



# ORDINARY MEETING OF COUNCIL

To be held at 5pm on

**Tuesday 19 July 2016**

Council Chambers

11 Manning Street, KIAMA NSW 2533

## Order of Business

- 1 Apologies
- 2 Acknowledgement of Traditional owners
- 3 Confirmation of Minutes of Previous Meeting
- 4 Business Arising From The Minutes
- 5 Public Access Summary
- 6 Mayoral Minute
- 7 Minutes of Committees
- 8 Public Access Reports
- 9 Report of the Director Environmental Services
- 10 Report of the General Manager
- 11 Report of the Director Finance, Corporate and Commercial Services
- 12 Report of the 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 B Petschler  
Councillor W Steel  
Deputy Mayor  
Councillor M Honey  
Councillor G McClure  
Councillor N Reilly  
Councillor K Rice  
Councillor D Seage  
Councillor A Sloan  
Councillor M Way

## COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers  
11 Manning Street  
KIAMA NSW 2533

14 July 2016

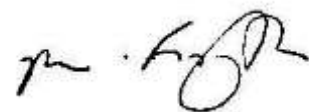
To the Chairman & Councillors:

### NOTICE OF ORDINARY MEETING

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

**11 Manning Street, KIAMA NSW 2533** on **Tuesday 19 July 2016** 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 19 JULY 2016**

**1 APOLOGIES**

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

### **3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

#### **3.1 Ordinary Council on 28 June 2016**

##### **Attachments**

1 Ordinary Minutes 2016

##### **Enclosures**

Nil

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

That the Minutes of the Ordinary Council Meeting held on 28 June 2016 be received and accepted.



# MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

## TUESDAY 28 JUNE 2016

Council Chambers  
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1



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**MINUTES OF THE ORDINARY MEETING**

**28 JUNE 2016**

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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE  
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,  
KIAMA, ON TUESDAY 28 JUNE 2016 AT 5PM**

**PRESENT:** Mayor – Councillor B Petschler,  
Deputy Mayor – Councillor W Steel,  
Councillors M Honey, N Reilly, K Rice, A Sloan and M Way

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

## **1 APOLOGIES**

### **Apology**

*16/190*

**Resolved** that the apologies from Councillor McClure and Councillor Seage be received and noted.

(Councillors Steel and Sloan)

## **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 Extraordinary Council Meeting on 31 May 2016**

*16/191*

**Resolved** that the Minutes of the Extraordinary Council Meeting held on 31 May 2016 be received and accepted.

(Councillors Way and Reilly)

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**MINUTES OF THE ORDINARY MEETING**

**28 JUNE 2016**

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**3.2 Ordinary Council Meeting on 17 May 2016**

**16/192**

**Resolved** that the Minutes of the Ordinary Council Meeting held on 17 May 2016 be received and accepted.

(Councillors Rice and Way)

**4 BUSINESS ARISING FROM THE MINUTES**

Nil

**5 PUBLIC ACCESS**

Adrian Turnbull - Item 9.3 – Lot 5204 DP 1210287 No 3 Bourrool Street, Kiama – Proposed attached dual occupancy and strata subdivision (10.2016.41.1)

Jonathon Britten - Item 9.3 – Lot 5204 DP 1210287 No 3 Bourrool Street, Kiama – Proposed attached dual occupancy and strata subdivision (10.2016.41.1)

Peter Ward - Item 9.3 – Lot 5204 DP 1210287 No 3 Bourrool Street, Kiama – Proposed attached dual occupancy and strata subdivision (10.2016.41.1)

Cliff Mason – Item 10.1 – Draft Operational Plan – Minnamurra Progress Association – Construction of Boardwalk/Cycleway from Meehan Drive to Minnamurra Bridge

David Connolly – Item 15.26 – Iluka Reserve Riverside Drive Kiama Downs

**6 MAYORAL MINUTE**

Nil

**7 MINUTES OF COMMITTEES**

**7.1 Kiama Local Traffic Committee - Minutes - meeting 7 June 2016**

**16/193**

**Resolved** that the Minutes of the Kiama Local Traffic Committee meeting held on 7 June 2016 be received and accepted with the addition of Councillor Sloan's name in the list of attendees.

(Councillors Reilly and Sloan)

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**MINUTES OF THE ORDINARY MEETING**

**28 JUNE 2016**

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**7.2 Minutes of the Blue Haven Advisory Committee held 1 June 2016**

**16/194**

**Resolved** that the Minutes of the Blue Haven Advisory Committee Meeting held on 1 June 2016 be received and accepted.

(Councillors Steel and Way)

**COMMITTEE OF THE WHOLE**

**16/195**

**Resolved** that at this time, 5.02pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

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

(Councillors Steel and Honey)

**8 PUBLIC ACCESS REPORTS**

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

**9.3 Lot 5204 DP 1210287 No 3 Bourrool Street, Kiama - Proposed attached dual occupancy and strata subdivision (10.2016.41.1)**

**16/196**

**Committee recommendation** that Council refuse development application 10.2016.41.1 due to significant non-compliance with controls C2, C29 C42, C54 and potentially C26 of Chapter 4 of Development Control Plan 2012.

(Councillors Sloan and Steel)

For: Councillors Honey, Petschler, Steel and Way

Against: Councillors Reilly, Rice and Sloan

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**MINUTES OF THE ORDINARY MEETING**

**28 JUNE 2016**

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**15.26 Iluka Reserve, Riverside Drive, Kiama Downs -**

**Motion**

It was moved by Councillor Reilly and seconded by Councillor Rice that Council defers any further activity with regard to Iluka Reserve and the residential land around it until after the September council elections.

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

For: Councillors Reilly and Rice

Against: Councillors Honey, Petschler, Sloan, Steel and Way

**9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**

**9.1 Lot 2 DP 155220 No 30 Barney Street, Kiama - demolition of existing dwelling, construction of 4 x 3 storey units (10.2015.162.1)**

**Motion**

It was moved by Councillor Rice and seconded by Councillor Sloan that Council approve development application 10.2015.162.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions contained within the report with the inclusion of the following additional condition:

- Prior to occupation that a suitable clothes line be installed in the garages of Units 3 and 4.

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

For: Councillors Rice and Sloan

Against: Councillors Honey, Petschler, Reilly, Steel and Way

**16/197**

**Committee recommendation** that Council approve development application 10.2015.162.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained within the report.

(Councillors Steel and Reilly)

For: Councillors Honey, Petschler, Reilly, Rice, Sloan, Steel and Way

Against: Nil

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**MINUTES OF THE ORDINARY MEETING**

**28 JUNE 2016**

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**9.2 Initial Gateway Consideration of the Planning Proposal for consideration of part of Lot 100 DP710456 and Lot 101 DP 710456, 26 Drualla Road, Jamberoo**

**16/198**

**Committee recommendation that Council:**

- 1) Endorse this Planning Proposal to proceed to the Department of Planning and Environment for a Gateway determination
- 2) Request plan making delegations for this proposal as a part of the Gateway determination.
- 3) On receipt of the Gateway Determination, undertake any requirements of such determination.

(Councillors Way and Steel)

For: Councillors Honey, Petschler, Steel and Way

Against: Councillors Reilly, Rice and Sloan

**10 REPORT OF THE GENERAL MANAGER**

**10.1 Draft Operational Plan**

At this stage it was resolved to bring forward Part A Item 5 Minnamurra Progress Association of the report for determination as the item was addressed at Public Access.

**16/199**

**Motion**

It was moved by Councillor Way and seconded by Councillor Steel that should funds become available through savings in the Works Programme 2016/17 of \$30,000, that those funds be allocated to provide a concept options report for provision of the Minnamurra Board Walk and Cycleway

The **Motion** on being put was **Carried**

For: Councillors Honey, Petschler, Reilly, Rice, Sloan, Steel and Way

Against: Nil

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**MINUTES OF THE ORDINARY MEETING**

**28 JUNE 2016**

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**A. SUBMISSIONS FROM THE PUBLIC ON THE DRAFT INTEGRATED PLAN 2016/2017**

**1. South Precinct**

**16/200**

**Committee recommendation** that the submission be received and noted.

(Councillors Sloan and Steel)

**2. Minnamurra Public School**

**16/201**

**Committee recommendation** that the submission be received and noted.

(Councillors Sloan and Steel)

**3. Mr Andy Farrell**

**16/202**

**Committee recommendation** that Council reallocates funds from the 2016/2017 Kiama SES Development program as this activity has approximately \$55,000 that has been unspent from previous years and will roll over to the next financial year. This surplus is well in excess of the funds that have been allocated annually and will not compromise meeting the requirements of the Kiama SES.

(Councillors Sloan and Steel)

**4. Councillor McClure**

**16/203**

**Committee recommendation** that \$11,000 be reallocated from the Kiama SES Development program and the balance required of \$9000 will be sourced from savings in the 2016/2017 (New) Capital Works program.

(Councillors Sloan and Steel)

**6. RSL Gerringong Sub Branch**

**16/204**

**Committee recommendation** that the submission be received and noted.

(Councillors Sloan and Steel)

**7. Councillor Way**

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**MINUTES OF THE ORDINARY MEETING**

**28 JUNE 2016**

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**16/205**

**Committee recommendation** that the submission be received and noted.

(Councillors Sloan and Steel)

**8. NSW Government Telco Authority**

**16/206**

**Committee recommendation** that the submission be received and noted.

(Councillors Sloan and Steel)

**9. Kiama and District Business Chamber**

**16/207**

**Committee recommendation** that the submission be received and noted.

(Councillors Sloan and Steel)

**10. Kiama Farmers Market**

**16/208**

**Committee recommendation** that the submission be received and noted.

(Councillors Sloan and Steel)

**11. Mr David Broadley**

**16/209**

**Committee recommendation** that the submission be received and noted.

(Councillors Sloan and Steel)

**B. OTHER CONSIDERATIONS FOR THE DRAFT OPERATIONAL PLAN  
2016/2017**

**12. Ms Grace Thompson**

**16/210**

**Committee recommendation** that the submission be received and noted.

(Councillors Sloan and Steel)

**13. Councillor Way**

**MINUTES OF THE ORDINARY MEETING****28 JUNE 2016****16/211****Committee recommendation** that the submission be received and noted.

(Councillors Sloan and Steel)

**14. Kiama District Sports Association****16/212****Committee recommendation** that the submission be received and noted.

(Councillors Sloan and Steel)

**15. Jamberoo Combined Sporting Clubs****16/213****Committee recommendation** that the submission be received and noted.

(Councillors Sloan and Steel)

**16/214****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 2013-2023 and the Delivery Program 2013-2017 were adopted by Council in June 2013.

The Operational Plan 2016/17 was notified to the public through newspaper advertisements and was placed on public exhibition at various locations from 28 April 2016 to 31 May 2016 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 Operational Plan 2016/17 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 \$701.50 on each separate parcel of land subject to the rate which represents 49.97% of the total amount payable by the levying of the rate and an ad valorem amount of 0.001698 cents in the dollar on the land value of \$3,822,419,711 (base date 2015) of all rateable land categorised as Residential be now made for 2016/17 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Residential".



**MINUTES OF THE ORDINARY MEETING****28 JUNE 2016**

- b) Make and levy an ordinary rate comprising a base charge of \$701.50 on each separate parcel of land subject to the rate which represents 26.37% of the total amount payable by the levying of the rate and an ad valorem amount of 0.0018 cents in the dollar on the land value of \$138,207,815 (base date 2015) of all rateable land categorised as Rural Residential be now made for 2016/17 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 \$701.50 on each separate parcel of land subject to the rate which represents 29.48% of the total amount payable by the levying of the rate and an ad valorem amount 0.001188 cents in the dollar on the land value of \$333,330,500 (base date 2015) on all rateable land categorised as Farmland be now made for 2016/17 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 0.00336 cents in the dollar on the land value of \$12,988,440 (base date 2015) 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 2016/17 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 0.00482 cents in the dollar on the land value of \$219,763,017 (base date 2015) 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 2016/17 with a minimum amount of rate which will apply in respect to each parcel of land being \$701.50 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 8% accruing daily on rates and charges that remain unpaid after they become due and payable be now made for 2016/17 in accordance with Section 566 of the Local Government Act, 1993.
- 4) Points a) and b) below notwithstanding, the Fees & Charges Schedule as proposed in Council's Operational Plan for 2016/17 be adopted.
- a) An administrative error resulted in a student fee for a membership at Kiama Leisure Centre being omitted from the draft Fees and Charges document. This fee is 50% of the full membership fee.
  - b) Upon further review of the fees originally proposed for Mobile Vending, it is now proposed that these fees be changed to the following:
    - Mobile vending on approved roads \$400 pa
    - Mobile vending on public reserves \$100 p/day
  - c) The section 88 waste levy is now \$135.70 per tonne GST inclusive
  - d) The permit to create smoke (burning vegetation) is now \$22.00 per

**MINUTES OF THE ORDINARY MEETING****28 JUNE 2016**

inspection.

- 5) That Council make and levy a Domestic Waste Service Annual Charge for 2016/17 for services to all service collection zones:
- a) For premises currently receiving this service or for new services the charge is \$709.25 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 \$528.60 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 \$504.55 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) \$54.50 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 \$504.55, for a 140 litre weekly garbage bin service \$528.60 for a 240 litre weekly garbage bin service \$709.25.
  - 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.
- 6) That Council in accordance with Section 501 of the Local Government Act 1993 make and levy a Commercial Waste Service Annual Charge for 2016-2017 for specific commercial wastes services namely:
- a) \$689.50 for a weekly 240 litre garbage bin service and a weekly 240 litre recycling bin service
  - b) \$627.75 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 \$12.90 per service charge will apply for the collection of a

**MINUTES OF THE ORDINARY MEETING****28 JUNE 2016**

- 240 litre garbage or 240 litre recycling bin service a \$12.90
- 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.
- 7) That Council make and levy a Rural Waste Service Annual Charge for 2016/17 of \$412.21 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 2016 to 30 June 2017 in accordance with Section 501 of the Local Government Act 1993.
- 8) That Council make and levy an Annual Waste Charge for 2016/17 for services applying to Tourist Accommodation of:
- a) \$673.40 for a weekly 240 litre bin and a fortnightly 240 litre recycling bin (suitable for a 3 bedroom tourist apartment/unit)
- b) \$466.95 for a weekly 140 litre bin and a fortnightly 240 litre recycling bin (suitable for a 2 bedroom tourist apartment/unit)
- c) \$443.80 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.
- 9) For premises used as Short Term Rental Accommodation for holiday purposes a Waste Service Charge of \$709.25 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.
- 10) Council adopt a 1.8% rate increase for the 2016/17 year as approved by the Independent Pricing and Regulatory Tribunal.
- 11) The Mayoral Allowance for 2016/17 be \$24,630 and Councillor's fees be set at \$11,290 for 2016/17 as permitted by the Local Government Remuneration Tribunal.
- 12) Operational Plan activity 1.3.4.1 – Prepare bi-annual Healthy Cities Report for the Alliance for Healthy Cities, Australian Chapter – be removed from the draft Plan.
- 13) All submission makers be advised of Council resolution

(Councillors Sloan and Steel)

**10.2 Review of the Code of Conduct****16/215**

**Committee recommendation** that Council endorses the proposed changes contained within the attached table of review.

(Councillors Way and Honey)

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**MINUTES OF THE ORDINARY MEETING**

**28 JUNE 2016**

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**10.3 Request for Sponsorship Donation - Seaside & Valley Veteran's Tournament**

**16/216**

**Committee recommendation** that Council provides \$500 event sponsorship to the Seaside & Valley Veterans Tournament to be funded from Council's Events budget.

(Councillors Way and Honey)

**10.4 Gerringong Men's Shed**

**16/217**

**Committee recommendation** that Council donate the relevant application fees of \$1567.00 to the Gerringong Men's Shed.

(Councillors Way and Honey)

**10.5 June Long Weekend Music in the Park**

**16/218**

**Committee recommendation** that Council endorse the donation of the \$260 reserve hire fee for Hindmarsh Park to the Kiama and District Chamber of Commerce for the Music in the Park concert held on Sunday 12 June 2016.

(Councillors Way and Honey)

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

Nil

**12 REPORT OF THE CHIEF FINANCIAL OFFICER**

**12.1 Statement of Investments - May 2016**

**16/219**

**Committee recommendation** that the information relating to the Statement of Investments for May 2016 be received and adopted.

(Councillors Way and Honey)

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**MINUTES OF THE ORDINARY MEETING**

**28 JUNE 2016**

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**12.2 Stocktake of Store and Materials**

16/220

**Committee recommendation** that Council authorise a net write off of \$121.76 to the Depot Store Inventory resulting from the 2015/2016 stock take.

(Councillors Way and Honey)

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

**13.1 Henry Parkes Drive proposed footpath construction**

16/221

**Committee recommendation** that Council:

- approves the construction of the footpath as identified in Council's 2012/2022 Footpath Strategic Plan
- writes to all residents in the immediate area and advises them when the construction will commence and the duration of the work activity.

(Councillors Way and Honey)

**13.2 Streets and Reserves Naming - Cedar Grove Stage 2 and The Boneyard**

16/222

**Committee recommendation** that Council:

1. approve the name "The Boneyard" for the beach on the northern side of Bombo Headland and refer the proposal to the Geographical Names Board for concurrence.
2. approve the name Lucas Street, at the Cedar Grove Estate, Stage 2 and refer the proposal to the Geographical Names Board for concurrence.
3. approve the name Whittington Street, at the Cedar Grove Estate, Stage 2 and refer the proposal to the Geographical Names Board for concurrence.

(Councillors Way and Honey)

**14 REPORT OF THE DIRECTOR COMMUNITY SERVICES**

**14.1 Proposed Footpath for Greta St Gerringong**

This item was dealt with at Item 10.1 Draft Operational Plan Part A Item 3 – Mr Andy Farrell.

## MINUTES OF THE ORDINARY MEETING

28 JUNE 2016

**15 REPORTS FOR INFORMATION**

16/223

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

- 15.1 Question without notice – impact of extra rubbish bins being installed around Kiama Harbour to reduce fishing tackle litter
- 15.2 Ocean Lifeguard Season Report
- 15.3 Carrington Falls Bridge replacement design criteria
- 15.4 Section 94 Development Funds
- 15.5 Community donations and Event sponsorships 2015/16
- 15.6 Question without notice: Stormwater Quality Improvement Devices
- 15.7 Grant funding received to undertake Coral Tree removal at Gainsborough Reserve, adjoining salt marsh and Swamp Oak forest on the Minnamurra River
- 15.8 Parking Statistics - May 2016
- 15.9 Walking Tracks and Cycleways Committee - Minutes of meeting 1 June 2016
- 15.11 Economic Development Committee Meeting Minutes
- 15.12 Certificate of Appreciation - Kiama Show Society
- 15.13 Land Clearing Changes
- 15.16 Tourism - Grand Pacific Drive Instaweek Campaign - Strategic Tourism and Marketing Manager Report - Benefits to Kiama LGA
- 15.17 Letter of appreciation from Illawarra Academy of Sport
- 15.18 South Precinct Meeting Minutes
- 15.19 Question without notice: additional Parks and Gardens staff during Christmas period
- 15.20 Tourism After Hours - 10 May 2016 Report
- 15.21 TrendStar (Beijing) Media - DNSW Familiarisation - Chinese TV Crew
- 15.22 Amendment to Rural Fire Fighting Fund Allocation Methodology
- 15.23 Western China 3U Vivid and Regional NSW familiarisation - 30 May 2016
- 15.24 Minutes of the Kiama Youth Advisory Committee meeting, Thursday 2 June 2016
- 15.27 2016 Caravan Industry Association of Australia National Conference
- 15.28 SENTRAL Munch Out
- 15.29 Kiama Art Centre Development
- 15.30 Investigation into establishing a free camping ground with a sewerage dump point on the road reserve of Riverside Drive, Minnamurra
- 15.31 Youth Engagement Meeting
- 15.32 Extension of the Dementia Friendly Kiama Project
- 15.33 Heart Defibrillator
- 15.34 Illawarra Pilot Joint Organisation
- 15.35 Arthur Campbell Reserve
- 15.36 Australian Coastal Councils Conference - Additional Report - Councillor Kathy Rice
- 15.37 Questions Without Notice Register .

(Councillors Way and Honey)

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**MINUTES OF THE ORDINARY MEETING**

**28 JUNE 2016**

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**15.10 Question without notice: Kiama Harbour Moorings**

**16/224**

**Committee's recommendation** that a more detailed report be provided to the next meeting of Council.

(Councillors Petschler and Reilly)

**15.14 Councillor Meeting Register**

**16/225**

**Committee recommendation** that the General Manager investigate the possibility of the Directors completing the register when meetings are held with Councillors.

(Councillors Reilly and Petschler)

**15.15 Question Without Notice - Photovoltaic System on the Kiama Leisure Centre -**

**16/226**

**Committee recommendation** that this item be placed on the unfunded projects listing for 2016/2017 and further that Council seek suitable grant funding.

(Councillors Steel and Honey)

**15.25 Questions on Notice**

**16/227**

**Committee recommendation** that the Questions Without Notice section of the Business Paper Agenda be renamed Questions for Future Meetings.

(Councillors Reilly and Honey)

**RESUMPTION OF ORDINARY BUSINESS**

**16/228**

**Committee recommendation** that at this time, 6.18pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Sloan and Steel)

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**MINUTES OF THE ORDINARY MEETING****28 JUNE 2016**

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**ADOPTION OF COMMITTEE OF THE WHOLE REPORT****16/229**

**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 16/196 to 16/228 above.

(Councillors Way and Honey)

**16 ADDENDUM TO REPORTS**

Nil

**17 NOTICE OF MOTION**

Nil

**18 QUESTIONS FOR FUTURE MEETINGS****18.1 2011 Urban Strategy**

Councillor Rice requested a report on the number of lots/dwellings, greenfield or otherwise, that have been released since the 2011 Urban Strategy that indicates how this has met the expectations of the Strategy, Kiama Council and the Department of Planning and Environment. The Mayor referred the matter to the Director of Environmental Services for investigation and report.

**18.2 Replacement of CFL streetlights**

Councillor Sloan requested a report on the feasibility of replacing CFL streetlights with LED lamps. The Mayor referred the matter to the Director of Engineering & Works for investigation and report.

**18.3 Coral Trees - South Kiama Drive -**

Councillor Petschler requested that the dead coral trees near the creek in South Kiama Drive opposite Hillview Circuit be cleared and referred the matter to the Director of Engineering & Works for investigation and action.

**19 CONFIDENTIAL SUMMARY****16/230**

**Resolved** that at this time, 6.23pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below



**MINUTES OF THE ORDINARY MEETING****28 JUNE 2016**

subject to the consideration of any representations relating to such action.

(Councillors Steel and Way)

**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.

**19.1 Exclusion Of Press And Public:**

**16/231**

**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.

**20.1 COUNCIL OWNED LAND AT THE CORNER OF SHOALHAVEN AND AKUNA STREETS, KIAMA (LOT 200 DP 1017091, LOT 100 DP 1211384), THE FORMER MITRE 10 SITE (100 TERRALONG STREET) AND THE SOUTHERN AKUNA STREET CAR PARK (LOTS 4, 5, 6 AND 11 DP 229319)**

**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. .

**20.2 KIAMA HOSPITAL REDEVELOPMENT - APPOINTMENT OF CONSULTANTS**

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

(Councillors Way and Sloan)

**20 CONFIDENTIAL REPORTS**

**20.1 Council owned land at the corner of Shoalhaven and Akuna Streets, Kiama (Lot 200 DP 1017091, Lot 100 DP 1211384), the former Mitre 10 site (100 Terralong Street) and the southern Akuna Street Car Park (Lots 4, 5, 6 and 11 DP 229319)**

**Motion**

It was moved by Councillor Reilly and seconded by Councillor Honey that Council openly advertises the Mitre 10 site in addition to the Akuna Street site either independently or as a whole to the Market.

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**MINUTES OF THE ORDINARY MEETING****28 JUNE 2016**

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Further that Council:

1. Confirm that the reason Council's purchase of the Akuna Street property was to facilitate the establishment of a supermarket on that site, retaining the current number of car parking spaces at 79, and increasing these, on site, to accommodate any additional parking spaces as required by a new development.
2. Confirm that the reason for purchase of the Mitre 10 and the associated warehouse was to further augment CBD parking and facilitate the contiguous joining of the new supermarket and parking station to Terralong Street.
3. In achievement of the above, return a significant return on the ratepayer's investment in a timely manner.
4. Consider all options in an expression of interest to achieve the desired outcomes above.

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

For: Councillor Reilly

Against: Councillors Honey, Petschler, Rice, Sloan, Steel and Way

**16/232**

**Committee recommendation** that Council endorse the ongoing negotiations for the sale of the land at the corner of Shoalhaven and Akuna Streets and the former Mitre 10 site based on the terms endorsed at the meeting and subject to Council's goals of obtaining a supermarket and strong pedestrian access between Terralong Street and Akuna Street being achieved.

(Councillors Steel and Way)

**20.2 Kiama Hospital Redevelopment - Appointment of Consultants****16/233**

**Committee recommendation** that Council enter into the contracts with the firms identified in the report.

(Councillors Reilly and Steel)

**Close of Confidential Committee of the Whole:**

**Committee recommendation** that at this time, 6.58pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Way and Rice)

**MINUTES OF THE ORDINARY MEETING**

**28 JUNE 2016**

**Adoption of Report**

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

16/234

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 16/232 to 16/233 be confirmed and adopted.

(Councillors Steel and Way)

**21 CLOSURE**

There being no further business the meeting closed at 7.00pm

These Minutes were confirmed at the Ordinary Meeting of Council held on  
19 July 2016

.....  
Mayor

.....  
General Manager

Item 3.1

Attachment 1

**4 BUSINESS ARISING FROM THE MINUTES**

**5 PUBLIC ACCESS SUMMARY**

## 6 MAYORAL MINUTE

### 6.1 Demystifying solar power

#### Attachments

Nil

#### Enclosures

Nil

#### **RECOMMENDED**

That Council endorse the information contained in this report being forwarded to the Kiama & District Chamber of Commerce for distribution to their members.

#### **REPORT**

I recently attended a very interesting and informative seminar hosted in partnership by Kiama Council and the Office of Environment and Heritage (OEH) at the Pavilion on Demystifying Solar Power.

The seminar provided information for businesses and households and was designed to explain different options for people to go solar and to save money on their electricity bills. Attendees were given detailed information in plain English on the different types of solar power available as well as the trends in solar power use both in Australia and around the world.

It was very pleasing to see the event attract over 50 attendees who asked a variety of questions about the different types of systems and battery storage technology and left with a greater understanding of how solar power could help them achieve savings in their power costs and what needs to be done to achieve this.

OEH distributed packages providing detailed information covered in the presentation. More information on solar power options can be found for:

- Households - <http://www.environment.nsw.gov.au/households/>
- Businesses - <http://www.environment.nsw.gov.au/business/>
- Communities - <http://www.environment.nsw.gov.au/communities/>

It was also interesting to hear how households and businesses can enter into a Power Purchase Agreement (PPA) with the State Government. More information on PPA can be found at <http://www.environment.nsw.gov.au/government/solar.htm>.

I thank the Council's Manager Economic Development, Megan Hutchison, for working with the OEH to organise this very interesting seminar.

**6.2 Re-election of Federal Member for Gilmore, Ann Sudmalis****Attachments**

Nil

**Enclosures**

Nil

***RECOMMENDED***

That Council extend its best wishes to Mrs Ann Sudmalis MP on her re-election as the Member for Gilmore.

**REPORT**

Councillors will be aware that Mrs Ann Sudmalis MP was re-elected as the Member for Gilmore in the Federal elections held on 2 July 2016.

I would like to extend Council's congratulations to Ms Sudmalis on her re-election in what was a very close race.

Prior to the election Mrs Sudmalis made a number of commitments which will directly benefit the Kiama Municipality including a minimum \$1.25 million funding for the Gerringong School of Arts, Library and Museum project, and funding for CCTV cameras in the Kiama Harbour area as well as funding for new amenities at the Jamberoo Pool.

## 7 MINUTES OF COMMITTEES

### 7.1 Kiama Local Traffic Committee - 5 July 2016

#### Attachments

- 1 Kiama Local Traffic Committee Meeting - minutes - 5 July 2016

#### Enclosures

Nil

#### ***RECOMMENDED***

That the Minutes of the Kiama Local Traffic Committee meeting held electronically on 5 July 2016 be received and accepted.

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MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD – 5 JULY 2016

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COMMENCING AT: Meeting held electronically

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**1 Minutes of Previous Meeting**

**CR071**

**Committee recommendation** that the minutes of the 7 June 2016 meeting be received and accepted.

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**FORMAL ITEMS (UNDER RMS DELEGATIONS)**

**2 Blowhole Point Road and link road  
Advisory warning signage**

**CR072**

**Committee recommendation** that the intersection of Blowhole Point Road and the link road be monitored for a period of 12 months to determine if any future traffic management measures are required.

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**INFORMAL ITEMS (TRAFFIC ENGINEERING ADVICE)**

Nil

**The next meeting of the Committee will be held on Tuesday 2 August 2016.**



## 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 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1)

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

#### Summary

The subject development application seeks approval to build a machinery shed , pool cabana, driveway extension and retaining walls on an existing rural property.

#### Finance

N/A

#### Policy

N/A

#### Reason for the Report

The development application is reported to Council as 7 submissions have been received following notification of the proposal.

#### Attachments

- 1 10.2016.81.1 - location plan
- 2 10.2016.81 - plans

#### Enclosures

Nil

### **RECOMMENDATION**

That Council approve development application 10.2016.81 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

### **DEVELOPMENT SITE**

The property is described as Lot 9 DP 285560 located at No 47 Byrnes Run, Curramore. The site is zoned RU2 Rural Landscape/Part E3 Environmental Management pursuant to Kiama Local Environmental Plan (LEP) 2011.

The subject property has an area of 26,380m<sup>2</sup> and is part of a community title subdivision developed under the Community Land Development Act 1989. The control and preservation of the subject land is managed under the Byrnes Run Neighbourhood Management Statement.

## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

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The site is located on the southern side of Byrnes Run road and connects to this road via a 90m battle-axe access handle. The site falls to the south, towards the rear adjoining property and the Minnamurra River.

The pattern of development that has occurred within this subdivision comprises of rural dwelling houses and sheds, spatially separated by vegetative screening with dwelling separation distances ranging between 60m – 120m.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The proposal involves the construction of a shed, swimming pool, cabana, driveway extension and is assessed as development ancillary to the existing dwelling house.

Specifically, the proposal involves:

- Extension of the existing driveway. Removal of the existing retaining wall located in the proposed driveway location and construction of new retaining walls adjacent to the proposed driveway extension and shed area.
- Erection of a 360m<sup>2</sup> shed in the northern corner of the property.
- Construction of a pool
- Construction of a cabana and terrace area adjacent to the pool.
- Extension to the existing deck located on the southern side of the existing dwelling that will provide direct access to the new pool area.

The proposed erection of the shed would occur outside of the designated building envelope for this allotment and is the subject of a development control variation of Control C1 under Section 1, Chapter 21 Kiama Development Control Plan 2012 (DCP 2012).

The shed would be located in the northern corner of site, is screened from the eastern boundary by existing trees and is proposed to be cut into the site approximately 2m. The proposal involves the use of land within the curtilage of the existing dwelling house.

**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 (Building Sustainability Index: BASIX) 2004

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

- Kiama LEP 2011

The subject land is zoned RU2 Rural Landscape/Part E3 Environmental Management pursuant to Kiama LEP. *Dwelling-houses and their ancillary structures*

## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

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are permitted with consent in the zone. The proposal is considered to be consistent with the zone objectives.

