 33 – Kiama Development Control Plan 2012 – Jamberoo Village

33.3 RESIDENTIAL SUBDIVISION		
Future Urban Expansion		
P1	Future urban expansion will only be considered upon appropriately zoned residential land or land that has been identified for residential purposes in the Kiama Urban Strategy.	
Design		
P2	A2	Streets are designed to maximise on-site stormwater infiltration and minimise the need for water detention. The subdivision layout and associated engineering design must comply with the Kiama Municipal Council Water Sensitive Urban Design Policy.
P3	A3	Lots are of sufficient width so that future dwellings can be sited a reasonable distance from each side boundary to maintain any existing views over the Jamberoo Valley and escarpment. Easements and/or buildings envelopes are to be created for the establishment of view sharing corridors between dwellings.
	A3.1	Easements and/or buildings envelopes are to ensure future development complies with the acceptable solutions contained within Section 33.1 of this Chapter.
P4	A4	New subdivision layouts are to provide a buffer to rural areas to reduce the visual impact of urban development and to minimise any potential for land use conflict. New subdivision layouts are to provide a perimeter road and landscaped buffer on the subdivision edge fronting rural lands.
	A4.1	New road layouts follow a grid pattern where possible.
P5	A5	New subdivisions are to connect future residential development with the existing residential and commercial areas of Jamberoo. New subdivisions are to provide connectivity to existing residential areas through appropriate road layouts and connected pathways/cycleways.
	A5.1	New roads are to be constructed in accordance with AUSTROADS guidelines and comply with the table contained at the end of this chapter (Table 1). All allotments in a subdivision must gain direct access to/from a properly formed public road.
	A5.2	The full cost of construction of new roads, (including the construction of the road carriageway, footpaths, and/or bicycle shareways, full kerbing and guttering, street tree planting etc.) stormwater drainage and the provision of infrastructure services to a subdivision shall be borne by the developer. The required road, stormwater drainage and infrastructure works Footpaths are to be provided on at least one side of each newly created road.

Item 9.5

Attachment 1

33.3 RESIDENTIAL SUBDIVISION – Design Contd.		
A5.3	Traffic Impact Statements are required for new subdivisions creating over 5 allotments.	
A5.5	Street planting must be provided within new streets at a rate of two (2) trees per allotment, species of which must comply with Council's Landscaping requirements in Chapter 8.	
	Battle-axe allotments will generally not be considered.	

Table 1 – Characteristics of desired residential road networks

Road Type	Minimum Road Carriageway Width (m)	Minimum Verge Width Each Side (m)	Minimum Total Road Reserve Width (m)
Public Road servicing less than 30 dwellings/lots	10	3.5 with upright kerbing	17
Cul-de-sac (Public Road)	7.5 with a minimum 12 wide cul-de-sac bulb	3.5 with upright kerbing	14.5
Minor Public Road/Access Way servicing a maximum of 10 dwellings/lots	6	3.5 with roll kerbing	13
Private Access Road/Right of Carriageway Battle – axe handle servicing a maximum of 3 dwellings/lots	4 (ie where the access handle is less than 200m in length) 4m but enlarged to 6m (ie with 20m long passing bays) at every 200m interval along the access road/ROW, to enable fire-fighting trucks to access the lot(s). Whilst also allowing resident vehicles to exit the site during bush fire emergencies	N/A	6 (ie where the access road is less than 200m in length) or 8 (ie where the access road is greater than 200m in length and requires passing bays)

Item 9.5

Attachment 1

Maximum site coverage of all development

(1) The site coverage of the dwelling house and all ancillary development on a lot must not be more than the following:

- (a) 65 per cent of the area of the lot, if the lot has an area of at least 200m² but less than 250m²,
- (b) 60 per cent of the area of the lot, if the lot has an area of at least 250m² but less than 300m²,
- (c) 55 per cent of the area of the lot, if the lot has an area of at least 300m² but less than 450m²,
- (d) 50 per cent of the area of the lot, if the lot has an area of at least 450m² but less than 900m²,

Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs

(1) The total floor area of all balconies, decks, patios, terraces and verandahs on a lot must not be more than 12m² if:

- (a) any part of the structure is within 6m from a side or the rear boundary, and
- (b) the structure has any point of its finished floor level more than 2m above ground level (existing).

(2) A balcony, deck, patio, terrace or verandah must not have any point of its finished floor level:

- (a) if it is located within 3m of a side or the rear boundary—more than 2m above ground level (existing), or
- (b) if it is located more than 3m but not more than 6m from a side or the rear boundary—more than 3m above ground level (existing), or
- (c) if it is located more than 6m from a side or the rear boundary—more than 4m above ground level (existing).

Setbacks of dwelling houses and ancillary development from roads other than classified roads

(1) A dwelling house and all ancillary development on a lot must have a setback from the boundary with a primary road that is not a classified road of at least:

- (a) the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected, or
- (b) if 2 dwelling houses are not located within 40m of the lot:
 - (i) if the lot has an area of not more than 300m²—3m, or
 - (ii) if the lot has an area of more than 300m² but not more than 900m²—4.5m, or

Setbacks of dwelling houses and outbuildings from side boundaries and built to boundary walls

(b) if the lot has a width, measured at the building line, of more than 10m, but not more than 18m:

- (i) for any part of the building with a height of up to 4.5m—0.9m, and
- (ii) for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m,

Setbacks of dwelling houses from rear boundaries

This clause applies to a dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house (a building).

(2) Any point of a building on a lot must have a setback from the rear boundary of the lot nearest to that building of at least the following distance:

- (a) if the lot has an area of at least 200m², but not more than 900m², for any part of the building with a height of up to 4.5m—3m,

if the lot has an area of more than 300m², but not more than 900m², for any part of the building with a height greater than 4.5m—8m,

Setbacks of outbuildings from rear boundaries

if the lot has an area of more than 300m², but not more than 900m²:

- (i) for any part of the outbuilding with a height of up to 3.8m—0.9m, or
- (ii) for any part of the outbuilding with a height greater than 3.8m—0.9m plus one-quarter of the height of the outbuilding above 3.8m,

Building articulation

(1) A new dwelling house, other than a dwelling house on a battle-axe lot, must have a front door and a window to a habitable room in the building wall that faces a primary road.

Privacy

(1) A window in a new dwelling house, or a new window in any alteration or addition to an existing dwelling house, must have a privacy screen for any part of the window that is less than 1.5m above floor level if:

(a) the window:

- (i) is in a habitable room that has a finished floor level of more than 1m above ground level (existing), and
- (ii) has a sill height of less than 1.5m above that floor level, and
- (iii) faces a side or rear boundary and is less than 3m from that boundary, or

10 REPORT OF THE GENERAL MANAGER

10.1 Addition to General Manager's Delegations

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

CSP Strategy: 4.4 Ensure a policy framework exists which meets all legislative requirements and community expectations

Delivery Program: 4.4.1 Ensure corporate legislative compliance

Summary

This report seeks Council's endorsement of additional delegations to the General Manager's delegations of authority to:

1. Determine "appropriate persons" under the *Division 1 Part 164 of the Local Government (General) Regulation 2005 (NSW)* for *Part 175 Opening of Tenders*.
2. Delegate "authorised officers" under *Section 372 of the Biosecurity Act 2015 (the Act)*.

Finance

Not applicable.

Policy

Local Government (General) Regulation 2005 (NSW) and the *Biosecurity Act 2015*.

Attachments

- 1 Letter from IPJO - Opening of Tenders [↓](#)
- 2 Letter from DPI - Biosecurity Act 2015 [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council the General Manager be given delegated authority to:

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

BACKGROUND

The General Manager has recently received two similar requests for determination of "authorised officers" and/or "appropriate persons" under delegation of authority.

Report of the General Manager

10.1 Addition to General Manager's Delegations (cont)

The first request relates to joint tendering currently being undertaken by the Illawarra Pilot Joint Organisation (IPJO) on behalf of Councils and the ability of the Executive Officer and Procurement Officer to open the tenders on the Council's behalf.

The current process of joint tendering is in accordance with the *Tendering Guidelines for NSW Local Government 2009* and IPJO complies with the *Part 175 of the Local Government (General) Regulations 2005* when opening tenders, however currently must have the appropriate Kiama Council staff member present at the opening of applicable joint tenders.

The second request is from the Illawarra District Noxious Weeds Authority (IDNSW) and relates to the delegation of "authorised officers" under *Section 372 of the Biosecurity Act 2015* which commenced on 1 July 2017.

The *Biosecurity Act 2015* replaces the *Noxious Weeds Act 1993* and Council will be established as the Local Control Authority (LCA) under *Section 370 of the Act*. *Section 372 of the Act* provides LCAs with the authority to appoint authorised officers to control weeds.

A person cannot be authorised under the Act unless they have completed the 10 online training modules for the Act and attended face to face training delivered by the NSW Department of Primary Industries. Three local Noxious Weed Officers have completed all required training for the Act and are aware of their responsibilities for the protection of the economy, environment and community from the negative impacts of animal and plant pests, diseases and weeds.

As such, the IDNWA have requested that the General Manager be provided with the delegated authority to appoint authorised officers under *Section 372 of the Biosecurity Act 2015*.



Illawarra Pilot Joint Organisation
PO Box 148
KIAMA NSW 2533

Tel: 02 4232 3200
Fax: 02 4232 3665

TO: General Manger, Kiama Municipal Council

SUBJECT: Delegated authority as "Appropriate Persons" - IPJO Procurement Officer & the Executive Officer

BACKGROUND:

IPJO currently undertakes joint tendering on behalf of Councils as agreed by the joint organisation and in accordance with the *Tendering Guidelines for NSW Local Government 2009*.

The *Local Government (General) Regulation 2005* (NSW) defines an appropriate person under the Act and specifies the procedures for opening of tenders as follows:

164 *Definitions*

In this Part:

appropriate person, in relation to a tender submitted to a council, means a person designated by the general manager to receive or deal with tenders submitted to the council and, if a person is not designated, means the general manager.

175 *Opening of tenders*

(1) At the time specified for the close of tenders, **the appropriate person** must open the tenders in the presence of:

- (a) at least 2 persons designated by the general manager for the purpose, and
- (b) such tenderers and members of the public as wish to attend the opening.

(2) A member of the public who attends the opening of tenders for a proposed contract is entitled, on request, to be informed as to whether the council has received a particular tender and the number of tenders received.

(3) As soon as practicable after the tenders for a proposed contract have been opened, **the appropriate person:**

- (a) must record the names of the tenderers and the amounts that appear to have been tendered for the contract, and
- (b) must prepare a tender list specifying the names of the tenderers in alphabetical order.

(4) Immediately after preparing a tender list, the appropriate person must display the list in a place where it can be readily seen by members of the public. That person may add to the list such information as he or she considers appropriate.





Illawarra Pilot Joint Organisation
PO Box 148
KIAMA NSW 2533

Tel: 02 4232 3200
Fax: 02 4232 3665

IPJO currently complies with these requirements by having appropriate Kiama Council staff present at the opening of applicable joint tenders.

However given the role of the IPJO Procurement Officer, it would prudent to have that position and that of the IPJO Executive Officer also expressly delegated the status of "appropriate person" under Division 1 Part 164 of the *Local Government (General) Regulation 2005* (NSW).

Recommendation: That the requested delegations from the General Manager be issued.

Lesley Scarlett
Executive Officer

Date: 6 July 2017



OUT17/23290

General Manager
Local Control Authority

Dear Sir/Madam

The *Biosecurity Act 2015* (the Act) is due to commence on 1 July 2017. On commencement of the new legislation, the *Noxious Weeds Act 1993* will be repealed and Councils as well as County Councils will be established as the local control authorities (LCAs) under Section 370 of the Act. Section 371(1) of the Act prescribes the functions of LCAs in relation to weed management:

- (a) the prevention, elimination, minimisation and management of the biosecurity risk posed or likely to be posed by weeds,
- (b) to develop, implement, co-ordinate and review weed control programs,
- (c) to inspect land in connection with its weed control functions,
- (d) to keep records about the exercise of the LCA's functions under this Act,
- (e) to report to the Secretary about the exercise of the LCA's functions under this Act.

Section 372 of the Act provides LCAs with the authority to appoint authorised officers to control weeds.

A person appointed by the LCA may exercise the functions prescribed in the Act for authorised officers, but, only in relation to weeds within the relevant LCA area (unless an agreement has been made with another LCA under section 374).

Section 375 of the Act provides for a LCA to delegate to any officer or employee of the LCA any function conferred on the LCA by the Act, or the regulations, other than this delegation.

Before a person may be authorised under the Act they must have completed the 10 online training modules for the Act and where possible have attended the face to face training that has been delivered by NSW Department of Primary Industries (NSW DPI) over the past two months.

To assist you with the appointment process, we have prepared, and attached a draft instrument of appointment for your convenience. A template is also available on the [NSW WeedWise website](#). You will need to complete the front section detailing the person delegated to make the appointments and include the names and other relevant information in the schedule to the instrument. So that NSW DPI has a record of the authorised officers within LCAs, a copy of the completed template should be emailed to: weeds@dpi.nsw.gov.au marked attention Manager Invasive Species Programs. If you are unsure who within your organisation has completed the online training, please forward the names of the persons proposed to be appointed and we can advise accordingly.

GPO Box 5477, Sydney NSW 2001, Australia
Level 48 MLC Centre, 19 Martin Place, Sydney NSW 2000
Tel: 02 9338 6662 Fax 02 9338 6890 www.dpi.nsw.gov.au ABN 72 189 919 072

NSW DPI has developed a range of policies and procedures to support authorised officers carry out their functions under the Act and these will also be made available via the NSW [WeedWise website](#). I would also encourage you to ensure that your internal policies and procedures align with the use of the instruments under the Act.

Please do not hesitate to contact your regional NSW DPI Invasive Species Officer or Mr Nathan Cutter, A/Manager Invasive Species Programs on (02) 6391 3174 if you require further information in relation to this letter.

Yours sincerely



Dianna Watkins
Group Director,
Policy, Legislation Performance and Consultation
Encl.

Item 10.1

Attachment 2

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Statement of Investments - June 2017

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

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

Delivery Program: 4.2.3 Ensure maximum revenue return is achieved

Summary

This report recommends receipt and adoption of the Statement of Investments for June 2017.

Finance

N/A

Policy

Clause 625 of the Local Government Act 1993 (NSW)

Clause 212 of the Local Government (General) Regulation 2005

Kiama Municipal Council – Investment Policy

Attachments

1 Statement of Investments June 2017 [↓](#)

Enclosures

Nil

RECOMMENDATION

That the information relating to the Statement of Investments for June 2017 be received and adopted.

BACKGROUND

Attached is a copy of the Statement of Investments for June 2017.

Investment Commentary

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

The Reserve Bank board meeting in June decided to leave the cash rate unchanged at 1.50%. There does not appear to be any likelihood of any change in rates moving upward in the short term and the hold on the cash rate is "consistent with sustainable growth in the economy and achieving the inflation target overtime." (June 2017 Monetary Policy Decision, Media Release, No. 2017-12).

The National Australia Bank is quoting the following rates:

Previous Month	As at 30/06/17	90 days	1 year	2 years	3 years
2.45%	2.40%	2.37%	2.50%	2.55%	2.78%

Certification – Responsible Accounting Officer

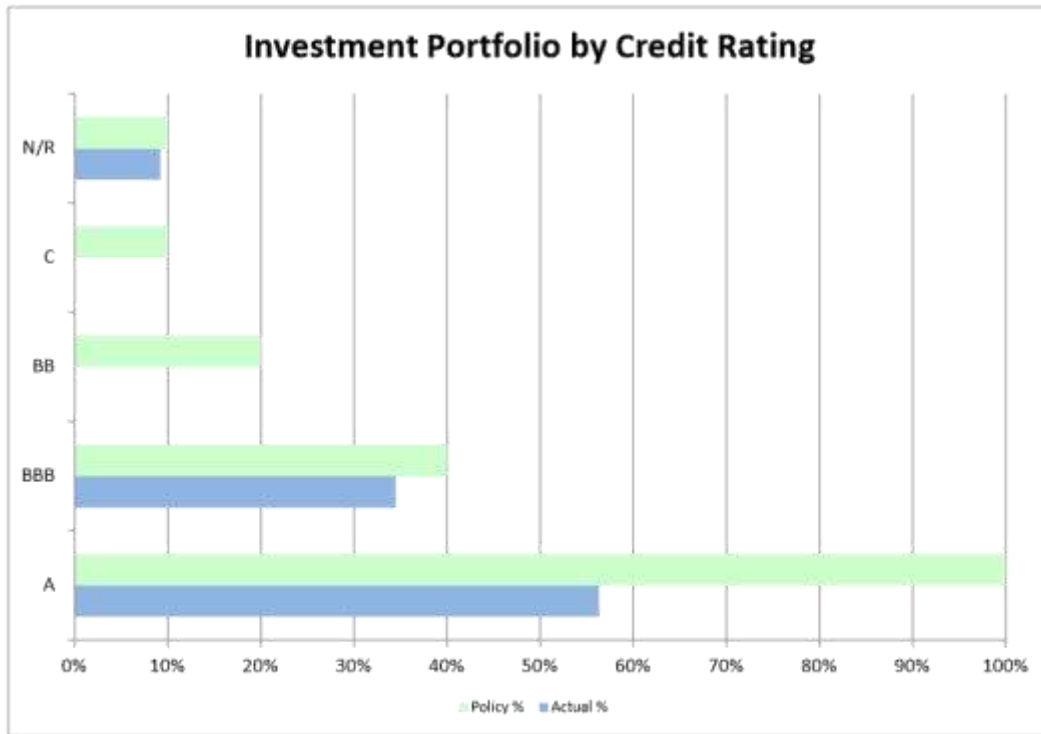
I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

(b) Council Investments as at 30 June, 2017

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	A	500,000.00	Term Deposit	12/09/16	13/09/17	366	2.80
AMP	A	1,000,000.00	Term Deposit	24/05/17	30/08/17	98	2.50
AMP	A	1,000,000.00	Term Deposit	31/05/17	22/11/17	175	2.60
AMP	A	1,000,000.00	Term Deposit	08/03/17	06/09/17	182	2.75
AMP	A	500,000.00	Term Deposit	22/03/17	18/10/17	210	2.75
Banana Coast Credit Union	N/R	1,000,000.00	Term Deposit	14/06/17	20/12/17	189	2.82
Beyond Bank	BBB+	1,000,000.00	Term Deposit	01/03/17	30/08/17	182	2.70
Beyond Bank	BBB+	1,000,000.00	Term Deposit	29/03/17	04/10/17	189	2.70
Beyond Bank	BBB+	1,000,000.00	Term Deposit	05/04/17	11/10/17	189	2.70
Bankwest	AA-	1,000,000.00	Term Deposit	10/05/17	16/08/17	98	2.50
Bank of Qld	BBB+	1,000,000.00	Term Deposit	11/01/17	12/07/17	182	2.80
Bank of Qld	BBB+	2,000,000.00	Term Deposit	10/05/17	22/11/17	196	2.65
Bank of Qld	BBB+	1,500,000.00	Term Deposit	17/05/17	29/11/17	196	2.65
Bank of Qld	BBB+	1,000,000.00	Term Deposit	25/01/17	26/07/17	182	2.75
Bank of Qld	BBB+	1,000,000.00	Term Deposit	01/02/17	09/08/17	189	2.75
Bank of Qld	BBB+	1,500,000.00	Term Deposit	26/04/17	08/11/17	196	2.65
Bendigo	BBB+	1,000,000.00	Term Deposit	04/08/16	02/08/17	363	2.70
Bendigo	BBB+	1,000,000.00	Term Deposit	04/01/17	04/10/17	273	2.60
Community Alliance Credit Union	N/R	1,000,000.00	Term Deposit	09/09/16	06/09/17	362	2.85
Community Alliance Credit Union	N/R	1,000,000.00	Term Deposit	09/09/16	13/09/17	369	2.85
Credit Union Australia	BBB	1,500,000.00	Term Deposit	30/01/17	29/11/17	303	2.80
ME Bank	BBB	1,000,000.00	Term Deposit	15/03/17	13/12/17	273	2.60
ME Bank	BBB	1,500,000.00	Term Deposit	22/02/17	23/08/17	182	2.67
ME Bank	BBB	1,000,000.00	Term Deposit	20/04/17	18/10/17	181	2.60
NAB	AA-	1,000,000.00	Term Deposit	04/01/17	03/01/18	364	2.74
NAB	AA-	1,000,000.00	Term Deposit	14/12/16	13/12/17	364	2.73
NAB	AA-	1,000,000.00	Term Deposit	28/09/16	27/09/17	364	2.74
NAB	AA-	2,000,000.00	Term Deposit	07/06/17	25/10/17	140	2.48
NAB	AA-	1,000,000.00	Term Deposit	12/10/16	11/10/17	364	2.82
SA Police Credit Union	N/R	1,000,000.00	Term Deposit	14/06/17	20/06/18	371	2.92
Suncorp	A+	1,000,000.00	Term Deposit	03/05/17	15/11/17	196	2.61
Suncorp	A+	1,000,000.00	Term Deposit	31/05/17	06/12/17	189	2.60
Suncorp	A+	1,000,001.00	Term Deposit	09/11/16	05/07/17	238	2.75
Suncorp	A+	1,000,000.00	Term Deposit	18/01/17	17/01/18	364	2.70
Westpac	AA-	2,898,679.46	Bank Account	-	AT CALL		0.84
Westpac	AA-	581,578.82	Maxi Account	-	AT CALL		1.30
TcorpIM Cash Fund	AAA	3,008,547.96	Cash Fund		AT CALL		2.40
TOTAL DIRECT INVESTMENTS		43,488,807			Average Rate- Jun 2017		2.60
					Average Rate- Jun 2016		2.91

TOTAL INVESTMENTS May 2017	42,640,984	1.95%	Change in total investment over prev 1 month
TOTAL INVESTMENTS Jun 2016	40,795,056	6.60%	Change in total investment over prev 12 months

Note: The Westpac Bank Account balance shown above of \$2.9M includes deposits at month-end not processed to Council's financial System and cheques that have not been presented.
Council staff have been reviewing investment rates with 3 short to medium term investments currently included in our portfolio



(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	4,213,510
	Grants	389,611
	Domestic Waste	2,083,279
	Waste & Sustainability	315,791
	Southern Council's Group	2,586,701
Internally Restricted	Blue Haven ILU	4,146,557
	Blue Haven Care-Residential	8,913,296
	Carer Respite Centre	820,565
	Land Development	2,937,484
	Waste Business Unit (Plant Replacement)	1,042,260
	Plant Replacement - Engineers	1,326,661
	Employee Leave Entitlements	2,000,000
	S94 Recoupments	1,422,607
	Carry-over works	2,299,446
	Holiday Parks - Crown Reserves	1,421,581
	Holiday Park - Kendalls Beach	363,657
	Contingencies	779,730
	Computer	679,698
	Property Insurance	120,000
	Community Bus	149,598
CACP	355,563	
Organisational Development	300,000	
Fleet Replacement	50,000	
Unrestricted Funds:	Funds to meet current budgeted expenditure	4,771,213
TOTAL INVESTMENTS		43,488,807

Note:

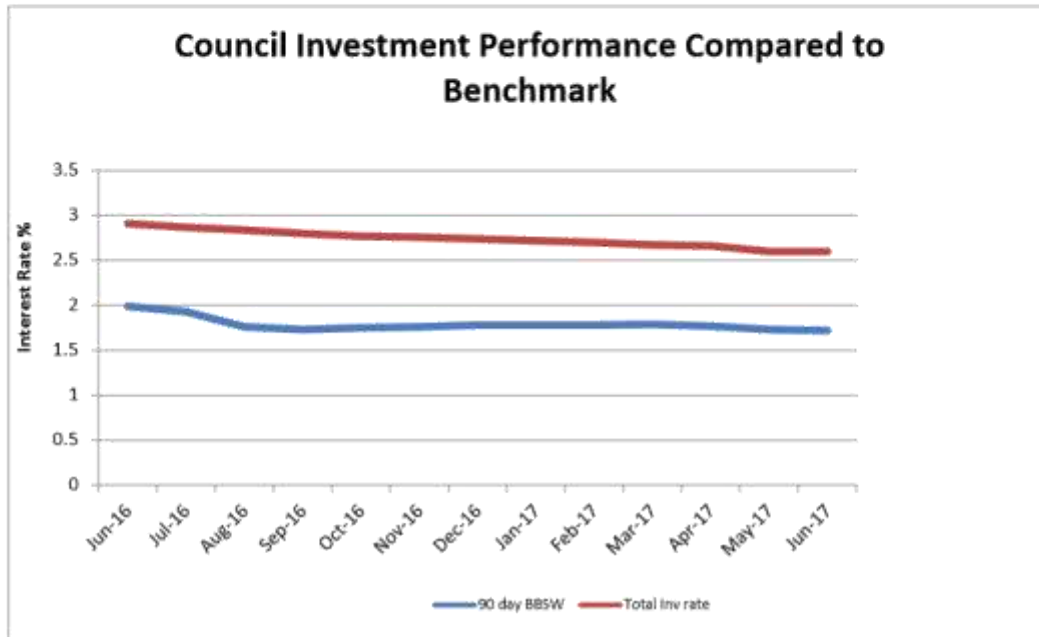
The above Application of Invested Funds reflects audited balances as at 30 June 2016. Actual movement in these balances are recorded at the end of the financial year.

The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

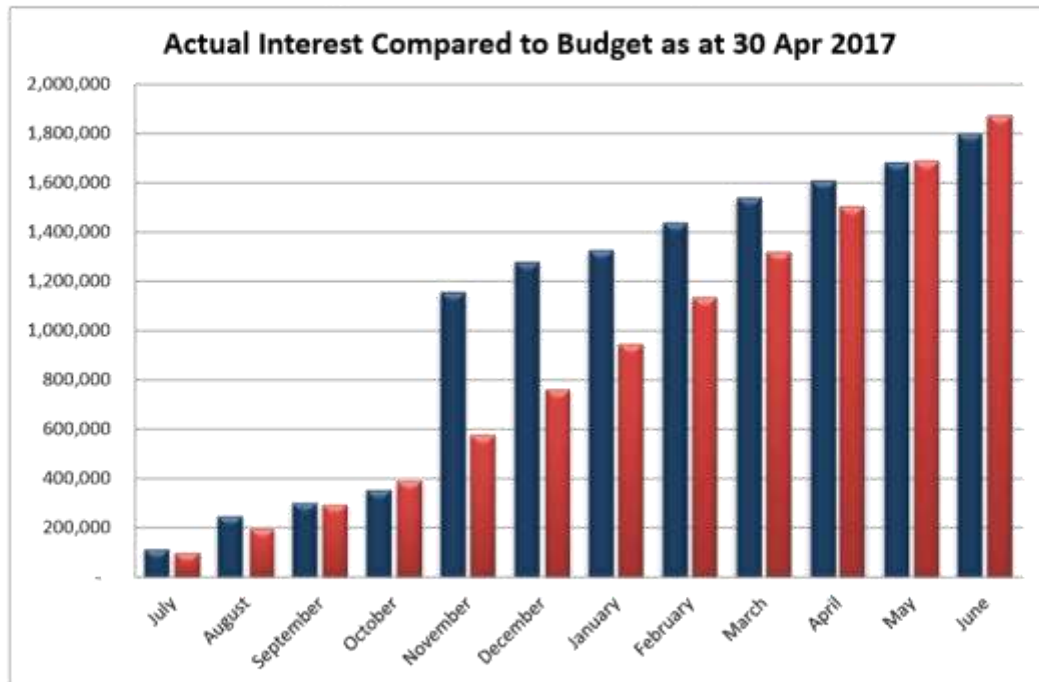
(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	2.60	1.72
3 months	2.62	1.74
6 months	2.66	1.76
12 Months	2.73	1.77



Council has been able to consistently perform above the Reserve Bank 90 day Bank Bill Index.



Council's interest on investment budget estimate has been conservative based on the trend with interest rates.

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

CSP Objective: 3 A Diverse, Thriving Economy

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

Delivery Program: 3.6.4 Maintain a robust relationship with Kiama Tourism

Summary

This report requests endorsement of the recommendations contained in the Minutes of the Kiama Tourism Advisory Committee for the meeting held on 19 June 2017.

Finance

n/a

Policy

n/a

Attachments

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

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

The draft minutes of the Kiama Tourism Advisory Committee of the meeting held on 19 June 2017 are attached for review and endorsement.

**MINUTES OF THE
KIAMA TOURISM ADVISORY COMMITTEE MEETING
HELD 19 June 2017 – 5pm**

PRESENT: Councillor Matt Brown (Chairperson), Councillor Warren Steel, James Cook, Liz Lewis, Robert Sciacchitano, Sue Thorley

APOLOGIES: Kerry McMurray (Acting General Manager)

The Chair tabled Kane Guglielmi's resignation from the Committee.

Recommendation:

That Council:

1. accept Kane Guglielmi's resignation, and
2. appoint Perrie Crowshaw as the replacement industry member.

Item 1 – Pecuniary Interest Declarations

Nil

Item 2 - Meeting dates clashing with Public Access meetings

Noted

Item 3 – Update on recruitment of Manager Tourism and Events

Rob provided a verbal report on the candidates who had been interviewed.

Item 4 – Membership Base

Recommendation

That Kiama Tourism's VIC Manager prepare a letter to the Kiama Tourism membership advising them that:

- the Committee supports a membership base
- the current membership base will continue during the transition period
- the committee will look at the whole membership structure after the appointment of the Manager Tourism and Events
- all future payments for membership fees to be deposited to a newly created bank account, details of which to be included in the letter.

The draft letter is to be distributed to the Kiama Tourism Advisory Committee members for review prior to it being sent out to members.

At this time the Chair tabled a draft Agenda document for discussion and adoption. The Chair also recommended that the need for a mover and seconder be removed, but to continue to record whether an item was resolved, and any disagreement, dissent to be recorded – Carried.

Incoming mail will be received and outgoing mail will be endorsed.

It was resolved to appoint James Cook as Treasurer of the Committee.

Item 5 – Establishment of Sub-committees

It was agreed to wait for the Manager Tourism and Events to commence in the role. In the meantime, Committee members to consider what areas they would like to be involved in.

Item 6 – Strategic Planning session

The Chair advised that the planning session scheduled for Sunday 25 June will be an informal gathering in preparation for the formal Strategic Planning Session. The Strategic Planning Session is to be conducted on Wednesday 12 July, 9am – 12 noon. The Pavilion is not available on that day, so the meeting room in the Old Council Chambers will be the venue.

James tabled a draft Tourism Strategy and Marketing Model for consideration.

Item 7 – General Business

Nil

Future meeting matters

Nil

Next Meeting

The next regular meeting of the Kiama Tourism Advisory Committee is to be held on Monday 26 June 2017 at 5pm in Committee Room 1 (CR1).

The Strategic Planning session meeting will be held on Wednesday 12 July 2017.

Close

There being no further business, the meeting closed at 6.30pm.

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 Purchase of plant equipment

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

CSP Strategy: 4.12 Effectively manage Plant Assets to meet Community Strategic Plan requirements

Delivery Program: 4.12.1 Manage Council Plant by the creation and implementation of the Plant Asset Management Plan actions.

Item 12.1

Summary

This report informs council of the process and outcomes of the request for quotations for the purchase of two (2) side-loader garbage compactors as identified in 2017-18 Plant Replacement Program.