Specific clauses requiring consideration:

- Clause 4.3 – Height of Buildings  
Maximum 8.5m vertical distance between the existing ground level and the highest point of the building, including plant and lift overruns. The proposal is consistent with this standard.
- Clause 4.4 – Floor Space Ratio  
The proposal is consistent with this standard.
- Clause 1.9A - Suspension of covenants, agreements and instruments  
Under Part 2 DP: 285560 – The Terms of Restriction Firstly referred to for all lots, clause 1.1 requires that “*no building can be erected on the land burdened unless all buildings are contained within the building envelope marked on the deposited plan*”.

Kiama Council is acknowledged on the 88B Instrument as the authority benefited and empowered to release vary, modify or suspend restrictions on the use of land.

Clause 1.9A of Kiama LEP 2011 maintains the following provision in regard to development where there are existing covenants, agreements and instruments:

*“(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.”*

The development application seeks approval to construct a 360m<sup>2</sup> shed outside of the marked building envelope, overlapping at the north east corner of the envelope. The submission made by the applicant does acknowledge the terms of the 88B Instrument and provides justification for the proposed shed location based on factors including topography, accessibility, visual impact, natural screening and existing land uses.

The applicant’s submission in relation to the building envelope is summarized as follows:

- *The majority of the proposed shed would be located outside the building envelope. Other options within the building envelope are less desirable. Specifically, the western side of the existing driveway which is steep and more heavily vegetated than the proposed location. Land within the building envelope to the south of the existing dwelling is steeper than the proposed location and vehicle access to this portion of the site would be difficult due to either gradient or the length of driveway required to avoid areas of steep gradient.*
- *The lower southern portion of the building envelope is open with limited screening hence the shed would be more visually noticeable than the proposed*

## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

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*location. The proposed location provides a more levelled site area than options within the building envelope.*

*The proposed shed location is well screened from public areas and allows the building to be clustered with other buildings provided along Byrnes Run. Furthermore, as detailed elsewhere in this report the proposed location is suitable with regards to bushfire and other land constraints.*

- *Given the topography of the land, the location of the shed would be on land significantly below the habitable floor levels of the properties of the adjoining land.*
- *Design and location of the primary dwelling on the adjoining site - the primary dwelling located on the adjoining site is orientated to the east with a tank located along the elevation directed to the subject shed location. This dwelling is also offset from the proposed shed location and the vegetation on this adjoining site further screens it from the proposed shed location.*
- *Outlook from other structures - the tennis court and associated building is orientated to the south where the shed is proposed to be located. The tennis court has been built up to a level site with grassed embankments. The detached building is located to the north of this tennis court and overlooks this area. To the south of the tennis court the gradient of the land falls away down to the proposed shed location. The setback between the tennis court and the adjoining property contains maintained grassland with shrubs and trees.*
- *The proposed building is not for habitable purposes. No large openings are proposed along the northern elevation and the shed which is proposed for storage purposes, will not create privacy impacts for the dwellings on the adjoining property.*
- *The shed is proposed to be positioned in the top north eastern corner of the site. The land slopes down toward the south-eastern corner of the site. It is this lower rear portion of the site that contains paddocks set aside for agricultural grazing. The top northern portion of the site is used and maintained in conjunction with the existing dwelling and currently forms part of the dwelling's outdoor recreation space. The location of the proposed shed ensures that lower rear portion of the site is retained in an unrestricted manner. These paddocks adjoin land used for agricultural grazing purposes to the southern and eastern.*
- *The shed presents as an agricultural shed and is suited to the agricultural land uses in the locality. The shed is well screened by established vegetation from public places. The proposed shed materials will be recessive in colour thereby allowing the surrounding landscape to dominate. The shed is located such that existing trees along the eastern boundary will screen it from public places to the east. Vegetation along the river screens the site from public places to the south (Jamberoo Mountain Road).*
- *The proposed shed will not adversely impact on adjoining land used for agricultural purposes. The location of the shed in this location will result in the need for some trees to be removed. These trees appear less mature than other trees proposed to be retained on the site and are located at the fringe of the*

## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

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*larger vegetation pocket to the north-west. These trees are in an already semi-disturbed environment within a mowed and maintained grassland setting. Removal of these trees is considered unlikely to have a significant adverse impact on the larger vegetation pocket.*

- The shed is for the storage of farm machinery, vehicles and vessels owned by the property owner. The storage of these items are unlikely to create a land use conflict. While land in the vicinity of the subject site has agricultural capacity, most of the lots in the Byrnes Run subdivision are lifestyle lots, where it is not unusual for the specific interests of an owner to be accommodated on land (weather by large garages, storage areas or tennis courts etc). Notwithstanding this, the shed has a rural character which is not out of character with the agricultural uses provided for in the larger locality. The proposed use of this shed will not conflict with these agricultural uses in the locality.*
- As detailed above, the topography of the site, the position and orientation of existing dwellings on the adjoining site combined with the proposed use of the shed, the cut proposed and the recessive colour will all work together to protect the rural residential amenity of the dwelling on the adjoining site.*
- In a locality context, the position of the shed within the cluster of existing buildings along Byrnes Run, the natural screening provided in the locality, the agricultural appearance of the shed and its recessive colours all assist to protect the rural residential amenity of the locality.*
- All trees located along the eastern boundary are to be retained. These provide a screening buffer to the eastern adjoining property which contains items of heritage significance.*

**Council Assessment Comments - 88B Instrument**

The underlying objectives for the creation of the building envelopes within this subdivision were set in position to allow the orderly development of the subject land within the spatial parameters set by the envelopes. The envelopes were created to provide a level of predictability for future development, taking into account the natural site contours, geotechnical constraints, ecological sensitivity, visual catchment sight lines and accessibility.

The justification provided within the applicant's submission together with Council's site analysis of the whole property, has confirmed that alternative development options within the envelope are limited given the natural site characteristics. The existing site constraints would therefore limit the orderly development of the shed if it were to be situated within the existing building envelope.

The location of the proposed shed as illustrated on the site plan, together with the applicant's submission, demonstrates that the proposed shed location would achieve compliance with the specific development control plan objectives for Byrnes Run, Chapter 21 (Kiama DCP 2012) as well as the objectives of Chapter 6 (Kiama DCP 2012) Rural Dwellings.

**Development Control Plans (DCPs)**

- DCP 2012

## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

The applicable sections of the Kiama DCP are as follows:

- Chapter 2 – Overall Controls – The development proposal and has been assessed and would fully comply with the relevant development controls.
- Chapter 6 – Rural Development – The development proposal has been assessed and will comply with this chapter with exception to Control C20 – ‘Adjoining Dwellings’ and Control 75 – ‘Design of Earthworks’
  - = Control C20 requires that a dwelling and ancillary development must be located at least 100m from another dwelling on an adjoining property. The original subdivision pattern demonstrates that the majority of spatial separation between the building envelopes is generally less than 100m apart and This development control is not not appropriate in the context of Byrnes Run. The existing pattern of development within the Byrnes Run Subdivision was measured on Council’s mapping aerial photograph and illustrates that existing dwelling separation distances range between 60m – 120m. The proposed shed site would be located approximately 64m from the main dwelling, 60m from the guest house and 45m from the tennis court on the adjoining property. The applicant has sought a variation in regard to this control and the applicant’s submission is supported for approval.
  - = Control 75 – ‘Design of Earthworks’ requires: - *“development to minimise the extent of cut and fill to reduce the potential for land slip and visual impact on the landscape; restrict excavation for a building to not more than 1 metre below ground level (existing); restrict the height of any external retaining wall outside the walls of a building to not more than 1 metre above ground level (existing).”* The proposed excavation for the shed will exceed 1m however it would be retained by structural Engineer designed retaining wall which will not be physically visible when viewed from outside the property. A variation has been sought by the applicant and is supported for approval.
- Chapter 11 - *Waste Requirements* - A waste management plan was supplied with the application which deals with demolition and construction waste. Conditions will be imposed, should consent be given, requiring compliance with the waste management plan during both demolition and construction.
- Chapter 21 – Byrnes Run – The development proposal has been assessed and will comply with the relevant controls with exception to Control C1 of this Chapter.
  - = Control C1 - requires that *“all dwelling-houses and ancillary structures must be located within the specified building envelope”*. The applicant has sought a variation of Control C1 and provided justification, as previously highlighted, that logically supports the chosen location of the shed. The variation request is supported for approval.

**Any Matters Prescribed by the Regulations**

Nil

## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

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**The Likely Impacts of the Proposed Development**

- Streetscape

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

- Noise

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

- Privacy and Overlooking

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

- Overshadowing

Shadow impacts on adjoining properties are negligible.

- Views

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

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is proposed. Manoeuvring is compliant with AS/NZS 2890.1 and the driveway will comply with required driveway long sections.

- Stormwater Management

All stormwater will drain to the existing rainwater tank.

- Environmental Impacts

*Vegetation Removal*

The construction of the proposed shed would require the removal of fourteen (14) trees of varying size and maturity. These are located near the northern boundary adjoining No 37 Byrnes Run Road, fringing land mapped as being terrestrial biodiversity. Vegetation in this area is not as dense given the existing development from previous land clearing. This aspect of the development application was referred to Council's Landscape Officer for comment (please see separate Landscape Officer's Referral comments).

The trees to be removed are planted in a row and appear to have been planted by previous owners of the site as boundary screen planting. Removal of these trees is considered unlikely to have a significant adverse impact on the dominant vegetation or any endangered or threatened flora or fauna. The shed would be positioned such that the larger trees along the boundary to the eastern property could be retained.

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



## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

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

- Social and Economic Impacts

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

**The Sustainability of the Site for the Development**

The site attributes are considered to be conducive to development.

*Slip/Geotechnical constraints* – The site has been assessed and there are no known geotechnical constraints.

*Heritage issues* – Four heritage items are located on the adjoining property to the east of the subject site. These items are listed as having local heritage significance under Kiama Local Environmental Plan 2011 and they are known as the Woodstock Saw Mill site, the Woodstock Piggery site, the Woodstock Co-operage, the Butter Factory site and Wangaruka Homestead.

The proposed shed site would be screened by existing vegetation to be retained. The additions to the existing house will not be within the same visual catchment of the above heritage items. Overall, the proposed development will not have significant adverse impact these heritage items.

*Easements and 88B Instruments* – The development application seeks formal approval to construct the storage shed outside of the designated building envelope required under Clause 1.1 of the 88B Instrument. The variation request has been assessed and is supported for approval.

*Bushfire risk* – The site is a Bush Fire Prone Land and is compliant with Planning for Bush Fire Protection.

**Submissions Received**

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, seven (7) submissions were received.

The following summarised concerns were raised in submissions:

***Item 1:*** *The shed size, height and bulk/scale are considered inappropriate within the Byrnes Run setting. Its visual impact will be significant and would set an undesirable precedent in Byrnes Run.*

Comment: The subject property owner hopes to store a large volume of various, privately owned equipment, vehicles & vessels within the proposed shed and requires a large shed footprint to accommodate the large number of articles. The owner has advised Council that shed manufacturer produces prefabricated stock standard shed sizes and that the shed heights are designed to be proportionate to the standard floor dimensions.

## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

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Despite the scale of the shed, it is still considered to be congruous with scale & size of the subject allotment, the height & scale of the surrounding trees, the natural land contours and the general spatial parameters of the site.

While concerns have been received from the neighbourhood regarding the scale of the shed, it would only be visible to the common boundary on Lot 8 Byrnes Run. The proposed shed would not be seen from Byrnes Run Road, Jamberoo Road or any other location within close proximity to view the scale of the shed.

The western elevation of the subject shed would be the only elevation exposed to the adjacent guest house and tennis court located on Lot 8 Byrnes Run which stands approximately 45m from the proposed shed site. The western elevation of the shed is proposed to be excavated approximately 2m into the site therefore the overall height of the exposed portion of the shed facing Lot 8 would be a 4m high elevation (including the roof).

The proposed shed site, when viewed from the adjacent tennis court and guest house, is limited due to the natural screening of trees and the significant ground level distances between the tennis court and the proposed shed floor level. The ground level difference would be approximately 8m due to the natural slope gradient. The tendency for the occupants of the guest house/tennis court at Lot 8 would be to look out over the roof of the shed, rather than directly at the shed due to the slope level difference.

It is understood that the shed colour finish will be a medium to dark grey colour which would assist conceal its bulk & scale and ensure that the shed would remain hidden within the landscape.

The applicant has indicated willingness to densely plant along the whole western elevation of the shed which would substantially screen the shed from Lot 8 if the application were to be approved.

**Item 2:** *The shed is outside the building envelope and does not comply with the 100m rural setback. There are alternative superior site locations for a shed.*

Comment: - The applicant has demonstrated that by locating the shed outside the building envelope as proposed, would conceal the shed and provide more functional vehicle accessibility within the curtilage of the dwelling. This is consistent with Control C12 of Chapter 6 – Rural Development Kiama DCP 2012 which maintains: *“Ancillary development should be, where possible and practicable, clustered around the principal dwelling, or able to utilise the same access ways.”*

The existing pattern of development within the Byrnes Run subdivision comprise of rural dwelling houses and sheds, separated by vegetative screening and natural topographies. The spatial separation distances between neighbouring buildings range between 60m – 120m. It is considered that the proposed shed would not be inconsistent with this existing pattern of development.

The Byrnes Run Neighbourhood Committee has asserted that there are *‘alternative site locations for the shed’* but did not suggest any other suitable location. The proposed shed location as selected is based on the most suitable slope contours available within the curtilage of the dwelling without being inappropriately close to the principal dwelling or visible when viewed from Byrnes Run Road or Jamberoo Road.

## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

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**Item 3:** *There will be (24) mature trees screening trees removed that currently provide visual screening between Lots 8 & 9 and there is a lack of any proposed landscaping associated with the development.*

Comment: - Removal of these trees is considered unlikely to have a significant adverse impact on the dominant vegetation. The shed would be positioned such that the larger trees along the boundary to the eastern property can be retained.

The maximum height of the subject trees to be removed is estimated to range between 4m - 6m and appear to have been planted by previous owners of the site as boundary screen planting. The existing tree screening would be replaced by a 30m long x 4m high, recessively coloured, rear shed wall when viewed from Lot 8 Byrnes Run. The applicant has submitted a landscape concept plan to densely plant along the whole western elevation of the shed. The tree species as indicated vary from 5m – 6m in height, will be densely planted and would substantially conceal the view of the shed when viewed from Lot 8, should the application be approved.

**Item 4:** *Concerns are raised with regard to the proposed use of the shed for commercial or industrial use.*

Comment: - The subject property owner was interviewed with regard to the proposed use of the shed and confirmed that the shed would be used exclusively for private storage and minor mechanical repairs to his private, domestic vehicles, consistent with residential use. The subject shed is proposed to be sound insulated as a matter of course and additional development consent conditions could be applied to the development consent that would prohibit the use of the shed for commercial or industrial use.

**Item 5:** *- Substantial cut & fill is required together with 120 linear metres of retaining wall is incorporated with the development.*

Comment: - The subject site is topographically constrained as illustrated by the contour levels on the site plan and there is a need to ensure there are adequate benched levels for the proposed development and vehicle access to be created. The majority of the proposed retaining wall will be along the driveway and would involve the construction of a low, tapering retaining wall to form the proposed vehicle access to the shed. The retaining walls for this development site would assist in concealing the shed as well as manage soil erosion and to provide greater stability on this site rather than leaving potentially unstable earth batters.

**Item 6:** *Concerns are raised in relation to stormwater management and erosion control.*

Comment: - A stormwater management plan has been submitted by the applicant and has been endorsed by Council's Engineering & Works Department. The plan illustrates the connection of the shed to the existing concrete water tank via a 150m diameter uPVC pipe. Stormwater & erosion management measures are proposed to manage the existing overland flow path away from the shed that includes suitable disposal measures. Specific development consent conditions would be recommended if development consent is granted.

**Item 7:** *The shed will impact on the amenity of adjoining properties.*

## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

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Comment: - The applicant has specifically commented that the tennis court and associated building is orientated to the south where the shed is proposed to be located. The tennis court has been built up to a level site with grassed embankments. The detached building is located to the north of this tennis court and overlooks this area. To the south of the tennis court the gradient of the land falls away down to the proposed shed site. As the western elevation of the shed is proposed to be densely planted and given the disassociation of the levels between the proposed shed site and the adjacent land, it is considered that amenity impact would be negligible.

**Item 8:** - *The application has failed to make any reference to or compliance with the Byrnes Run Neighbourhood Management Statement.*

Comment: - The heads of consideration in the assessment of a development application under the EP&A Act is not required to have regard to the Neighbourhood Management Plan.

**The Public Interest**

The proposal is considered to be consistent with Kiama LEP 2011 and Kiama DCP 2012 and accordingly is considered to be consistent with the public interest.

**Landscape Officer Referral**

The tree removal aspect of the development application was referred to Council's Landscape Officer for the assessment of the proposed tree removal at the proposed shed site. The following comments are recorded below:

*"There is a gum tree to the north of the shed. I checked the distance from the shed regarding Tree Protection Zone and Structural Root Zone. On a trunk diameter of 0.5 metres the TPZ is 6 m and the SRZ is 2.47 metres. Scaling off the A3 copy of the site plan A03 the retaining walls are outside the TPZ. The 14 trees to be removed were planted after 2003 and are not remnant local forest.*

*The trees species are a collection of Melaleuca linariifolia, Melaleuca styphelioides, Callistemon salignus, Pittosporum undulatum, Pittosporum revolutum, Acacia binervata and Syncarpia glomulifera.*

*On the site of the proposed pool is an immature Ornamental Pear. There is no objection to the removal of this tree. The driveway will require the removal of some Grevillea 'Moonlight', shrubs which are not really protected by DCP Chapter 3.*

*The Ornamental Pear tree in the footprint of the proposed pool may be removed for the development. The trees shown in red on the Site Plan Sheet A03 may be removed for the proposed shed."*

**FINAL COMMENTS AND CONCLUSIONS**

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant Kiama DCP 2012. The proposed development is consistent with the objectives of the RU2 Rural Landscape/Part E3 Environmental Management zone.

## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

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Consideration has also 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 10.2016.81.1 dated - except as amended by the following conditions: (g005.doc)
- (2) The proposed shed shall not be used for commercial or industrial purposes or any other purpose contrary to the Byrnes Run Neighbourhood Management Statement prepared by Kearns & Garside Solicitors.
- (3) The developer shall submit a dilapidation survey in accordance with the geotechnical recommendations given in the Geotechnical Inspection Report prepared by Network Geotechnics, dated 20/06/2016. The dilapidation survey must be submitted to the accredited certifying authority **prior to the release of the Construction Certificate.**
- (4) The applicant shall submit engineers details of the foundation material based on geotechnical advice prepared by a suitably qualified geotechnical engineer. Such detail and advice shall be provided to the accredited certifying authority **prior to the release of the Construction Certificate.**
- (5) The proposed shed must be designed and constructed so that the use of the shed or any associated noise producing equipment must not exceed 5 decibels above the background level when measured at any point along the common property boundaries. Details of sound attenuation measures must be submitted to the accredited certifying authority **prior to the release of the Construction Certificate.**
- (6) The development shall be completed in accordance with the approved Landscape Plan prepared by Captivate Landscaping Design dated 22/06/2016 and certification of the completed landscaping shall be submitted to the accredited certifying authority **prior to the release of any Occupation Certificate.**
- (7) The proposed development shall be undertaken in strict accordance with the recommendations listed in the Arboricultural Development Assessment Report prepared by Moore Trees, dated 14/06/2016.

**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.

## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

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

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

or

b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989. (pt005.doc)

(2) Under the provisions of the Act, work may not commence on the development until the following is carried out:

a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and

b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and

c You **must** notify the Council of the appointment; and

d You **must** give at least two (2) days' notice to Council of your intention to commence work.

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

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

Should you appoint Council as the Principal Certifying Authority, relevant inspection fees will be required to be paid at the time of lodgement of this form. (pt020.doc)

(3) 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)

## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

- 
- (4) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel. (pt062.doc)

**Stormwater Management**

- (1) The shed stormwater shall be connected in accordance with the approved concept stormwater. Certification of the correct hydraulic loading and distribution of stormwater shall be submitted to the accredited certifying authority for assessment and approval prior to the release of the Construction Certificate.

**Inspections**

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

**NOTE:** Should you choose Council to be your Principal Certifying Authority for this development you will be advised of the required building inspections and applicable fees at the time of that appointment. (bu015.doc)

**Building Construction**

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
- a Preserve and protect the building from damage;
  - b Underpin and support the building in an approved manner, if necessary, and;
  - c At least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (bu100.doc)
- (6) Where retaining walls exceed 1.0 metre in height, the wall is to be certified by a practising structural engineer prior to occupation of the building being permitted. (bu110.doc)
- (7) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor

## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

- 
- must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)
- (8) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)
- (9) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
- Monday to Friday - 7.00 am to 6.00 pm
- Saturdays - 8.00 am to 1.00 pm
- No construction work is to take place on Sundays or Public Holidays. (bu151.doc)
- (10) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)
- (11) The fences, gates and latches for the swimming pool shall be provided and constructed in accordance with the provisions of Australian Standards AS1926 - Fences and Gates for Private Swimming Pools. (bu250.doc)
- (12) All excavations shall be enclosed with a temporary fence during construction of the pool. (bu255.doc)
- (13) The swimming pool shall not be filled with water until the permanent safety fence has been erected. (bu260.doc)
- (14) An instructional poster for resuscitation which bears the words "*Young Children Should Be Supervised When Using This Swimming Pool*", together with details of resuscitation techniques for adults, children and infants shall be located in a prominent position within the pool enclosure. (bu265.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)



## Report of the Director Environmental Services

## 9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1) (cont)

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**Site Facilities**

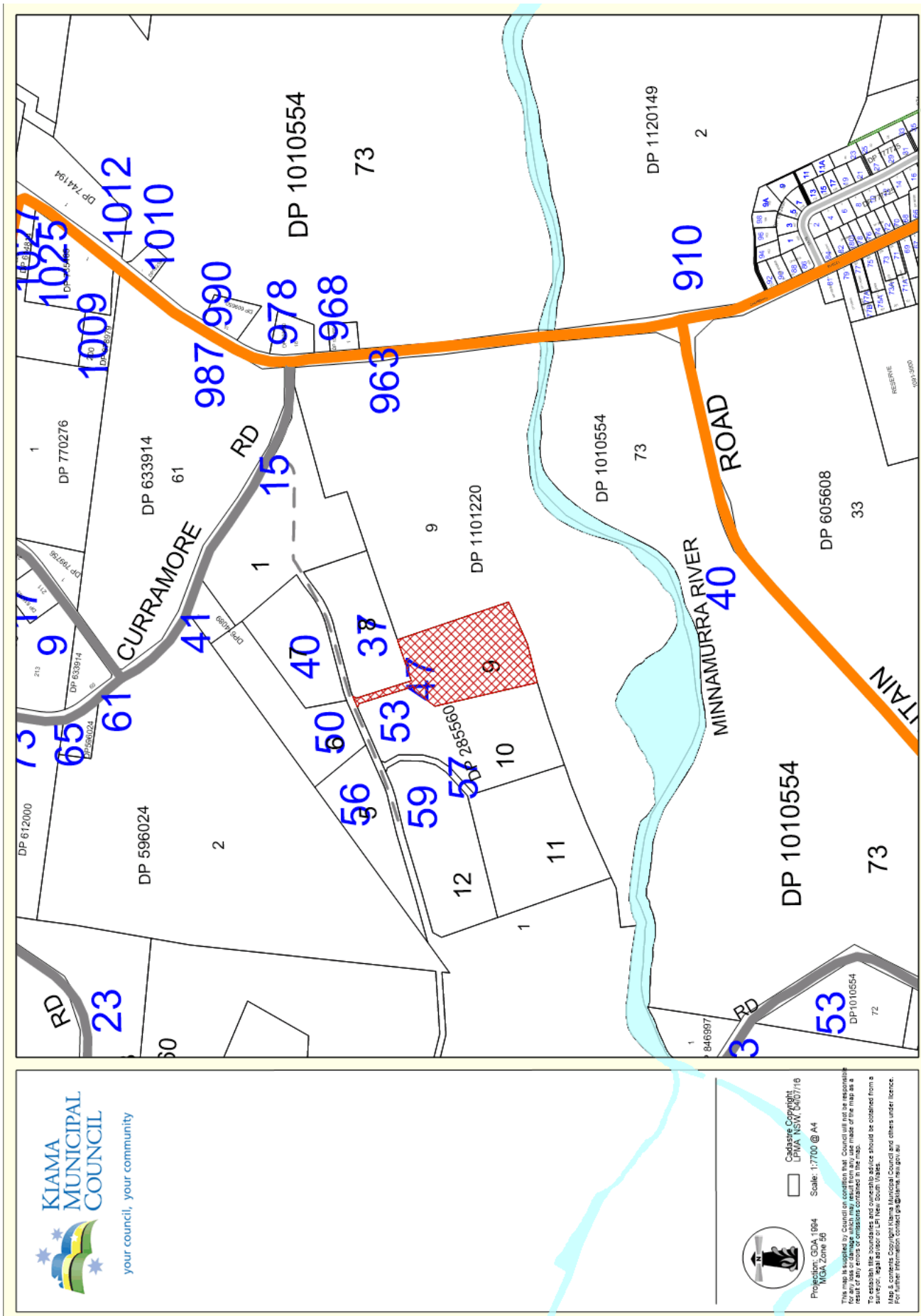
- (1) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other lightweight materials. (sf015.doc)
- (2) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
  - a Stating that unauthorised entry to the premises is prohibited; and
  - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

Any such sign is to be removed when the erection or demolition of the building has been completed. (sf020.doc)

**Prior to Occupation**

- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to release of the Final Occupation Certificate.

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)
- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)
- (3) The development shall be completed in accordance with the approved Landscape Plan prepared by Captivate Landscaping Design dated 22/06/2016 and certification of the completed landscaping shall be submitted to the accredited certifying authority prior to the release of any Occupation Certificate.



*Public Plans*

# PROPOSED SHED, POOL & CABANA

47 Byrnes Run, Curramore  
LOT 9 in DP 285560

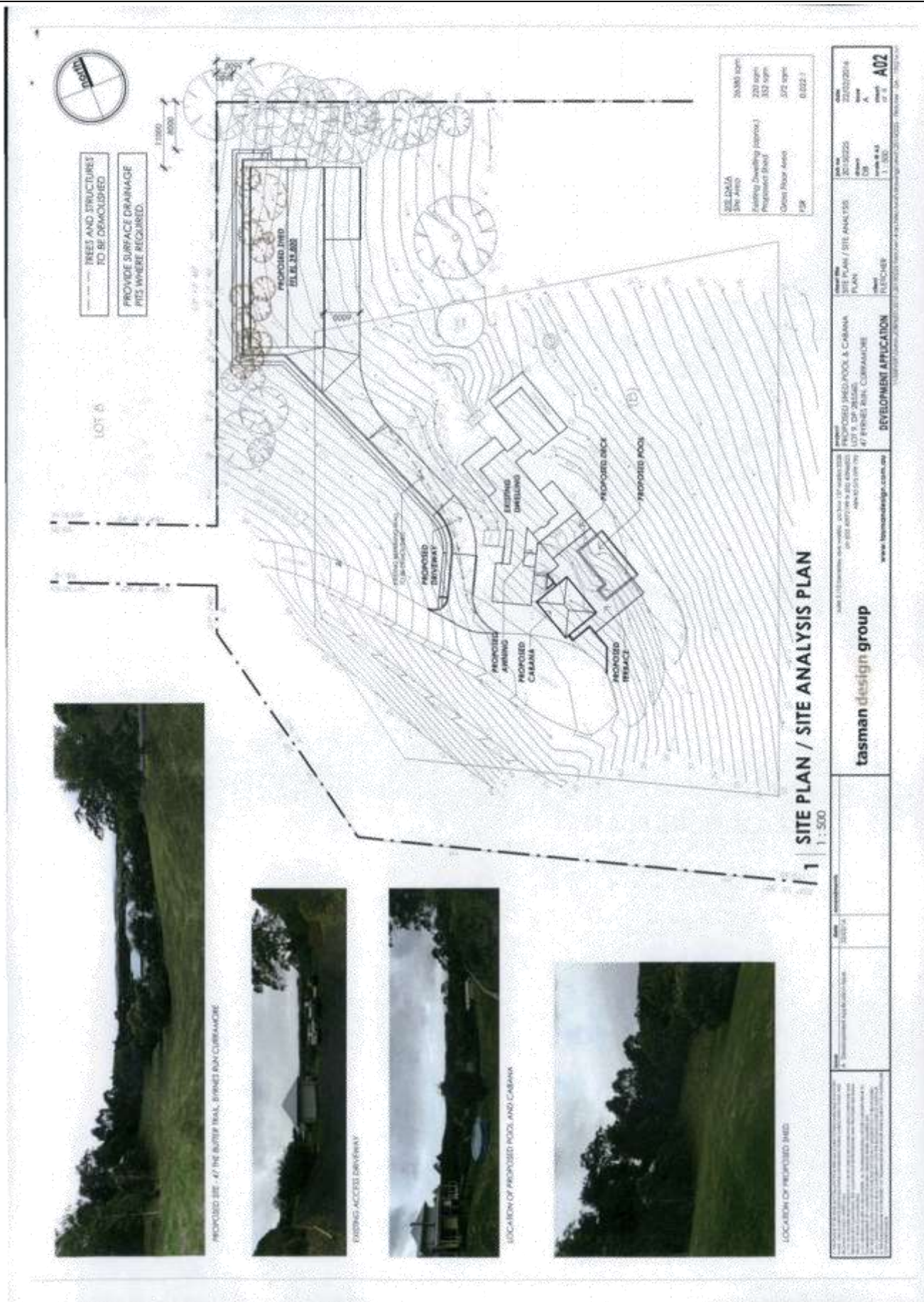
- ### DRAWING NOTES
1. THIS PLAN IS TO BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS AND STATUTORY PLANS, THAT IS, SURVEYS, DEPOSITED PLANS, ENGINEERING PLANS, LANDSCAPING PLANS AND RELEVANT COUNCIL APPROVALS.
  2. IT IS THE BUILDERS RESPONSIBILITY TO CROSS CHECK BOTH EXISTING SITE CONDITIONS AND PROPOSED SITE CONDITIONS. THE LOCATION OF BOTH EXISTING AND PROPOSED BUILDINGS PRIOR TO WORK COMMENCING.
  3. IF ANY DISCREPANCIES BETWEEN DRAWINGS ARE DISCOVERED, TASMAN DESIGN GROUP OR THE RELEVANT CONSULTANT IS TO BE NOTIFIED BEFORE CONSTRUCTION.
  4. ALL DIMENSIONS ARE IN MILLIMETERS. ALL DIMENSIONS SHALL BE SITE CHECKED PRIOR TO COMMENCEMENT OF CONSTRUCTION. ANY OBVIOUS WORK REQUIRED BUT NOT SPECIFIED ON THE PLAN OR ON THE SPECIFICATION IS UNDERSTOOD TO BE INCLUDED.
  5. ALL CONSTRUCTION SHALL BE IN CONFORMITY WITH THE BUILDING CODE OF AUSTRALIA
  6. THIS PLAN REMAINS THE PROPERTY OF TASMAN DESIGN GROUP AND IS SUBJECT TO AUSTRALIAN COPYRIGHT LAWS ©