Finance

The capital expenditure will be made available from the Engineering Services Plant Replacement budget. These purchases were identified and reported in the 2017/2018 budget.

Policy

The Request for Quotation (RFQ) has been undertaken in accordance with the Local Government (General) Regulation 2005.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

As part of the 2017-18 Plant Replacement Program, Waste Services have Plant 9200 & 9203 Side Loader Garbage Compactors identified as being at the end of their economic life and programmed for replacement.

A specification was developed in consultation with stakeholders to ensure the vehicles will meet the operational needs of the end user.

A RFQ was then placed with the Local Government Procurement (LGP) Vendor Panel system. The RFQ was sent to all panel members under LGP contract 1608-2 and NPN04-13.

Report of the Director Engineering and Works

12.1 Purchase of plant equipment (cont)

The RFQ generated 6 complying submissions with a median value of \$374,452 + GST each.

All submissions were evaluated using a combination of 6 different criteria including price, specification, warranty, after sales support, Australian content and an operator assessment.

The combined scores for each criteria were then inputted into the LGP evaluation matrix. This produced an overall ranking and recommendation for the vehicle that best meets our requirements

Item 12.1

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

13.1 Art Collection Acquisition and Cultural Board Minutes

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.2 Promote and support a range of social, cultural and artistic activities, practices and programs for creating sustainable health and well being

Delivery Program: 1.2.4 Implement and support community, cultural and artistic activities and development programs

Summary

This reports seeks Council's approval for the acceptance of the donation of a self-portrait by artist John (Jack) Waugh to the Council Art Collection and noting of minutes from the June meeting of Council's Cultural Board and the minutes of the June Art Centre sub-committee meeting.

Finance

Within 2017/18 budgets

Policy

BISI Cultural Planning Document 2017 - 2020

Attachments

Nil

Enclosures

- 1 Art Centre Sub Committee - Minutes - June 2017 [⇒](#)
- 2 Kiama Cultural Board - Minutes - 2017 - June [⇒](#)

RECOMMENDATION

That Council

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

BACKGROUND

In April 2017 Council was approached by John Waugh, son of artist John (Jack) Waugh, to accept a donation of one of his father's paintings for Council's Art Collection. The painting is a self-portrait that he painted for the 1946 Archibald Portrait Prize.

John (Jack) Edward Waugh (1910 – 1996) was raised in Glebe and lived and raised his family in Jamberoo, his son Brad still resides there.

Report of the Director Community Services

13.1 Art Collection Acquisition and Cultural Board Minutes (cont)

John Waugh was a Commercial Artist/Illustrator and worked as a freelance artist/illustrator for K. G. Murray Publishing (1938 – 1973) on major publications; Man Junior, Man, Adam, Cavalcade, Digest of Digests, which were monthly periodicals.

Until the 1970s he produced approximately four pieces of magazine art a month and did many other commissions including calendars and cards.

He is best known for his 1964 Christmas illustration with Santa Claus and a Drover and his dog on the lid of Arnott's Biscuit tin. This illustration also appeared for several years on the back cover of the Women's Weekly.



John Waugh was a finalist for the Archibald Portrait Prize in 1946 for a Self Portrait. He also entered a portrait of Henry Edgecombe in 1947. Council is being offered the 1946 Self Portrait.

At its June meeting, Council's Cultural Board recommended that Council accept the Jack Waugh self-portrait pending physical assessment by the Community and Cultural Development Officer and Board members in regards to the condition of the painting.

Council's Community and Cultural Development Officer and three visual artists from the Cultural Board visited the painting on site at Jamberoo and advise that the portrait is in good condition, however it will need to be cleaned in order for it to be displayed appropriately.



14 REPORTS FOR INFORMATION

14.1 Appreciation - Kiama Public School P & C

Responsible Director: Office of the General Manager

Attached for Councillors information is a copy of an email received from Kiama Public School P & C Secretary, thanking Council's staff, Byron Robinson, Michael Taylor and Brent Blackburn for their support and assistance in donating a native tree to the school to be planted on World Environment Day and also for the assistance given by Michael Taylor in organising for the Kiama Community Garden Landcare Group to provide plants and labour for the new natural play area.

Attachments

- 1 Email from Kiama Public School P&C [↓](#)

Narelle Mousdale

From: Siobhan King <siobhank03@gmail.com>
Sent: Wednesday, 21 June 2017 11:10 PM
To: Council Mailbox
Subject: Attention: Kerry McMurray

Dear Kerry,

On behalf of Kiama Public School P&C, I would like to thank the hardworking Kiama Council staff members who organised the generous donation of a native tree in honour of World Environment Day on June 5th. Byron Robinson, Michael Taylor and Brent Blackburn went above and beyond to get us a beautiful tuckeroo that will soon be shading Kiama PS students as they slide down our new slippery dip.


It was also a pleasure to meet the Deputy Mayor and see her genuine passion for fostering a love of the environment in the children- please see the attached photos of our posts from the day.

We have been communicating with Michael Taylor about further support for our new natural play area to really help it grow. We are hoping to landscape the area to allow children to play and climb and move amongst trees and flowers and foliage but are operating on funds raised by parents, so every little bit counts! Michael has been so helpful in organising for Kiama Community Garden Landcare Group to provide plants, expertise and labour for our planting day on 15th July. As well as parent volunteers, we are hoping the Men's Shed will be able to build tree guards for us to protect them from 500 busy feet.

We are so appreciative of Kiama Council's support so far in helping with this project. As Kiama grows, so does the size of the school, so making the best use of our outdoor space is vital as our numbers climb.

With thanks,

Siobhan King
Kiama Public School P&C Secretary



We love Kiama Public School
@weLoveKPS

- Home
- About
- Photos
- Videos
- Posts
- Community

Create a Page

Liked Following Share

Thank you Kiama Municipal Council for gifting toward the dreams and development of our students; and thank you, Cr Rice, Deputy Mayor, for taking the time to deliver such a beautiful gift which will be an inspiration for generations to come.

The Kiama Council 'Giving Tree' will grow tall and proud at KPS, offering shade to students as they enjoy zipping down the slide taking centre place in the playscape. It's the gift that will keep on giving!

We look forward to adding paths, cubbies, and many more gorgeous trees and shrubbery very soon! From little things, big things grow...



WE KPS We love Kiama Public School added 2 new photos. 5 June at 19:31

🌳 World Environment Day... Let your trees shine! 🌳

It was with great honour and excitement that today we accepted a very generous gift from the Kiama Council - the first tree to be planted in our new natural 'playscape'!

Officially opening on July 21st, the new playscape offers KPS kiddos a prime place to clamber and scramble over rocks, create with sticks and stones, design in the sand, and bounce from daydream to daydream on tree branches and stumps.

Today's children are spending less time outdoors, having little if any time in close-contact with our natural world beyond the sporting fields. There is great benefit for children's development to be founding in the exploration of nature... dreaming under a tree, examining a patch of dirt, watching butterflies in awe, or admiring the beauty of a flower.

With the generous donation from Kiama Council in recognition of World Environment Day, the playscape - with all the benefits envisioned - is well on the way to becoming a truly special feature at KPS!

Item 14.1
Attachment 1

14.2 Blue Haven Care - Extension of Provisionally Allocated PlacesResponsible Director: Community Services

Kiama Council has 52 Provisionally Allocated residential places which will become operational in the new Blue Haven facility. These places were allocated in December 2006 and due to the time it has taken to implement the places, Council is required to apply for an extension to keep the places based on 'exceptional circumstances'. An application was made and Council has been granted a further 12-month extension until July 2018. The application provided the Department of Health with the current construction timeframe that indicates that the new facility will be ready to commence operation in Feb 2019. Therefore, another application will have to be submitted next year. The approval letter from the Department of Health is attached for Council's information.

Item 14.2

Attachments

- 1 Provisionally Allocated Places - Extension Approval Letter [↓](#)



Australian Government
Department of Health

Ms Clare Rogers
Director of Community Support
The Council of the Municipality of Kiama
PO Box 75
KIAMA NSW 2533

Dear Ms Rogers

**EXTENSION OF A PROVISIONAL ALLOCATION PERIOD – NOTICE OF
DECISION**
Section 15-7 of the *Aged Care Act 1997*

I refer to your application, received on 12 May 2017, seeking an extension of the provisional allocation period due to exceptional circumstances in respect of 52 residential care places at Blue Haven Care, 2 Havilah Place, KIAMA NSW 2533 originally allocated to The Council of the Municipality of Kiama on 21 December 2006. The current provisional allocation period expires on 31 July 2017.

As a delegate of the Secretary of the Department of Health for the purposes of subsection 15-7(5) of the *Aged Care Act 1997* (the Act) and in accordance with the matters specified in subsection 15-7(3) of the Act and the associated *Allocation Principles 2014*, I have granted an extension of the provisional allocation period for 12 months to 31 July 2018. Any additional extensions will be considered on their merits and exceptional circumstances will need to be demonstrated again; you should not rely on this extension as a precedent for any future extension.

In making my decision, I have taken into consideration the advice provided by you in your application regarding the delay in purchasing the site, that construction of the project will commence within the period of the extension and the aged care needs of the area.

A condition of this allocation of places is that you must make timely progress towards being in a position to provide care. You have indicated that you expect 52 places to become operational by February 2019. As noted above, the application for extension of the 52 places beyond the period of this extension will be considered on its own merits. I would appreciate if you could keep me informed of your progress towards achieving these goals by submitting periodic progress reports on 25 October 2017 and 25 April 2018 including copies of any relevant supporting documentation.

When you are in a position to provide care in respect of these places, you must apply in writing to the Secretary for a determination under section 15-1 of the Act. The *Application to Provide Care* should be submitted about 28 days before the proposed date of effect.

The relevant forms is available at: <https://agedcare.health.gov.au/providers/forms/management-of-places-forms-for-approved-providers>

As the provisional allocation period for the allocation have extended beyond six years, any future application to extend the provisional allocation period will only be granted if the Secretary is satisfied that exceptional circumstances justify the extension.

You should be aware that an extension of the provisional allocation period does not remove the right of the Secretary to revoke the places at any time in accordance with section 15-4 of the Act before the end of the provisional allocation period. The Secretary may vary or revoke a provisional allocation if he is satisfied that a condition to which the allocation is subject under section 14-5 or 14-6 of the Act has not been met.

Alternatively, under section 15-6 of the Act, an approved provider may surrender a provisional allocation of places at any time by notice in writing to the Secretary.

If you require any further information in relation to this decision, please contact Ms Fina Kimati on 02 9263 3967.

Yours sincerely



Emma Jobson
State Manager
Health State Network NSW/ACT
8 June 2017

14.3 Companion Animals Dog Information Days 2017Responsible Director: Environmental Services

This report is to inform Council of the education information programs days conducted for the community by Ranger Services, promoting responsible dog ownership in the community.

The theme of the education days was designed to give Council' Rangers an opportunity to engage with dog owners on recognising that dog ownership was an integral part of family and community responsibilities and the impact of non-compliance that affects other beach users and nearby residents.

These education days aligned with the NSW Office of Local Government 'responsible pet ownership and grant fund programs' 2017.

Rangers hosted 4 events on Saturday mornings with each information day going for 4 hours at the following locations:

- Jones Beach off leash.
- Bombo Beach off leash.
- Gerringong Head Land off leash.
- Growers and Makers Markets.

Kiama Council and local veterinarians provided 10 subsidised micro-chipping vouchers to the local residents to be used within 2017.

It was estimated that over 195 people attended the dog information days with 3 residents taking advantage of the micro-chipping vouchers and 3 new residents changing details and phone numbers on the NSW register.

The key aims delivered on the days was to reinforce non-compliances listed below:

- Increase awareness on how to use the Council off leash areas.
- Encourage dog owners to collect dog waste when in public and within off leash areas.
- Increase community awareness about reporting dangerous dogs, dog attacks and roaming dogs.
- How to avoid being attacked by dogs and understanding a dog's body language.
- How Council plays a vital role in reducing litter, dog attacks, awareness in responsible pet ownership, achieving long term behaviour change for some pet owners and requirements under the Companion Animals Act.

The material handed out to support this dog information day's included:

- 200 information show bags.
- 200 doggy leads.
- 200 fact sheets on 'what to do if you think a dog is going to bite, off leash booklets and other small giveaways.

Reports for Information

14.3 Companion Animals Dog Information Days 2017 (cont)

Feedback from the community was all positive on the days and questions asked by some users are listed below;

- Bombo Beach southern end - resident asked could Council look into a footbridge over creek area at the southern car park entry area into the off leash.
- Gerringong headland off leash area - 5 residents asked if Council could improve or highlight the off leash areas at the headlands – ‘maybe with bollards and extra signage. Two residents asked could Council look at moving the car park into Tasman Drive Gerringong.

Rangers services would formally like to recognise Ian Hornsby for his support on the days and Council’s Media Officer, Brent Blackburn.

14.4 Councillors Meeting Register

Responsible Director: Office of the General Manager

Attached for Councillors' information is the Councillor Meeting Register for the period 14 March 2017 to 11 July 2017.

Item 14.4

Attachments

- 1 Councillor Meeting Register - 14/03/17 to 11/07/17 [↓](#)

Meetings - 14/03/17 - 11/07/17

Officer Name	Meeting Date	Councillor Name	Subject	Duration
Gino Belsito	11/04/2017	Mark Way	council meeting agenda items	15
	21/04/2017	Warren Steel	Bombo Headland signs	10
	3/07/2017	Mark Way	Kiama Local Traffic Committee agenda	20
	3/07/2017	Mark Way	Kiama Local Traffic Committee agenda	20
	4/07/2017	Warren Steel	Bombo quarry signage	60
			Sum	125
Phil Costello	14/03/2017	Mark Honey	Planning Committee items	30
	17/03/2017	Don Watson	business paper items	30
				Sum
			Grand Total	185

Item 14.4

Attachment 1

**14.5 Dementia Reform, Funding & Innovation Conference, Melbourne - 26-27
June 2017**Responsible Director: Community Services

Council's Manager Community & Cultural Development, Nick Guggisberg, was invited to present at the Dementia Reform, Funding & Innovation conference in Melbourne 26-27 June on the Dementia-friendly Kiama Project. The invitation to present was accepted with the condition that the chair of the Advisory Group, Dennis Frost, would also be invited to attend and present alongside Mr Guggisberg; the presentation was very well received.

The conference included an interesting range of presenters including the Hon. Ken Wyatt MP, Minister for Aged Care & Indigenous Health, Kate Swaffer, Sue Pieters-Hawke, Maree McCabe (Chief Executive Officer, Alzheimer's Australia), and Gary Barnier (Managing Director, Opal Aged Care). The main theme of the conference was based around exploring how a range of organisations were approaching the ongoing reforms in the sector and innovating to respond to the various challenges of restructuring their organisations to be truly Person Centered in the way they deliver their services.

It was interesting to contrast the positivity and innovative approaches articulated by the various organisations who presented at the conference with the media stories that were current at the time of the conference, around reported financial profit gouging by some for profit providers in the sector. While there appears to be a great deal of cynicism in the community around the integrity of many providers in the sector, the range of presentations at the conference provided a much more positive and encouraging perspective.

In addition to presenting at the conference, Mr Guggisberg and Mr Frost also met with a number of other organisations who requested a meeting while they were in Melbourne, to talk about the Dementia-friendly Kiama Project. These organisations included: the City of Boroondara Council, Whitehorse Council, Whitehorse Health Centre, Swinburne University, Vilamaria Catholic Homes, and Inner-east Primary Care Partnership.

**14.6 Gerringong Library, Museum and Community Centre Project
Relocation of Existing Museum**Responsible Director: Community Services

Council is progressing the project to construct a new Library for Gerringong, linked to the restored School of Arts, which will house the Gerringong Museum. As part of the project there has been consideration of the possible re-use of the existing museum building and also a need to determine how and where to house the museum collection during the construction period.