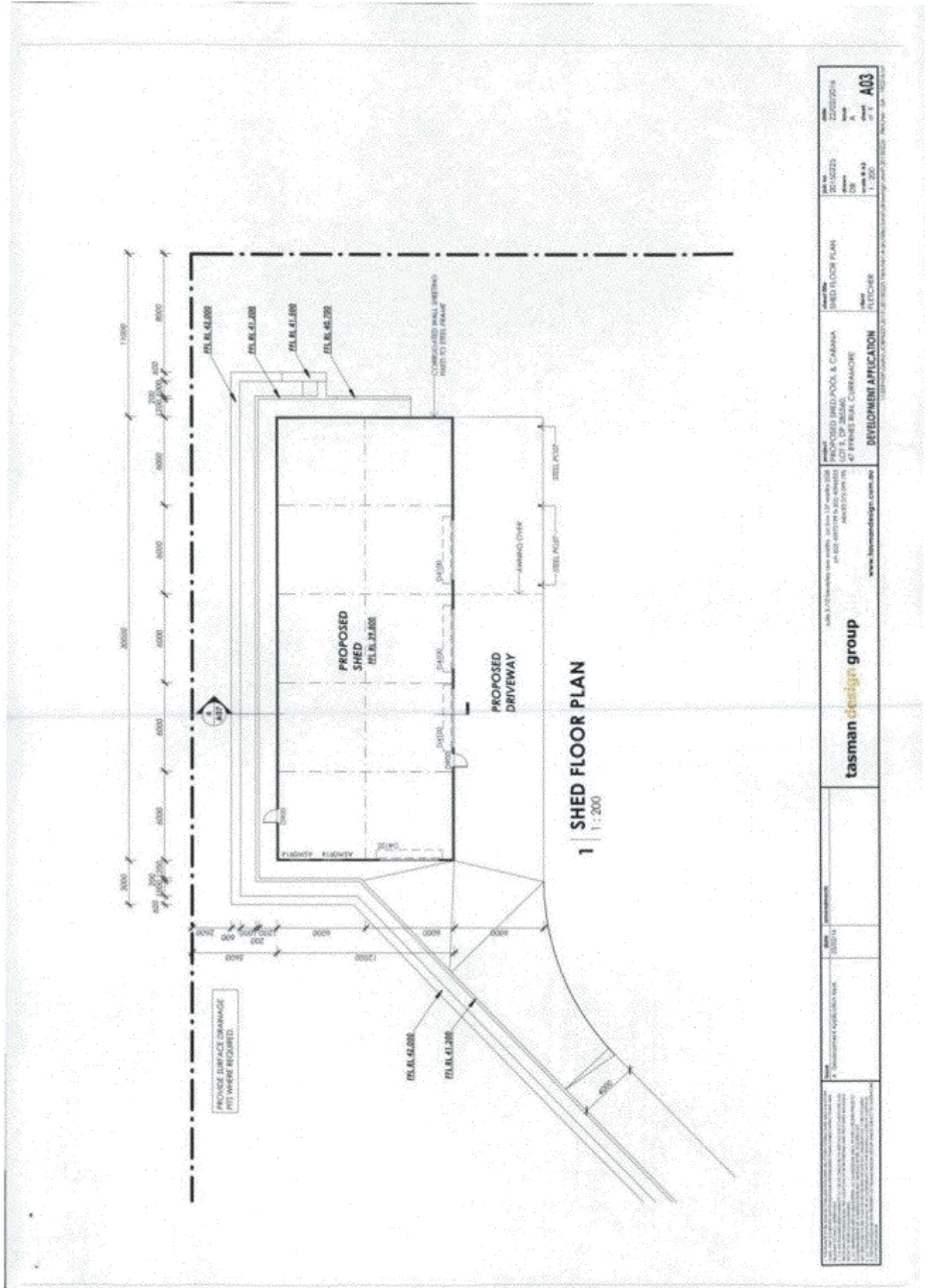
- ### SHEETS
- A01 COVER SHEET
  - A02 SITE PLAN / SITE ANALYSIS PLAN
  - A03 SHED FLOOR PLAN
  - A04 POOL FLOOR PLAN
  - A05 ELEVATIONS
  - A06 ELEVATIONS AND SECTIONS
  - A07 ELEVATIONS AND SECTIONS
  - A08 PERSPECTIVE VIEWS



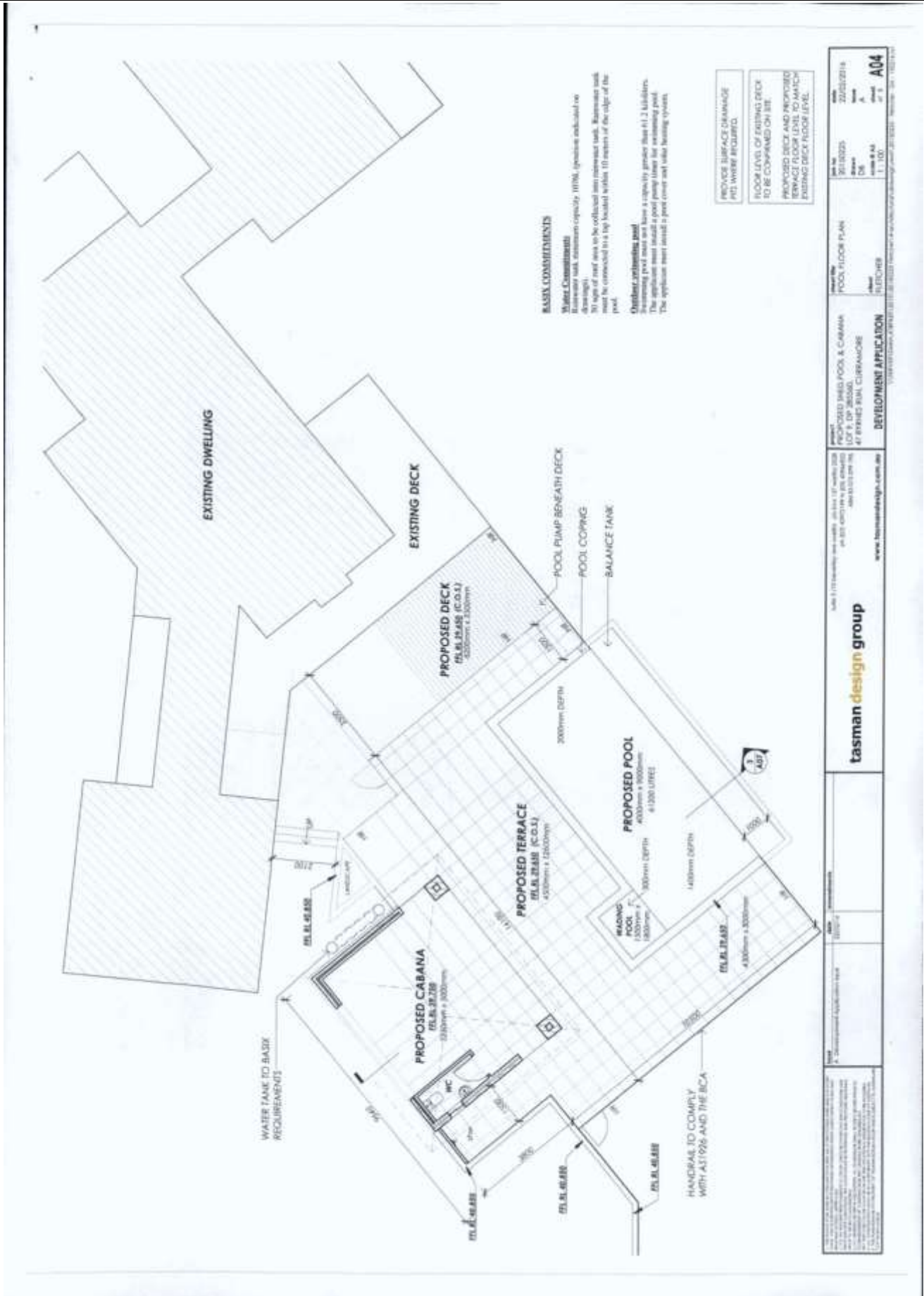
LOCATION PLAN

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|--|--|---|--|---|--|---|--|
| <p>tasman design group<br/>www.tasmandesign.com.au</p> |  | <p>PROPOSED SHED, POOL &amp; CABANA<br/>LOT 9, DP 285560<br/>47 BYRNES RUN, CURRAMORE</p> |  | <p>CONTRACT NO<br/>DATE<br/>DRAWN BY<br/>CHECKED BY</p> |  | <p>DATE<br/>SCALE<br/>SHEET NO<br/>OF</p> |  |
| <p>tasman design group</p>                             |  | <p>DEVELOPMENT APPLICATION</p>  |  | <p>DATE<br/>SCALE<br/>SHEET NO<br/>OF</p>               |  | <p>A01</p>                                |  |



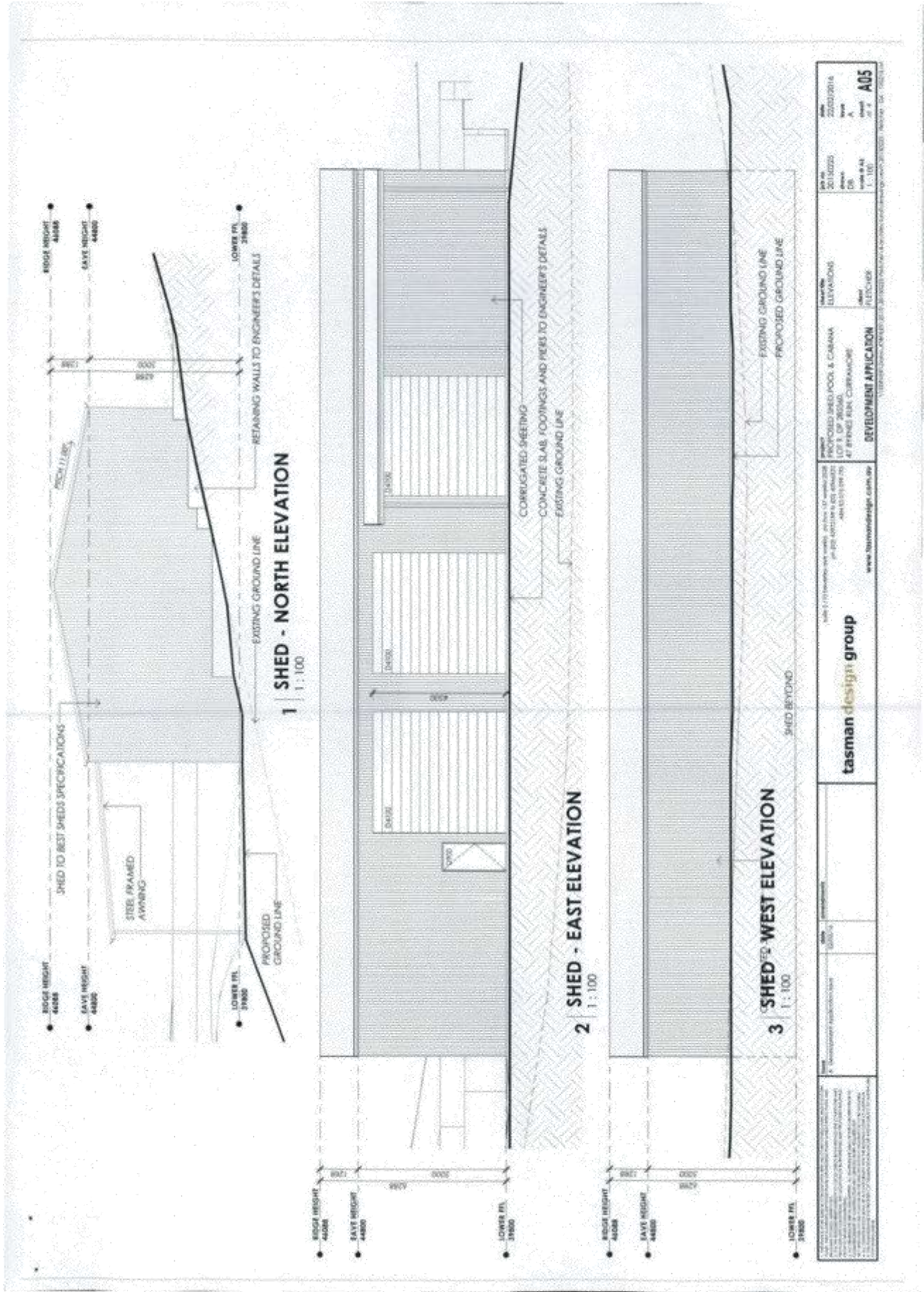


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| <p>tasman <b>design</b> group</p> <p>www.tasmandesign.com.au</p> | <p>DEVELOPMENT APPLICATION</p> <p>PROJECT: PROPOSED SHED, POOL &amp; CABANA<br/>LOT 9 DP 285560<br/>47 BYRNES RUN, CURRAMORE</p> | <p>DATE: 10/05/16</p> <p>SCALE: 1:200</p> <p>SHEET: 1 OF 1</p> |
|  |  | <p>A03</p>   |



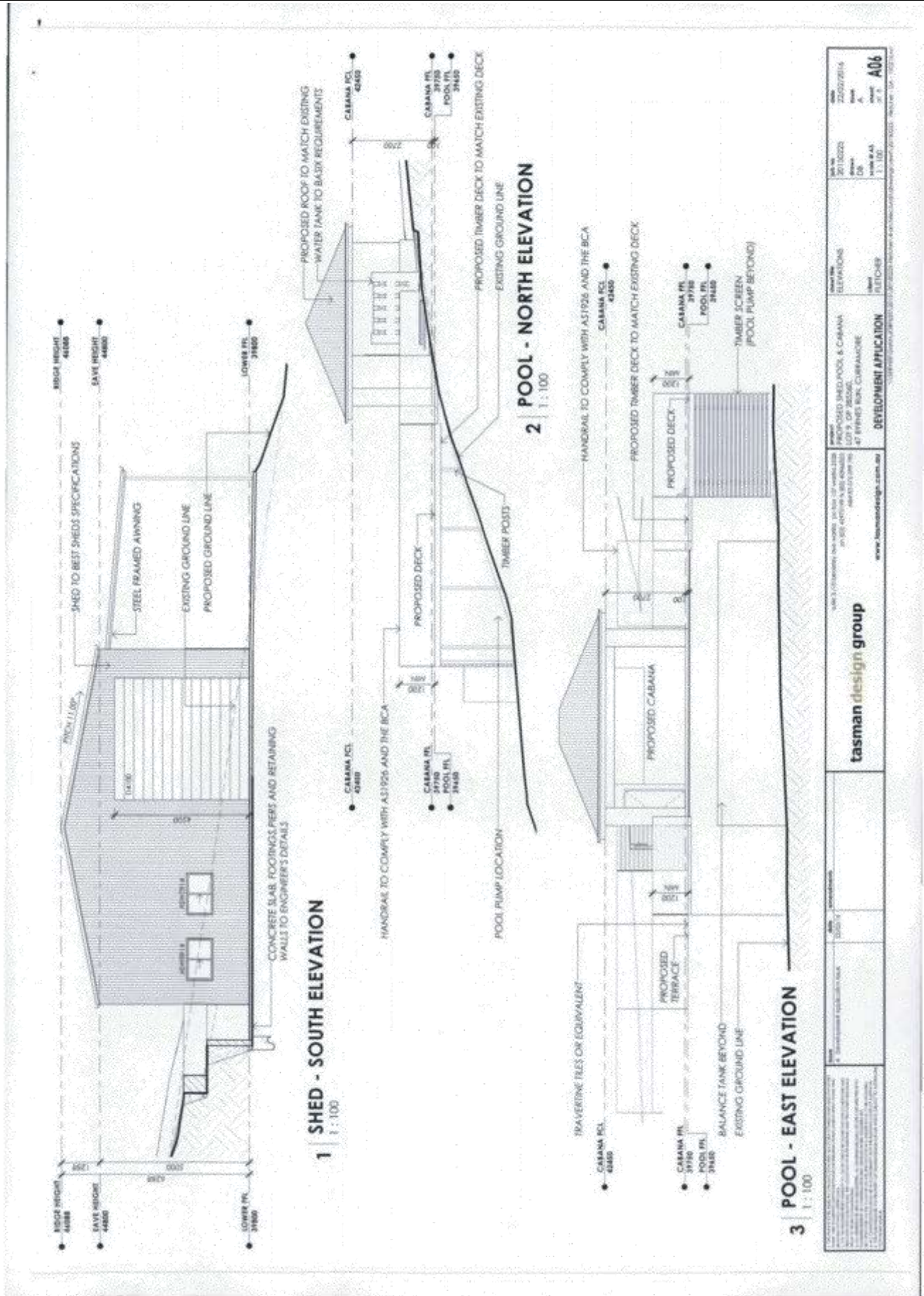
Item 9.1

Attachment 2



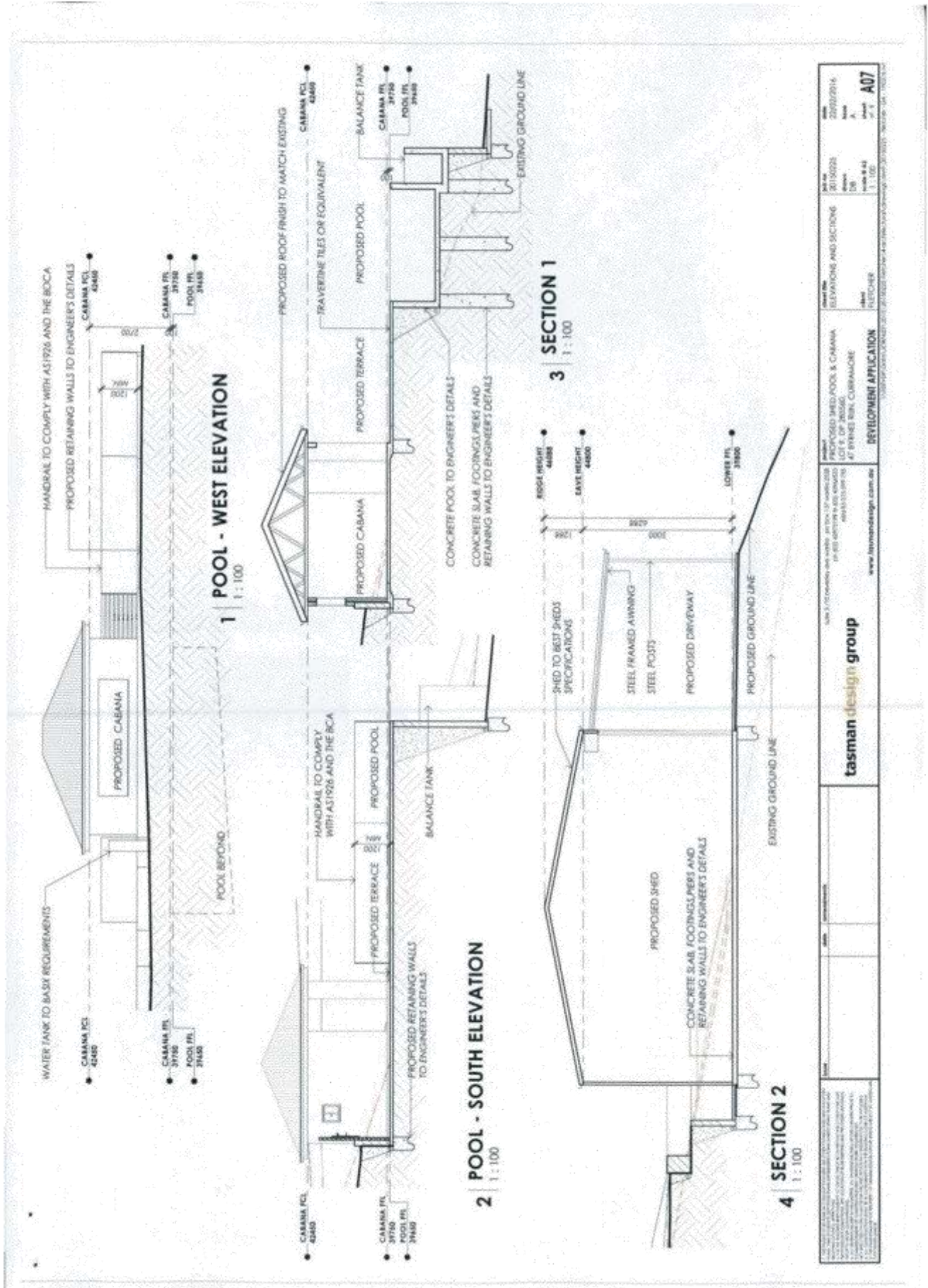
Item 9.1

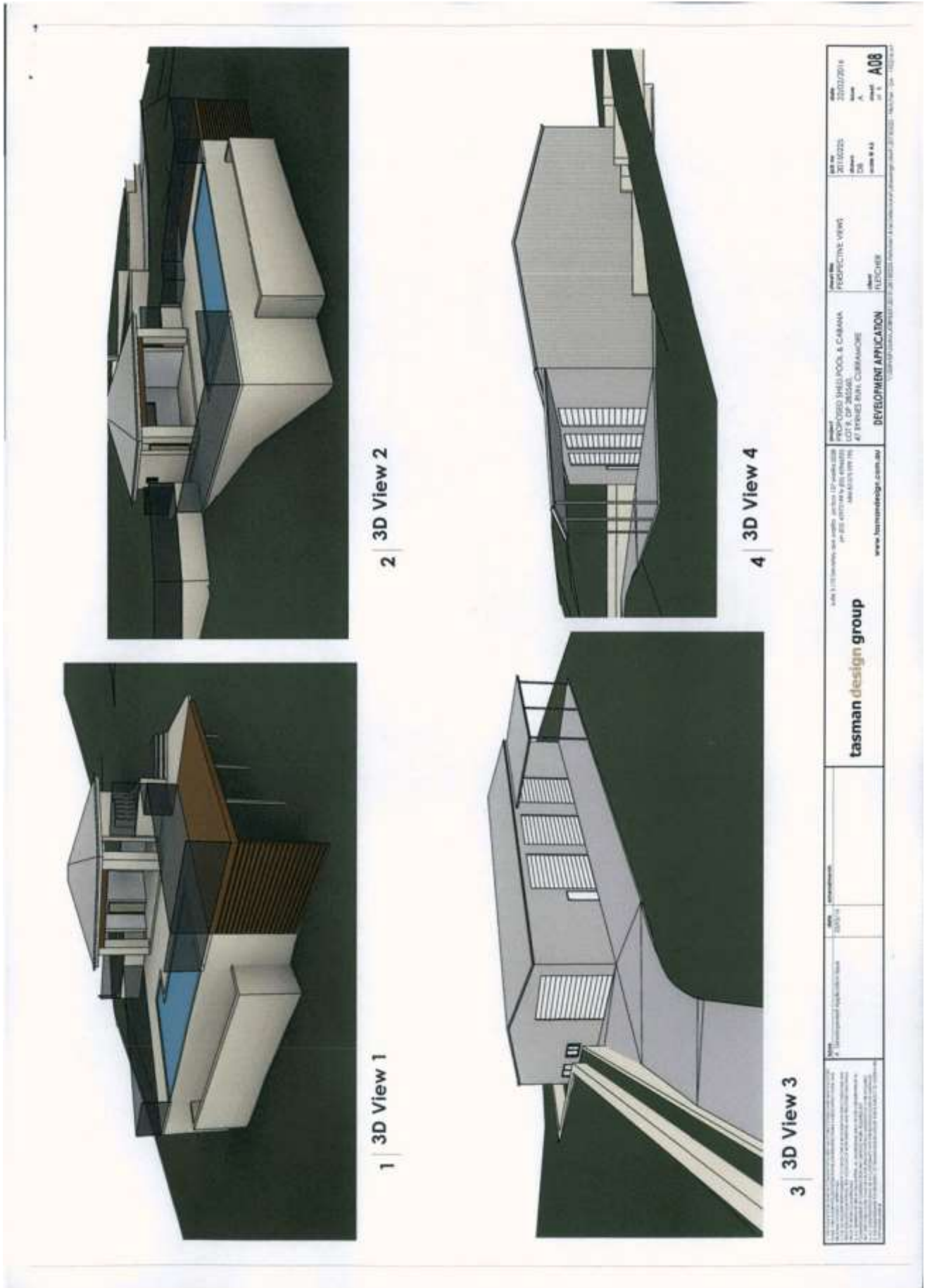
Attachment 2



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|---|--|--|--|--|--|
| <p>tasman design group</p> <p>www.tasmandesign.com.au</p> |  | <p>DEVELOPMENT APPLICATION</p> <p>LOT 9 OF DP 285560<br/>                 47 BYRNES RUN, CURRAMORE</p> |  | <p>PROJECT NO. 20160223</p> <p>DATE 22/02/2016</p> <p>SCALE 1:100</p> <p>DRAWN BY [Name]</p> <p>CHECKED BY [Name]</p> <p>DATE 10/03/16</p> |  |
| <p>tasman design group</p>                                |  | <p>DEVELOPMENT APPLICATION</p>   |  | <p>PROJECT NO. 20160223</p> <p>DATE 22/02/2016</p> <p>SCALE 1:100</p> <p>DRAWN BY [Name]</p> <p>CHECKED BY [Name]</p> <p>DATE 10/03/16</p> |  |







**9.2 Draft Amendments Kiama DCP 2012 - Chapter 5 Medium Density, Expressions of Interest - Architectural Panel, Development Assessment Unit**

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

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

Delivery Program: 2.9.2 Ensure Council's Local Environment Plan and Urban Strategy are current and incorporate the principles of sustainable development

Item 9.2

**Summary**

At its meeting on 26 April 2016, Council endorsed the minutes of the LEP Review Committee and as a result resolved:

- “2) Council resolves to place on public exhibition the draft Chapter 5 Medium Density Development of Kiama DCP 2012.
- 3) Upon expiry of the public exhibition period a further report be submitted to Council on the review of Chapter 5 Medium Density of Kiama DCP 2012.
- 5) Expressions of interest be sought from architects to be appointed to a panel, from which attendance at relevant Development Assessment Unit (DAU) meetings will be selected on a rotational basis, to provide advice on design/character issues on medium density developments proposed in the Kiama Municipality.”

This report addresses the abovementioned resolutions.

**Finance**

N/A.

**Policy**

Any amendments to Council's DCP require a resolution of Council.

**Attachments**

- 1 DCP 2012 - Chapter 5

**Enclosures**

- 1 Expression of Interest - Penny Morris
- 2 Expression of Interest - Mark Hitchcock

**RECOMMENDATION**

That:

1. Council consider the issues raised in regard to Controls C2 – referral of variations to Council and C32 – minimum depth of balconies and modify if appropriate.

## Report of the Director Environmental Services

## 9.2 Draft Amendments Kiama DCP 2012 - Chapter 5 Medium Density, Expressions of Interest - Architectural Panel, Development Assessment Unit (cont)

- 
2. Council adopt the attached 'draft' revised Chapter 5 – Medium Density Development for inclusion within Kiama Development Control Plan 2012.
  3. Council consider the expressions of interest in regard to appointment to the architectural panel giving advice on medium density development to Council Development Assessment Unit.

**BACKGROUND**

Following adoption of the abovementioned resolutions, the proposed amendments to Chapter 5 - Medium Density, of Councils DCP were placed on public exhibition from 11 May until 8 June 2016. Six submissions were received in regard to the exhibited amendments and are enclosed for information. The issues raised are summarized and comments provided below.

In addition to the above, expressions of interest were advertised for appropriately qualified architects to be appointed to a panel, from which attendance at relevant Development Assessment Unit (DAU) meetings will be selected on a rotational basis, to provide advice on design/character issues on medium density developments proposed in the Kiama Municipality. The results of this request is discussed in this report and tendered expressions are enclosed for Councillor information.

**Details**

Draft Amendments DCP Chapter 5 – Medium Density.

A number of issues were raised during the consultation process and are summarized as follows;

- Roof Form. The submission to the LEP review committee and subsequent minutes to Council referred to a submission made by BHI architects which provided supporting information in regard to the draft Chapter 5 amendments. One, of a number of aspects addressed, related to roof form and the potential to require pitched roofs for medium density development and the impact this might have on overall height of development. Whilst this issue was investigated in the BHI submission, no controls or requirements were placed in the draft document. The following are indicative comments received in regard to the commentary in the submission:

- *“With an 11m LEP height control, it will not be possible to achieve 4 storeys with a pitched roof. The imposition of pitched roofs will result in new developments that can only be up to 3 storeys in height.*

*This will have a detrimental impact on potential developments by limiting development within the R3 Medium Density zone to 3 storeys, the overall yield for the local government area will be limited. Therefore, it may not be possible to meet the Department of Planning’s yield targets.*

*Developments at 3 storeys in R3 Medium Density zone are not viable on economic grounds as it will not be viable to excavate basements for parking on such small scale developments, also it will not be viable to*

## Report of the Director Environmental Services

## 9.2 Draft Amendments Kiama DCP 2012 - Chapter 5 Medium Density, Expressions of Interest - Architectural Panel, Development Assessment Unit (cont)

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*install lift and hence meet requirements for amenity and AS 1428 Design for Access and Mobility.”*

- *“Roof form and its appropriateness to the building type is also somewhat subjective. It could be argued that a mandated roof form is merely applying a ‘pastiche’ of lower density traditional dwelling forms to multi-residential buildings that is neither fitting nor contributory to the ‘village character.”*
- *“With a current 11m LEP height control, changing the style of roofing from a flat to pitched roof would mean only 3 storey developments would be achievable.*

*If Council plans on adopting this style of roof change as part of the DCP, so as not to restrict development opportunities, growth and affect the impact on market viability, we believe consideration should also be given to amending the LEP. Reviewing the height level of the building to be set at the ceiling height of the top level and excluding the roof structure would ensure 4 storey developments would be viable*

*If development is restricted to 3 storeys by the requirement to include a pitched roof, it will not be possible to achieve the Department of Planning’s yield targets for residential development and ultimately lead to additional greenfields subdivision”.*

- *“We strongly oppose this type of “broad brush” approach to built form and architectural element. Roof form and architectural element controls without recognition of site aspect and / or streetscape context will not achieve the objective of maintaining the village centre characters nor the streetscape of Kiama. The selection of roof form comes from a wider range of requirements such as site context, suitability in application, environmental and design concept. The simple conclusions of fitting the height limit and maximise yield are not the full process of roof selection”.*
- *“Different roof forms are suited to different forms of building. Applying the form of roof that suits low density residential to multi dwelling development is incorrect and poor design solution. This certainly does not assist with ‘character”*

*Comment* - All six submissions raised the comments on roof form as an issue. As stated above, the draft DCP does not have any requirement in regard to the provision of pitched roofs. Council’s LEP contains the relevant provisions for overall maximum height. A note has been included in Section 1 of the draft DCP, to this effect, along with advice that if pitched roof form is being utilised on proposal to address local character issues, consideration may be given to an application for variation provided all relevant controls of this DCP are met.

- Assessment Benchmarks

*Disagree with the use of an independent architect. “Who determines the independence? Experience shows that a wide range of local architects in the*

## Report of the Director Environmental Services

## 9.2 Draft Amendments Kiama DCP 2012 - Chapter 5 Medium Density, Expressions of Interest - Architectural Panel, Development Assessment Unit (cont)

*region are involved with development applications in the Kiama area. To ensure independence, architects from outside the region should be utilised”.*

*Comment; The advertised expression of interest was open to architects from any area and the intent of establishing a panel is to prevent conflict of interest occurring.*

- Referral of variations to Council. *“There should be no need for a Variation request to automatically be referred to Council for determination. This simply causes expensive time delays to the proponent, escalating the end product cost in the case of developments to be on-sold. The professional staff of Council are capable of determining Variation requests.”*

*Comment - the mandatory referral requirement refers to control C2 – minimum lot frontage. For consideration.*

- *Setbacks “C9 & C 10 – confusing. Do the C9 & C10 operate independently of each other, or does C9 apply for the first 8.5m then C10 for the 8.5 to 11m component of the development.”*

*Comment - these two controls are intended to be read independently and are applicable to the entire development referenced within the clause. For the purpose of clarification, an additional note is proposed at the commencement of each clause to the effect, “this clause is to be applied independently to the entire development referenced by the standards contained in the clause”*

- Application of SEPP V DCP; *“Why not say the SEPP 65 applies where it does and the DCP address other matters not dealt with in the SEPP65. Otherwise designers, consultants & public are constantly double checking 2-3 documents....again, over complicating the DCP.”*

*Comment - An explanatory note has been added in Section 1 of the DCP noting that where SEPP 65 applies, the provisions therein prevail and the requirements of the DCP are only to be considered if no control exists in the SEPP.*

- Solar Access *“C11 – This is an unreasonable measure. In the case of the development site being vacant, the adjacent site may be used to full sunlight permeation all day. The impact of greater than 30% reduction in sunlight permeation to the adjoining site would be easily achieved by most forms of medium density development, thus rendering a non-compliance due to the development site having been vacant for an extended period of time”.*

*Comment - Application of this standard has proven confusing and problematic. A single standard is supported as contained in Section 5 – Solar Access “a minimum of 3 hours of direct sunlight is to be retained to living room windows and/or doors also private open space areas of development adjoining proposed medium density development. Where this standard is not met by pre development conditions, any proposal should not decrease current levels of solar access.”*

## Report of the Director Environmental Services

## 9.2 Draft Amendments Kiama DCP 2012 - Chapter 5 Medium Density, Expressions of Interest - Architectural Panel, Development Assessment Unit (cont)

- 
- End User Amenity – “C 17 – *should read as Main balconies ..... to clarify, as it is assumed the intent is not to mean no balconies from other rooms. Balconies other than Juliet balconies should be encouraged not discouraged*”.