Council has received correspondence on behalf of the Gerringong Men's Shed and Lions Club, requesting the relocation of the existing museum building for their future use (attached). The groups propose that the building be relocated adjacent to the Gerringong Men's Shed to be used for storage for both groups. It has also been proposed that the museum collection may be able to be stored in the building until the construction of the new facility is complete. Further consultation will need to occur with the three groups to determine whether housing the museum in the relocated building is a suitable option, however, there is general support for the building to be given an extended life. There is a strong sense that the building is a community asset, having been constructed by community members for the museum.

In order to relocate the building a concrete slab will be required in the new location. As part of the overall project, there will be costs incurred in the housing of the museum collection during construction. This option may prove a cost effective approach to this issue. There will be further investigation into the practical aspects of the relocation to determine the viability and cost implications of the move.

Attachments

- 1 Gerringong Men's Shed - Letter Gerringong Museum building [↓](#)
- 2 Gerringong Lions Club - Letter Gerringong Museum [↓](#)



Secretary
Laurie Woollcott
0421110320

President
Ian Woodlands
0428340969

Treasurer
Brian Arberry
0473558521

Mailing Address
62 Sheraton Circuit
Bomaderry NSW 2541

4th July, 2017

The General Manager,
Kiama Municipal Council,
Manning Street
KIAMA NSW 2532.

Dear Sir,

The Members of the Gerringong Men's Shed and the Members of the Lion's Club of Gerringong wish to give their full support to the proposal of moving and storage of the Historical Society's valuable collection. We understand that the preferred option is to house the valuables in the Scout Hall until the existing Historical Building is dismantled and re-erected adjacent to the Gerringong Men's Shed in Jubilee Oval.

Once erected, the stored valuables in the Art Centre could be transferred to the newly relocated building and will remain there until the new building is ready for their occupation.

This appears to give the best solution to a very difficult period. We are sure that with Kiama Council's support and the willingness of the Gerringong Men's Shed together with the Lion's Club would appear to be the best option on the table.

We would of course be willing to discuss any other options that are put forward.

Yours sincerely,

Laurie Woollcott
Secretary

Relocation of Existing Museum

Clare Rogers

From: Helen McDermott <helen.mcd@bigpond.com>
Sent: Tuesday, July 4, 2017 11:10 PM
To: Michael Forsyth
Cc: Clare Rogers
Subject: Fw: Museum - Gerringong

This letter was copied to me so I am forwarding it to ensure that it is received.
Helen McDermott
GDHS

From: Mark Westhoff
Sent: Tuesday, July 4, 2017 6:55 PM
To: helen.mcd@bigpond.com
Subject: Museum - Gerringong

Mr. Michael Forsyth
General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Old Gerringong Museum - relocating

Dear Michael

On behalf of the Lions Club of Gerringong I am writing to ask in the conjunction with the Men's Shed in Gerringong to have the Old Gerringong Museum relocated adjacent to the Men's Shed in Jubilee Park.

Both the Men's Shed and the Lions Club of Gerringong need the old Museum to expand their working area and have storage room [Gerringong Lions].

We ask the council to consider keeping the Old Museum building in the Gerringong community due to the fact that community money and labour was used to create this special and unique part of Gerringong.

Kind regards

Mark Westhoff
Secretary Lions Club of Gerringong

Item 14.6

Attachment 2

14.7 Launch of SENTRAL Youth Services' RenovationsResponsible Director: Community Services

This report is to inform council of the date for the launch of SENTRAL Youth Services' recent renovations. The event will take place on Saturday 5 August from 11–4pm and all Councillors and Senior Council staff are invited to attend. The event will feature local musicians, a smoking ceremony, tours of the new/upgraded facilities, speeches by dignitary's, and a 'cocktail' style catered lunch courtesy of participants of our 'CENTRAL Intergen Munch Out' program. The public speaking and photographic exhibitions as part of the Kiama Independence Day event will also be held at during the event with the speaking competition starting at midday.

Item 14.7

14.8 Leisure Centre - proposed additional car parking spacesResponsible Director: Engineering and Works

At Council's meeting of 16 May 2017 it was resolved (ref. 17/173) that:

1. a report be brought to a future Council meeting on potential informal overflow parking within walking distance of the Leisure Centre, and
2. Council staff also present additional permanent parking options.

Over the last few months Kiama Council has been in negotiation with NSW Health Infrastructure for the development of their new ambulance station adjacent to the Kiama Fire Station along Terralong Street, Kiama. During the course of the negotiation carparking at the Leisure Centre was a major issue that needed to be addressed and various options were discussed to ensure that the existing carparking spaces were not compromised/reduced.

A number of new proposed carparking spaces were developed and these options were discussed with the Kiama Netball Association and the Kiama District Sports Association. At the conclusion of the meetings it was agreed that 22 car spaces on the western end of the Leisure Centre building would be constructed to facilitate the parking demands. This area would increase the current available parking by approximately 10 spaces.

With this preferred option in place Kiama Council requested a contribution from NSW Health Infrastructure for the costs to construct the new car park. Both Kiama Council and NSW Health Infrastructure have now agreed on a sum that would go towards the new carpark and work is expected to commence at the end of the netball season, around August 2017.

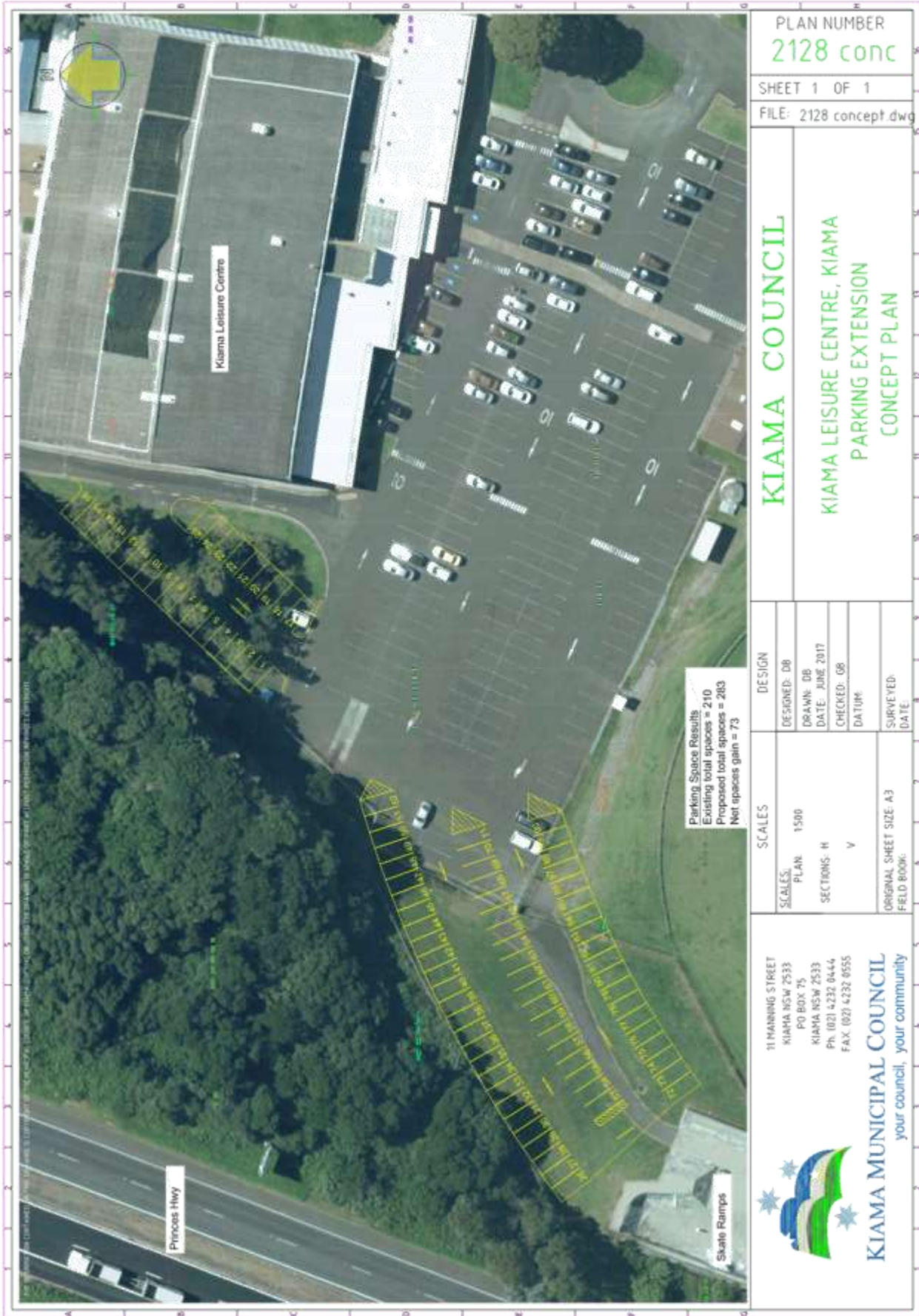
However, since the initial proposal of the additional 22 car parking spaces, further investigation of the available area at the Leisure Centre has identified an area that could provide significantly more car parking. A preliminary concept plan has been prepared that proposes a further 51 spaces adjacent to the skate park, to bring the total additional parking to 73.

A detailed design is currently being prepared and it is envisaged that these car spaces could potentially be provided and funded by the Health Infrastructure contribution and with minimal cost if any to Kiama Council.

A copy of the proposed carpark is attached for your consideration.

Attachments

- 1 Leisure Centre car park concept plan [↓](#)



PLAN NUMBER 2128 conc	
SHEET 1 OF 1	
FILE: 2128 concept.dwg	
KIAMA COUNCIL	
KIAMA LEISURE CENTRE, KIAMA PARKING EXTENSION CONCEPT PLAN	
DESIGN	DESIGNED: DB DRAWN: DB DATE: JUNE 2017 CHECKED: GB DATE: V
SCALES	PLAN: 1:500 SECTIONS: H V
	ORIGINAL SHEET SIZE: A3 FIELD BOOK:
11 MANNING STREET KIAMA NSW 2533 PO BOX 75 KIAMA NSW 2533 PH. (02) 4232 0444 FAX. (02) 4232 0555  KIAMA MUNICIPAL COUNCIL your council, your community	

14.9 Local Government Act Amendments Phase 1

Responsible Director: Office of the General Manager

The Office of Local Government recently advised that they had received requests from councils to provide information on the commencement of the Amendments to the Local Government Act. Attached for Councillors' information is an overview of the Phase 1 Amendments to the Local Government Act and the relevant dates for commencement of the Amendments.

Item 14.9

Attachments

- 1 Overview of LGA Amendments Phase 1 [↓](#)

ATTACHMENT TO CIRCULAR

Commencement of Phase 1 Amendments – An Overview

Commenced on 30 August 2016
GOVERNING BODY
<p>Mayoral term</p> <ul style="list-style-type: none"> The mayoral term for councillor-elected mayors has increased to two years (from one year) (s230)
<p>Councillor oath or affirmation of office</p> <ul style="list-style-type: none"> Councillors, including mayors, must take an oath or affirmation of office before commencing their duties (s233A)
<p>Councillor expenses and facilities policy</p> <ul style="list-style-type: none"> Policies must be adopted within 12 months of the commencement of the new council term, instead of annually (s252) Copies of the policy are no longer required to be provided to the Office of Local Government
<p>Councillor fee increases</p> <ul style="list-style-type: none"> Clarification that the State wages policy (currently limiting councillors' fee increases to 2.5%) does not apply to determinations by the Local Government Remuneration Tribunal that change a council's fee category (s242A)
<p>Organisation structure</p> <ul style="list-style-type: none"> The council is to determine the organisation structure for the senior staff level in consultation with the general manager, with the general manager to determine the balance of the organisation structure (s332)
ELECTIONS
<p>Casual vacancies</p> <ul style="list-style-type: none"> Casual vacancies may only be filled by a countback election once a date to do so has been prescribed by regulation (s291A) A date has not yet been prescribed

Item 14.9

Attachment 1

Commenced on 23 September 2016
LOCAL GOVERNMENT PRINCIPLES AND COUNCIL ROLES AND FUNCTIONS
<p>New purposes and principles (ss7-8C)</p> <ul style="list-style-type: none"> • General principles • Decision making principles • Integrated planning and reporting principles • Community participation principle • Sound financial management principles
<p>New roles</p> <ul style="list-style-type: none"> • Governing bodies (s223) • Mayors (s226) • Councillors (s232) • Administrators (s258)
<p>New functions</p> <ul style="list-style-type: none"> • General manager (s335)
DELEGATION OF TENDERS AND FINANCIAL ASSISTANCE
<p>Councils may now delegate:</p> <ul style="list-style-type: none"> • Acceptance of tenders, except for services currently provided by council staff (s377(1)(i)) • Payment of financial assistance as part of a program specified in the council's operational plan that is not more than 5% of the council's rates income and that applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area (s377(1A))
GOVERNING BODY
<p>Mayoral term</p> <ul style="list-style-type: none"> • A mayor elected by councillors ceases to be mayor once that person ceases to hold office as a councillor (s234)

Commenced on 1 October 2016
AUDIT
<p>External auditor</p> <ul style="list-style-type: none"> • The Auditor-General is appointed as the external auditor for all councils from the 2016-17 financial year (s422)
<p>Performance audits</p> <ul style="list-style-type: none"> • The Auditor-General may conduct performance audits of all or any activities of one or more councils to determine whether the councils are carrying out those activities effectively, economically and efficiently and in compliance with relevant laws (s421B)

Item 14.9

Attachment 1

Commenced on 25 November 2016
FINANCIAL CONTROLLER
<ul style="list-style-type: none"> The Minister may appoint a financial controller to a council in association with a performance improvement order and after considering prescribed criteria (s438HB)
Yet to commence (consultation either commenced or soon to commence)
INTEGRATED PLANNING AND REPORTING (IP&R)
<ul style="list-style-type: none"> Streamlined IP&R requirements
GOVERNANCE
Induction and professional development for mayors and councillors
<ul style="list-style-type: none"> New requirements for the provision of, and reporting on, induction and ongoing professional development programs for mayors and councillors
Model Code of Conduct and Procedures
<ul style="list-style-type: none"> Consolidation of the pecuniary interest provisions into the Model Code of Conduct for Local Councils in NSW
Model Code of Meeting Practice
<ul style="list-style-type: none"> Prescription of a new Model Code of Meeting Practice Councils will not be required to adopt a new Meeting Code based on the Model Meeting Code until after the next ordinary election following commencement
Meetings – reduced number
<ul style="list-style-type: none"> One-off opportunity for prescribed councils to seek the approval of the Minister for Local Government to reduce the minimum number of council meetings to less than 10 a year
Councillors – reduced number
<ul style="list-style-type: none"> One-off opportunity for prescribed councils to seek the approval of the Minister for Local Government to reduce their councillor numbers (without a constitutional referendum)
PERFORMANCE MEASUREMENT FRAMEWORK
<ul style="list-style-type: none"> Prescription of a performance measurement framework for councils
AUDIT COMMITTEES, INTERNAL AUDIT AND RISK
Audit, risk and improvement committees
<ul style="list-style-type: none"> Requirement for councils to appoint audit, risk and improvement committees Councils will not be required to appoint an audit, risk and improvement committee until 6 months after the next ordinary election following commencement

Item 14.9

Attachment 1

14.10 Parking Statistics - June 2017Responsible Director: Environmental Services

CBD Parking

Parking patrols conducted – 13 – 30 general area.

Infringements issued – 15.

Vehicle spaces inspected – 608.

Railway Parade 2P – 1 patrol.

Terralong Street 2P – 2 patrols.

Terralong Street 1/2P – 1 patrol.

Fern Street 1/2P – 3 patrols.

Fern Street 1P – 3 patrols.

Belinda Street 1/2P -1 patrol.

Manning Street 2P – 2 patrols.