*Comment* - the intent of this clause is to ensure that balconies used for the provision of private open space are accessed off living areas. Some additional wording has been added to C17 to clarify.

- Solar Access “C 25 – *Not clear on why this control has been changed. C 27 – Why are solar collectors considered more important (ie. 4 hours) than living rooms (3hrs).*”

*Comment* - C25 is a general clause and does not specify a development standard. Solar collectors are given more importance as they form an operational aspect of the adjoining development.

- Open Space - “C 32 – *these areas for balconies are considered excessive (assume 2 bedroom – 120m<sup>2</sup> is a typo & should read as 20m<sup>2</sup>)*

*Larger undercover balconies should be encouraged without the risk of being included in the FSR, however mandating these area requirements with 3m depths is excessive. For example, a 3 bedroom unit with 2 balconies of 12m<sup>2</sup> each can be just as beneficial providing options for enjoying outdoor sunlight at different times of the day or seasons”.*

*Comment* - the two bedroom requirement is 20m<sup>2</sup> and has been amended in the document. The 3 metre depth of balconies is a recommendation from the LEP review committee and is in excess of the minimum depth of 2.0 and 2.4 metres put forward in the ADG. The depth of balcony areas goes to the ability to have a functional outdoor space. Consistency between the two standards is a valid consideration.

- Ceiling Heights “C 37 – *This control does not make sense and it is not clear if there is a connection from the control to the table contained in the supporting BHI document.*”

*Comment* - the standards are clear in regard to ceiling heights and it appears confusion has arisen in regard to comments in the accompanying BHI document and the draft. The issue of attic development has not been taken forward in the draft DCP as it was considered that the variation provisions of the LEP were sufficient to deal with alternate proposals.

Overall, the submissions have highlighted some relatively minor operational issues which have been addressed and highlighted in the copy of the draft document attached. The principle issues relating to setbacks and privacy did not attract any comment.

### **Expressions of interest – Architectural Panel – Development Advisory Unit (DAU)**

Part of the recommendations from the LEP Review Committee related to calling for expressions of interest from suitably qualified architects to form a panel from which attendance at Councils DAU would be undertaken.

Report of the Director Environmental Services

9.2 Draft Amendments Kiama DCP 2012 - Chapter 5 Medium Density,  
Expressions of Interest - Architectural Panel, Development Assessment Unit  
(cont)

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Following advertisements calling for expressions of interest, two submissions have been received from:

- Penny Morris
- Mark Hitchcock

Copies of expressions have been enclosed for Councillors' information.





**DRAFT**

**5**

## Medium Density Development

**Note:**

**Red** writing is as exhibited  
**Blue** writing is post exhibition

- This Chapter was adopted by Council on 26 April 2016 and becomes effective from xxxxxxxx 2016

(16/52034)

Chapter 5 – Kiama Development Control Plan 2012 – Medium Density Development

**Medium Density Development**

For the purposes of this chapter development encompassing 3 or more dwellings/units is classed as medium density development and includes: Residential Flat Buildings, Multi dwelling Housing, Boarding Houses, Group Homes, Seniors Housing, Shop Top Housing.

Medium density development can occur only in certain zones in the Kiama Municipality. Areas that undergo redevelopment to medium density housing forms will change quite dramatically. Whilst Council is committed to the principles of view sharing it must be noted that in these areas a certain loss of views may be expected as development forms change. Where possible designers should attempt to preserve views through the development process. However, loss of views cannot be used as the significant determinant in assessing an application.

These controls apply where medium density development is not subject to the controls contained in State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP).

**Relationship to other Sections of this DCP**

This section needs to be read in conjunction with other relevant sections including (but not limited to): Site Assessment, Car parking Requirements, Landscaping Requirements, Engineering Specifications and Standards, Waste Management and Subdivision.

**Section 1 - Assessment Benchmarks**

Developments of 3 units or more must attend a Council DAU meeting prior to the lodgement of any Development Application, which will include an independent architect, who will provide advice on design/character issues. A fee will be charged for this meeting in accordance with Council's Fees and Charges.

All applications will be assessed against all relevant criteria contained in:

- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- Apartment Design Guide (ADG). Note; Where SEPP 65 is applicable, the requirements of the SEPP and ADG prevail and the DCP will only be referenced if no control exists in the SEPP or ADG.
- Applications incorporating universal housing and seniors housing will be assessed against State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- Building Code of Australia
- Access to Premises -Buildings Standards 2010
- Coastal design and Guidelines for NSW,
- Crime Prevention through Environmental Design.

#### Objectives

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

#### Controls

All applications for medium density development must meet the following controls:

- C1 All Principal development standards as set by Kiama LEP 2011 including maximum height of buildings. Where roofs are pitched to address local character issues, consideration may be given to a variation request under Clause 4.6 of Councils LEP provided controls in the SEPP and/or DCP are met.
- C2 Lots must have a minimum frontage of 25m wide. The minimum width will be measured at the building line for irregular shaped lots. Variations to the above may be considered where it can be demonstrated that all DCP requirements have been met in regard to a proposal on an allotment of lesser width. Such variations to be referred to Council for determination.
- C3 Provision of lift access for Class 2, Class 3 and Class 4 buildings (as identified in the Building Code of Australia) where there are 3 or more storeys. Except for where the 3 or more storeys are contained within a single sole occupancy unit. The maximum number of apartments off a circulation core on a single level is eight.
- C4 Provision of Adaptable Housing (Australian Standard AS 4299) at a ratio of 1:4 dwellings or part thereof.
- C5 Development on land in close proximity to a foreshore must be designed with regard to sea level rise.
- C6 All development must minimise any environmental risks associated with its location.
- C7 Cutting and filling on site is limited to 900mm external to the perimeter of the building.
- C8 Terracing on site may be permissible if earthworks are retained by engineer designed walls and stepped at minimum of 1 metre horizontal intervals.

**Section 2 – Setbacks and Building Separation**

|                   |  |
|-------------------|--|
| <b>Objectives</b> |  |
| •                 | Provide sufficient separation and articulation of buildings to provide high level of amenity, daylight, privacy and noise attenuation. |
| •                 | Development should be designed to minimise overshadowing of adjacent properties and private or shared open space.                      |
| •                 | All built form including balconies must be located clear of the setbacks detailed below.   |

Controls

These controls apply independently to the entire development referenced by the above standards.

C9 Setback controls for development up to 2 storeys and 8.5m in height above existing ground

|  |   |
|--|---|
| Primary street frontage                  | 4.5 metres  |
| Secondary street frontage (corner sites) | 3.5 metres  |
| Side Setback (Ground Floor)              | 6m for habitable rooms and balconies/terraces - 0.9m for non-habitable rooms. |
| Side Setback (First Floor)               | 6m for habitable rooms and balconies - 3m for non-habitable rooms.            |
| Rear setback                             | 6 metres  |

If minimum daylight access, ventilation, visual privacy and acoustic privacy requirements can be demonstrated, encroachment of up to 3m into side setbacks for habitable rooms and balconies may be acceptable by utilising a combination of the following visual privacy strategies or equivalent:

- offset windows of apartments in new development and adjacent development windows;
- high level windows;
- translucent glazing;
- recessed balconies and/or vertical fins between adjacent balconies;
- solid or semi-solid balustrades to balconies;
- operable louvers or screen panels to windows and/or balconies;
- Screening through 1.5m high fencing, landscaping between areas, and;
- utilising pergolas or shading devices to limit overlooking of lower apartments or private open space.

Chapter 5 – Kiama Development Control Plan 2012 – Medium Density Development

**C10 Setbacks for development 3 or more storeys and/or >8.5m – 11m in height above ground**

These controls apply independently to the entire development referenced by the above standards.

|  |   |
|--|---|
| Primary street frontage                  | Minimum of 6 m  |
| Secondary street frontage (corner sites) | Minimum of 3.5m.  |
| Dual street frontages (front and rear)_  | The primary street set back above will apply to both streets unless circumstances exist that justify a lesser setback based on the existing pattern of development and or road hierarchy. |
| Side setbacks                            | 6m for habitable rooms and balconies - 3m for non-habitable rooms.  |
| Rear setbacks                            | Foreshore Building line, Common building line, or other Council endorsed building line if it applies otherwise: 6m.   |

If minimum daylight access, ventilation, visual privacy and acoustic privacy requirements can be demonstrated, encroachment of up to 3m into side setbacks for habitable rooms may be acceptable by utilising a combination of the following visual privacy strategies or equivalent:

- offset windows of apartments in new development and adjacent development windows;
- high level windows;
- translucent glazing;
- recessed balconies and/or vertical fins between adjacent balconies;
- solid or semi-solid balustrades to balconies;
- operable louvers or screen panels to windows and/or balconies;
- Screening through 1.5m high fencing, landscaping between areas, and;
- utilising pergolas or shading devices to limit overlooking of lower apartments or private open space.

**C11** The following structures may encroach forward of the front setback, other than a foreshore building line, and shall be a maximum area of 5.0m<sup>2</sup>:

- A 1m maximum encroachment of underground parking ventilation structures that are integrated with other external building structures, such as pathways or terraces and effectively screened by appropriate landscaping.
- A cantilevered deck, balcony, patio, terrace or verandah for a maximum depth of 1.5 metres.
- An eaves or gutter to a maximum of 1.5 metres in depth.
- A step excluding landings to a maximum height of 1.0 metres and a depth of 1.5 metres.
- A fences and/or retaining wall to a maximum height of 1.2 metres.
- An entry feature or portico to a maximum depth of 1.5 metres.
- A window box treatment or bay window to a maximum depth of 1.5 metres.
- A sun shading feature to a maximum depth of 1.5 metres.
- Letter boxes.

Chapter 5 – Kiama Development Control Plan 2012 – Medium Density Development

C12 Site specific controls for setbacks apply to some areas of the LGA. Applicants need to check the site specific chapters of this DCP.

**Section 3 - End User Amenity**

**Objectives**

- To provide high level of user amenity through the provision of well designed, liveable dwellings.
- To provide high level of visual and acoustic privacy for existing and new residents.

Controls

C12 75% of dwellings within a development must have a dual aspect (eg 2 sides of the dwelling/building).

C14 In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from an openable window, such window to have an area not less than 10% of the floor area it serves.

C15 Balconies providing private open space (with the exception of Juliet balconies) must be accessed directly from the main living area.

C16 Developments must include building elements to modify environmental conditions such as the incorporation of sun screens, pergolas, shutters and operable walls to control sunlight and wind on balconies.

C17 Development must be designed to promote flexibility of end use. Design criteria should include providing apartment layouts, which accommodate the changing use of rooms.

C18 Developments should include some dwellings designed for groupings other than families ie adults dual master-bedroom apartments, which can support two independent adults living together or a live/work situation.

C19 a) Apartments are required to have the following minimum internal areas to ensure flexibility of use:

- Studio - 35sqm
- 1 bedroom - 50sqm
- 2 bedroom - 70sqm
- 3 bedroom = 90sqm

b) The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.

c) A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.

Chapter 5 – Kiama Development Control Plan 2012 – Medium Density Development

- d) Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space).
- e) Living rooms or combined living/dining rooms have a minimum width of:
  - 3.6m for studio and 1 bedroom apartments
  - 4m for 2 and 3 bedroom apartments
- f) The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.

C20 Two storey apartments should be designed so that a habitable room (that may be used as a bedroom) and a bathroom is located on the ground floor.

**Section 4 - Solar Access**

**Objectives**

- All development must incorporate design to the internal layout and the siting of the development on the site to ensure a high level of solar access to both end users of the development and existing surrounding development.

Controls

- C21 A minimum of 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm on 22 June to living rooms and private open spaces. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm on 22 June.
- C22 Dwellings should be designed to locate living areas to the north and service areas to the south and west of the development.
- C23 A minimum of 3 hours of direct sunlight is to be retained to north facing living room windows and/or doors and primary private open space of existing development adjoining proposed medium density development. Where this standard is not met by predevelopment conditions, any proposal should not decrease current levels of solar access.
- C24 Development should be designed to optimise the number of apartments receiving daylight access to habitable rooms and principal windows by:
- Using skylights, clerestory windows and fanlights to supplement daylight access,
  - Promoting two-storey and mezzanine, ground floor apartments or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces,
- C25 Development should ensure that solar glare for neighbouring properties is minimised. This may be achieved by avoiding reflective films, or using a glass reflectance below 20 percent.

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- C26 A minimum of 4 hours of solar access should be retained to solar collectors on both neighbouring buildings and on-site.
- C27 Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.

**Section 5 - Acoustic Requirements**

**Objectives**

- To ensure that all developments provide a high level of acoustic amenity.

Controls

- C28 Applications must demonstrate compliance with the Sound Transmission Class ratings in the Building Code of Australia (BCA). Applications must demonstrate compliance with these ratings including the following guidelines:
- All developments must be designed so that noise transmission from external sources into new dwellings and between dwellings meets all BCA requirements.
  - The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.
  - All units located in close proximity to: commercial centres, arterial roads, sub arterial major collector roads, railway lines, and highways must meet the following threshold noise transmission standards as measured in the dwelling of 42 dB(A) for night and 55 dB(A) during the day time.
  - Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.
  - The design shall take into account the future aspects of sound transmission.
  - The design of all developments must ensure acoustic privacy from the beginning of the project to ensure that future services, such as air conditioning, do not cause acoustic problems later.
  - Window and door openings are generally orientated away from noise sources.
  - Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.
  - Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.
  - Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:
    - rooms with similar noise requirements are grouped together
    - doors separate different use zones



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- wardrobes in bedrooms are co-located to act as sound buffers
- Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:
  - double or acoustic glazing
  - acoustic seals
  - use of materials with low noise penetration properties
  - continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements
- Should Council officers ascertain that there will be noise impacts; an acoustic report may be required to be submitted with the development application.

**Section 6 - Storage**

**Objectives**

- To provide adequate levels of storage.
- To provide storage that is able to accommodate larger items, such as; sporting equipment (skiing, surfing, golfing etc), bicycles and seniors motorised scooters.
- To ensure that storage separated from apartments is secure for individual use.

Controls

C29 In addition to kitchen cupboards, **bathrooms** and bedroom wardrobes, provide accessible storage facilities at the following rates:

- studio apartments 4m<sup>3</sup>
- one-bedroom apartments 6m<sup>3</sup>
- two-bedroom apartments 8m<sup>3</sup>
- three plus bedroom apartments 10m<sup>3</sup>.

**At least 50% of the required storage is to be located within the apartment**

C30 Where basement storage is provided the design must ensure that:

- It does not compromise natural ventilation in carparks or create potential conflicts with fire regulations.

Chapter 5 – Kiama Development Control Plan 2012 – Medium Density Development

**Section 7 - Open Space**

**Objectives**

- To ensure that as densities are increased that useable well designed open space is provided.
- To ensure that all dwellings have the minimum well designed private open space requirements.

Controls for Private Open Space

C31 All apartments are required to have primary balconies as follows:

- Studio Apartments - 8sqm - no min depth
- 1 bedroom apartments - 16sqm - 3m min depth
- 2 bedroom apartments - 20sqm - 3m min depth
- 3+ bedroom apartments - 24sqm - 3m min depth

The minimum balcony depth to be counted as contributing to the balcony area is 3m.

For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m

Private open spaces of at least 70% of apartments in a building must receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on 22 June.

Private open space must:

- Not include drying facilities;
- **Not include** garbage storage areas.
- Be directly accessible from an indoor living area.

Controls for Communal Open Space

C32 Communal Open Space must be provided if the development has more than 8 dwellings.

C33 Communal open Space must be provided at a minimum rate of 5m<sup>2</sup> per dwelling.

C34 Communal open space must be designed to be meet criteria outlined in Chapter 8 - Landscaping. Communal Open Space must be attractive, practical, useable and located to:

- achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 22 June;
- provide appropriate shading in summer
- provide acoustic and visual privacy to nearby dwellings to apartments,
- provide functionality for residents and communal activities, and
- optimise its recreational value by avoiding siting near car access areas or ventilation duct outlets from basement carparks.

Chapter 5 – Kiama Development Control Plan 2012 – Medium Density Development

C35 Communal open space cannot include drying facilities or garbage storage areas.

**Section 8 - Ceiling Heights**

**Objectives**

- Ensure that developments are designed to facilitate excellent access to natural light.

**Controls**

C36 Developments should be designed to facilitate better access to natural light by:

- Incorporating ceiling heights which promote the use of taller windows, highlight windows and fan lights.
- Ensuring that ground floor units and units with deep floor plans exceed this minimum criteria - **Habitable room depths are limited to a maximum of 2.5 x the ceiling height.**
- Development must comply with the minimum finished floor level (FFL) to finished ceiling level (FCL)

|  |  |
|--|--|
| Residential dwellings in mixed use buildings | 3.3 metre minimum for ground floor to promote future flexibility of use  |
| Residential dwellings                        | 2.7 metre minimum for all habitable rooms on all floors<br>2.4 metres is the preferred minimum for all non-habitable rooms<br><b>For 2 storey apartments - 2.7m for main living floor area, 2.4m for second floor where its area does not exceed 50% of the apartment area</b> |

**Section 9 - Safety/Security Design Criteria**

**Objectives**

- Ensure that development contributes positively to the streetscape and community through safe and appropriate design.

**Controls**

C37 All development must provide for a safe legible and appropriate access for pedestrians and vehicles. **Design solutions may include:**

- **changes in surface materials.**
- **level changes.**
- **the use of landscaping for separation.**

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- C38 Development must be designed to create a clear transition between public and private space. **Design solutions may include:**
- terraces, balconies and courtyard apartments having direct street entry, where
  - appropriate.
  - changes in level between private terraces, front gardens and dwelling entries above
  - the street level provide surveillance and improve visual privacy for ground level
  - dwellings.
  - front fences and walls along street frontages should use visually permeable materials and treatments.
  - the height of solid fences or walls should be limited to 1m.
  - length of solid walls should be limited along street frontages.
  - opportunities for people to be concealed should be minimised.
- C39 Development must ensure habitable rooms provide clear views over the street, the building entries public or communal open spaces and car parking. **Design solutions may include:**
- bay windows.
  - corner windows.
  - Balconies.
- C40 Vehicle access points must not dominate the building facade. Car park access should be integrated with the building's overall facade. **Design solutions may include:**
- the materials and colour palette to minimise visibility from the street.
  - security doors or gates at entries that minimise voids in the façade.
  - where doors are not provided, the visible interior reflects the facade design and the
  - building services, pipes and ducts are concealed.
- C41 Development must ensure high level of privacy and safety for occupants of ground floor units. **Design solutions may include:**
- elevation of private gardens and terraces above the street level by 1-1.5m.
  - landscaping and private courtyards.
  - window sill heights that minimise sight lines into apartments.
  - integrating balustrades, safety bars or screens with the exterior design.

Chapter 5 – Kiama Development Control Plan 2012 – Medium Density Development

C42 Development must optimise the visibility, functionality and safety of buildings by:

- orienting entrances towards the public street where possible/practical.
- providing clear lines of sight between entrances, foyers and the street.
- providing direct entry to ground level apartments from the street rather than through a common foyer.
- providing direct and well-lit entrances, access between carparks and other common areas of the development.
- avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor carparks, along corridors and walkways.
- providing well-lit BCA requirement common areas and routes throughout the development.
- separating the residential component of a development's car parking from any other building use and controlling carpark access from public and common areas.
- providing direct access from carparks to apartment lobbies for residents.
- providing separate access for residents in buildings containing a neighbourhood shop.
- providing an audio or video intercom system at the entry or in the lobby for visitors to communicate with residents.

**Section 10 - Building Footprint**

**Objectives**

- To intensify development on site to ensure for appropriate landscaping is provided on site.
- To ensure that the building footprint (the area within the external walls of buildings but does not include external structures such as terraces, patios, balconies and the like) is sited to ensure all landscaping requirements set out in chapter are implemented on site.

**Controls**

C43 Site design must optimise the provision of consolidated deep soil zones within the site by:

- ensuring buildings and basement/sub-basement/surface car parking do not to fully cover the site allowing for 25% deep soil landscaping, in line with Chapter 8 Landscaping.
- using the front and rear boundary setbacks for deep soil zones/soft landscaping.
- locating deep soil zones/soft landscaping contiguous with the deep soil zones on adjacent properties.

**Section 11 - Facade**

Consideration should be given to the composition and detailing of the building facade to ensure that the building creates a positive relationship to its environment.

Chapter 5 – Kiama Development Control Plan 2012 – Medium Density Development

**Objectives**

- To ensure high architectural quality in medium density developments.
- To ensure that all medium density developments create a positive relationship to their site and their environment.
- To ensure that the facade of the development is designed to minimise the overall bulk of the building and adds positively to the architectural merit of the streetscape.

**Controls**

C44 All new development must incorporate facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. Design solutions may include but are not limited to:

- defining a base, middle and top related to the overall proportion of the building, expressing key lines in the context using cornices.
- utilising a change in materials or building setbacks.
- articulating building entries with awnings, porticos, recesses, blade walls and projecting bays.
- selecting balcony types which respond to the street context, building orientation and residential amenity.
- using a variety of window types to create a rhythm or express the building uses.
- a defined base, middle and top of buildings.
- Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.
- Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.

C45 All development must incorporate architectural features which give human scale to the design of the building at street level. Design solutions may include:

- entrance porches, awnings, colonnades, pergolas and the like.
- well composed horizontal and vertical elements
- variation in floor heights to enhance the human scale
- elements that are proportional and arranged in patterns
- public artwork or treatments to exterior blank walls
- grouping of floors or elements such as balconies and windows on taller buildings
- apartment layout should be expressed externally through facade features such as party walls and floor slabs.

C46 Corner sites should give visual prominence through design elements to define the corner.

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Chapter 5 – Kiama Development Control Plan 2012 – Medium Density Development

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C47 Development must integrate building services, such as drainage pipes, vent shafts, air conditioning and any security devices within the overall facade.

**Section 12 - Drying Areas**

**Controls**

C48 Drying areas must be provided at a rate of 5 lineal meters of line per unit.

C49 Drying areas should have a northerly aspect.

C50 Drying areas must not be visible from any public place.

C51 Drying areas cannot be located foreword of the building line.

**Section 13 - Letterboxes**

**Controls**

C52 Common letterboxes must be provided in accordance with Australia Posts requirements. Letterboxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.

**Section 14 – Aerials/Satellite Dishes**

**Controls**

C53 An aerial/satellite dish must be located at least 900mm from each lot boundary and in the rear of the development, and

C54 An aerials/satellite dish cannot be higher than 1.8m above the highest point of the roof if roof mounted.

**Section 15 - Bin Storage Facilities**

An appropriate Bin Storage facility will need to be provided within all medium density developments. The type and location of the bin storage facility will depend on a number of factors including number of units, number of bins etc.

**Controls**

C55 All requirements for the adequate and appropriate storage of bins outlined in Chapter 11 Waste Management will need to be met.

C56 The bin storage facility will be required to be shown on plans submitted as a part of the development application.

Chapter 5 – Kiama Development Control Plan 2012 – Medium Density Development

**Section 16 - Additional Controls for Developments Containing a Mix of Permissible Commercial Premises and Permissible Residential Accommodation**

These types of developments incorporate different land uses within the same building. In these instances the land uses are separated vertically. In addition to the other controls in this chapter these types of developments must also meet the following criteria

**Objectives**

- To support the integration of appropriate permissible commercial and residential uses with housing.
- To create more active lively streets and urban areas, which encourage pedestrian movement, service the needs of the residents and increase the area's employment base.
- To ensure that the design of mixed use developments maintains residential amenities and preserves compatibility between uses.

**Controls**

- C57 The mix of uses must be compatible and must complement and reinforce the character, economics and function of the local area.
- C58 Design must ensure that the end result provides flexible building layouts, which promote variable tenancies or uses. **A minimum ceiling height of 3.3m for ground floor is required to promote future flexibility of use.**
- C59 All developments containing a mix of uses must incorporate legible circulation systems, which ensure the safety of users by:
- isolating commercial service requirements, such as loading docks, from residential access.
  - locating clearly demarcated residential entries directly from the public street.
  - clearly distinguishing between the commercial and residential areas, entries.
  - providing security entries to all entrances into private areas, including carparks and any internal courtyards.
  - **concealment opportunities are avoided.**
- C60 Developments must demonstrate that they meet all BCA requirements Sound Transmission Class ratings for acoustic levels especially between the different land uses.

All shop top housing dwellings must meet the following threshold noise transmission standards as measured in the dwelling of 42 dB(A) for night and 55 dB(A) during the day time.



Chapter 5 – Kiama Development Control Plan 2012 – Medium Density Development

C61 All development containing permissible commercial land uses must front active uses to the street and avoid the use of blank walls at the ground level. **Design solutions may include:**

- development addresses the street.
- active frontages are provided.
- diverse activities and uses.
- live/work apartments on the ground floor level, rather than commercial.

C62 All developments mixed use developments must recognise the ownership/lease patterns and separating requirements for purposes of BCA for considerations.

**Section 17 - Additional Controls for Seniors Housing**

**Objectives**

- To ensure all developments catering for seniors meets the requirements of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

C63 Development must be provided in accordance with the provisions under of the SEPP (Housing for seniors and people with a disability) 2004 as amended from time to time and where relevant, the *Seniors Living Policy – Urban Design Guidelines for Infill Development*.

**9.3 Modification of Consent - No 2 Hothersal Street Kiama (10.2000.246.3)**

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 a modification of consent application to an originally approved eighteen (18) unit Residential Flat Building, approved by the Land and Environment Court on the 11/08/2003.

This development consent has physically commenced. The piers for Unit No. 4 & 5 were undertaken prior to the lapsing date (i.e. 11/08/2008).

A previous modification of consent application was approved on the 21/12/2012.

This report makes a recommendation to conditionally approve modification of consent application 10.2000.246.3.

**Finance**

N/A.

**Policy**

N/A.

**Reason for report**

The subject modification of consent application is referred to Council for determination because the application received over five (5) objections.

**Attachments**

- 1 10.2000.246.3 - site plan
- 2 10.2000.246.3 - original approved plans
- 3 10.2000.246.3 - proposed modified plans

**Enclosures**

Nil

***RECOMMENDATION***

That Council approve modification of consent application 10.2000.246.3, pursuant to section 96(AA) of the Environmental Planning and Assessment Act 1979, for the modification of the Residential Flat Building at Lot 100 DP 1219840, 2 Hothersal Street Kiama subject to the conditions within this report.

Report of the Director Environmental Services

9.3 Modification of Consent - No 2 Hothersal Street Kiama (10.2000.246.3)  
(cont)

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## BACKGROUND

The property is legally described as Lot 100 DP 1219840, 2 Hothersal Street Kiama. The zoning of the property is R3 Medium Density Residential pursuant to the Kiama Local Environmental Plan (LEP) 2011.

The property has an area of 2,964 m<sup>2</sup> and is irregular in shape.

The site is currently vacant, with part of the development physically commenced.

### Section 79C Assessment

The proposed modification of consent application has been assessed against the relevant provisions of section 79C of the *Environmental Planning and Assessment Act 1979*. The assessing officer is obligated to consider the proposed changes subject to the modification of consent application and not re-assess any matters which are not proposed for modification.

It is considered that the subject modification is substantially the same to the originally approved development.

The proposed changes include:

- Deletion of retaining wall on the south western boundary of the site, within the electricity easement.
- Proposed retaining wall to the edge of the existing easement inside the property.
- Deletion of the formerly approved 1.8 metre high masonry wall on the eastern boundary of the subject land to replace with pre-coloured metal fencing.
- Swapping of proposed car parking garage space No 14 with the storage area so as to allow the car parking space to be located alongside unit No. 4.
- The re-configuration of the proposed visitor spaces at the north eastern part of the site.
- Alteration to the garbage storage area including a re-configured garbage storage room. An elevation detail has been provided.
- Modification of landscaping design. A revised landscape plan has been provided.
- Minor alterations are proposed to ensure that the formerly approved roof area does not encroach on existing boundaries. The applicant has provided a site plan to demonstrate rectification of the non-encroachment.
- Minor alterations are proposed to the dwellings, internally and externally. Highlight windows are proposed on the eastern elevation of the buildings to allow extra light into living spaces. This will result in an overall height increase to the building of 10cm.
- Minor internal alterations are proposed to the floor area to the west of building B.

## Report of the Director Environmental Services

9.3 Modification of Consent - No 2 Hothersal Street Kiama (10.2000.246.3)  
(cont)

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- The deletion of condition No 5 under heading 'General' of the original development consent so as to allow some units to exceed the floor area of 90m<sup>2</sup>.
  - The originally approved development conditioned specific design elements to be incorporated into the driveway design, particularly with regards to the pavement, i.e. condition No. 3 under heading 'Parking and Vehicular access', requiring paving other than plain concrete or asphaltic concrete within all areas of manoeuvring, access and car parking. It is requested that the existing pavement (i.e. asphaltic concrete) remain within the right of way access. Limited amounts of stamped asphaltic pavement are proposed within the development site.

The driveway access component of the originally approved development incorporated conditions from an approval issued by the Department of Land and Water Conservation. Confirmation has been received from the now NSW Department of Primary Industries - Water that the proposed modifications will not require further input.

The proposed modifications will be considered in more detail below:

**Retaining Wall**

The applicant has sought the deletion of the retaining wall within the existing easement and relocation to within the private property.

No objection is raised to this proposal however, insufficient detail has been provided by the applicant to enable a full assessment and approval with this modification.

If council grant consent to the modification of consent application, it is recommended that a condition be imposed, requiring that a separate development application is made for the re-located retaining walls.

**Deletion of Masonry wall**

The formerly approved masonry wall to a height of 1.8 metres on the eastern boundary of the subject land is proposed to be deleted and replaced with 1.8 metre high pre-coloured metal fencing. The proposed fencing aims to ensure a homogenous colour scheme for fencing for the subject development. No objections are raised to this modification.

Fencing is also proposed along the edge of the electricity easement within the development site. This will create a gap with the existing fencing to the rear of properties fronting Hothersal Street. The electricity easement is predominantly at a higher level than the existing land to the west and will be landscaped with species that have a maturity height of between 600mm to 1 metre. This is considered to be satisfactory.

There is no objection to the proposed solid fencing within the development site.

**Relocation of car parking, garbage room and storage area**

The proposed relocation of the above elements of the development will have non detrimental environmental impacts. The car parking numbers required originally will not change in this modification. The proposed covered car parking spaces are

Report of the Director Environmental Services

9.3 Modification of Consent - No 2 Hothersal Street Kiama (10.2000.246.3)  
(cont)

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considered appropriate and the modifications to the garbage storage area, store room and car parking space are considered appropriate.

### **Landscaping**

A landscape plan has been submitted which incorporates changes to the originally approved landscape design. This proposed landscaping will be located within the bounds of the subject land and therefore maintenance requirements will be borne by the land owner of the subject development.

The proposed landscaping adjacent to the eastern boundary towards the northern portion of the site to a distance of approximately 50 metres incorporates limited landscaping compared to what was originally approved. This is considered insufficient considering the scale of the development. The proposal was discussed with Council's Landscape Officer. If consent is granted to the modification of consent application, it is recommended that the landscaped area as highlighted in yellow on the landscape plan incorporates screen plantings to a width of at least 1 metre wide and to 3 metres maturity height, in lieu of the landscaping proposed.

Council's Landscape Officer has no other objection to the proposed landscaping although has concern regarding future excavation activity required to facilitate the proposal, and possible disturbance on existing trees. If consent is granted to the modification of consent application, it is recommended that a condition is placed in the consent to ensure that works carried out in association with the proposed development, e.g. excavations associated with the installation of services, do not impact on existing trees. This will require the proponent to consider this potential impact prior to the commencement of development.

### **Roof area**

Minor changes are proposed to the roof area to rectify minor boundary encroachments from eaves. This is acceptable.

### **Internal/External configurations to the residential flat building**

Proposed are minor internal configurations to the building. There will be a slight increase to the Floor Space Ratio (FSR) however the proposed development will not exceed the maximum prescribed FSR of 0.7:1.

No changes are proposed to the siting of the buildings and therefore setbacks will remain as approved.

External changes include the addition of glazing to the eastern elevations (i.e. highlight windows to upper floor residences), and to the west elevations as referred to above.

There are also minor alterations to the north and south elevations. The objections received did not raise any concerns regarding this part of the proposal.

All proposed internal and external configurations are considered acceptable.

### **Deletion of condition**

Requested is the deletion of Condition No 5 under heading 'General' which limits the floor area of each dwelling to 90m<sup>2</sup>. This was prescribed under a former Development Control Plan. The proposed modification will result in a floor area

## Report of the Director Environmental Services

9.3 Modification of Consent - No 2 Hothersal Street Kiama (10.2000.246.3)  
(cont)

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increase to four of the dwellings, to over 90m<sup>2</sup>. The additional floor area is not considered to have additional environmental impacts and the deletion of the condition is supported.

As four of the proposed dwellings will increase in size and will be over 90m<sup>2</sup>, the development proponent will be required to pay additional developer contributions under section 94 of the *Environmental Planning and Assessment Act 1979*. If Council grant consent to the modification of consent application, a condition is recommend to require additional developer contributions.

**Driveway/access**

Part of the original development approval imposed conditions regarding pavement treatments to the proposed access, over the existing right of way from the entry/exit point to the subject site. Specifically the requirement to use pavement material other than plain concrete or asphaltic concrete was enforced.

The proposed modification now proposes to allow the access to be paved with plain or asphaltic concrete. This proposal is contrary to the provisions contained within the Kiama Development Control Plan (DCP) 2012 Chapter 9- Car Parking. This Chapter requires that for Medium Density Residential Development, the requirement is that the pavement for access is either exposed aggregate, paving bricks or coloured/patterned concrete.

The proposed modification includes plain asphalt and stamped asphalt paving to the access and car parking area. The entrance to the development over the existing right of way from Hothersal Street is entirely plain asphalt, including the proposed pedestrian access. Limited parts of the site internally propose stamped asphalt.

The development site does not have a principal street frontage, as it is located at the rear of existing residential development fronting Hothersal Street. The visual impact of the development regarding the access becomes less critical than if the development fronted a street or road. However in such circumstances the need to address social impacts becomes more critical as the development site is concealed from public view. It is considered necessary in the circumstances of this proposal that the development incorporates measures to alleviate social impacts and promote ownership of the site.

It is considered that the proposed plain asphalt pavement along the entire access and pedestrian pathway within the right of way is not appropriate. Incorporating limited amounts of stamped asphalt within the site in what is predominantly plain asphalt would not be sufficient and would not achieve an acceptable social impact.

The applicant has not substantiated the reasons for this request in the application and there are no circumstances that warrant the deletion of this condition. Alternative paving treatments incorporating colour schemes are necessary in order to define the development and the bounds of the site, and to reinforce the presence and bounds of the development in its location. A large majority of the access is not within the bounds of the development site (i.e. right of way) although this access is predominantly for the purposes of servicing the proposed development. Therefore it is appropriate for that portion of the access within the right of way that is between the entry/exit point shown on the plans and the development site, is paved in

## Report of the Director Environmental Services

9.3 Modification of Consent - No 2 Hothersal Street Kiama (10.2000.246.3)  
(cont)

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accordance with the original condition of consent as referenced above. This will provide an appropriate level of definition to the development site.

The pedestrian path from Hothersal Street to the development site was originally approved with paving to match that utilised within the development site. The proposed plans show this path as asphaltic concrete. If consent is granted to the modification of consent, it is recommended that the paved pathway treatment is retained. This is required in order to promote pedestrian safety and define the access as one which is shared and utilised by pedestrians that occupy the future residential flat building.

**Submissions**

Under section 96AA of the Environmental Planning and Assessment Act 1979, all persons who lodged submissions to the original Development Application 10.2000.246.1 were notified of the subject modification of consent application. All property owners directly adjoining the development site were also notified.

The application was notified on two separate occasions. The original notification period attracted 7 submissions. The second notification period attracted 6 submissions.

The reason for the second notification was because the applicant had not made clear, in the initial proposal, that the masonry wall deletion was included for consideration. The masonry wall was located along the eastern boundary of the land which affected adjoining property occupiers.

Many submissions raise matters regarding the original Development Application which was approved by the Land and Environment Court. Such submissions cannot be further considered because they are not relevant to what the modification of consent application seeks approval for.

The submissions are discussed in more detail below.

- Concerns regarding easement stabilisation, maintenance concerns & damage to private property

Various objectors, particularly those who own property adjoining the subject land where the land adjoins the existing electricity easement, have raised concerns regarding previous maintenance of the easement, and damage that has allegedly occurred to boundary fences and retaining walls. There is also concern that the alleged disturbance within the easement has resulted in land destabilisation within the objector's properties. Concern is also raised with regard to the future construction work damaging adjoining property.

These matters have no bearing on Council's consideration of the application. There are responsibilities the developer must take in to consideration when developing sites and this includes ensuring that no damage is caused to adjacent built development as a result of the proposed development. Easement maintenance is likely undertaken by Endeavour Energy or their appointed agents and property owners are directed to consult with them should further concerns of this nature arise.

- Lapsing of consent

Report of the Director Environmental Services

9.3 Modification of Consent - No 2 Hothersal Street Kiama (10.2000.246.3)  
(cont)

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There is concern by objectors that the original development consent has lapsed. As acknowledged earlier in this report, Council has been provided with information by the Principal Certifying Authority that confirms that the development has physically commenced and therefore has not lapsed.

- Height of development

Objectors were concerned that the overall height of the development was going to change in this modification of consent proposal. The proposed development will result in an overall height increase of 10cm which will result in negligible increased environmental impacts. The development does not breach the maximum height of 8.5 metres.

- Potential access through 9 Hothersal Street

The proposed development as originally approved, proposes access from the end of Hothersal Street to the site via a right of carriageway. The subject modification of consent application does not change this arrangement. If the development proponent alters the proposed access arrangement this will be subject to a future development application.

- Proposed Fencing to replace originally approved masonry wall

The objectors that the assessing officer had the opportunity to speak to did not object to the removal of the masonry wall previously approved along the eastern boundary of the subject land. There were concerns however, raised regarding how the fencing was to be erected. Some objectors did not desire to have their fencing removed and replaced. All properties adjoining the subject development already have fencing in existence.

The assessing officer considers the matter regarding new fencing is a two party discussion and a civil matter between the property owners subject of the common boundary.

- Proposed fencing location on edge of electricity easement

Concern was raised regarding the proposed 1.8 metre high fencing on the edge of the electricity easement within the development site. This fencing creates a gap between it and existing fencing to the rear of properties fronting Hothersal Street.

The opportunity for anti-social behaviour will be unlikely considering the subject land is surrounded by existing residential development and has limited access. From a safer by design/social impact perspective, the location of the subject land offers good access control in that limited access is available to the subject land. Properties that are located immediately adjacent to the area of concern contain fencing at the rear boundary and this offers a good level of territorial reinforcement. The electricity easement itself is located on the part of the subject land which is predominantly at a higher level than the rest of the land. This area is proposed to be predominantly landscaped. It is considered that adverse social impacts will be alleviated.

- Landscaping

Concern is raised regarding the level of landscaping proposed relative to the originally approved landscape plan. It is noted that the originally approved landscape



Report of the Director Environmental Services

9.3 Modification of Consent - No 2 Hothersal Street Kiama (10.2000.246.3)  
(cont)

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plan contained significantly greater landscaping provision, particularly along the easternmost boundary of the land, than the current proposed landscape plan. Concern was raised that the proposed landscape provision will result in reduced screening to the existing rear portions of the existing residential development fronting Hothersal Street.

It is not considered unreasonable to maintain landscaping requirements to the easternmost boundary by incorporating some screen plantings to the eastern boundary. Refer to recommendations made earlier in this report.

- Overshadowing

Concern was raised with regard to additional overshadowing impacts as a result of the proposed development. Considering the negligible height increase in the proposed modification, it is considered that additional overshadowing impacts will be negligible.

- Electricity supply authority concerns

The electricity supply authority have provided advice matters regarding the close proximity of easements and infrastructure to the proposed development. The advice applies to the development as a whole. Upon determination of the application the advice will be forwarded to the applicant for their consideration.

### **Final Comments and conclusions**

The proposal has been assessed having regard to all relevant matters for consideration prescribed by section 96AA of the *Environmental Planning and Assessment Act 1979*. The proposed development is substantially the same as the previously approved development and is not inconsistent with the Kiama LEP 2011 and relevant Development Control Plan. The proposed modifications are not inconsistent with the objectives of the R3 Medium Density Residential zone.

Consideration has been given to the social, economic and environmental impacts of the modified proposal which have been adequately addressed.

All submissions lodged have been duly considered.

The proposed modifications are not contrary to the public interest.

The proposed modifications are therefore considered reasonable and conditional approval is recommended.

### **Draft conditions of development consent**

The application has been determined by Council modifying Development Consent No 10.2000.246 by:

1. Approving modified drawing number 10.2000.246.3 dated
2. Deleting condition No 5 under heading 'General' from the consent as the modified plans no longer require its imposition.
3. Modifying condition No 7 under heading 'General' to read:

The developer shall provide a traffic calming device, in the form of a raised platform which should be incorporated into the existing accessway located

## Report of the Director Environmental Services

9.3 Modification of Consent - No 2 Hothersal Street Kiama (10.2000.246.3)  
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- within the right of way. The raised platform shall be located between the intersection with Hothersal Street and the proposed entry/exit point, as indicated on Landscape Plan No. 1674-LD01B. The proposed raised platform shall comply with the requirements of the Standards Australia Publication AS 1742.13 Manual of Uniform Traffic Control Devices Part 13: Local Area Traffic Management and the design requirements of Kiama Development Control Plan No 32- Kiama Subdivision Code.
4. Modifying condition No 8 under heading 'General' to read:
- The developer shall provide a clearly identified 1.0 metre wide pedestrian pathway to be located on the south-eastern side of the existing right of way traffic calming device, in the form of a raised platform which should be incorporated into the existing right of carriageway as shown on Landscape Plan No 1674-LD01B. The proposed pathway shall be constructed from the Hothersal Street intersection to the proposed access driveway serving the development. The proposed pedestrian pathway shall incorporate permeable paving to a colour scheme that will match the colour scheme/theme of the access pavement from the entry/exit point to the development site.
5. Adding condition No 9 under heading 'General':
- Any proposed retaining walls are not approved in this modification of consent application. A separate development application shall be submitted to and approved by Council for all retaining walls.
6. Adding condition No 10 under heading 'General':
- Proposed air conditioning units are not approved under this modification of consent. Air conditioning units shall comply with exempt provisions under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* otherwise Council's further development consent will be required.
7. Adding condition No 11 under heading 'General' to read:
- The modification of consent application is subject to additional developer contributions because of additional unit area over 90m<sup>2</sup> for four of the dwellings. The developer contributions are required under section 94 of the *Environmental Planning and Assessment Act 1979*, and Council's section 94 Contributions Plan Nos 1 & 2. An additional \$5,757 shall be paid to Council prior to the issuing of the modified construction certificate.
8. Adding condition No 7 under heading 'Landscaping':
- The landscape area as highlighted in yellow on the approved landscape plan shall incorporate dense screen planting of suitable shrubs with a minimum 3 metres mature height located adjacent to the boundary in a mulched landscape strip 1 metre wide (minimum) in lieu of the proposed frangipani trees.
9. Adding condition No 8 under heading 'Landscaping':
- Prior to any excavations or works being undertaken on the development site that are not indicated on the approved plans (including excavations for the purposes of installing footings, floor slabs and water, sewerage, power, stormwater drainage and telecommunications service lines) that may affect the

## Report of the Director Environmental Services

9.3 Modification of Consent - No 2 Hothersal Street Kiama (10.2000.246.3)  
(cont)

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long term structural integrity and root zone of any tree/s located on the development site or any adjoining properties, the person having benefit of the development consent shall:

- a) Obtain an Arborist Assessment Report (prepared by a qualified level five arborist) that takes into consideration matters as outlined in:
  - i. AS 4970-2009 Protection of Trees on development sites, including but not limited to the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of tree/s, and
  - ii. AS 4373-2007 Pruning of amenity trees, including but not limited to the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ), and
  - iii. Kiama Development Control Plan (DCP) 2012 Chapter 3 – Preservation & Management of Trees & Vegetation.

A Tree Management Application shall be made to Council and a permit obtained before any work is carried out.

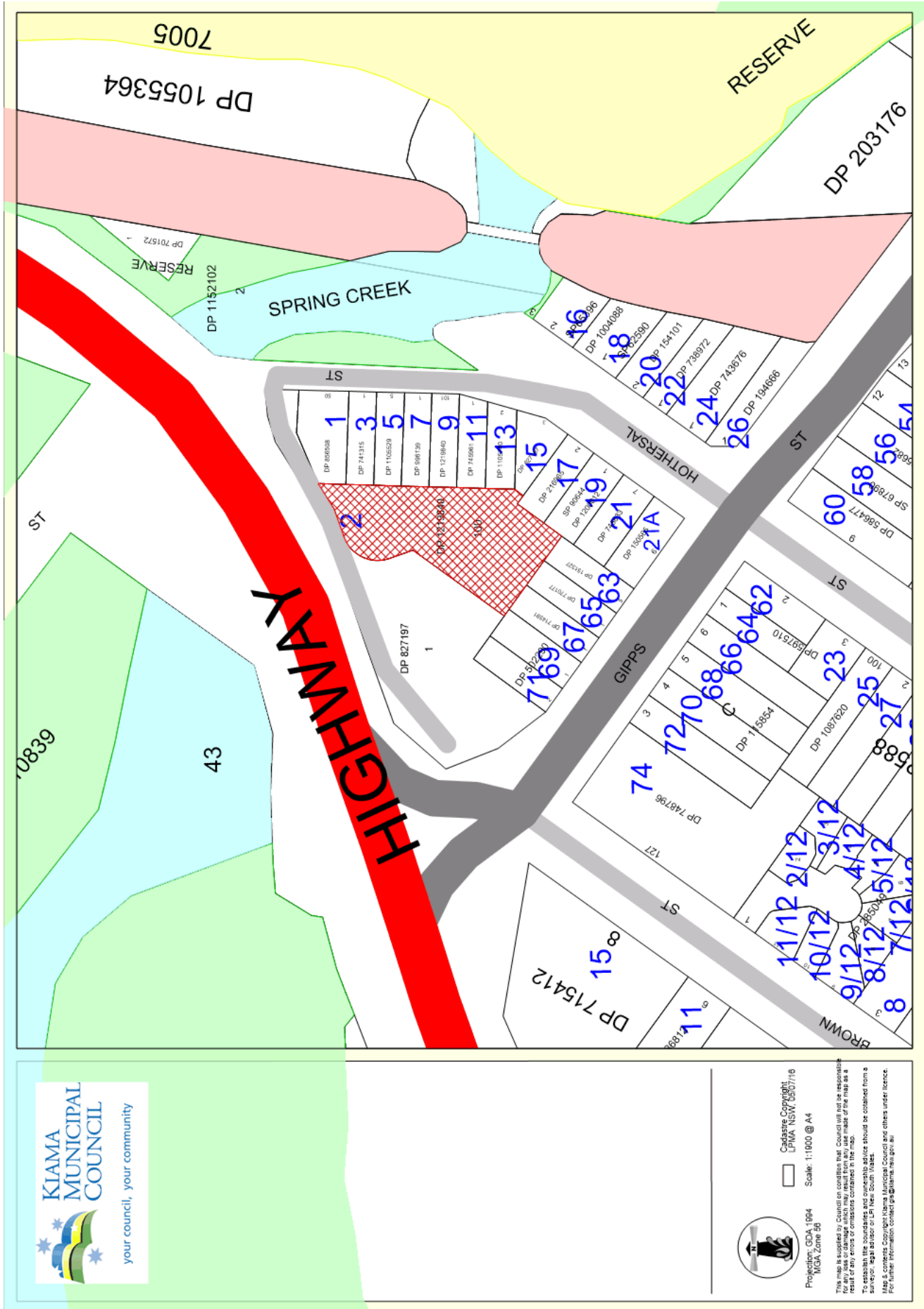
## 10. Adding condition No 9 under heading 'Landscaping':

Any proposed stormwater pipes or services shall be located a minimum of 3 metres from the boundary fence of the rear yards of properties fronting Hothersal Street so as not to adversely affect the roots of the trees and palms in the adjacent properties.

## 11. Adding condition No 10 under heading 'Landscaping':

During construction of the proposed footpath behind 1 Hothersal Street, should any tree roots greater than 50mm diameter require severing then a qualified arborist shall inspect the work and work is to proceed only following the arborist's instruction as to the undertaking of any work required to preserve the health of the trees.

All other conditions contained within Council's determination notice dated 11/08/2003 remain unaltered.



SECTION 96 DOCUMENTATION

For

CORNARTHU PTY LTD

At

LOT 2 DP 827197 HOTHERSAL STREET  
KIAMA, NSW

| DRAWING SCHEDULE |                             | SCALE @ A1 |
|------------------|-----------------------------|------------|
| No.              | DRAWING TITLE               |            |
| ARCHITECTURAL    |                             |            |
| A-05             | COVER SHEET / LOCATION PLAN | N.T.S.     |
| A-01             | SITE PLAN                   | 1:400      |
| A-02             | BLOCK A FLOOR PLANS         | 1:200      |
| A-03             | BLOCK B FLOOR PLANS         | 1:200      |
| A-04             | BLOCK A ELEVATIONS          | 1:200      |
| A-05             | BLOCK B ELEVATIONS          | 1:200      |
| A-06             | SECTION A-A                 | 1:200      |



**SYDNEY WATER** AMN 44 776 205 000  
APPROVAL REQUIRED  
ALL BUILDING WORK AND PLUMBING FITS ARE TO BE  
PAID WHEN BIDDING AND ARE GUARANTEED FOR  
APPROVAL. AT LEAST 14 DAYS PRIOR TO  
COMMENCEMENT OF WORK.

FURTHER ENQUIRIES MAY BE MADE BY CONTACTING  
RODNEY BARTON ON 136 000

KIAMA MUNICIPAL COUNCIL  
Environmental Planning & Assessment Act 1999  
MODIFIED DEVELOPMENT CONSENT  
No 10.2000.246.3 Date: 21/12/12  
These plans are subject to 15 minutes' open  
public notice. A copy of the consent is available  
for inspection at the Council's office during  
business hours.  
COUNCIL MEMBER

NOT FOR CONSTRUCTION

COUNCIL COPY



adm  
SALS AT KAPPA  
CONSISTING OF 18 SHEETS  
AND INDEXING FOR 12 CDS

LOT 1 DP 827197  
HOTHERSAL STREET  
KIAMA  
For  
CORNARTHU PTY LTD

SECTION 96 DOCUMENTATION  
COVER SHEET / LOCATION PLAN

Date: 21/12/12  
Drawn: J. HARRIS  
Checked: J. HARRIS  
Date: 21/12/12  
Project No: 10.2000.246.3  
Sheet No: A



NOT FOR CONSTRUCTION

| NO. | DATE | DESCRIPTION             |
|-----|------|-------------------------|
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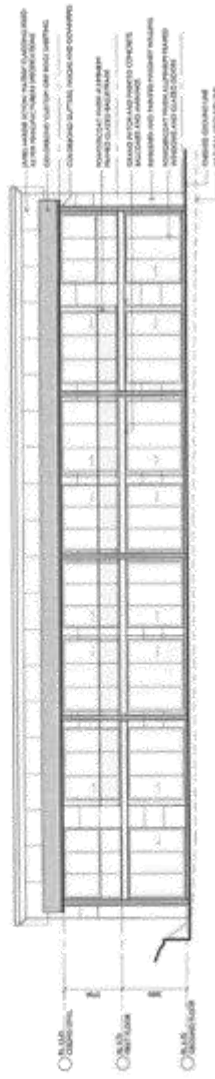


Project: SALES AT KIAMA  
 CONSULTING DP 18 UNITS  
 AND PARKING FOR 23 CARS

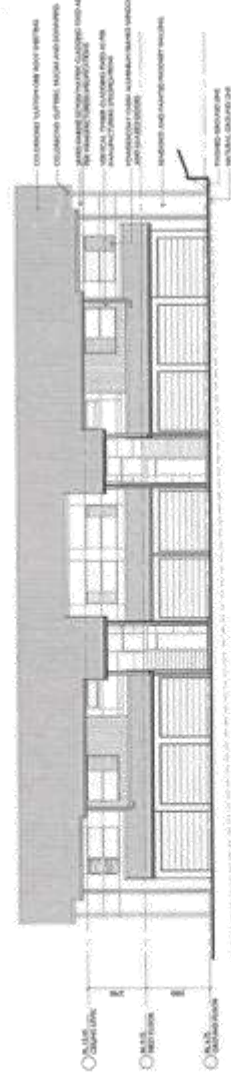
Lot: LOT 17 DP 871177  
 1/100 HOTHERSAL STREET  
 KIAMA

Client: CORNHARTU PTY LTD

Project No: 10.2000.246.3  
 Date: 10/10/2000

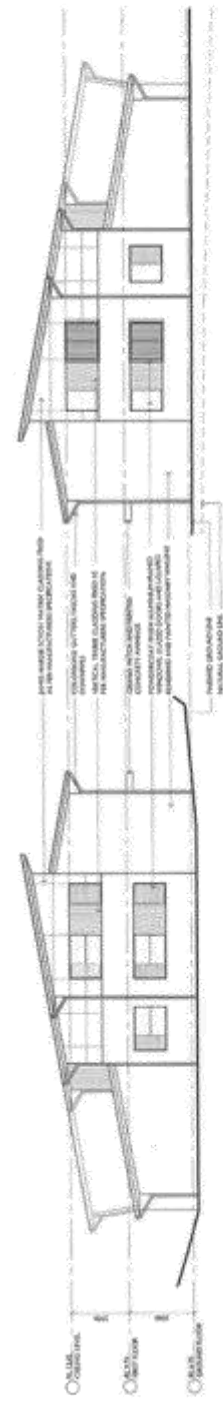


EAST ELEVATION



WEST ELEVATION

KIAMA MUNICIPAL COUNCIL  
 Development Planning Department  
 Approved Development Consent  
 10/10/2000. No. 246.3  
 These plans are referred to in clause 11 of the Council's Development Consent  
 10/10/2000. No. 246.3  
 Plans are valid for a period of 12 months from the date of issue.  
 If you are intending to carry out any work under this consent, please contact the Council's Development Planning Department for more information.



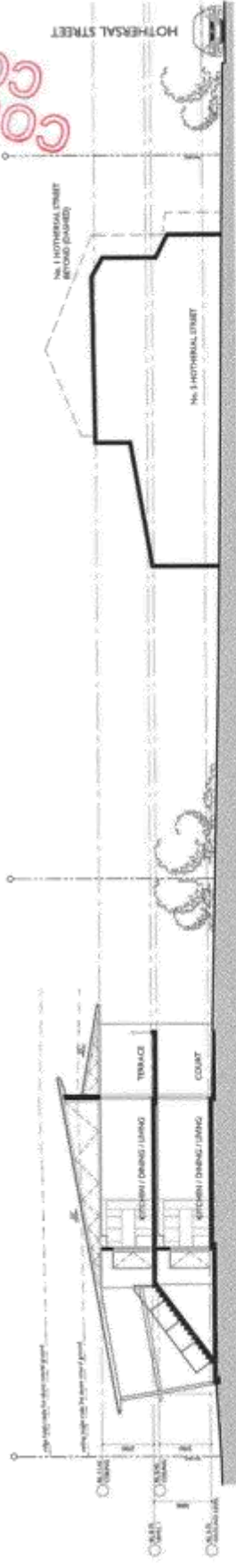
NORTH ELEVATION

SOUTH ELEVATION  
 BLOCK A

NOT FOR CONSTRUCTION

| NO. | DATE | OCCUPATION |
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COUNCIL COPY



SECTION A-A



**SHIRAZ MUNICIPAL COUNCIL**  
 Development Services & Environment Act 1985  
 APPROVED DEVELOPMENT CONSENT  
 No. 10.2000.246.3  
 These plans are prepared in accordance with the consent  
 issued by the Council. A consent holder is required to  
 pay to the Council a fee of \$1000.00 for the  
 submission of these plans.

LOT 2 OF 1871 BY  
 HOTHERSAL STREET  
 KIAMA  
 CORNARTHU PTY LTD

SECTION IN DOCUMENTATION  
 SECTION A-A

| NO. | DATE       | OCCUPATION |
|-----|------------|------------|
| 1   | 10/10/2000 | APPROVED   |

Project No: 246.3  
 Drawing No: A-A



NOT FOR CONSTRUCTION

COUNCIL  
 COPY

adm ARCHITECTS

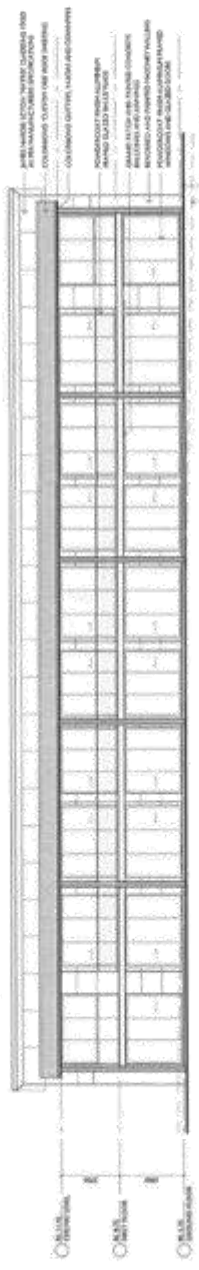
SALES AT KIAMA  
 CONSISTING OF 18 LOTS  
 AND PARKING FOR 13 CARS

LOT 12 DEPOT/STAFF  
 1/100 BAY AT  
 HOTHERSAL STREET  
 KIAMA  
 NSW

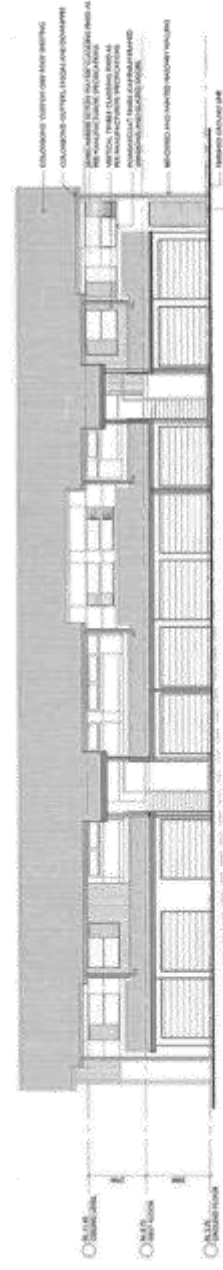
CORNARTHU PTY LTD

THE KIAMA RECOGNITION  
 BLOCK B ELEVATIONS

Date: 10/26/2016 11:58 AM  
 1:00 PM AT 10/26/2016  
 Drawing No: 10000-246-3-01  
 Client: ADM  
 Project No: 10000-246-3-01  
 Drawing Title: BLOCK B ELEVATIONS



EAST ELEVATION



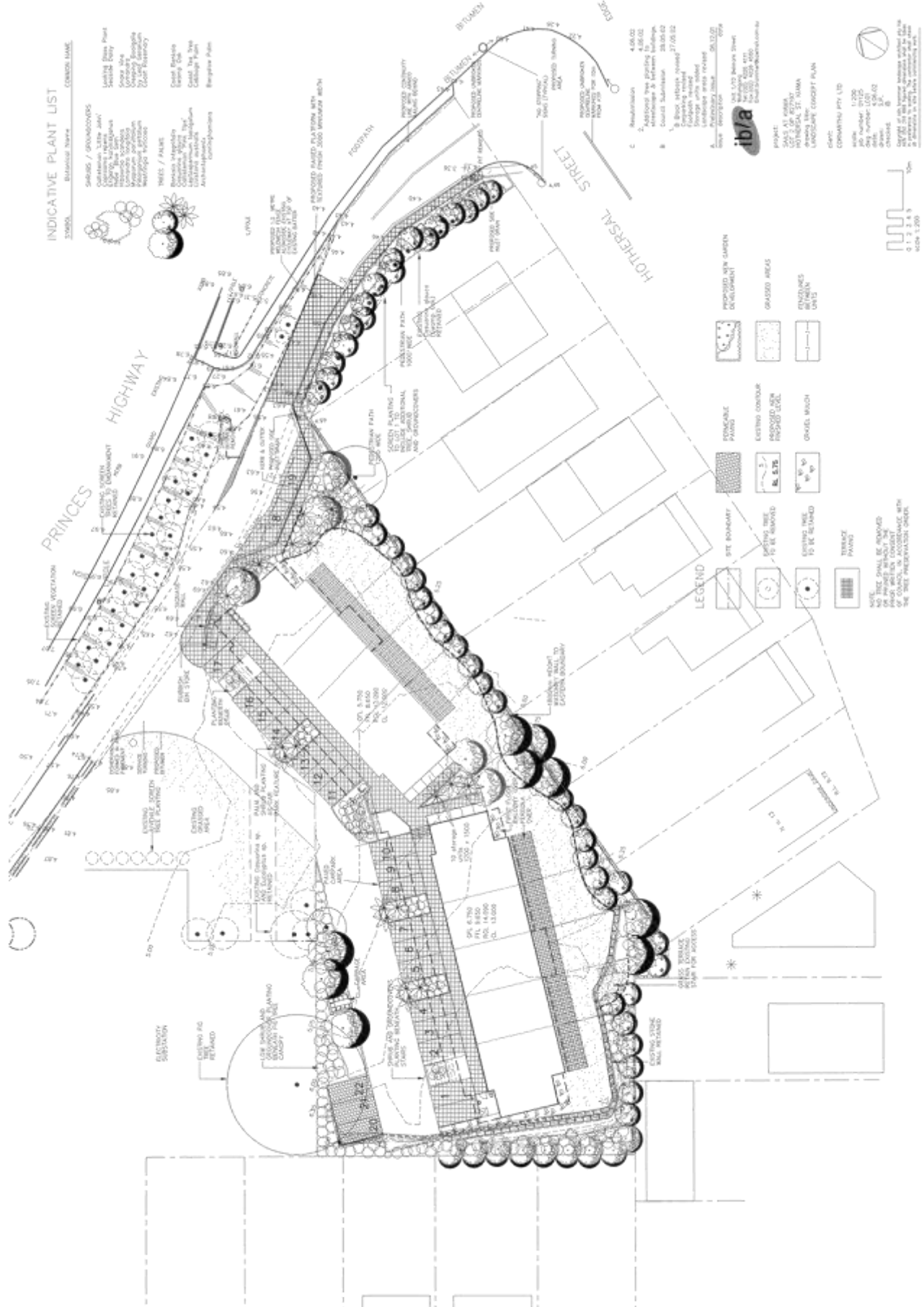
WEST ELEVATION

KIAMA MUNICIPAL COUNCIL  
 Development Planning & Assessment Unit  
 100/102 BRIDGEWAY QUENBY  
 Phone: 02 6468 2476 Fax: 02 6468 2477  
 Email: info@kiama.nsw.gov.au  
 Website: www.kiama.nsw.gov.au