School Zone Patrols

Kiama High 3 patrols – nil infringements.

Kiama Public 2 patrols – nil infringements.

Gerringong Public 1 patrol – nil infringements.

St Peter and Paul 1 patrol – nil infringements.

Minnamurra Public 1 patrol – nil infringements.

Jamberoo Public 1 patrol – nil infringements.

Reactive Issues

No stopping – 5 infringements.

Stop on path – 8 infringements.

Total amount of infringements issued = \$ 3719.

Specific patrols for July will be for locations nominated above.

14.11 Southern Phone Company Ltd - dividend allocationResponsible Director: Office of the General Manager

A letter has been received from the Southern Phone Company Ltd of which Council is a shareholder, advising that the trading conditions for 2017 financial year have been challenging and have impacted on the forecasted profit of the business.

The Southern Phone Company expect that their earnings before tax results for the 2016/17 financial year will be in area of \$1.2M. As a result of this the Board anticipates that the dividend allocation will be negatively impacted.

Council has included in the 2017/18 budget an amount of \$80,000 income based on the dividends received over previous years and this will negatively impact on Council's operating performance ratio.

A further report to Council will be provided once the Southern Phone Company has provided an actual dividend amount.

Attachments

- 1 Letter from Southern Phone Company Ltd [↓](#)



Kiama Municipal Council
Attn: Mr Mark Honey
PO Box 75
KIAMA NSW 2533

23 June 2017

CC: Mr Michael Forsyth

Dear Mr Honey

I am writing to provide guidance on the full year profit of Southern Phone Company Ltd.

Trading conditions for 2017 financial year have been challenging and have impacted on the forecasted profit of the business.

Forecasted Earnings Before Tax results for the current financial year are expected to be circa \$1.2M.

The board are yet to consider the dividend allocation for the financial year however it is expected to be negatively impacted from past years.

The financial year has been negatively impacted by :

- a rapidly changing marketplace led by NBN led discounting,
- a significant shift in consumer home phone purchasing,
- a supply fault that created a temporary, but significant, impact on our customer service capacity, and
- realisation of past contractual spend obligations

Despite the difficult trading environment, the business is well advanced on a digital transformation project that will result in a more efficient, customer centric and agile operation. We are positioning ourselves well to adapt to future industry changes.

To lessen our exposure to the commoditisation of the industry we are actively extending market reach through new service offerings and sales channels that will significantly increase volumes and take the Southern Phone brand into targeted metro markets.

Although we expect a decline in full year profits we remain enthused about the future and a rapid turnaround of results as we transform the business to meet the challenges of an NBN led marketplace.

Yours Faithfully

Bill Hilzinger
Chairman

14.12 Tourism sign at Kiama Train StationResponsible Director: Engineering and Works

At Council's meeting of 16 May Councillor Steel requested that a signboard be erected at the Kiama Railway Station showing a map of the Kiama Local Government Area landmarks, as well as take away maps for tourist information. The Mayor referred this to the Director Engineering and Works for investigation and report.

A new sign was erected along the perimeter fence to Kiama Railway station in April 2017. The sign is easy to read, highlights all landmarks in the Local Government Area, is visually appealing and consistent in size with the other signs along the fence. A photo of the sign is attached for information.

In relation to providing take away maps at the railway station, this proposal will be considered and further options will be developed and presented to Council in due course.

Attachments

- 1 Signage at Kiama Train Station - photos [↓](#)

Attachment: Signage at Kiama Train Station



Item 14.12

Attachment 1

14.13 South Precinct Minutes

Responsible Director: Finance, Corporate and Commercial Services

The minutes of the South Precinct meeting held on 15 June 2017 are attached for Councillors' information.

Attachments

- 1 South Precinct Minutes - Meeting - 15 June 2017 [↓](#)

MINUTES OF THE SOUTH PRECINCT MEETING
held on Thursday 15 June 2017 at Gerringong Town Hall

Meeting Opened: 7.30pm with Raewyn Thomson in the chair

Attendance: 24 people present

Chair: Raewyn Thomson

Minutes: Graham Fairbairn

Apologies: Stephen and Linda Brazier, Warren Holder

Councillor Neil Reilly was welcomed to the meeting

Minutes of Previous Meeting:

Moved: that the minutes of the AGM and the ordinary meeting of 18 May 2017 be accepted. Ken Sandy / Darrell Clingan **Carried**

Business Arising From Minutes:

Arthur Campbell reserve = meetings held re proposal

Correspondence IN

KMC – DA for 35 Jupiter St - Medical Centre – to be brought to Council meeting on 22 June at 5pm. Public Access at 4pm

Correspondence OUT

Council Papers Next meeting of Council on 22 June – no papers available yet.

Traffic Committee – meeting 6 June

1. Belinda St/Noble St development Use of roadway for storage of materials is in breach of conditions. Bollards are to be removed outside of work hours to allow public parking.

2. Crossing on Fern Street near Post Office. Proposal for Pedestrian Refuge to assist crossing to go to Council 22 June

General Business

1. Neil Reilly reported on DA tracker information

Certifiers will need to get a deed of agreement so Council will have right to stop work if conditions are not met.

Notice of motion to be brought to Council - That a further forensic report be prepared on developments overlooking Werri Lagoon with a view to make recommendations re the process.

Councillor Reilly thanked the meeting for the opportunity to address these concerns.

2. Howard Jones – reported on 98 Fern St development

Letter to GM from subcommittee. Interaction between Lots 52 and 53 – deed of agreement needs to be worked out between developer and Council.

DA for use of area as a bar and restaurant = plans were dated 2014 with no reference to terms of consent, concerning roof and balustrade on lot 52. Request that information re DAs be updated on the website.

3. Neil Reilly spoke to the meeting re issues in relation to DAs

4. Ken Sandy . Spoke re the proposed abattoir in Rose Valley.

Still waiting on legal advice about the amendment that has been gazetted. The question is whether the amendment is a prohibition or not.

5. Garden Beds around Gerringong Town Hall - Howard Jones.

Debra Moore asked that a letter to GM about the garden beds around Town Hall be brought to the Precinct’s attention. Native plants have been replaced with exotics. A request be made that Council inform us on how the decision was made including the choice of plants.

6. Library and Historical Museum.

Helen McDermott report on the proposed development. The School of Arts built in 1883 is to be restored and preserved as the home for the museum. A new building is to be built for Library and meeting rooms in 2018.

7. Arthur Campbell Reserve – Eric George

Alma Macpherson reports an application being made for funding for improvements to the reserve. Neil Miller - said it important to preserve the view of the church from Fern St.

8. Footbridge across entrance of Werri Lagoon

Peter Wheeler suggested that it should not be taken for granted that there should be a bridge across the lagoon at the start of the Coastal Walk Track.

9. Illegal fishing at Boat Harbour

Michael Hindmarsh spoke about the taking of abalone by indigenous. Dept of Primary Industries is responsible for enforcing fishing regulations. Councillor Reilly said he would raise the question with Council

Meeting closed at 9.05 pm

Next Meeting: Thursday 20 July 2017 at 7.30pm.

14.14 Planning Committee Minutes - 29 June 2017

Responsible Director: Environmental Services

A copy of the minutes of the Planning Committee Meeting held on Thursday 29 June 2017 is enclosed for information.

Enclosures

- 1 Minutes - 29 June 2017 [⇒](#)

14.15 Youth Advisory Committee meeting minutes - 1 June 2017

Responsible Director: Community Services

This report provides the minutes of the Youth Advisory Committee meeting held 1 June 2017 at Kiama High School.

Attachments

- 1 Minutes - Kiama Youth Advisory Committee - 1 June 2017 [↓](#)

**Minutes of the Kiama Youth Advisory Committee meeting held on Thursday 1st June 2017
at Kiama High School at 10:47am**

Present: Clr Mark Westhoff (Kiama Municipal Council, Chair), Clr. Neil Reilly, Andrew Chatfield (Kiama Municipal Council, minutes), Sharnie Heffernan, Grace Allen, Isaac Baker, Bryce Humphries, Rhylee Bamford, Darcy Lawton, Alex Wunsch, Nicholas Gregory, Sam Scobie, Jackson Allen, Nellie Smith, Carly Abbott, Josie Mansell, Lauren Perry, Mitchell Micallef.

1. Apologies: Clr Kathy Rice (Kiama Municipal Council), Nick Guggisberg (Kiama Municipal Council), Michael Dalitz (Kiama Municipal Council Library Services), Linda McGavock (Kiama High School staff).

2. Minutes of previous meeting:

Moved by Isaac Baker and seconded by Josie Mansell.

CARRIED

3. Business arising from previous meeting:

3.1 Water fill station at Kiama High School

Bruce Humphries asked Clr's Westhoff and Reilly about the possibility of Council funding a water fill station at the school. Clr Westhoff asked Bryce if he could identify a location at the school and that he and Clr Reilly would raise the idea at the next Council meeting. Clr Westhoff will also discuss with the Director of Engineering and Works about a possible sponsorship with Sydney Water.

ACTION: Clr Westhoff to raise at next Council meeting and seek advice from Engineering, Bryce Humphries to identify a suitable location.

3.2 Kiama Council busking policy

Andrew Chatfield responded to Darcy Lawton's request for information on how local musicians can access performance opportunities, by providing information on Council's busking policy. Andrew suggested Darcy looks on Council's website for general information and application forms and that the process had been streamlined especially for young people.

4. Reports

4.1 SENTRAL programs

Senior Youth Worker Andrew Chatfield reported on current programs at SENTRAL including: barista training, group fitness sessions each Wednesday and Thursday, and Inترergen Munch Out each Thursday from 5pm. All programs are free and young people are encouraged to register.

4.2 *'Kiama Independence Day'*

Clr Neil Reilly reported on the upcoming Kiama Independence Day Public Speaking competition and the photo exhibition. Clr Reilly reiterated that it was important to remember and acknowledge the history of the proposed Kiama/Shoalhaven amalgamation and he encouraged students to put their thoughts forward on what independence means to them and visually through photographs highlighting their love of Kiama. Clr Reilly informed the committee that the cutoff date had been extended until July 14th for the speeches, which are to be 5 minutes in length. Clr Reilly requested that YAC members promote and encourage other students to become involved.

4.3 *Intergen Munch Out and Elite Fitness sessions*

Andrew Chatfield reported on the success of the 'Intergen Munch Out' program which has been engaging new participants from all age groups each Thursday night. The program involves younger and older people working together to create healthy, nutritious meals and to share stories and experiences.

4.4 *Renovations*

Building works are ongoing at SENTRAL, with a completion date set for August. All programs and events will continue as normal.

4.6 *KHS/SENTRAL programs during term 2*

Joint programs currently available for students include: Youth Worker @ KHS mentoring program, Young Women's Group, Event Management, KHS volunteers, Youth Advisory Committee and Elite Fitness classes.

4.7 *Junior Mayor and General Manager Program*

Andrew Chatfield informed the committee that they are seeking expressions of interest from students who would like to participate in the 'shadowing' program. It is hoped students will take the opportunity to gain an insight into the workings of Local Government and report back on their experiences. The program will take place during Local Government week in August.

4.8 *August Youth Advisory Committee meeting*

Andrew Chatfield asked the committee to start to think and prepare presentations on any issues/concerns/suggestions they have specifically for Kiama Councilors and Senior Council staff for the Youth Engagement meeting held in August; which replaces the Youth Advisory Committee meeting for that month. The Youth Engagement meeting is a full Council meeting held at the school. Andrew encouraged the committee to use this opportunity to highlight any areas of interest and report directly to the full Council. Andrew will meet with the YAC early term 3 to provide assistance and information and deliver Council business papers to the students.

ACTION: Andrew to collect and distribute Council business papers and work with students regarding presentations for the meeting.

5. General Business:

5.1 Black Beach toilet/shower amenities

At the previous meeting Sharnie Heffernan raised concerns about ongoing maintenance in the toilet block/shower area and that she was concerned about slipping on wet surfaces. Cllr Westhoff has spoken with the Director of Engineering & Works, who ensured Cllr Westhoff that amenities will continue to be maintained appropriately.

5.2 Car parking along Cathedral Rocks

Sharnie Heffernan raised concerns about the number of cars parked along Cathedral Rocks Ave and that she had concerns about safety for drivers and pedestrians. Cllr Westhoff has since spoken with the Director of Engineering & Works who has since inspected the area and did not see any concerns but is happy to continue to monitor the situation.

6. Next Meeting

The next Kiama Youth Advisory Committee will be held in September given the Youth Engagement meeting takes place in August.

There being no further business the meeting closed at 11.29am

14.16 Minutes of the JVRRA - 6 June and 4 July 2017

Responsible Director: Environmental Services

Attached for Councillors' information are the minutes of the JVRRA meetings held on 6 June and 4 July 2017.

Attachments

- 1 Minutes - 6 June 2017 [↓](#)
- 2 Minutes - 4 July 2017 [↓](#)

JAMBEROO VALLEY RATEPAYERS AND RESIDENTS ASSOCIATION Inc

PO Box 146
JAMBEROO
NSW 2533

MINUTES OF THE JVRRRA GENERAL MEETING OF 6 JUNE 2017 HELD AT CLUB JAMBEROO**Attendees**

Julie Clough, Kerry McMurray (Kiama Council), Cr Neil Reilly (Kiama Council), Cr Mark Honey (Mayor), Cathy Law (The Bugle), Beryl Ackroyd, Stuart Henry, Kylie Jullien, Vivienne Marris, Graham Pike, Susie Nash, Glenys Day, Rob McKinnon, Marea Gardner, Michael Brennan, Geoff Boxsell, John Zimmer, Suzanne Reynolds, Max Brennan, Paul Pelasi, Ray Nolan, Greg Clough, Stan Judd, Veronica Baker, Sidney Baker, Robyn Letham, Graham Letham, Mary Lou Reid, Geoff Reid, Margaret Stephens, Rhoda Pooley, Helen Cochran, Roger Lyle, Lesley Friedmann, John Friedmann, Julie McDonald, Stuart Richards, Penny Morris, Ray Swan, Pauline Swan, Jacqueline Jakeman, Barbara Jakeman, Paul Morris, Andrew Waugh, Angela Samson, Ian Samson, Allan Smith, Carole Harrison, Ian Harrison, Kay Brennan, Ken Jeffrey, Daphne van Oudtshoorn, Nic van Oudtshoorn, Paul Pelasi, Neil Rathys, Derindah Jarrett, Ros McKinnon.

Apologies

Narelle Day, Tony Day, Sandra Dingle, Jim Dingle, Ann Pike, Jack Frost, Viv Frost, D. Jarrett, Leah Roulestone, Chris Roulestone, Dawn McBride, Steve McBride, Kevin Mills, John Booth, Warren Holder, Leanne D'Amico, Charlie D'Amico, Gail Taylor

The Chair, President Rob McKinnon, opened the meeting at 7.30pm and welcomed members, prospective members and guests, including the two Kiama Councillors, Mayor Mark Honey and Cr Neil Reilly, and two Kiama Council officers, acting General Manager, Kerry McMurray, and acting Director of Environmental Services, Paul Czvalski.

The pre-circulated Minutes of the previous meeting of 2 May 2017 were adopted.

Given the presence of Councillors and Council officers, the Chair re-ordered the Agenda, bringing forward Item 16 – The future of Jamberoo and its Valley – Presentation of Paper, pre-circulated by G. Pike, on latest and emerging planning issues and possible future options.

The Chair invited the Mayor, Mark Honey, to address the meeting.

The Mayor briefly described the background to the May 2017 decision of the Southern Joint Planning Panel to allow re-submission and re-assessment of the 123 Golden Valley Road, Jamberoo, proposal for land rezoning and housing subdivision development. He said that in its decision, the Joint Panel had taken into account consultation with the Jamberoo community and the Kiama Urban Strategy.

Cr Honey said the Joint Panel's decision had heightened the importance and urgency of the drafting and adoption of the Jamberoo-specific Development Control Plan (DCP), committed to by Council on 20 December 2016, because, he said, the Golden Valley Road planning proposal would not proceed until the Jamberoo DCP is adopted and applied to the proposal's re-assessment. He said "we have to be careful when we frame the DCP to make it a usable document" and warned that there was always

the risk that the GVR proposal's proponent/developer could go through a legal/planning process aimed at overriding a DCP.

Council's Paul Czvalski was asked 'why have a DCP if it can be overridden?' He said that State legislation overrides local planning and also that Council had to meet the NSW Government's affordable housing policies.

During discussion, the point was made that 'Jamberoo is 54 lots ahead of the Kiama Urban Strategy targets at this time'.

Cr Honey was questioned by the meeting about the status of Council's drafting and development process for the Jamberoo DCP. He said the development of the DCP was well in hand and described its movement through Council's Planning Committee, which he chairs, at the Committee's latest meeting on 18 May 2017.

The JVRRA Secretary challenged the accuracy of what Cr Honey was telling the meeting in relation to the draft DCP's progress through the Planning Committee and said the minutes of the 18 May Committee meeting showed that concern was expressed at the meeting about the inadequacy of the draft DCP before it. The JVRRA Secretary also told the meeting that the Planning Committee's minutes recorded a committee member's comment that Jamberoo could end up looking like Albion Park if draft DCPs were not improved in various ways. He also reported that there was opposition by Council officers to immediately involving the Jamberoo community in the development and drafting of the DCP, preferring to wait until Council approved it first.

Cr Honey reacted with very strong criticism of the accuracy and content of the JVRRA Secretary's recent correspondence and also strongly disputed that the Planning Committee's minutes made any comparison of Jamberoo and Albion Park. The Secretary still maintained that they did, as would be shown when the minutes appeared in Council's business papers for its next meeting. The Secretary promised to send Cr Honey a copy of the Planning Committee's minutes the following day.

(This was done the following day, as the Secretary had undertaken. A copy of the Planning Committee's minutes was emailed to Cr Honey and copied to JVRRA office bearers. The relevant paragraphs of Council's Planning Committee minutes from 18 May 2017 read:

- *"Phil advised that when the DCP is endorsed by Council it will be publicly exhibited for comment. Public engagement sessions will also be held in Jamberoo.*
- *Penny was concerned regarding the size of allotments, floor space ratio and road widths and wanting to preserve and maintain the character of Jamberoo so not to end up with an "Albion Park".)*

To save time, the Secretary read a summary of his discussion paper on planning issues and the future of Jamberoo which had been pre-circulated to members.

Summary:

Development Control Plan

The Jamberoo-specific DCP development has been given new urgency by the Joint Regional Planning Panel report on the Golden Valley Road planning proposal review which recommends that a Jamberoo DCP, among other instruments, should be applied in the assessment of a new Golden Valley Road planning proposal.

DCP drafting by Kiama Council is running well behind schedule most likely because Council does not have the resources necessary to draft a DCP.

It is known that some Council staff do not want to engage with the Jamberoo community in the development of the DCP, as was requested by Council when approving the drafting of a Jamberoo DCP in December last year.

If the Council staff have their way, the DCP will not be released to the community until the last minute, after its endorsement by Council and by then it will be too late for meaningful Jamberoo community input.

JVRRA is seeking funds to commission its own professional expertise to help draft a Jamberoo DCP.

JVRRA members may wish to request Kiama Council to commission a professional to assist it to develop the DCP and/or to suggest to Council that the JVRRA and Council could share professional expertise, depending on the JVRRA sourcing funding for the purpose, and share the cost of the consultant.

Golden Valley Road Planning Proposal

JVRRA members should note that the Joint Regional Planning Panel on the Golden Valley Road planning proposal review, recognised the Jamberoo community's very strong opposition to the GVR proposal by requiring major and substantial actions, mainly on the part of Kiama Council, during the next stage of the Golden Valley Road proposal's consideration (page 6 of the discussion paper).

The Panel has required these actions specifically to address the concerns of the Jamberoo community about the GVR proposal.

In my view, the JVRRA members need make sure, by applying appropriate pressure in the right places, that Kiama Council and the NSW government actually undertake the work recommended by the Joint Panel and if that work is not done fully and properly, including the application of the Jamberoo DCP, then members should maintain their clear opposition to the proposal.

At the moment, nothing has changed with the GVR proposal that would justify any change to the community's strong opposition to it or Kiama Council's rejection of it.

The JVRRA, as a community representative organisation, should monitor all aspects of Kiama Council's development of the new GVR planning proposal and keep itself informed of both the form and nature of the new proposal and the assessment of it and make sure that Council and the NSW government is kept aware of the community's opinions about the proposal.

Public Concern About Kiama Council's Planning Processes and Decision-Making

The JVRRA is awaiting a response from Kiama Council to the Association's 25 May 2017 letter asking Council what reforms it intends to undertake after the Northern Werri Headland planning fiasco and the resulting forensic investigation reports.

The letter also seeks information on what Council intends to do to ensure that inaccuracies, omissions and imbalances evident in planning documentation going to Council during at least the past nine months or so – and raised by the JVRRA on several occasions – does not continue.

As JVRRA secretary, I have also received expressions of concern about the Mayor's statements recently in a local paper that unelected planning staff - and not Councillors - are "allowing developments to proceed" and are "making planning decisions".

The Kiama Urban Strategy – In Need of Review and Change

Both the Member for Kiama in the NSW Parliament, Gareth Ward, and Kiama Councillor, Andrew Sloan, have said publicly in recent times that the Kiama Urban Strategy not only has shortcomings and that it needs reviewing and changing but, as Cr Sloan has also said, it is being misapplied and overly relied upon in planning decisions, particularly in Jamberoo.

There is more than ample evidence for this and Cr Sloan presents a strong case for KUS review and change on page 9 of the discussion paper.

JVRRA members may want to consider accepting the strong suggestions of Gareth Ward and Andrew Sloan and request Kiama Council to begin a full review process of the KUS.

Following the Secretary's summary, he moved the following motion:

This meeting of members of the JVRRA authorises the president and the secretary to do all things necessary to action the matters arising from and agreed at this meeting in relation to the discussion paper before the meeting and accordingly, to communicate about such matters with all appropriate agencies, entities and individuals, reporting back the results as necessary to each subsequent JVRRA meeting.

The Motion was seconded by Veronica Baker and passed by a clear majority.

A further motion was put by Helen Cochran:

That the JVRRA writes to Kiama Council to urge it to accept the Role of Relevant Planning Authority under the Gateway process with regard to the Golden Valley Road Planning Proposal. We want our Councillors to do the job we elected them to do.

The Motion was seconded by Jacqueline Jakeman and was passed by a clear majority.

Agenda Items 4 and 5: The Minutes of the previous monthly general meeting had been pre-circulated and there were no matters arising from those Minutes.

Agenda Item 6 and 7: Copies of all correspondence in and out had been pre-circulated to members and there were no matters arising from that correspondence.

Agenda Item 8 - Treasurer's Report: The Treasurer's report had been pre-circulated and there were printed copies available at the meeting. The Treasurer also reported verbally that the JVRRA had donated \$220 to the Jamberoo pre-school to cover the costs of the removal of a donated piano to the pre-school. The Treasurer also noted that the Association had received a large 'thank you' card prepared by the pre-schoolers who said they were already enjoying their new piano.

Agenda Item 9 – Infrastructure Sub-committee Report: A/g Council General Manager, Kerry McMurray, confirmed that Council had taken into account the community's views on Council's plans

for the revamp of the Jamberoo swimming pool and associated infrastructure and would spend all of the \$500,000 of a Commonwealth Government grant on the works. There was some debate about whether or not Council had previously briefed the community about the nature and extent of the swimming pool work but member, Mary Lou Reid, confirmed that Council had provided a presentation previously which had been sent to JVRRA members. (Council's Powerpoint presentation is attached to these Minutes.)

Mr McMurray also listed a number of other initiatives Council had undertaken and was considering undertaking for the Jamberoo community:

- The grounds maintenance along the riparian area along Hyams Creek has been mowed
- Footpath along Allowrie road completed
- Grant submission has been submitted for the improvements/extension to Kevin Walsh amenities including the public toilets
- New cycle way from Swamp Road to Browns lane has commenced. Approx 350m has been prepared and formed and concrete pouring will start tomorrow (weather permitting)
- Funding for the Jamberoo pool refurbishment has been finalized. Work will commence in the first quarter of the financial year. This will include new amenities to service both the pool area and the sports oval. The pool deck will be refurbished and new outdoor showers, outdoor tables/shade cover, perimeter fence, pumping and access ramps will be constructed. \$500K has been allocated to the project.
- The existing granite pathway from Allowrie Road to the centre circular garden area near the rotunda will be removed and a new coloured concrete pathway will be constructed.
- Improvements to the pedestrian islands along Allowrie Street have been completed to allow residents to place the bins along the road for collection.

Projects under consideration.

- Improvements to Chapel Lane intersection
- Improvements to Hyams Creek Bridge
- Improvements to the drainage inlet north of Chapel lane to establish a footpath to the church.

Projects for future consideration

- Refurbishment to the Jamberoo community hall

Improvements to the sport ovals/areas at Kevin Walsh Oval. This may include drainage, outdoor furniture, fencing, lighting, etc.

Agenda Item 10 – Living Future Jamberoo Sub-committee Report: The sub-committee's monthly report had been pre-circulated with the meeting notice.

Agenda Item 11 – Membership and Publicity Sub-committee report: Andrew Waugh said there was nothing to report.

Agenda Item 12 – Garden Sub-committee Report: Margaret Stephens presented the following report to the meeting:

"We are making good progress with the gardens, starting with Reid Park. Both entrances to the park are now completed with new plants. The garden in front of the Jamberoo pub is completed also. The next garden to have a makeover is the roundabout, then we will slowly progress to the remainder of the garden beds in Allowrie Street.

We are working with Alan Piper, from Kiama Council, who is being very helpful in preparing the soil and planting the hedges and ground cover. Now it is up to the community to water the gardens regularly. Alan has supplied us with a long hose which we are keeping in the RSK grounds for safe keeping.

We are getting full co-operation from Alan Piper and he is not to blame that we have to wait weeks before he can get back to Jamberoo to finish the garden beds. He also has Kiama, Gerringong and Kiama Downs gardens to maintain. There are not enough gardeners; I am not sure how many gardeners are under his management but they are short staffed.

Two weeks ago I spoke to the Council workers who were in Reid Park mowing the grass. I asked if they could remove the leaves in and around the circle and blow the leaves off the pathways before each Market Day and remove leaves where the stall holders erect their marquees because the leaves are never removed from one month to the next.

The Council workers explained to me that their mower does not have a catcher so they were unable to take the leaves away; the mower only mulches the leaves. The workers said they only mow the grass; they do not bother to do any raking. So the leaves are left in and around the circle hedge from one week to the next.

The workers also told me there are only six gardeners to maintain all of Gerringong, Kiama, Kiama Downs and Jamberoo. Hence, they are in Jamberoo for only two days every six weeks. And as more gardens are being developed, Council has not put on any extra staff. Now when we say Jamberoo, we include Reid Park, Kevin Walsh Oval – a huge area, Keith Irvine Park and the area west of Reid Park.

To my way of thinking, this is ridiculous and I think Jamberoo should have a gardener at least one day a week to rake the leaves and tidy the park, eg. Sweep the picnic shed and hose down the table and seats, clean the children's play area, clean barbecues, tables and seats and bench seats, and the rotunda should be kept clean.

The public toilet in Reid Park was recently voted the worst public toilet in the Kiama Municipality. I wonder if Councillors realise that hundreds of people visit our park especially when soccer, league and cricket are played on a weekend – plus practice days. And we must not forget the campers who visit our area also. Jamberoo will not be forgotten any longer. We want what Kiama and Gerringong have.

I also think that the children's play equipment in the park is very tired and needs updating. Could we request some new equipment and perhaps relocate the present play equipment to the area at the end of Wyalla Road which is Council owned and will be used as a public recreation area in the future?

So, I put a motion to request Council to (i) provide Jamberoo with a gardener one day per week and (ii) request the relocation of the existing children's play equipment in Reid Park to the future Wyalla Road recreation area currently owned by Council and (iii) to install new children's playground equipment in Reid Park."

The meeting agreed that the JVRRA should write to Kiama Council as proposed by Margaret Stephens.

Agenda Item 13 – Proposed Purchase of dedicated JVRRA laptop computer: In a pre-circulated paper, member, Roger Lyle, had proposed the purchase of a dedicated JVRRA laptop for use by the Secretary. The Chair put the proposal to the meeting and it was supported unanimously.

Agenda Item 14 – Update on campaign to improve access to Kiama Council’s development application (DA) information: Roger Lyle gave a brief report on the success of the initiative which had received the support of Kiama Councillors. He acknowledged the assistance of community bodies kindred to the JVRRA and noted that there was merit in continuing an association with them on matters of common interest. The Chair said Roger was to be complimented on his instigation of and major contribution to the much improved system of access to Kiama Council’s planning information.

Agenda Item 15 – Update on amendment to Chapter 31 Kiama Development Control Plan – Wyalla Road Residential Land Release Area: Roger Lyle reported that the changes had been gazetted in relation to maintaining the over-55 occupancy status of the Wyalla Road development.

Agenda Item 17 - General Business:

The Secretary stated that because the JVRRA constitution was unclear on certain aspects of the payment of annual subscription fees, he intended, unless there were a majority opposed, to make all annual membership subscriptions due on 1 July each year but those who had joined the Association within the six months to 1 July would have a six months grace period and their subscriptions would not be due until 1 July the following year. For example, if people joined between 1 January and 30 June 2017, their next membership subscription would not be due until 1 July 2018.

There was majority verbal support for the Secretary’s proposal.

A JVRRA Membership Form is attached with these Minutes to facilitate membership renewals which become due on 1 July next (except for those who have joined for the first time since 1 January 2017), and to facilitate new memberships.

The meeting closed at 9.10pm.

NEXT MEETING: The **next monthly general meeting** will be held at 7.30pm on **Tuesday 4 July 2017** at Club Jamberoo.

The Member for Kiama, Gareth Ward MP, is scheduled to attend.

- **Graham Pike**
Secretary, JVRRA

13 June 2017

JAMBEROO VALLEY RATEPAYERS AND RESIDENTS ASSOCIATION Inc.

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JAMBEROO
NSW 2533

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**MINUTES OF THE MONTHLY GENERAL MEETING OF THE JVRRA
HELD AT CLUB JAMBEROO AT 7.30PM ON TUESDAY 4 JULY 2017**

Attendees

Sid Baker, Helen Cochran, Garry Cochran, Geoff Reid, Mary Lou Reid, Graham Letham, Beverley Corfield, Jeannie Lyall, Di Thompson, Geoff Boxsell, Greg Harris, Susie Nash, Marea Gardner, Glennys Day, Josh Zimmer, Brian Dixon, Beryl Akroyd, Max Brennan, Lesley Friedmann, John Friedmann, Vivienne Marris, Fran Geraghty, Julie McDonald, Roger Lyle, Barbara Jakeman, Jacqueline Jakeman, Reg Curnow, Bruce Robertson, Michael Brennan, Ray Nolan, Stan Judd, Geoff Reynolds, Suzanne Reynolds, Andrew Waugh, Hazel Lewis, Phil Lewis, Joy Stanforth, John Booth, Greg Clough, Paul Rogers, Sally Rogers, Kylie Jullien, Helen Plowman, Rhoda Pooley, Geoff Wilson, Tom Supple, Roslyn Neilson, Gareth Ward MP, Mark Way, Jacob Sich, Kathy Rice, Clare Rogers, Kerry McMurray, Don Watson, Phil Costello, Cathy Law.