SOUTH ELEVATION  
 BLOCK B

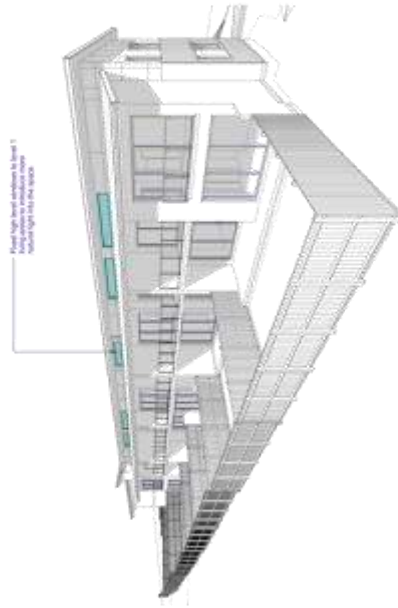
NORTH ELEVATION



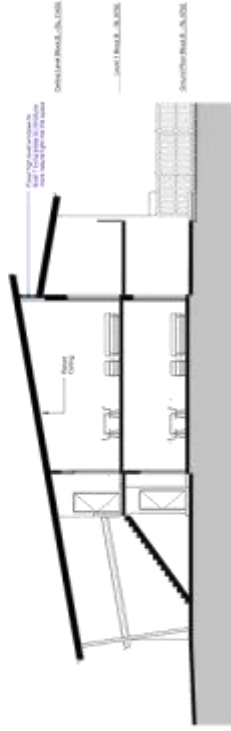
Attachment 2  
 Item 9.3







2 Perspective View



1 Section 1  
 1:100

300 Annotations

- General Annotations
- Vertical Annotations
- Wall Annotations

Sails at Kiama

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| DATE     | REVISION |
| 10/10/20 | 1        |
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Section 1 & Perspective View

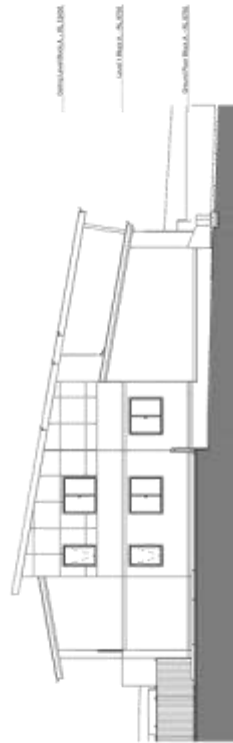
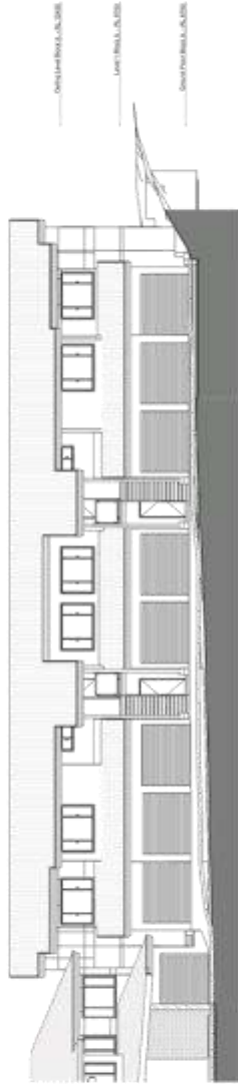
NOT For Construction

S56

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**NORDON · JAGO**  
 ARCHITECTS

100/100 HOTHERSAL STREET, KIAMA NSW 2586  
 PH: (02) 4422 1111 FAX: (02) 4422 1112  
 WWW.NORDONJAGO.COM.AU



Sails at Kiama

|       |          |
|-------|----------|
| AREA  | QUANTITY |
| 1000  | 200.000  |
| 2000  | 400.000  |
| 3000  | 600.000  |
| 4000  | 800.000  |
| 5000  | 1000.000 |
| TOTAL | 3000.000 |

Block A - West & North Elevations

NOT For Construction

|    |                         |            |
|----|-------------------------|------------|
| NO | DESCRIPTION             | DATE       |
| 1  | ISSUED FOR CONSTRUCTION | 10/10/2020 |
| 2  | REVISED                 | 10/10/2020 |
| 3  | REVISED                 | 10/10/2020 |
| 4  | REVISED                 | 10/10/2020 |
| 5  | REVISED                 | 10/10/2020 |
| 6  | REVISED                 | 10/10/2020 |
| 7  | REVISED                 | 10/10/2020 |
| 8  | REVISED                 | 10/10/2020 |
| 9  | REVISED                 | 10/10/2020 |
| 10 | REVISED                 | 10/10/2020 |

**NORDON · JAGO**  
 ARCHITECTS  
 10/10/2020





Scale at Kiama

|      |          |
|------|----------|
| DATE | SCALE    |
| 2024 | AS SHOWN |
| DATE | SCALE    |
| 2024 | AS SHOWN |
| DATE | SCALE    |
| 2024 | AS SHOWN |

DATE: 15/06/2024  
SCALE: AS SHOWN  
TOTAL: \$96,000 B

Block B - West & North Elevations

NOT For Construction

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| NO. | REVISION          |
| 1   | ISSUED FOR PERMIT |
| 2   | ISSUED FOR PERMIT |
| 3   | ISSUED FOR PERMIT |
| 4   | ISSUED FOR PERMIT |
| 5   | ISSUED FOR PERMIT |

**NORDON · JAGO**  
ARCHITECTS

11/11/2024 11:00 AM  
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**9.4 Lot 25 SP 89199, 25/25 Noble Street, Gerringong - proposed variation to existing operating hours (10.2016.109.1)**

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

**Summary**

This report reviews the development application seeking consent for the extension of the operating hours of a café. It is proposed that the café have the potential to operate from 6.30am to 10.30pm, 7 days a week.

Six (6) submissions were received objecting to the proposed development.

The report recommends conditional approval of the application, with alternative operating hours recommended to those proposed.

**Finance**

N/A

**Policy**

N/A

**Reason for the Report**

The development application is reported to Council as 6 submissions have been received following notification of the proposal.

**Attachments**

1 10.2016.109.1 - site plan

**Enclosures**

Nil

***RECOMMENDATION***

That Council approve development application 10. 2016.109.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

**BACKGROUND**

**Owner/Applicant:** Mr R M & Mrs C M Warfield

**Site Zoning:** B2 Town Centre

**Development Site**

The property is described as Lot 25 SP 89199 which is located at 25/25 Noble Street Gerringong.

Report of the Director Environmental Services

9.4 Lot 25 SP 89199, 25/25 Noble Street, Gerringong - proposed variation to existing operating hours (10.2016.109.1) (cont)

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The overall site measures 146m<sup>2</sup> in size (with 104m<sup>2</sup> commercial floor area) and is rectangular in shape. The strata lot currently contains a café (Blue Goose Café).

The site is zoned B2 Local Centre pursuant to Kiama Local Environmental Plan (LEP) 2011.

Pedestrian access to the café is obtained directly from Noble Street or from the basement car park within the mixed use development.

### Background

On 2 May 2016 a Complying Development Certificate (CDC) was issued by Building Certification Associates Pty Ltd, in relation to the subject strata lot, for the "*Provision of mechanical exhaust fan and use as a restaurant*".

The CDC has since been acted upon and a café currently operates from the subject lot.

The current operating hours are:

- 7.00am to 7.00pm, Monday to Saturday and
- 9.00am to 6.00pm Sundays and Public Holidays.

### Description of the Proposed Development

This development application seeks consent for variation to the existing operating hours.

It is proposed that the café have the potential to operate from 6.30am to 10.30pm, 7 days a week. In this respect the applicant states that "*For the most part the Sunday through Thursday will not include nights and trading hours will remain similar to the current hours, however, should a function be requested on these days we do not want to be limited to Friday and Saturday nights only.*"

### 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 SEPP71 and the matters prescribed by Clause 8. The proposed development is considered to be consistent with the objectives of the SEPP.

- Illawarra Regional Environmental Plan No 1 (IREP1)

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

- Kiama Local Environmental Plan 2011

The subject land is zoned B2 Local Centre pursuant to Kiama LEP 2011. The objectives of the zone are:

## Report of the Director Environmental Services

## 9.4 Lot 25 SP 89199, 25/25 Noble Street, Gerringong - proposed variation to existing operating hours (10.2016.109.1) (cont)

- 
- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
  - *To encourage employment opportunities in accessible locations.*
  - *To maximise public transport patronage and encourage walking and cycling.*

The existing cafe is permitted with consent in the zone and is considered to be consistent with the zone objectives. It is considered that the proposed extension of operating hours will not undermine the zone objectives.

As is evident from the zone objectives and the LEP Land Use Table, the B2 zone is a commercial zone principally for commercial uses. With the specific exception of 'shop top housing', 'residential accommodation' is prohibited within the zone. Amongst the rationale for this is that commercial uses, activities and operations (for which the zone principally accommodates) are often not conducive to or harmonious with residential use. Land use conflict can arise as a result.

In terms of the provisions within the LEP, there are no specific clauses requiring consideration in relation to the proposed variation to the café operating hours.

**Any draft Environmental Planning Instruments**

Nil.

**Development Control Plans (DCPs)**

- DCP 2012

There are no specific Chapters or controls within Kiama DCP 2012 that are applicable to the proposed development.

**Any Planning Agreement**

Nil

**Any Matters Prescribed by the Regulations**

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

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

**Any Coastal Zone Management Plan**

Nil

**The Likely Impacts of the Proposed Development**

- Streetscape

The proposed extension of operating hours has no bearing on the streetscape.

- Noise

This is discussed below under 'Public Submissions'.

## Report of the Director Environmental Services

## 9.4 Lot 25 SP 89199, 25/25 Noble Street, Gerringong - proposed variation to existing operating hours (10.2016.109.1) (cont)

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- Privacy and Overlooking

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

- Overshadowing

N/A

- Views

N/A

- Vehicular Access, Parking and Manoeuvring

The proposed development has no implications in terms of on-site car parking and manoeuvring.

- Stormwater Management

N/A

- Environmental Impacts

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

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

- Social and Economic Impacts

The proposed development will likely have minimal adverse social or economic impacts. Extension of the café operating hours will likely contribute to the evening/night-time use and vitality of the Gerringong Town Centre, which is a positive for the area.

The amenity impacts of the proposed development have been considered in detail and the concerns raised in submissions, whilst not warranting refusal of the application, are considered to warrant scaling back of the proposed operating hours, as has been recommended.

- The Suitability of the Site for the Development

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

## Submissions

### Public Submissions

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

Item 1:- Noise from café operations are interfering with the residential amenity within the mixed use complex.

Response:- The subject development at 25 Noble Street is a '*mixed used development*', incorporating both retail/business and shop top housing. Whilst shop top housing is permissible within the B2 zone, the occupants of shop top housing live

## Report of the Director Environmental Services

## 9.4 Lot 25 SP 89199, 25/25 Noble Street, Gerringong - proposed variation to existing operating hours (10.2016.109.1) (cont)

---

above commercial uses and therefore it is reasonable to expect that there may be some impact from the mixed landuse. The fact that the B2 zone is predominately for commercial activities and the zone objectives are structured for such, these objectives are a significant consideration when reviewing possible landuse conflict.

This development application seeks consent to extend the operating hours of the café to potentially operate from 6.30am to 10.30pm, 7 days a week. Whilst it may not be the applicants intention to operate 16 hours a day/7 days a week, approval of the development on the basis of these hours would give the café operator the ability to operate constantly for such a period.

On 18 December 2012 Councillors approved a mixed use development at 17 Noble Street, Gerringong (DA 10.2012.176.1), being the neighbouring property of the subject site. This mixed use development included, at its ground floor, a café/wine bar, with shop top housing above. A condition of that consent specific to the café/wine bar was that the hours of operation be “*generally restricted to between 7.00am to 10.00pm Monday to Saturday; and 8.00am to 10.00pm Sundays and Public Holidays.*”

The mixed use development at 17 Noble Street was approved specifically inclusive of the wine bar/café. Anyone buying into that building would be aware of the approved ground floor use and that the building would be built to specifically accommodate that use. In relation to the subject site, the mixed use development did not include approval for any specific commercial activity. The café was a subsequent approval with refit of the commercial space, under a Complying Development Certificate. As is indicated by the submissions received, there has been some land use conflict in this instance arising between the café operation and residential occupation within the building.

The proposed 6.30am opening is not considered to be acceptable given the associated noise and amenity impacts on the residential uses above, as has been expressed in submissions. The current 7.00am opening time is considered to be appropriate; is consistent with general broader community expectations (whereby 7.00am is the standard for noise generating activities) and is directly consistent with the opening time of the approved neighbouring café at 17 Noble Street.

In light of the discussion above and the fact that the subject development is a mixed use development, it is considered that reasonable operating hours in this instance would be:

- Monday – Wednesday, 7.00am – 7.00pm
- Thursday – Saturday, 7.00am – 10.00pm
- Sunday and Public Holidays, 8.00am to 10.00pm

With the exception of Monday – Wednesday trading, these hours are consistent with the approved neighbouring café/wine bar.

Given the proposed operating hours, the zoning of the land, the precedent set by approved neighbouring development and the concerns expressed by residents of the subject building in submissions, the hours recommended above are considered to be a reasonable compromise in this instance.

## Report of the Director Environmental Services

## 9.4 Lot 25 SP 89199, 25/25 Noble Street, Gerringong - proposed variation to existing operating hours (10.2016.109.1) (cont)

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Item 2:- General concerns were raised in relation to the extension of café operations including:

- Increased waste from the extended trading
- Smoking outside the café and cigarette butts discarded outside
- Cooking smells throughout the building
- Patrons of the café/restaurant encroaching upon the common building property

Response:- The issue of waste disposal and encroachment of common property is a matter that needs to be managed internally, within the mixed use building and by the operators of the café/restaurant. If the current means of waste disposal is deficient then this needs to be resolved through alternative means, such as more frequent waste collection through a licenced contractor.

In relation to where cigarette smoking can occur, this is regulated by the Smoke-free Environment Act, 2000. Littering laws require people to discard cigarette butts in a waste receptacle.

Cooking smells are a bi-product of the café/restaurant use, being a lawful and appropriate use within the B2 zone. This is not considered to be an acceptable reason to prevent an extension of the operating hours.

Item 3:- Commencement hours should be 8.00am on Sundays and 7.00am on other days. Cease of operation should be 4.00pm

Response:- The proposed café is a legitimate, standard 'type' of business operating within the B2 Town Centre zone. Ceasing operating hours at 4.00pm as suggested is not consistent with the general operating hours of cafes/restaurants, nor is it consistent with the aspirations of the business operators or their business interest.

As discussed in point 1 above, alternative operating hours have been identified that are considered to reasonably balance the business operation with the residential amenity in the mixed use development. The commencement hours suggested in the submission are considered to be reasonable and appropriate and are incorporated in the recommended operating hours.

Item 4:- To reduce noise the café should have carpeted floors and employ acoustic tiles on the ceiling as well as address the tapping noise from the emptying of coffee grindings from the coffee machine. The scraping of seats and tables also causes noise nuisance.

Response:- The café interior has an industrial chic atmosphere, with exposed concrete floors and walls, concrete ceiling with exposed piping/conduits, brick effect feature wallpaper and light fittings/ceiling fans with an industrial look.

Whilst carpeting of the floors would reduce the hard surfaces that reverberate sound, carpeted floors are only acceptable in a café (for health and hygiene reasons) in the eating area specifically. The floor finish is required to be smooth and even and able to be easily cleaned. Carpeted floors are generally impractical, for this reason, in a café scenario and would also undermine the look and feel of the café in this instance. Floor mats could create a trip hazard.



## Report of the Director Environmental Services

## 9.4 Lot 25 SP 89199, 25/25 Noble Street, Gerringong - proposed variation to existing operating hours (10.2016.109.1) (cont)

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In response to the issues raised about noise from chairs, the café operators have tipped the base of chairs with felt to prevent the scraping noise.

In relation to the installation of ceiling tiles, the applicant has described the current ceiling as a feature of the premises and the industrial atmosphere created. The flooring between the tenancies has been certified as complying with the Building Code of Australia (BCA) requirements including noise attenuation.

The tapping noise described from the emptying of coffee grindings has been addressed by the café operator by the introduction of a heavy duty rubber plate (sound deadener) over the emptying canister. These measures are considered to be appropriate and acceptable.

Item 5:- The Strata Scheme Owners' Corporation has not provided owners consent for the lodgement of the development application. The development application is therefore incomplete and cannot be determined.

Response:- The subject development application describes the land to be developed as Lot 25 in strata plan SP 89199. The owner's consent from the body corporate is not required if common property is not used for the proposal, other than for access. This is consistent with *Rydge v Byron Shire Council [2012] NSWLEC 155*.

As the proposal in this instance only involves the extension of operating hours of the existing café, which is limited to the use of Lot 25 SP 89199 and does not involve the use of common property other than for access, the consent of the Strata Scheme owner's corporation is not required.

Item 6:- Extended operating hours of the café would put additional burden on car parking

Response:- Under the terms of Council's DCP 2012, Chapter 9 – Car Parking Requirements, the use of the existing premises for the purpose of a café/restaurant does not require any additional car parking, irrespective of the hours of operation. In terms of evening/night-time use, it is generally accepted that car parking is more freely available during this period as it is outside of peak business hours (9.00am – 5.00pm).

**External Referrals**

Nil

**Internal Referrals**

Nil

**The Public Interest**

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

## Report of the Director Environmental Services

- 9.4 Lot 25 SP 89199, 25/25 Noble Street, Gerringong - proposed variation to existing operating hours (10.2016.109.1) (cont)
- 

**Final Comments and Conclusions**

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant DCPs. The proposed development is consistent with the objectives of the B2 Local Centre zone.

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

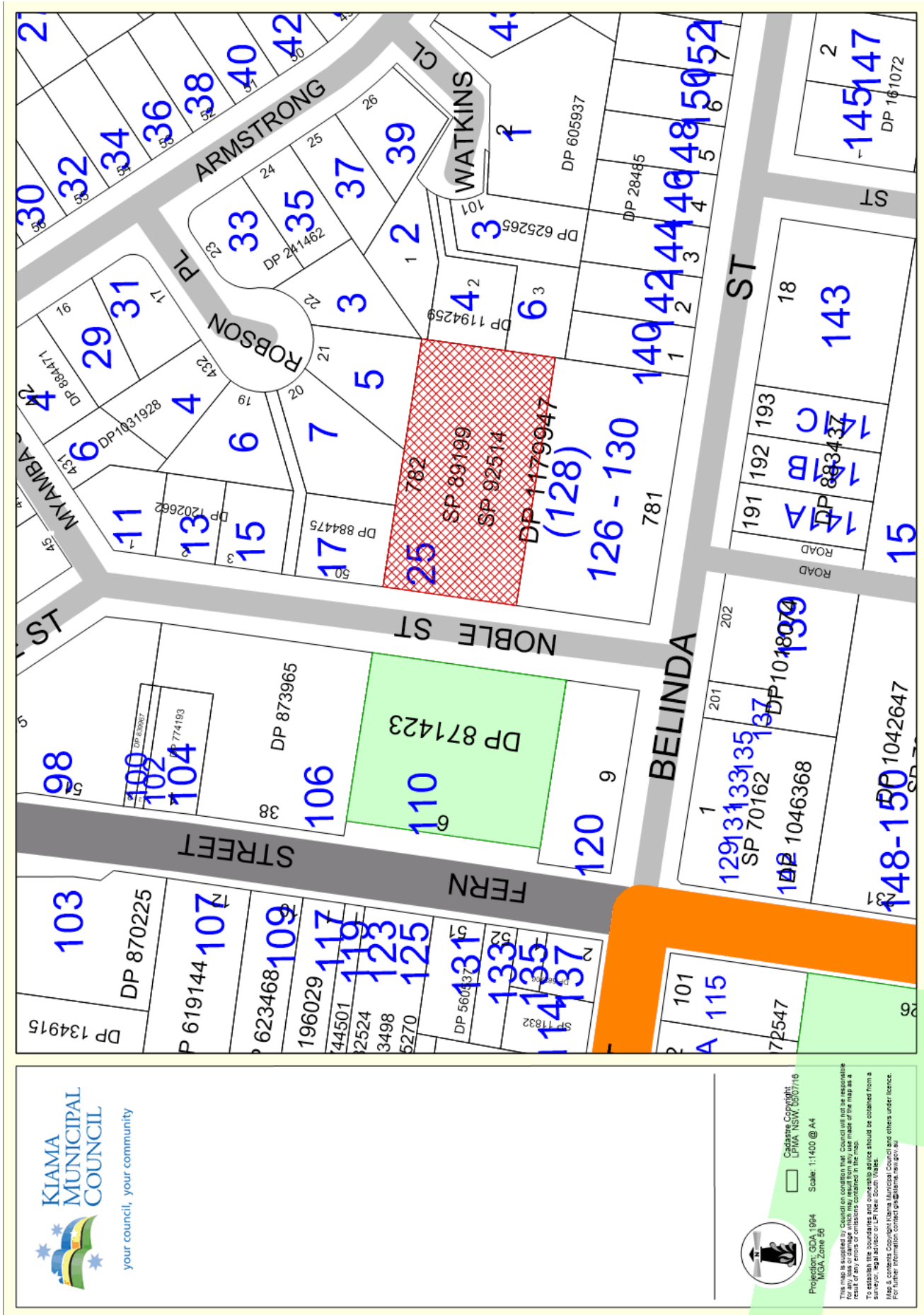
The proposed development is considered to be reasonable and conditional approval is recommended.

**Draft Conditions of Consent****General**

- (1) The development shall be implemented generally in accordance with the following conditions: (g005.doc)

**Site Operations**

- (1) The hours of the operation of the cafe/restaurant shall generally be restricted to the following:
- a 7.00am – 7.00pm, Monday to Wednesday
  - b 7.00am – 10.00pm, Thursday to Saturday
  - c 8.00am – 10.00pm, Sunday and Public Holidays. (sop010.doc)
- (2) All trading of the café/restaurant including the serving of food, cigarettes and alcohol shall cease by 10.00pm and all patrons shall vacate the premises by no later than 10.30pm. (sop015.doc)
- (3) The hours of use of any outside tables and chairs shall be restricted to between 7.00am and 7.00pm, Monday to Saturday and 8.00am and 7.00pm Sunday and Public Holidays. (sop045.doc)
- (4) The development shall not interfere with the amenity of the neighbourhood by reason of noise, odour, waste materials, waste products or otherwise. (sop085.doc)
- (5) Consideration should be given to the need for appropriate security for commercial premises. (nb055.doc)



Item 9.4

Attachment 1

**9.5 Draft Amendments to Kiama DCP 2012 - Chapter 32 – Cedar Grove Stage 2**

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

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

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

**Summary**

This report recommends adopting “Chapter 32 – Cedar Grove Stage 2” of Kiama Development Control Plan 2012 as exhibited and amended as outlined in this report.

**Finance**

N/A

**Policy**

If adopted, Chapter 32 – Cedar Grove Stage 2, will form part of Council’s Development Control Plan.

**Reason for Report to Council**

Any Development Control Plan requires adoption by Council resolution.

**Attachments**

1 DCP 2016 - Chapter 32 - Cedar Grove

**Enclosures**

Nil

**RECOMMENDATION**

[That Council adopt the attached version of Chapter 32 – Cedar Grove Stage 2.](#)

**BACKGROUND**

Following rezoning and subsequent approval for a residential subdivision over a portion of land located off Lilly Pilly Way, Kiama (Amendment No 3 to Kiama LEP 2011), it is relevant to adopt design criteria and standards for smaller lots approved within the subdivision. The attached draft DCP Chapter contained site specific controls to guide and inform development of the smaller lots i.e. those less than 450m<sup>2</sup> in area, which were approved as part of the rezoning process.

In order to facilitate appropriate development on these smaller lots, building envelope requirements have been proposed, variations to side and front setbacks are proposed along with indicative housing layout designs.

The draft document received preliminary internal review by Council staff and was endorsed by Council at its April 2016 meeting for public exhibition. In accordance with the Council resolution the Draft DCP Chapter 32 was placed on public exhibition

## Report of the Director Environmental Services

9.5 Draft Amendments to Kiama DCP 2012 - Chapter 32 – Cedar Grove Stage 2  
(cont)

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for twenty-eight (28) days with any submissions required by close of business on 9 June 2016.

Following the public exhibition period one (1) external submission and one (1) internal submission was received. Both of these submissions commented on the need to include all lots within the Cedar Grove Stage 2 in Chapter 32 and the lack of need for technical specifications for rainwater tanks within the site.

It is noted that the entirety of Cedar Grove Stage 2 has not been identified by Section 7 of Chapter 2 of the DCP and as such a front building line has not been prescribed. As the exhibited version of Chapter 32 only referred to lots less than 450m<sup>2</sup> in area it did not prescribe a front building line to the remainder of lots within the site.

As the site has not been identified as possibly flood prone land there is no need to apply special requirements for the provisions of large rainwater tanks within the Cedar Grove Stage 2 site.

Upon review of these comments it is considered appropriate to amend the version of Chapter 32 – Cedar Grove Stage 2 in line with the comments received during the exhibition period.



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## Cedar Grove – Stage 2 Site Specific Controls

(16/53005)

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

**Introduction**

**Section 1 – location**

Cedar Grove Stage 2 refers to a residential release area located on the western edge of Kiama. The release area contains a range of lot sizes aimed at giving greater choice and diversity for housing options.

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

In addition to controls outlined in other chapters of this document the following controls apply to the land referred to as Cedar Grove Stage 2 shown in figure 1. Provisions within the Kiama LEP 2011 prevail over any provisions within this chapter.

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

**Section 3 - Residential Development for lots greater than 450m<sup>2</sup>**

Controls outlined in various chapters of this document including, but not limited to, the following Chapters will apply to this land release:

- Chapter 2 - Overall Controls
- Chapter 3 - Preservation and Management of Trees and Vegetation
- Chapter 4 - Low Density Development
- Chapter 5 - Medium Density Development
- Chapter 7 - Subdivision
- Chapter 8 - Landscaping Requirements
- Chapter 9 - Car Parking requirements
- Chapter 11 - Waste Requirements

**Section 4 – controls for lots smaller than 450m<sup>2</sup>**

The following controls apply to all lots within the Cedar Grove Estate. Small lot housing development designed within Building Envelope Plans is able to provide attractive living environments and to ensure neighbour interface issues are addressed from the outset.

**Objectives**

- To ensure that amenity impacts to other dwelling houses are minimised, in terms of overshadowing, privacy and access to sunlight and daylight.
- To ensure that the size and bulk of dwelling houses are not overbearing on, or incompatible with, surrounding development.
- To ensure that the height of dwelling houses allows reasonable access to daylight and sunlight for dwelling houses and their open space on adjoining properties.
- To encourage small lot dwelling houses to provide a pleasant living environment for their occupants.

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Figure 1 – Cedar Grove Stage 2



Item 9.5

Attachment 1



Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Controls – Building Envelopes

In addition to complying with the set building envelopes, the following additional requirements must be satisfied for each dwelling house design:

- C1 The total building footprint of the dwelling house, including extensions, does not exceed 60% of the site area.
- C2 All windows of habitable rooms, decks, verandahs or balconies are screened to the side boundaries.

The Controls of this Chapter do not apply to the following building works if located outside the building envelope described in Table 1 - Building Envelope Requirements:

- Aerials or sewer vents on the roof.
- Pool and/or spa (any size) and unenclosed ancillary shed structures (maximum roofed area 10m<sup>2</sup> and maximum height 3 metres).
- Stairs, ramps, lifts, eaves and window walkway (maximum 1.3 metres wide and maximum height of 2.5 metres above finished ground level to the underside of the ceiling) between the building components.
- Rainwater tanks (maximum height 3.5 metres and maximum footprint 10m<sup>2</sup>).
- One shed (maximum roofed area 10m<sup>2</sup> and maximum height of 3 metres).