Apologies

Lyn Walker, Narelle Day, Tony Day, Ann Pike, Veronica Baker, Allan Smith, Margaret Stephens, Ken Jeffrey, Cheryl Harris, Kevin Mills, Rob McKinnon, Roz McKinnon, Stuart Henry, Penny Morris, Paul Morris, Neil Reilly, Andrew Sloan, Jack Frost, Viv Frost, Mark Westhoff.

The Secretary, Graham Pike, acting as Chair in the absence on leave of Association Chair, Rob McKinnon, and Vice-chair, Ken Jeffrey, opened the meeting at 7.34pm.

The Chair welcomed the official guests, Member for Kiama in the NSW Parliament, Gareth Ward MP; Kiama's acting Mayor, Cr Kathy Rice; Kiama Councillors Mark Way and Don Watso; and Kiama Council officers, acting general manager, Clare Rogers, director of environmental services, Phil Costello, and the previous acting general manager, Kerry McMurray.

The Chair also said that he was bringing forward Agenda items 11, 11b and 11c so that they could be dealt with before Item 9, Gareth Ward MP's address to the meeting.

Agenda Item 4 – Minutes of the previous General Meeting of 6 June 2017 (pre-circulated)

Moved: John Friedmann; Seconded: Roger Lyle, that the minutes of the previous meeting as pre-circulated, be adopted as a correct record.

Geoff Boxsell spoke against the motion on the basis that minutes are to record resolutions and actions adopted at the meeting and the minutes under review contained a number of opinions and observations of the writer, quoting a few of them. He foreshadowed that if the motion were lost he would move that the minutes be rewritten, eliminating all references relating to such opinions and observations, and brought to the next meeting.

As there was no further discussion, the motion was put and **carried** by a clear majority.

Agenda Item 5 – Any matters arising from the previous Minutes

There were no matters arising from the Minutes of the previous meeting not already dealt with and not elsewhere on the Agenda.

Agenda Item 6 – Correspondence In and Out (as pre-circulated)

The Chair noted that he had received an email from Phil Costello in the previous 24 hours informing the Association that he had only just seen the JVRRA's letter of 25 May 2017 to Kiama Council about the implications for Jamberoo of the Werri Beach northern headland planning matter and its associated forensic investigation reports and would ensure a reply was sent to the JVRRA within the next week.

A letter has also been recently received from Kiama Council seeking submissions on proposed motor vehicle parking changes outside the Jamberoo IGA store. The letter was listed for the meeting's attention elsewhere in the Agenda.

The Chair also mentioned that a JVRRA member had on this date received from the NSW Minister for Primary Industries, Niall Blair MLC, a letter in relation to the Golden Valley Road planning proposal and what the Minister said was the need to "preserve good quality agricultural land for the future". The Association's member had made a limited number of copies of the Minister's letter available to the meeting.

Agenda Item 7 – Any matters arising from the correspondence not listed elsewhere in the Agenda

There were no such matters arising.

Agenda Item 8 – Treasurer's Report

The Treasurer's report had been pre-circulated.

After formally presenting the report, the Treasurer gave a short address to the meeting during which she announced that she would not be standing for election to the JVRRA's committee at the Annual General Meeting on 1 August.

Moved: Reg Curnow; Seconded: Max Brennan, that the Treasurer's report be adopted.

Carried.

Agenda Item 8a – Notice of Motion re Financial Operations

Moved: Roger Lyle; Seconded: Geoff Reid, that:

Effective from 4 July 2017, the following financial operating procedures will apply:

Bank Signatories

- 1 The signatories to the Association's bank account will be: Chair, Deputy Chair, Secretary and Treasurer.*
- 2 The Association's accounts are to operate on the basis of 'two of the four (above) to sign' cheques and other financial transaction instruments.*
- 3 Where there is a change of office bearers at either an AGM or by casual vacancy, the bank signatories are to be updated with the Association's bank within 7 days to reflect the new office bearers.*

Approval and payment of Association expenses

- 1 All expenditure must be approved by a General Meeting of the Association except for incidental operational expenses of up to \$150/month which can be approved by the Executive.*
- 2 All approved expenses to be reimbursed within 7 days of receipt by the Treasurer of tax invoice and/or receipt.*

Speaking in support of the motion, Mr Lyle said recent events had suggested that clarity is required in matters regarding the signatories to the Association's bank accounts as well as the approval and reimbursement of Association expenses. He also cited the *Associations Incorporation Act* which states that only current members of an association's committee can be authorised bank signatories.

There was no further discussion and the motion was carried by a clear majority.

Agenda Item 11 (brought forward) – Notice of Motion from Rob McKinnon

Mr McKinnon had given notice of motion that:

The JVRRA recommends to Kiama Council that it creates a R1 zone in its planning scheme and designates land to which the R1 zone applies. The R1 zone is to prohibit dual occupancy and residential flat buildings in that zone.

Seconded: Graham Pike

Mr Pike said Mr McKinnon had told him before going on leave that there should not be any R1 zoning in Jamberoo if the new zoning were created by Council for the Municipality.

Commenting on the notice of motion, Kiama Council's environmental services director, Phil Costello said that the standard LEP template recognises the R1 zone has a higher density than R2, which Council has adopted. He said this is reflected in the objectives and standard land use tables for each zone and therefore, the introduction of an R1 zone over existing land may be problematic in its relationship with the existing R2 zone and possible back zoning issues. Mr Costello said that Council fully recognises the intent of the proposal and has investigated achieving the same outcome via introducing a minimum size for dual occupancy map which could be an aspect of any re-zoning proposal.

Agenda Item 11b (brought forward) - Development Application to Kiama Council for three townhouses on 800 square metre lot at 43 Gibson Crescent, Jamberoo.

There had been a notice of motion from Geoff Reid that:

The JVRRA opposes small subdivisions on minimum size lots in Jamberoo and area, consistent with Kiama Council's current actions to prohibit such development, and accordingly, will make a submission to Council opposing the proposed subdivision and development at 43 Gibson Crescent, Jamberoo.

Seconded: Garry Cochran

There being no discussion, the motion was put and carried by a large majority.

Agenda Item 11c (brought forward) - Call for submissions from Kiama Council on proposed changes to parking arrangements outside the Jamberoo IGA.

In order to save the meeting's time, the Chair asked the chair of the JVRRA's Infrastructure Sub-committee to convene a meeting the sub-committee at the earliest possible time to consider Kiama Council's proposed changes to vehicle parking outside the Jamberoo IGA store and to draft a submission to Council on the matter on behalf of the Association.

The sub-committee chair indicated that a meeting was likely to be held on Friday 7 July.

Agenda Item 10 – Introduction of Speaker, Gareth Ward MP, for address and questions

Mr Ward ranged across a wide number of issues in relation to planning and urban design issues of interest to Jamberoo village and valley residents, summarised the different planning responsibilities between the NSW Government and local governments, such as Kiama Council, and said he realised that Jamberoo residents did not want to see urbanisation such as that occurring in Albion Park "coming over the hill" into Jamberoo and its valley.

In answer to one of a large number of questions, Mr Ward said he agreed that Jamberoo and its valley had maintained the important attributes described in 1987 by a former NSW Minister for Planning and Environment in the preface of a new plan, [the Illawarra Regional Environmental Plan No 2 – Jamberoo Valley](#), introduced to protect from development Jamberoo's "unique scenery and farming activities" and to "conserve the agricultural, environmental and aesthetic values of Jamberoo valley". The then Minister said the Jamberoo valley "is an area of great natural beauty with important links to our environmental heritage". It was also important, he said, "to the economic welfare of the State as it contains tracts of prime agricultural land necessary for crops and pasture". Mr Ward said that in his view also, these attributes and characteristics of Jamberoo and area remain.

Mr Ward also proposed the establishment of a Kiama Council Jamberoo Working Group, comprising representatives of Council, the JVRRA and the general and business community of Jamberoo to provide guidance and advice to the Council and to the NSW Government on balancing planning and development issues with the need for Jamberoo residents to maintain the character and the rural landscapes of their village and valley. Mr Ward said such a working group for Shoalhaven Council had been very successful in balancing village preservation, development and business growth in Kangaroo Valley.

The Chair deferred discussion on Mr Ward's proposal to Agenda Item 10.

Agenda Item 10 – The future of Jamberoo, the Jamberoo Development Control Plan (DCP) and the May 2017 recommendations of the southern Joint Regional Planning Panel: where to from here?

On behalf of the three senior Kiama Council officers present, Phil Costello gave the meeting a short introduction to recent planning matters, particularly the Jamberoo-specific DCP currently being drafted by Council staff. He said a third draft of the Jamberoo DCP was finalised at a 29 June meeting of Council's Planning Committee and that draft would be put before Council for endorsement at its meeting on 17 July. Council could also consider at that meeting how the Jamberoo community wanted to have input to the draft DCP and, within reason, how long the community wanted the consultation and input period to be.

Mr Costello fielded a number of general and technical questions from the meeting about a widely varying number of Council/Jamberoo planning and development issues. During one response, he emphasised the importance of the Kiama Urban Strategy (KUS) in the urban development of land in the Municipality. He made the point several times, that unless an area of land is identified in the KUS for development, urban planning and development will not proceed. He reiterated that to be approved for development, an area of land has to be identified in the existing KUS.

The Chair then led a lengthy discussion by the meeting and guests on the duration and nature of the community's role and input in the drafting and finalisation of the Jamberoo-specific DCP.

Moved: John Friedmann; **seconded:** Graham Pike, that the Chair's summary of the meeting discussion, as detailed below, be adopted as the way forward for the JVRRA and to be recommended to Council at its meeting on 18 July 2017:

There was strong support at the meeting for (i) a professionally managed and facilitated Jamberoo community consultation process guided by the JVRRA working together with Kiama Council as the organiser of the public consultation process, with involvement in the process offered to the entire community, (ii) at least two and possibly more professionally facilitated and managed community workshops as part of the consultation process, (iii) the longest possible time for the process to take place, and (iv) leadership, support and assistance from Council, working closely in conjunction with the JVRRA, in developing the professionally managed and facilitated Jamberoo public consultation process.

The motion was passed unanimously.

Further, the Councillors and Council officers present agreed with a proposal by the meeting that the consultation program would begin as soon as Council endorsed the draft DCP, expected to be 18 July, and would conclude in time for a draft Jamberoo-specific DCP - which had been the subject of the widest and fullest input from the Jamberoo community – to be presented to Council by November 2017.

Agenda Item - 12. Infrastructure Sub-committee Report

As the committee had not met in the past month, there was no report.

13. Living Future Jamberoo Sub-committee report

The Minutes of the sub-committee's June meeting had been pre-circulated.

14. Garden Sub-committee report

On behalf of the sub-committee's chair, who was unable to attend this meeting, member, Mary Lou Reid, thanked Kiama Council and particularly its staff who had done a very effective job in cleaning up Reid Park in preparation for the recent Jamberoo Markets. The Chair asked the acting Mayor, visiting Councillors and the Council officers present, to convey the Garden Committee's and JVRRA's thanks to the Council staff who had undertaken the work.

15. Membership and Publicity Sub-committee report

As the committee had not met in the past month, there was no report.

16. General Business

The Treasurer raised a suggestion on behalf of Ken Jeffrey. As Mr Jeffrey noted, there had been substantial increases in electricity prices effective on 1 July 2017 which now made it a good time to consider the option of installing solar power at home.

Mr Jeffrey said Jerrara's Wes Green, the director of a local company, Australian Solar Designs, had offered to give the JVRRA a 30-minute presentation on the latest solar technology and economics of solar power.

Moved: Ken Jeffrey; Seconded: John Friedmann, that the Association invites representatives of Australian Solar Designs to address the JVRRA meeting of Tuesday 5 September 2017.

Motion carried.

The meeting closed at 9.40pm.

- Graham Pike
Secretary

14.17 Question for future meeting: development at 98 Fern Street, GerringongResponsible Director: Environmental Services

During Council's meeting of 22 June 2017 a question for future meeting was asked by Councillor Reilly for a report on compliance with the development consent conditions for 98 Fern Street, Gerringong which required Council to enter into a deed of agreement prior to construction commencing.

This matter refers to condition No 7 under the heading 'Prior to Commencement' within development consent 10.2015.232.1 for a retail building, tourist apartments and addition to existing carpark at 98 Fern Street Gerringong.

That condition reads as follows:

"(7) Council and the developer enter into a Deed of Agreement prior to the commencement of any work on Lot 52 DP 884475 Fern Street Gerringong inclusive of the following terms:

Upon completion of the landscaping program of works by Council on Lot 53 DP 884475 the developer shall within one month of the completion of those works remove all balustrading as provided as a result of those works by Council, between Lots 53 and 52 DP 884475."

It is noted that work has commenced on the site under the oversight of a private certifier.

A check of Council's records has highlighted that the agreement required under this condition has not been initiated in accordance with the condition.

The private certifier has advised that it was an oversight and he has contacted the owner to initiate the process to provide the required deed.

The owner has liaised with Council and the required deed has been drafted and enacted (signed) by all parties.

14.18 Question for future meeting: Development Application TrackerResponsible Director: Environmental Services

During Council's Meeting of 22 June 2017 a question for future meeting was asked by Councillor Reilly requesting, with regard to a more streamlined development application tracker, a list of actions that can be immediately implemented with an indication of the actions that can be implemented within the next 3 months.

As Council may be aware the use of the DA Tracker on Council's website was introduced primarily for applicants to be able to check on the progress of their development application through a number of pre-determined stages of the DA process.

In its original format notification plans were also included in order to inform the general public who may have an interest in the external configuration of the development proposed.

This was expanded to include documents associated with the application including statements of environmental effects and other documents relevant to the assessment of the application.

More recently, the system has been augmented to:

- Provide a direct link whereby submissions to each individual application are able to be lodged via a pre-populated email with available under the 'Contact Us' sub-heading in the DA Tracker.
- A list of all Exceptions to Development Standards for the preceding 3 months (as provided to The Department of Planning) is available on Council's website as approved either by full Council or under delegation.

Currently staff are working on the following matters designed to improve interaction with the DA Tracker that will be operable within the next 3 months:

- Website hyperlinks within the DA Tracker updated to include more direct access to the advice page in relation to the 'How to make a Submission' rather than a generic link to Council's website.
- The State Governments Planning Portal is currently being upgraded and when completed a link will be made available on Councils website.
- Development consents will be made available once applications approved. Following this it is anticipated Section 79C assessments will also be available following review of existing documentation.

14.19 Question for future meeting: Manning Street design standardsResponsible Director: Environmental Services

During Council's meeting of 22 June 2017, Councillor Brown requested clarification of the phrase "designed to preserve" in relation to information report Item 14.15 on that business paper.

In the original question Councillor Brown requested a report on all approved development applications on Manning Street yet to be built, advising whether they meet the new standards of design that have been implemented to preserve the integrity of the character of the old town, especially the developments south of Furniture One.

The term "designed to preserve" was a shortened descriptor relating to the term in the original question, implemented to preserve the integrity. Thereby indicating that they were designed having regard to the new standards.

**14.20 Question for future meeting: cars for sale and legality of cars for sale
Fern Street, Gerringong**Responsible Director: Environmental Services

At its meeting held on 22 June 2017, Councillor Westhoff requested a report on how to stop cars that are being offered for sale, being parked on Fern Street, Gerringong adjacent to the Arthur Campbell Reserve. Councillor Watson also requested whether it is actually illegal for either registered or unregistered cars to be parked on the street with a “for sale” sign displayed.

Fern Street Cars for Sale

The Ranger Service has undertaken a number of inspections of the subject area and no offences have been noted by the owners of the vehicles with “For Sale” signs displayed. All vehicles are parked legally within an unrestricted parking area of Fern Street, Gerringong.

To address the issue on how to stop cars that are for sale, Council may introduce time-restricted parking areas, dedicated areas for church goers or short-term parking restrictions. Changing parking areas would be a matter for review with Council’s Local Traffic Committee.

Legality of Cars for Sale

It is illegal to park unregistered vehicles on the road. Council may take action by way of the conditions as detailed in the Impounding Act 1993.

The issue around roadside selling of vehicles is not so much about the fact that they are actually for sale, but whether or not they are legally parked.

There is no offence for a registered vehicle, parked legally whether a “For Sale” sign is displayed or not.

14.21 Question for future meeting: town and village boundaries

Responsible Director: Environmental Services

At its meeting held on 18 June 2017, Councillor Reilly requested a map or maps be provided that clearly delineates town and village boundaries in our LGA. That is to say, maps with lines marking the borders as described in the Kiama Urban Strategy.

Council staff are currently preparing the maps as requested. It was envisaged that these maps would be presented to the July 2017 Council meeting however, due to staff unavailability the finalisation of these maps has been delayed. It is intended to present the requested maps to the August 2017 Council meeting.

Item 14.21

14.22 Question for future meeting: disposal of problem weedsResponsible Director: Environmental Services

At Council's meeting of 22 June 2017, Councillor Rice requested a report on how Council can assist the disposal of problem weed material, like Maderia Vine by Landcare groups operating in Kiama's Rural areas where Council's green waste collection service is not available.

As Council does not currently have a landfill disposal depot. Minnamurra Recycling Centre receives garden waste and is the only facility that could receive problem weeds from rural Landcare groups within the Municipality.

Contact has been made with Soilco Pty Ltd, where the garden waste is taken to be composted, and the advice received is that the process undertaken at the facility is able to treat and kill all seeds and spores in garden waste.

Council's Director of Engineering and Works has advised that it is possible for outdoor staff to collect weed waste collected by Landcare groups, provided it is correctly bagged/wrapped and placed in a safe location for collection. If Landcare groups are undertaking such works they can liaise with the Director Engineering and Works to make suitable arrangements for collection.

14.23 Question for future meeting: Jones Beach Dune projectResponsible Director: Engineering and Works

At Council's meeting of 22 June 2017 Councillor Rice requested a report on the progress of the Jones Beach Dune project that includes:

- the clearance of a large section of vegetation from the dunes in the northern and middle sections
- from the Landcare log, the details of all work-to-date that the Jones Beach Landcare Group have undertaken in this area
- details of Council staff oversight in relation to the Landcare group activity and, in particular, the vegetation removed from Jones Beach
- an explanation of the planning for revegetation of this area.

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

In response to the issues raised by Councillor Rice regarding the progress of the Jones Beach Dune project the following is noted:

- A Landcare group was established on 1 March 2017 for the purpose of managing the weed infestation and the removal of general rubbish along the dunes at Jones Beach. Landcare Illawarra were heavily consulted during the establishment of the Landcare group and have provided various guidelines and a Plan of Management to assist the local group with a "best practice approach" for weed removal.
- The local Landcare group have started their work at the southern end of Jones Beach adjacent to the existing carpark and have progressively removed weeds and rubbish up to the existing stormwater pipe approximately half way between the carpark and the Kiama Downs Surf Life Saving Club.
- A volunteer Mr. Mark Hume has accepted the role of Team Leader which involves the coordination of local volunteers in the daily work activities and to ensure that the agreed Plan of Management is adhered to.
- The Team Leader has been inducted in the scope of works and is required to complete a hazard assessment before the commencement of any work.
- Currently the local Landcare group are working every second Tuesday and the last Sunday of each month
- The number of volunteers who have joined the Landcare group have steadily increased and there are currently 22 active members in the group.
- Kiama Council has supported the Landcare group by providing assistance with the collection and disposal of green/general waste as required. This waste is inspected prior to collection to ensure there is no hazardous material that has been dumped and to confirm that the green waste is weed including Lantana and Bitou bush only.

Reports for Information

14.23 Question for future meeting: Jones Beach Dune project (cont)

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- Kiama Council has also supplied the Landcare group with high visibility vests to identify authorised Landcare volunteers and to maintain a high level of safety when working in the area.
 - The activities of the Landcare group are monitored on various levels including:
 - the Team Leader/coordinator onsite
 - the Illawarra Landcare officer
 - Council's Tree Management officer
 - Council Waste Management staff who regularly collect the green waste from the site.
 - random inspections by the Director of Engineering and Works.

The Landcare coordinator completes a log at the commencement of each day and this includes the date, volunteer details, a record of induction and comments of the work completed, and this information is readily available if required.

In accordance with the Plan of Management, replanting will commence after the winter period. In the meantime, the Landcare group will continue to work along the dunes to remove weeds and general rubbish in accordance with the plan of management.

14.24 Question for future meeting: Kiama Coast Holiday ParksResponsible Director: Finance, Corporate and Commercial Services

At Council's Ordinary meeting of 21 March 2017, Councillor Rice requested a report on how Council plans to stage the integration of holiday park accommodation that is fully compliant with the access standards required by federal legislation into the redevelopment program of our holiday parks and cabins.

In 2010, the Commonwealth Government developed Access to Premises Standards, which were added to the *Federal Disability Discrimination Act 1992*. The new Standards took effect in May 2011.

A key requirement in this legislation is the proportion of fully compliant holiday accommodation structures (eg cabins) that must be provided for disabled guests. The proportion is expressed as a ratio and applies to the construction or installation of *new* dwellings after the commencement of the Standards in May 2011.

Under the Standards, where 4 to 10 new short-term accommodation dwellings are constructed after the commencement of the legislation, at least one (1) dwelling must be fully compliant with the relevant design requirements of AS 1428. Where 11 to 40 new short-term accommodation dwellings are constructed, at least two (2) dwellings must be fully compliant.

The Draft Business Development Strategies and Masterplans for the Kiama Coast Holiday Parks have been prepared to ensure compliance with the Standards.

To date, draft Masterplans have been prepared for Kiama Harbour Cabins, Surf Beach Holiday Park and Kendalls Beach Holiday Park. These draft Masterplans provide for:

- one (1) accessible cabin at Surf Beach Holiday Park; and
- one (1) accessible cabin at Kendalls Beach Holiday Park.

Additional accessible cabins will be provided for in the Werri Beach and Seven Mile Beach Holiday Park Masterplans in accordance with the ratios prescribed in the Standards.

14.25 Question for future meeting: Corner of Terralong Street and Havilah Place - rock removal costs and investigation of hotel developmentResponsible Director: Engineering and Works

At Council's meeting of 22 June 2017 Councillor Steel requested a report on the volume of the rock, the cost of removal of the rock located at the corner of Terralong Street and Havilah Place, Kiama, and investigation of expressions of interest for a hotel development to be erected on the site.

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

As discussed the land between the driveway entrance to the Leisure Centre and Havilah Place, Kiama has been investigated and the following information is submitted:

- total site area at this location is approx. 6,800 square metres
- the whole area has a rock outcrop ranging in height from 1m to 6m plus dense vegetation
- the area is zoned RE1 Public Recreation
- the volume of rock for the whole area would be approx. 27,000 cubic metres.
- the site is not heritage listed
- the site would require a planning proposal for rezoning to allow hotel accommodation
- the preliminary cost to dispose the rock to a suitable landfill site would be approx. 41,000 tonnes @ \$350 = \$14M. This does not include the removal which may add considerable cost.

Viability of this project going to an Expression of Interest:

The viability of this project going to an Expression of Interest would depend upon:

1. a nearby suitable disposal site at a reduced gate fee e.g. Bombo quarry redevelopment or similar
2. a successful rezoning application.

If an Expression of Interest was advertised to any potential interested party, the above constraints would need to be considered as part of their due diligence process. Subject to their determination they could potentially develop a proposal that would be economically viable and provide a service for short term accommodation.

14.26 Question for future meeting: Minnamurra Waste and Recycling Facility - opening hours and green waste feesResponsible Director: Engineering and Works

At the Council meeting of 22 June 2017 Councillor Way requested a report on the potential of the Minnamurra Waste and Recycling Facility remaining open on Saturdays until 4pm and for ratepayers to dispose of their green waste for free.

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

Currently urban residential properties are provided with a weekly 240 litre garden and food waste collection service. This service provides a greater capacity for the disposal of garden waste.

Approximately 1,000 tonnes of drop-off garden waste is received at the Minnamurra Waste and Recycling Facility each year. The charge in 2017-18 is \$24 per trailer load or \$130 per tonne.

All garden waste is taken for processing at a composting facility operated by SoilCo Pty Ltd at an annual cost of \$173,000. This includes loading, transportation and processing costs. Currently we receive an income from the Council gate fee which is approximately \$113,000 leaving a residual cost to council of \$59,000 per annum.

If Council did not apply a user pay charge, then the costs incurred will have to be financed from General revenue. It is estimated that the additional cost to man the Waste facility would be approximately \$12,000 per annum plus the additional cost incurred for the processing and disposal of the increased green waste that would be collected.

This is option would not be financially viable without a fee for service being applied.

14.27 Questions for Future Meetings Register as at 10 July 2017

Responsible Director: Office of the Acting General Manager

Attached for Councillor information is the Questions for Future Meetings Register as at 10 July 2017.

Attachments

- 1 Questions for Future Meetings Register as at 10/07/17 [↓](#)

Questions for Future Meetings Register

16/73192

No	Details	Actions
21 March 2017		
17.4	Car Parking Councillor Sloan requested an investigation and report on other tourist towns of similar size and nature as Kiama that have paid parking. The Mayor referred the matter to the Director Finance, Corporate and Commercial Services for investigation and report.	Re-allocated to DEW for report to August meeting
17.5	Kiama Coast Holiday Parks Councillor Rice requested a report on how Council plans to stage the integration of holiday park accommodation that is fully compliant with the access standards required by federal legislation into the redevelopment program of our holiday parks and cabins. The Mayor referred the matter to the Director Finance, Corporate and Commercial Services for report.	Reported to July 2017 Council meeting
17.6	Emery Park and Beach Head Reserve Councillor Rice requested a report on the potential for Emery Park and Black Head Reserve in Gerroa to be included as reserves suitable for fitness training. The Mayor referred the matter to the Director Engineering & Works for report.	Re-allocated to DFCCS to be reported to August 2017 Council meeting
22 June 2017		
17.1	98 Fern Street development Councillor Reilly requested a report on compliance with the development consent condition for 98 Fern Street, Gerringong which required Council and the developer entering into a deed of agreement prior to construction commencing. The Deputy Mayor referred this matter to the Director Environmental Services for investigation and report.	Reported to July 2017 Council meeting.
17.2	Development Application tracker Councillor Reilly requested, with regard to a more streamlined development application tracker, a list of actions that can be immediately implemented with an indication of the actions that can be implemented within the next 3 months. The Deputy Mayor referred this matter to the Director Environmental Services for investigation and report.	Reported to July 2017 Council meeting.
17.3	Gerringong Library and Museum visit Councillor Reilly requested that a site visit by the Councillors to the Gerringong Museum be organised, as the Museum Committee have extended them an invitation. The Deputy Mayor referred this matter to the Director Community Services for action.	Visit organised for Monday 17 July 2017. Visit is in the Councillor Events calendar and a reminder email was sent on Monday 10 July

No	Details	Actions
17.4	<p>Cedar Grove access Councillor Steel requested a report addressing the items raised by Mr Friedlieb, particularly how they relate to Council's adopted policies. The Deputy Mayor referred this matter to the Director Environmental Services for investigation and report.</p>	<p>Reallocated to DEW to be reported to August 2017 meeting</p>
17.5	<p>Terralong Street proposal - rock removal Councillor Steel requested a report on the volume of the rock, the cost of removal of the rock located at the corner of Terralong Street and Havilah Place, Kiama, and investigation of expressions of interest for a hotel development to be erected on the site. The Deputy Mayor referred this matter to the Director Engineering and Works for investigation and report.</p>	<p>Reported to July 2017 Council meeting</p>
17.6	<p>Minnamurra Waste & Recycling Facility Councillor Way requested a report on the potential of the Minnamurra Waste & Recycling Facility remaining open on Saturdays until 4pm and for ratepayers to dispose of their green waste for free. The Deputy Mayor referred this matter to the Director Engineering and Works for investigation and report.</p>	<p>Reported to July 2017 Council meeting</p>
17.7	<p>Manning Street design standards Councillor Brown requested clarification of the meaning of the phrase "designed to preserve" in the information report item 14.15. The Deputy Mayor referred this matter to the Director Environmental Services for investigation and report.</p>	<p>Reported to July 2017 Council meeting.</p>
17.8	<p>Fern Street cars for sale Councillor Westhoff requested a report on how to stop cars that are for sale, being parked on Fern Street, Gerringong adjacent to the Arthur Campbell Reserve. The Deputy Mayor referred this matter to the Director Environmental Services for investigation and report.</p>	<p>Reported to July 2017 Council meeting.</p>
17.9	<p>Disposal of problem weed material Councillor Rice requested a report on how Council can assist the disposal of problem weed material (such as Madeira Vine) by Landcare groups operating in Kiama's rural areas where Council green waste collection does not occur. The Deputy Mayor referred this matter to the Director Environmental Services for investigation and report.</p>	<p>Reported to July 2017 Council meeting.</p>
17.10	<p>Jones Beach Dune project Councillor Rice requested a report on the progress of the Jones Beach Dune project that includes:</p> <ul style="list-style-type: none"> • the clearance of a large section of vegetation from the dunes in the northern and middle sections 	<p>Reported to July 2017 Council meeting</p>

No	Details	Actions
17.11	<ul style="list-style-type: none"> • from the Landcare log, the details of all work-to-date that the Jones Beach Landcare Group have undertaken in this area • details of Council staff oversight in relation to the Landcare group activity and, in particular, the vegetation removed from Jones Beach • an explanation of the planning for revegetation of this area. <p>The Deputy Mayor referred this matter to the Director Engineering and Works for investigation and report.</p> <p>Legality of cars for sale Councillor Watson requested to be included in the report on Councillor Westhoff's question whether it is actually illegal for either registered or unregistered cars to be parked on the street with a "for sale" sign displayed. The Deputy Mayor referred this matter to the Director Environmental Services for investigation and report.</p>	Reported to July 2017 Council meeting.
17.12	<p>Westonprint closure - retaining historical information Councillor Way requested that Council liaise with the Weston family to make arrangements to retain the historical information relating to the Kiama area that would no longer be required by Westonprint. The Deputy Mayor referred this matter to the Director Community Services for investigation and report.</p>	DCS and the Library Manager have been trying to contact the Weston family. Messages have been left. No reply as yet.

15 ADDENDUM TO REPORTS**16 NOTICE OF MOTION**

Nil

17 QUESTIONS FOR FUTURE MEETINGS**18 CONFIDENTIAL SUMMARY****CONFIDENTIAL COMMITTEE OF THE WHOLE**

Submitted to the Ordinary Meeting of Council held on 18 July 2017

PROCEDURE

- Recommendation to go into Closed Committee.
- Mayoral call for Public Representations.
- Consideration of Representations and issues to be removed from Closed Committee.
- Recommendation to exclude Press and Public if required.
- Closed Committee discussions if required.

18.1 Exclusion Of Press And Public:***RECOMMENDATION***

That in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public on the grounds detailed under the report headings as detailed below.

19.1 SWIMMING POOL BARRIER INSPECTION PROGRAM

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

19.2 KIAMA COAST HOLIDAY PARKS - SUSTAINABLE IMPROVEMENT STRATEGY AND MASTERPLANS

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

19 CONFIDENTIAL REPORTS

19.1 Swimming Pool Barrier Inspection Program

Responsible Director: Environmental Services

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

19.2 Kiama Coast Holiday Parks - Sustainable Improvement Strategy and Masterplans

CSP Objective: 3 A Diverse, Thriving Economy

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

Delivery Program: 3.6.1 Coordinate the management of Kiama Coast Holiday Parks as viable business entities

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to 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