Performance Criteria and Acceptable Solutions

| Performance Criteria  | Acceptable Solutions   |
|---|--|
| Dwelling houses on small lots must minimise amenity impacts on other dwelling houses and their open space in terms of access to sunlight and daylight.<br><br>Building size and bulk is consistent with surrounding development.<br><br>Building size and bulk must not create overbearing development for neighbouring dwelling houses and their open space.<br><br>Small lots must include an appropriate balance of built form and open space. | Side boundary setbacks are as specified in Table 1 - Building Envelope Requirements.<br><br>Built to boundary walls are as specified in Table 1 - Building Envelope Requirements.<br><br>Rear boundary setbacks are as specified in Table 1 - Building Envelope Requirements.<br><br>Length of building requirements are as specified in Table 1 - Building Envelope Requirements.<br><br>The building footprint does not exceed 60% of the site area. |

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

| Performance Criteria  | Acceptable Solutions  |
|---|---|
| Building height is consistent with those buildings prevailing in the locality. Building height must minimise amenity impacts on other dwellings and their open space in terms of access to sunlight and daylight. | Building heights are specified in Table 1 - Building Envelope Requirements. Non-load bearing aerials, antennas, flues, roof ventilators and chimneys are not considered part of the dwelling house for the purpose of determining building height. Building height must not create overbearing development for neighbouring dwellings and their open space. |
| The setback from any road alignment must complement the setbacks prevailing in the street. The setback from any road alignment must be sufficient to enable screening and noise attenuation from the street.      | Front boundary setbacks are as specified in Table 1 - Building Envelope Requirements.   |

C3 Table 1 – Building Envelope Requirements

|                        | Lots                       | Requirements  |
|------------------------|----------------------------|---|
| Side boundary setback  | Lots 38-44                 | Zero setback on the southern boundary to garage.<br><br>1 metre setback on the northern boundary and any building on southern boundary excluding the garage (see Figure 1). |
|                        | Lots 51-54 &<br>Lots 65-69 | Zero setback on the western boundary.<br><br>1 metre setback on the eastern boundary (see Figure 2).  |
|                        | Lots 57-60                 | Zero setback on the western boundary.<br><br>1 metre setback on the eastern boundary (see Figure 3).  |
| Front boundary setback | Lots 38-44                 | 4 metre setback with garages a minimum of 5.5 metres (see Figure 1).  |
|                        | Lots 51-54 &<br>Lots 65-69 | 4 metre setback with garages a minimum of 5.5 metres (see Figure 2).  |
|                        | Lots 57-60                 | 4 metre setback with garages a minimum of 5.5 metres (see Figure 3).  |
|                        | All Other Lots             | 6 metre setback (refer to Chapter 2).   |

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

|                       | Lots                       | Requirements   |
|-----------------------|----------------------------|--|
| Rear boundary setback | Lots 38-44                 | 4 metre setback. Alternatively a 2 metre setback with a 6m x6m POS adjacent to the northern boundary except for Lot 44.  |
|                       | Lots 51-54 &               | 6 metre for single storey and 12 metres to double storey (see Figure 2).   |
|                       | Lots 65-69                 | 6 metre for single storey and 12 metres to double storey (see Figure 2).   |
|                       | Lots 57-60                 | 6 metre setback (see Figure 3).  |
| Building Height Plane | Lots 38-44                 | <p>No part of the structure (except the eaves, fascia and roof gutter to a maximum width of 600mm) within the built upon area of the site shall exceed a building height plane projected at:</p> <ul style="list-style-type: none"> <li>• 32° over the actual land from a vertical distance of 3 metres above the existing ground level on the southern boundary of the lot; and</li> <li>• 45° over the actual land to be built upon from a vertical distance of 5 metres above the existing ground level on the northern boundary of the site.</li> </ul> <p>The overall maximum height of the building is 8 metres (see Figure 4).</p>  |
|                       | Lots 51-54 &<br>Lots 65-69 | <p>No part of the structure (excluding the eaves, fascia and roof gutter to a width of 600mm):</p> <ol style="list-style-type: none"> <li>1) Between the front building line and 12 metres from the rear boundary shall exceed a building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 5 metres above the existing ground level along the eastern and western boundaries of the site. The maximum height above ground level is 8.5 metres; and</li> <li>2) Between 6 metres and 12 metres from the rear boundary shall exceed a building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 2.5 metres above the existing ground level along the eastern and western boundaries of the site (see Figure 5).</li> </ol> |

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Attachment 1

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

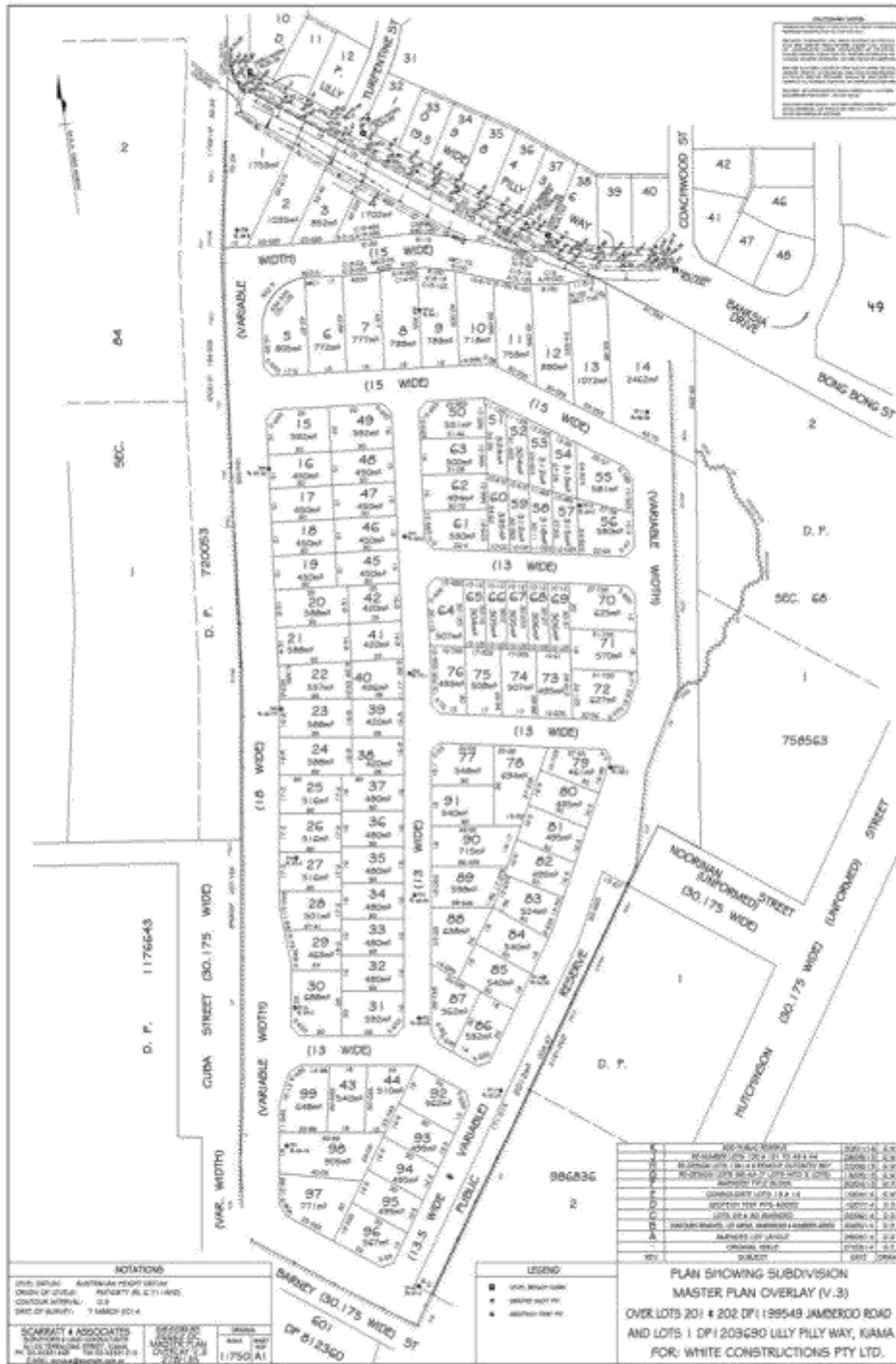
|                     | <b>Lots</b> | <b>Requirements</b>  |
|---------------------|-------------|--|
| Building height     | Lots 57-60  | No part of the structure (excluding the eaves, fascia and roof gutter to a maximum width of 600mm) within the built upon area of the site shall exceed a building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 5 metres above the existing ground level along the eastern and western boundaries of the site. The maximum height above ground level is 8.5 metres (see Figure 6). |
| Vehicular entrances | Lots 38-44  | Vehicular entrances are to be adjacent to the southern boundary of the lots and have a maximum width at the property boundary of 4.5 metres (see Figure 1).  |
|                     | Lots 51-54  | Vehicular entrances to have a maximum width of 4.5 metres at the property boundary.  |
|                     | Lots 65-69  | Vehicular entrances are to be adjacent to the western boundary of the lots and have a maximum width at the property boundary of 4.5 metres (see Figure 2).   |
|                     | Lots 57-60  | Vehicular entrances are to be adjacent to the western boundary of the lots and have a maximum width at the property boundary of 4.5 metres (see Figure 3.)   |

Item 9.5

Attachment 1

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Subdivision Layout

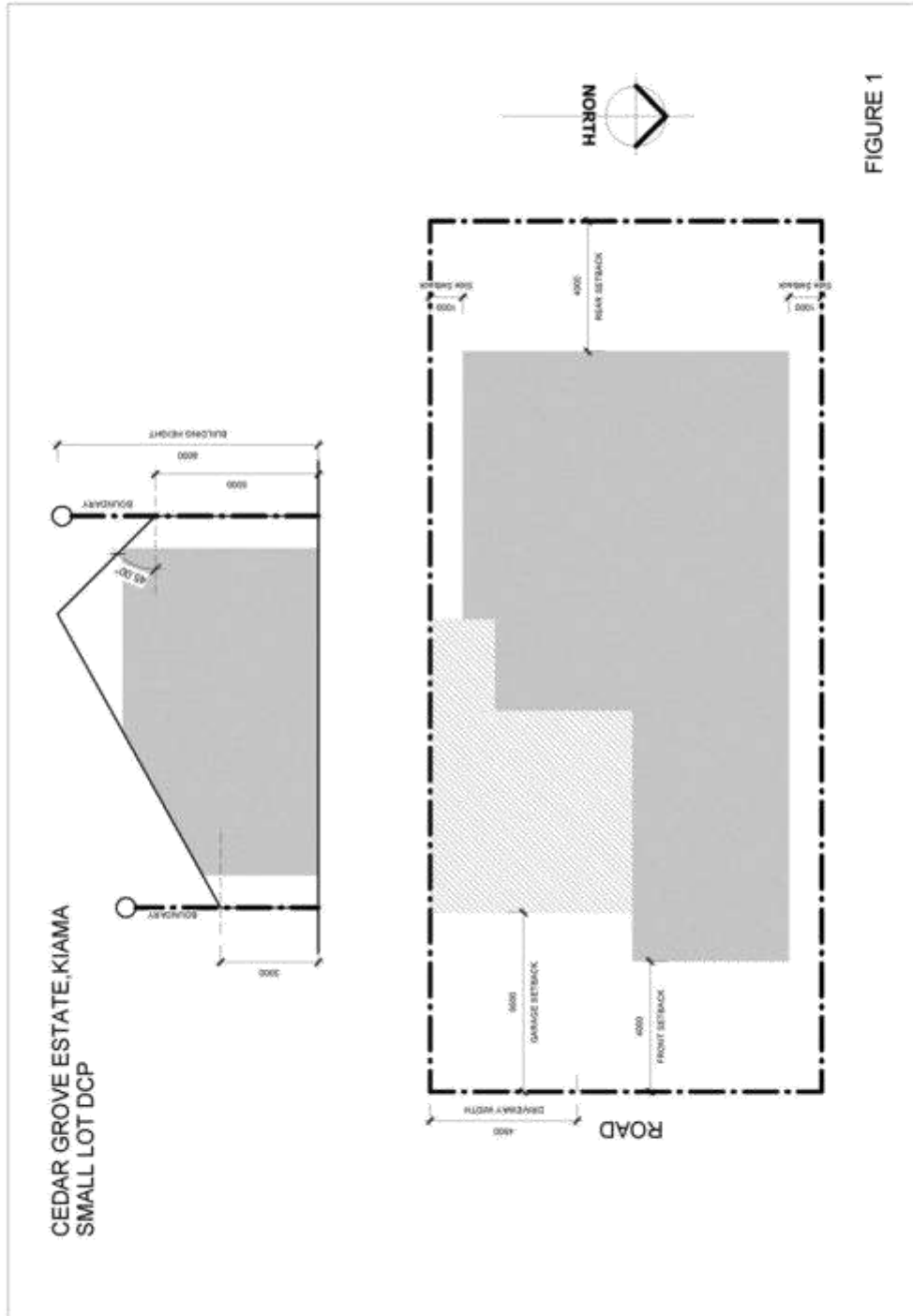


Item 9.5

Attachment 1

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Figure 1



Item 9.5

Attachment 1

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Figure 2

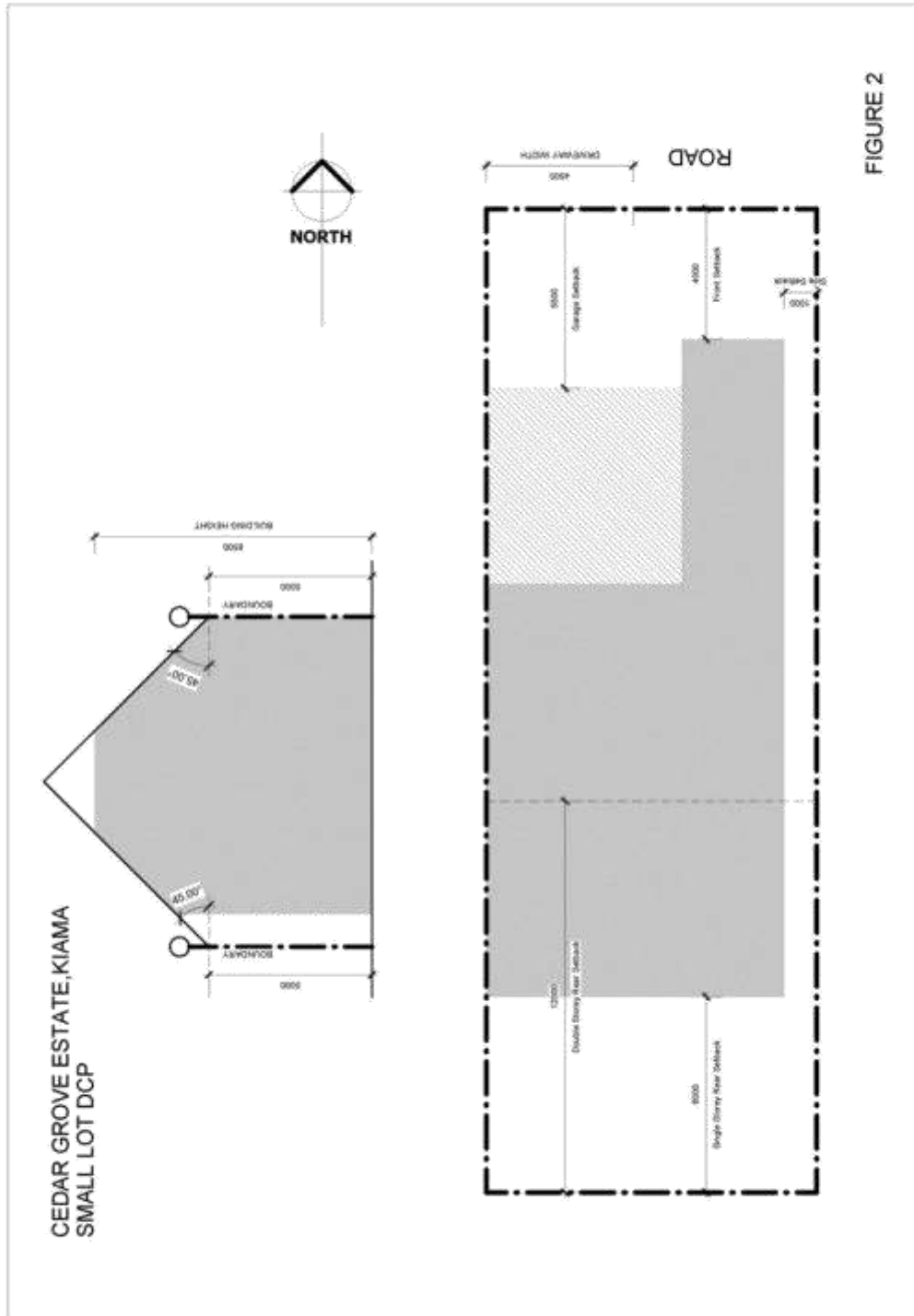
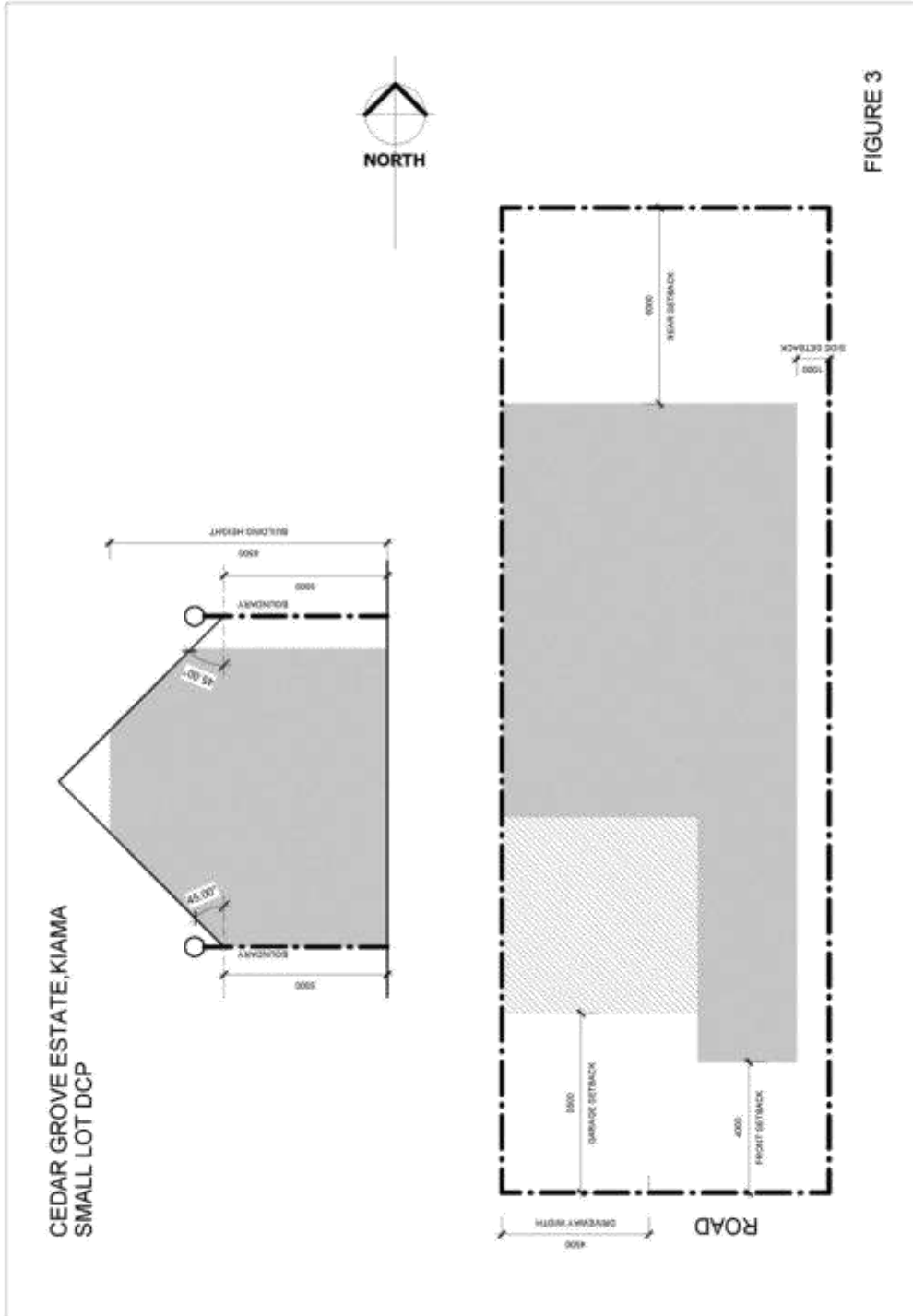


FIGURE 2

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Figure 3

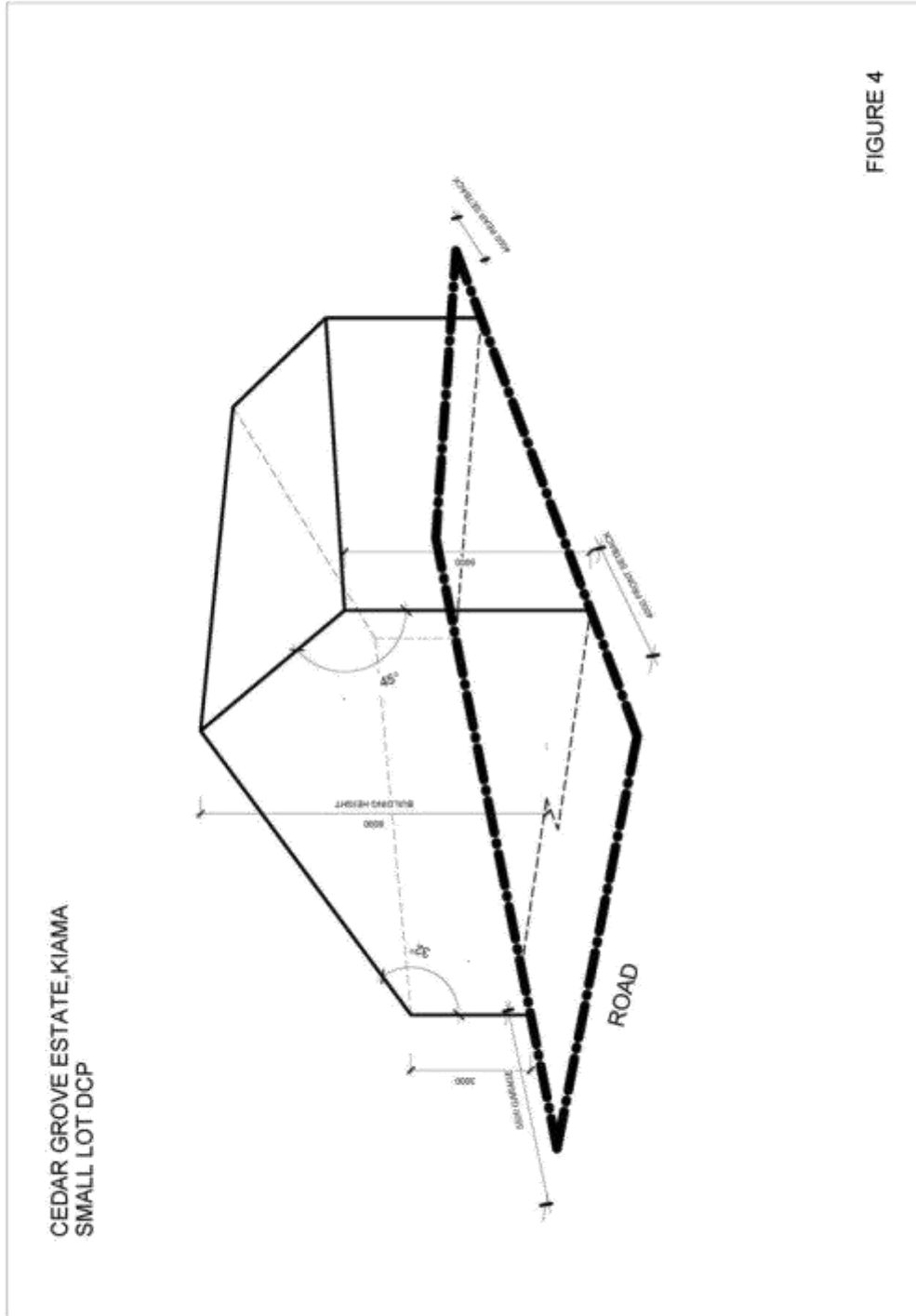


32. 11



Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

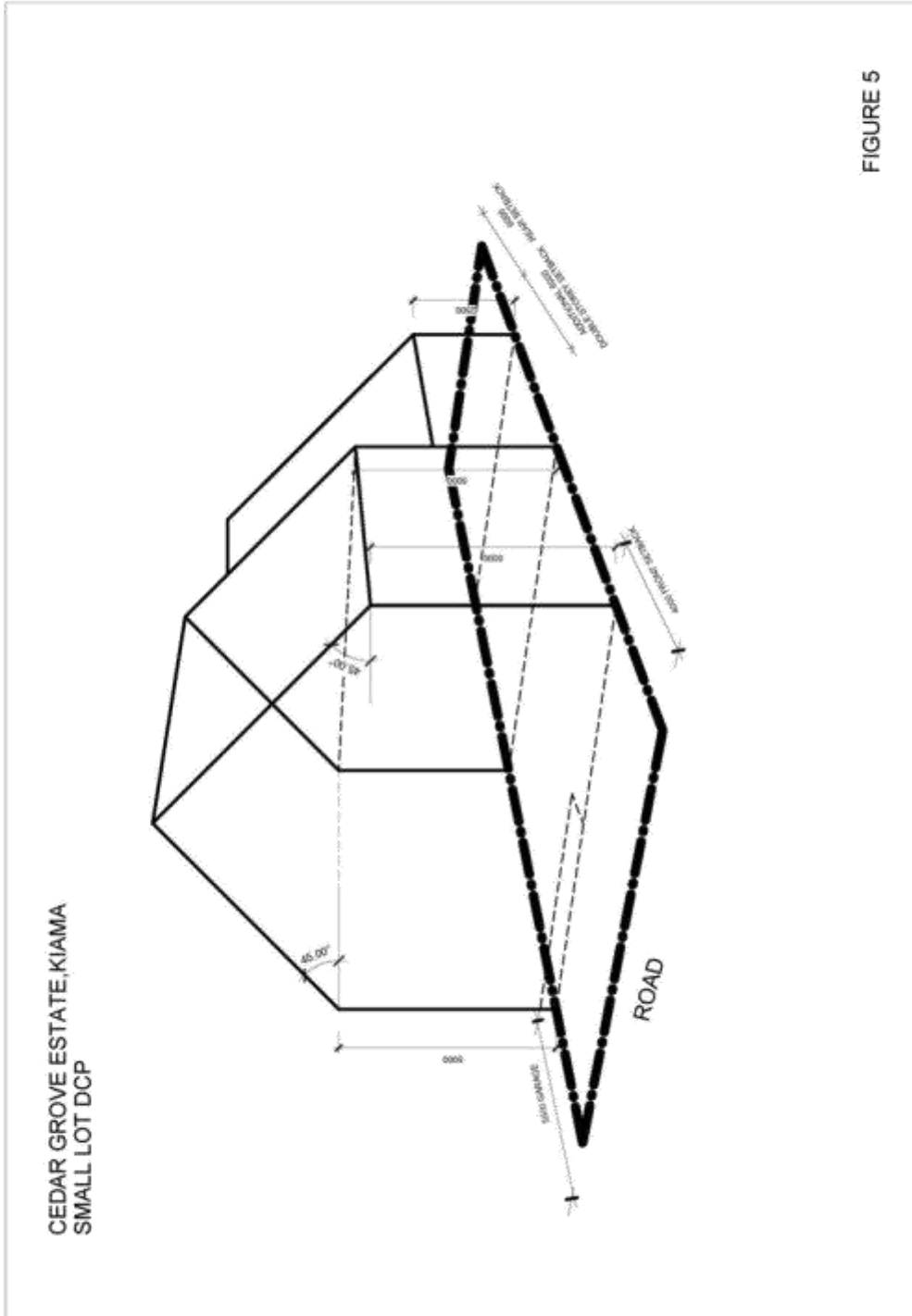
Figure 4



32.12

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

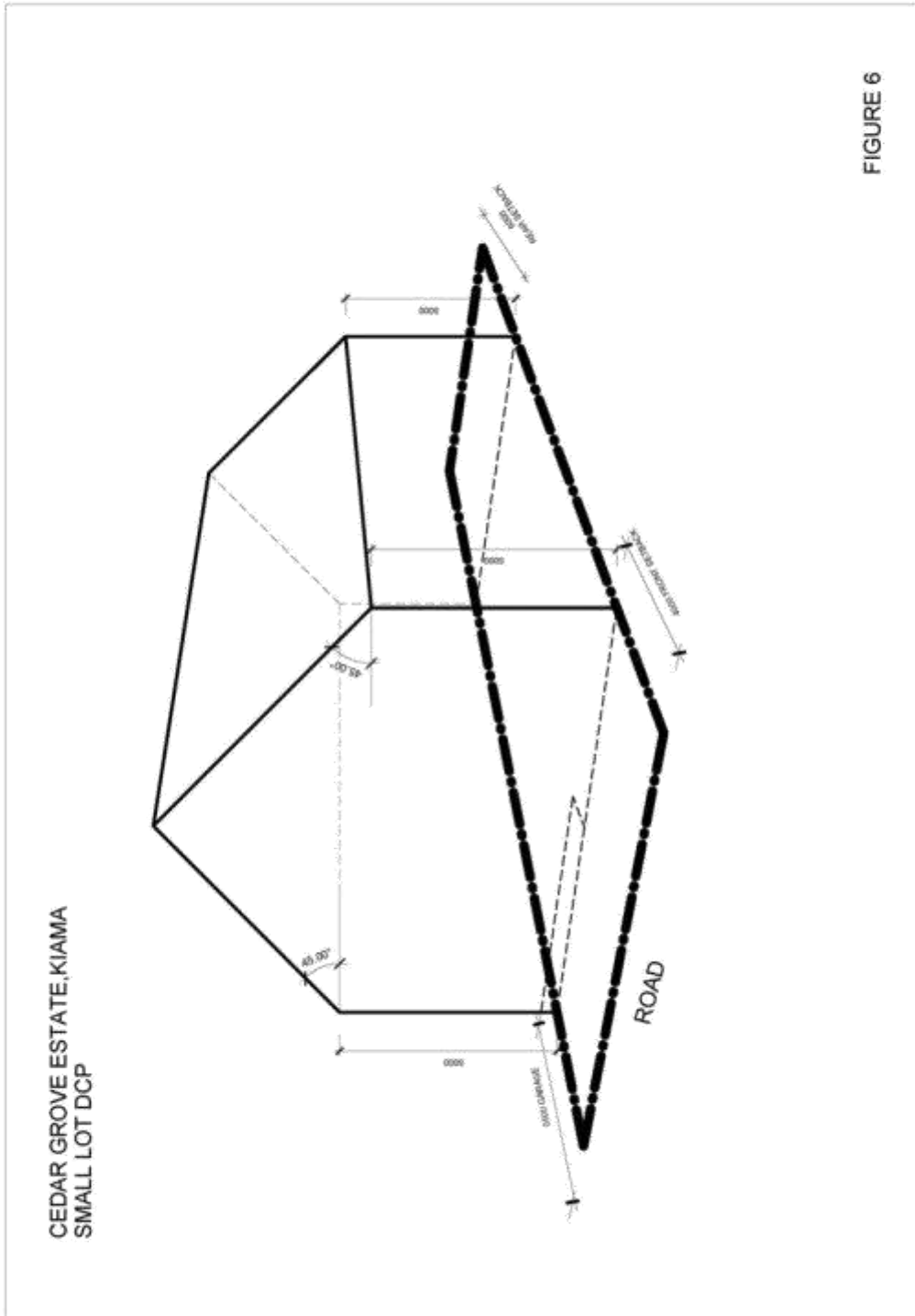
Figure 5



32. 13

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Figure 6

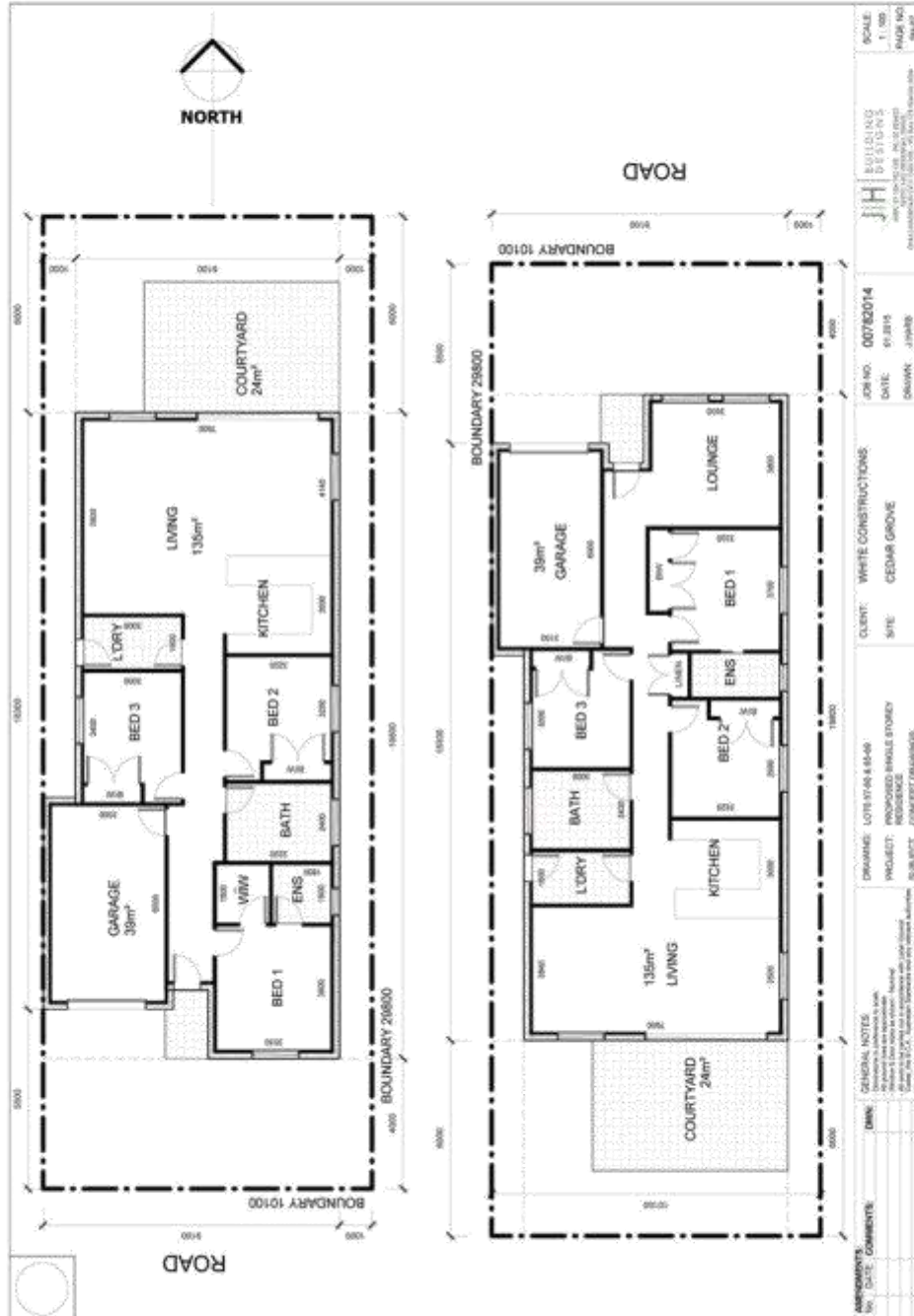


32. 14

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

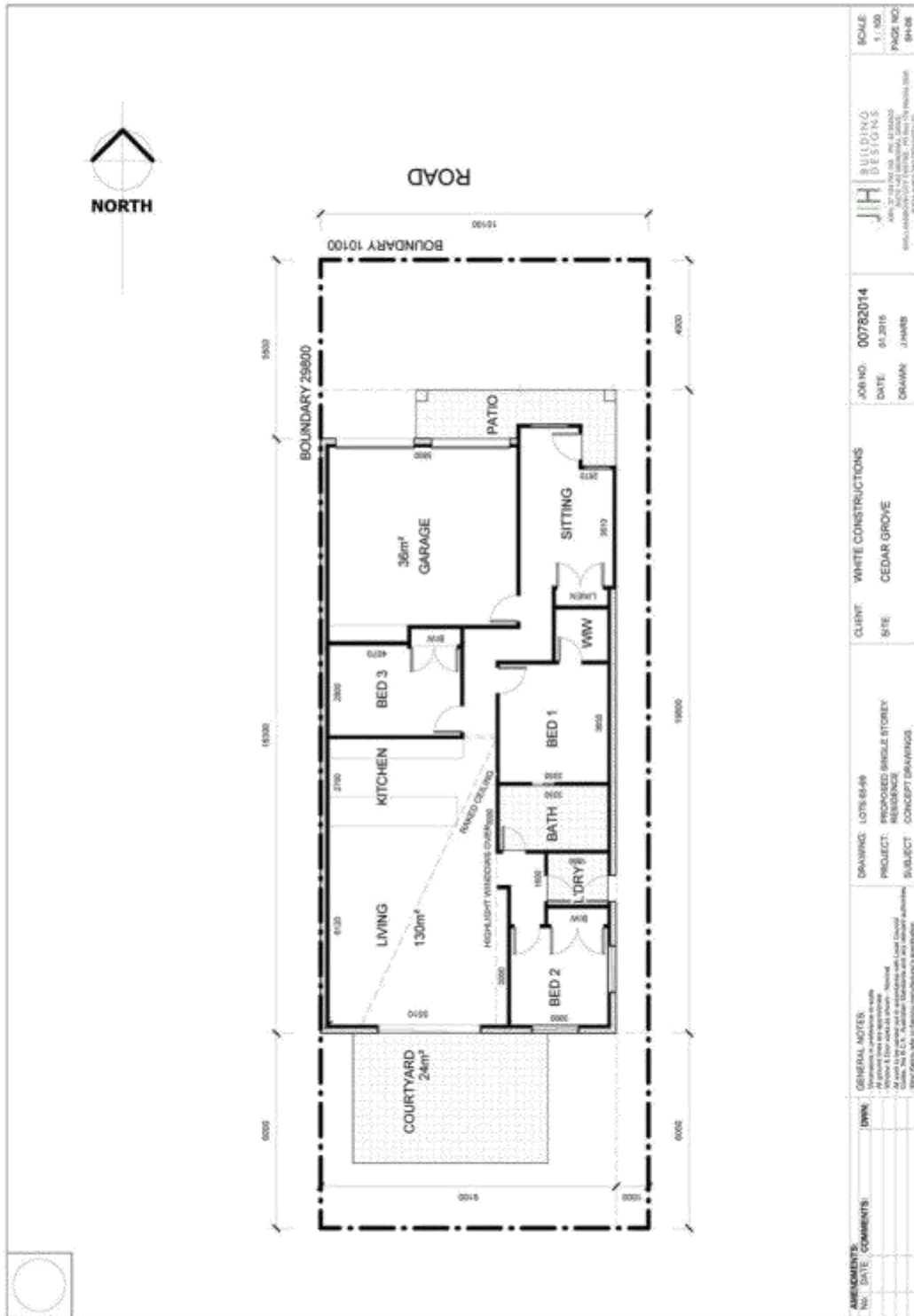
Complying Dwelling House Designs

The following are examples of small lot dwelling house designs that satisfy the Cedar Grove Estate Small Lot Development Control Plan.



32. 15

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

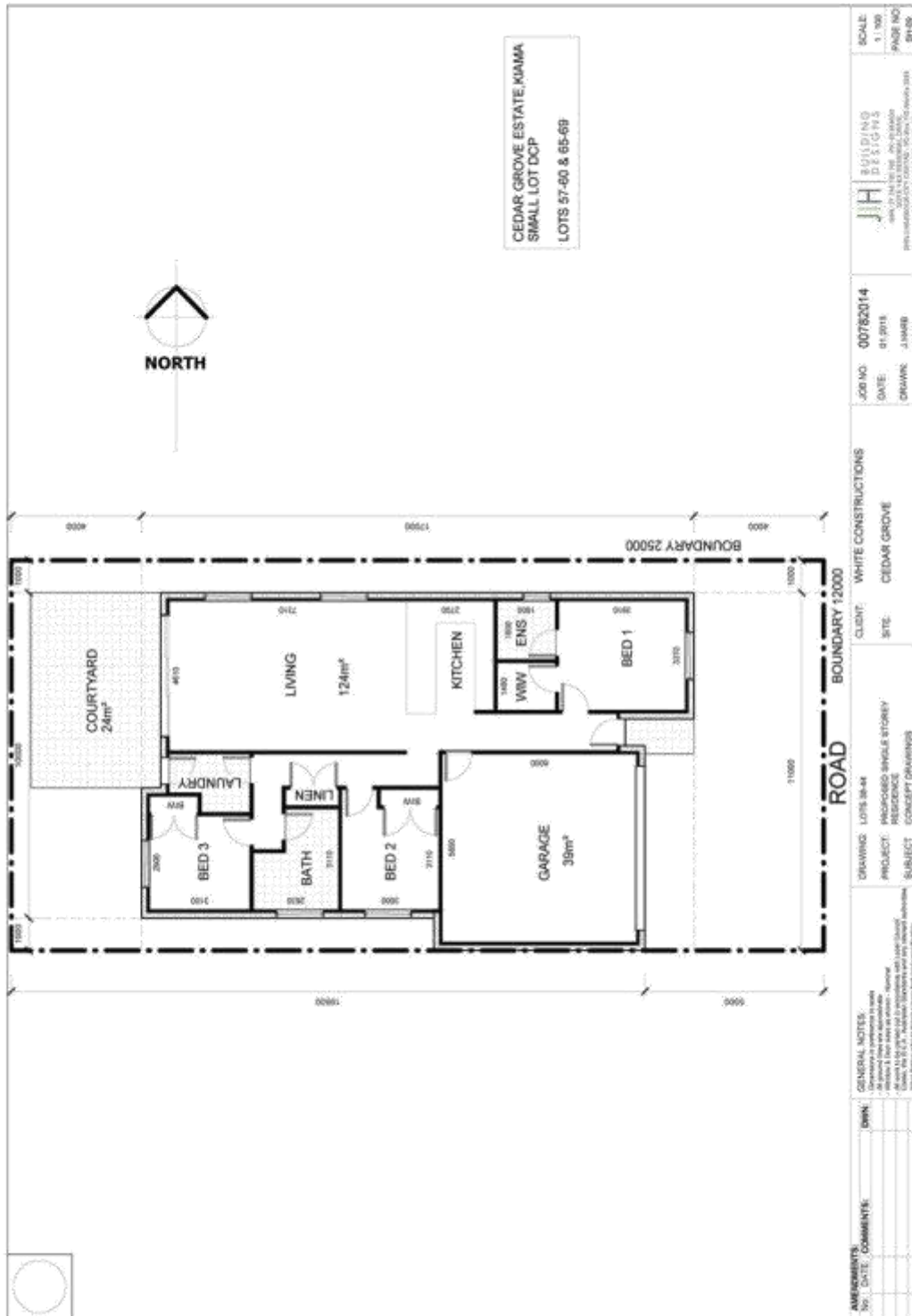


32. 16

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Attachment 1

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls



32. 17

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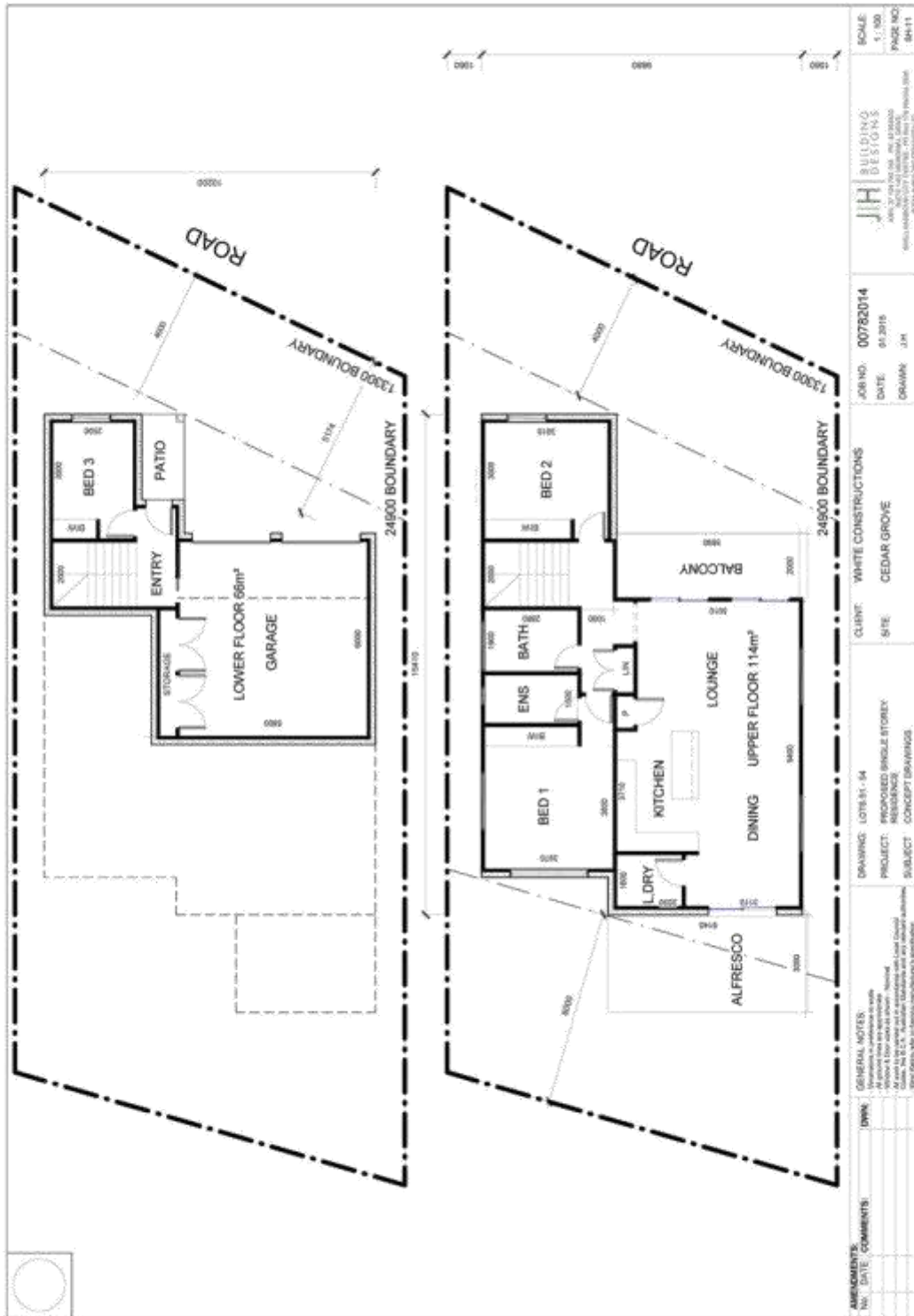
Attachment 1

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls



32. 18

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls



|  |       |       |           |
|--|-------|-------|-----------|
| AMENDMENTS:  | NO:   | DATE: | COMMENTS: |
| GENERAL NOTES:   | DOWN: |       |           |
| All dimensions are in millimetres.<br>All work to be done in accordance with the Australian Standard AS/NZS 1108:2010.<br>All work to be done in accordance with the Australian Standard AS/NZS 1108:2010.<br>All work to be done in accordance with the Australian Standard AS/NZS 1108:2010. |       |       |           |
| DRAWING: LOTS 81 - 84<br>PROJECT: PROPOSED SINGLE STOREY RESIDENCE<br>SUBJECT: CONCEPT DRAWINGS  |       |       |           |
| CLIENT: WHITE CONSTRUCTIONS<br>SITE: CEDAR GROVE   |       |       |           |
| JOB NO: 00782014<br>DATE: 04.2019<br>DRAWN: J.H.   |       |       |           |
| SCALE: 1:100<br>J.H. BUILDING DESIGNS<br>APRIL 2019 04.19 J.H. BUILDING DESIGNS<br>90/11 HARRINGTON STREET, WILSON PROMENADE, SYDNEY NSW 1570<br>PHONE: 02 9550 1234 FAX: 02 9550 1235<br>EMAIL: J.H.BUILDINGDESIGNS@GMAIL.COM<br>PAGE NO: 1/1<br>SHEET: 01/11                                 |       |       |           |

32. 19

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Attachment 1



Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls



32. 20

Attachment 1  
 Item 9.5

## 10 REPORT OF THE GENERAL MANAGER

### 10.1 Appointment of Local Controller - NSW SES Kiama Municipality

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.6 Recognise and promote community safety throughout the Municipality

Delivery Program: 1.6.5 Facilitate emergency management planning, response and recovery

#### Summary

This report seeks endorsement of the newly appointed Local Controller for the Kiama State Emergency Service Unit, Christopher Warren.

#### Finance

Not applicable.

#### Policy

Not applicable.

#### Attachments

1 Letter from Kiama SES

#### Enclosures

Nil

### **RECOMMENDATION**

That Council endorses the appointment of Christopher Warren as the Local Controller for the Kiama State Emergency Service Unit.

### **BACKGROUND**

Council recently received a letter from the State Emergency Service (SES) Region Controller, Greg Murphy, advising that following the transfer the previous Local Controller, Warren Turner, to the Wingecarribee Unit, expressions of interest for a replacement local controller had been called for.

He advised that Mr Christopher Warren had been successful in his expression of interest for the role and in order for the NSW SES Commissioner to formalise the appointment the SES now sought endorsement from Kiama Council.

Mr Warren was previously the Deputy Controller and Acting Local Controller and has been a member of the SES for over 30 years. He was recently awarded Life Membership of the SES for his dedication and service.

28 June 2016



Mr Michael Forsyth  
General Manager  
Kiama Municipal Council  
P.O. Box 75  
Kiama NSW 2533  
(via - council@kiama.nsw.gov.au)

Dear Mr Forsyth

**Appointment of Local Controller NSW State Emergency Service Kiama Municipality**

The previous local Controller of the Kiama SES Unit moved from the area and transferred to Wingecarribee Unit earlier this year. This resignation from the Local Controller Role has created a vacancy to be filled. Over the past month I have advertised the role through Expression of Interest for a replacement Local Controller.

I am pleased to advise that Mr Christopher Warren who is the current Deputy Controller and Acting Local Controller was successful in his expression of interest for the role. Chris has been a member of the NSW SES for over 30 years and was recently awarded Life Membership of the NSW State Emergency Service for his dedication and service.

I seek the endorsement of the Kiama Municipal Council which will facilitate formal appointment under the NSW SES Act by the NSW SES Commissioner. I am happy to discuss any aspect if additional information or clarification is required.

Regards

Greg Murphy ESM  
Region Controller



**ILLAWARRA SOUTH COAST REGION  
HEADQUARTERS**

1 Drummond Street, Coniston NSW 2500  
PO Box 1460, Wollongong NSW 2500  
P (02) 4251 1200 F (02) 4251 1202  
E isr.admin@ses.nsw.gov.au  
www.ses.nsw.gov.au  
ABN: 88 712 649 015

**10.2 Slam Down Under Masters Wheelchair Basketball Tour - request for funding support.**

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.6 Encourage and Support Tourism in the Kiama Municipality

Delivery Program: 3.6.2 Develop and promote conference and event opportunities within the local area

**Summary**

NSW Wheelchair Sports are holding the 2<sup>nd</sup> Annual “Slam Down Under” Masters Wheelchair Basketball Tournament on 19 – 20 October at the Kiama Leisure Centre. NSW Wheelchair Sports are targeting a total of 50 participants for this event. Financial assistance is being sought to cover event running costs and marketing assistance to increase participant numbers.

**Finance**

Based on the projected numbers to participate in the tournament the maximum hire fees for courts two days at the Leisure Centre would be \$644. The amount charged though is dependent on the actual numbers and could possibly be lower. The donation of hire fees would be funded from the Community Contributions & Events budget.

**Policy**

Donations Policy

**Attachments**

Nil

**Enclosures**

Nil

***RECOMMENDATION***

That Council supports the Slam Down Under Masters Wheelchair Basketball Tournament through a donation of the hire fees of the Kiama Leisure Centre and promotes the event through Council and Tourism websites and social media channels.

**BACKGROUND**

In October 2015 the inaugural ‘Slam Down Under’ Masters Wheelchair Basketball Tournament was held at the Kiama Leisure Centre. NSW Wheelchair Sports are proposing to hold the second tournament on 19-20 October 2016 at the Kiama Leisure Centre.

As the Slam Down Under main tournament is being held immediately following the Masters in Shellharbour City Stadium, NSW Wheelchair Sports will encourage all participants and visitors to stay in Kiama for the duration of the two tournaments (Wednesday – Sunday).

Report of the General Manager

10.2 Slam Down Under Masters Wheelchair Basketball Tour - request for funding support. (cont)

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The inaugural event in 2015 was recognised as a success with 23 players and attracted approximately 50 visitors to the Kiama area. As this sport is highly unique numbers will always be lower than main stream events.

The 2016 event is anticipating 50 participants to compete while attracting about 100 visitors.

Council support of the event is consistent with Council's goal of having a healthy, safe and inclusive community. It is also consistent with the strategy of encouraging and supporting tourism.

**10.3 Markets - Request for Assistance**

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.2 Promote and support a range of social, cultural and artistic activities, practices and programs for creating sustainable health and well being

Delivery Program: 1.2.6 Support the growth and development of Kiama's community groups and service sector

**Summary**

This report seeks endorsement for the reduction of Council's market stall holder fee to \$4 for the Kiama Seaside, Farmers and Makers & Growers Markets whilst the restoration of Black Beach is being undertaken.

**Finance**

Council's Fees and Charges

**Policy**

Operational Plan 2016/2017

**Attachments**

Nil

**Enclosures**

Nil

***RECOMMENDATION***

That Council endorse the reduction of the market stall holder fee from \$9 to \$4 for the Kiama Seaside, Farmers and the Makers & Growers Markets whilst Black Beach is unavailable for two (2) months from the beginning of July to 1 September 2016.

**BACKGROUND**

Following the severe weather event earlier this year which saw major damage occur to the footpath, bollards and landscape at Black Beach, access to Black Beach has been closed. Council is currently awaiting approval to commence repairs and restoration from their insurer. Once this has been achieved the works are anticipated to take approx. 6 weeks to complete.

Prior to this the three main market events held in Kiama were located at Black Beach as it provided a concrete thoroughfare and several amenities buildings as well as multiple electrical outlets for those stallholders that require power.

With the Black Beach location currently unavailable the markets have been relocated to other areas which although contain amenities do not provide the same space and amount of power required.

Kiama Seaside and the Makers & Growers Markets are being conducted at School Flat which is a smaller area and has only two points for power supply. Many stall

## Report of the General Manager

## 10.3 Markets - Request for Assistance (cont)

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holders who are not able to provide their own power source are no longer attending due to lack of power and room.

The Kiama Farmers Market has moved temporarily to Coronation Park which only has one power supply point which is insufficient. The Farmers' Market are currently hiring a large capacity (20 kVA) generator to provide sufficient power to stallholders.

As a result of the above, all three markets are no longer generating the same income they previously achieved when located at Black Beach. The Farmers' Market in particular are also suffering due to the increased cost of providing power and administration associated with relocation, floodlighting, signage and ramps for vehicles to access Coronation Park.

Council has received a request from the Kiama Farmers Market to consider the following options:

1. Improved provision of electricity supply to Surf Beach
2. Council allows Kiama Farmers' Market to use Council's generator for the period of the relocation
3. Suspension of stallholder fees for the period of the relocation
4. Moratorium on increased stallholder fees for the period of relocation.

All three markets attract a large number of visitors to the area and provide a point of interest for many tourists and it is felt that they should not be disadvantaged by a situation that is out of their control.

The provision of an improved power supply at Coronation Park is not viable as funds have not been set aside in the 2016/2017 budget.

Council's only large capacity generator is currently in permanent use at Saddleback Mountain.

Although the fees provide important income towards the upkeep and maintenance of School Flat and Coronation Park, to assist the three different markets during the period of disruption, it is proposed that Council reduce the stallholder fees for two (2) months from the beginning of July to 1 September 2016 to \$4 per stall. Assuming the markets are not cancelled due to poor weather Council will receive \$2000 less income.

**10.4 Joint Organisations**

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

CSP Strategy: 4.8 Identify and engage in collaborative partnerships and alliances with other entities and organisations to promote joint policy development, efficient sharing of resources and to build capacity within Council and the local community

Delivery Program: 4.8.1 Participate in partnerships and alliances to promote policy development and efficient sharing of resources

**Summary**

This reports seeks Council's endorsement of the various comments made in this report in relation to the State Government's proposed joint organisation model.

**Finance**

Not applicable

**Policy**

Not applicable

**Attachments**

- 1 Joint Organisations: Towards a new model for regional collaboration
- 2 Summary of proposed JO model

**Enclosures**

Nil

**RECOMMENDATION**

That Council endorse the comments made in this report in relation to the proposed joint organisation model.

**BACKGROUND**

Kiama Municipal Council has been participating in the Illawarra Pilot Joint Organisation, one of five trial organisations, since the end of 2014.

The NSW Office of Local Government has recently released a paper titled "Joint Organisations: Towards a New Model for Regional Collaboration" for consultation. This provides a snapshot on progress to date in building joint organisations, key elements of the proposed joint organisation model and the next steps.

The summary of the consultation paper released by the NSW Office of Local Government including the proposed joint organisation model is attached. On 5 July 2016 the NSW Office of Local Government held a workshop in Kiama on the proposed model. The NSW Government is receiving feedback until 15 July 2016.



Report of the General Manager

**10.4 Joint Organisations (cont)**

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The proposed principles, core functions and optional functions are supported. The establishment of joint organisations as bodies corporate by proclamation under the Local Government Act is also supported.

While the proposed representation and operation of the Board are generally supported it is suggested that the mayor (or his/her delegate) be the legislated member council representative on the joint organisation, with the joint organisation enabled to appoint additional elected representatives as long as representation remaining equal.

The issue of setting fees requires clarification as it appears to be an anomaly that the mayoral fee may be subject to a one-off increase in recognition of the additional workload in participating in a joint organisation however; there is no reference to other elected representatives that may be members of the joint organisation receiving an increase.

The proposed planning and reporting, financial resourcing and other activities of joint organisation formed corporations and other entities are generally supported. State financial support to joint organisations is supported to reflect the commitment of the State Government to joint organisations and the efficiencies that partnership brings to the State.

Fit for the  Future



# Joint Organisations

Towards a new model for  
regional collaboration

JUNE 2016

## Delivering Joint Organisations for regional NSW



Joint Organisations (JOs) will provide a forum for local councils and the State to work together on issues of regional strategic priority and deliver the things that matter most to regional communities.

The NSW Government is committed to building stronger communities supported by stronger local councils.

Joint Organisations are a crucial part of the NSW Government's plan to revitalise and strengthen regional NSW.



The Hon Paul Toole MP  
Minister for Local Government

Joint Organisations will change the way that councils and State Government work together on regional planning and help to provide better services and infrastructure for regional communities through sharing resources, lowering costs and reducing red tape.

They are already delivering real outcomes for regional NSW: improving freight transport, tackling youth unemployment and attracting investment in regional economies and infrastructure.

The NSW Government is investing \$5.3 million in seed funding for this important initiative. We are now ready to finalise the model and recognise through legislation the role that Joint Organisations will play in regional planning, collaboration, leadership and advocacy.

### Pilot JOs are already:

- ✓ Improving freight transport in the Riverina
- ✓ Increasing youth employment in the Illawarra
- ✓ Attracting agricultural investment in the Namoi
- ✓ Prioritising infrastructure investment in Central NSW
- ✓ Growing the tourism industry in the Hunter.

### What have we achieved so far?

The NSW Government has listened to regional communities and JOs are a direct response to their calls for stronger and more effective regional planning and collaboration.

Throughout 2015 we piloted different JO models in five regions—Central NSW, Hunter, Illawarra, Namoi and Riverina—to test and reflect the different working relationships and priorities of each area.

The JO pilot successfully brought policy development 'into the field', encouraging active participation from the local government sector and NSW Government agencies.

The independent evaluation has found the JO pilot was a success and that JOs can really work for regional communities.

### How will Joint Organisations work?

JOs will be strong enough to drive consistent regional planning and collaboration, but flexible enough to recognise and support the unique differences of each region.

They will transform the way that the State and local government collaborate, plan, set priorities and deliver important projects—such as jobs, education, transport and secure water supplies—to strengthen regional communities across council boundaries.

#### A clear set of principles has guided the development of JOs so they:

- 1 Feature a consistent core with flexible elements
- 2 Are run, owned by and accountable to member councils
- 3 Create minimal red tape, cost and risk
- 4 Protect council staff entitlements
- 5 Enable significant projects and initiatives—and associated funding and assets—to be managed regionally
- 6 Serve the best interest of regions and their communities.

# Overview of the proposed JO model

A summary of the proposed JO model is provided below. For a more detailed explanation, refer to the detailed [background paper](#)



## LEGAL ENTITY

- JOs will be proclaimed as bodies corporate in the Local Government Act



## FUNCTIONS

### Core functions

- JO core functions will be embedded in legislation and include strategic planning and priority setting, intergovernmental collaboration, and regional leadership and advocacy
- All JOs will perform these core functions

### Optional functions

- JO optional functions—such as service delivery and capacity building—will be enabled but not prescribed by legislation
- JOs can select which of these functions, if any, they will carry out



## MEMBERSHIP

- Mayors of member councils will sit on the JO Board for their term of office
- The JO Board will appoint its own Chair
- There will be equal voting rights between members and no casting vote for the Chair
- Additional councillors may be appointed to the JO Board, provided representation remains equal among councils
- General Managers of member councils will advise and contribute to the JO Board
- The NSW Government representative will be an associate (non-voting) member
- Other organisations—such as county councils and cross-border partners—may be associate (non-voting) members



## BOUNDARIES

- JO boundaries will be set by Proclamation. All councils in regional and rural NSW will be a voting member of one JO
- JO boundaries will be aligned with, or nest within, State Government Regional Plan boundaries
- JOs will demonstrate a strong community of interest between member councils
- JOs will be based around a regional centre, where possible, and big enough to form strong partnerships



## RESOURCING

### Funding

- JOs will each receive \$300,000 seed funding from the NSW Government
- JOs will be able to apply for grants and generate income to help fund their ongoing operations

### Staffing

- JOs will employ an Executive Officer with appropriate skills under a flexible standard contract
- JOs will employ staff under the Local Government (State) Award



## SERVICE SHARING AND CAPACITY BUILDING

- Once the core JO model is established, JOs will be able to carry out optional functions such as shared service delivery through JO-formed corporations or other entities. This will be enabled after the core JO model is established
- JOs may choose to carry out optional functions directly or through member councils

### Making it happen

There are exciting possibilities ahead as the JO Pilot program has shown the proposed JO model to be both practical and effective.

We will be working hard over the next 12 months to get the model right, make any final adjustments required, agree boundaries and ensure these important changes are embedded in legislation and ready for roll-out from 2017.

**The NSW Government is committed to the future of regional NSW and the pivotal role JOs will play in making our regions stronger and will:**

- ✓ Provide seed funding of \$5.3 million to help establish JOs
- ✓ Support JOs through a central State Agency Advisory Group and Regional Leadership Groups to help connect JOs with relevant State agencies and planning and funding opportunities
- ✓ Work with JOs to support them on their journey, share lessons learned, and help develop useful tools and resources to support their operations and roll out
- ✓ Amend legislation to remove existing barriers and pave the way for more effective and efficient regional collaboration, service provision and procurement.

### Get involved

Consultation with key stakeholders so far shows great support for JOs from a range of councils, pilot JOs, Regional Organisations of Councils, NSW Government agencies and others.

Now we would like your feedback on the proposed JO model. The timeline below shows where we are in the process, and next steps for recruiting early-starter JOs and implementing the required legislative changes.



### We want your feedback!

- 1 Read the detailed background paper [here](#).
- 2 Complete the online questionnaire [here](#) or visit the NSW Government [Have Your Say](#) site.
- 3 Submissions close at 5pm on Friday 15 July 2016.

### Program Stages

2015



#### Pilot Process

- Pilot in five regions
- Develop a working model
- Strengthen relationships between local and State agencies
- Build a regional focus and identify priorities
- Evaluate the JO Pilot program

2016



#### Consolidation

- Consult and decide on the final JO model
- Refine options for non-core activities
- Test the model in two early starter regions. Pilot groups can continue
- Finalise merger proposal process and boundaries
- Amend legislation

2017



#### Implementation

- Establish JOs in remaining regions
- Work with the new regional governance and planning framework
- Monitor roll-out and results
- Embed JOs within the State's regional governance, planning and delivery framework



**For more information visit:**

[www.fitforthefuture.nsw.gov.au](http://www.fitforthefuture.nsw.gov.au)

and follow the link to Joint Organisations

## Summary of proposed Joint Organisation (JO) model

### Principles

JOs should:

- have legal status
- be enabled through the Local Government Act and recognised in other relevant laws
- be owned by, and accountable to, member councils rather than be a 'fourth tier' of government
- not impose significant red tape, cost or risks and ensure benefits outweigh costs and risks
- embed collaborative relationships between local government and the State Government, as well as a wide range of other stakeholders and partners
- have a consistent core model with flexible elements
- protect entitlements for council staff through the Local Government (State) Award
- enable significant projects and initiatives, and associated funding and assets, to be managed regionally
- ensure good governance
- serve the best interests of the region and its communities.

### Core functions

- Regional strategic planning and priority setting
- Intergovernmental collaboration
- Regional leadership and advocacy.

### Optional functions

Optional functions will be enabled, but not defined, by the legislation. These may include regional service delivery or capacity building activities. JOs should determine the best vehicle to undertake optional functions.

### A new entity

JOs will be bodies corporate established by proclamation under the Local Government Act. The proclamations will designate JO regions. All general purpose councils within each designated region must be a member of the JO.

The State Government will be an associate member of each JO Board. The legislation will also provide the option for other associate, non-voting members to be on the JO Board such as councils from other JO areas, cross border partners or county councils, where appropriate.

The JO Board must appoint an Executive Officer with appropriate skills based on a flexible standard contract. The JO may also employ additional staff under the Local Government (State) Award.

### Representation and operation of the Board

There will be core requirements for a number of key governance aspects to ensure robust, transparent and effective decision making and operation of the Board.

The requirements for membership and operation of the JO Board will be that:

- the Mayor will be the legislated member council representative on the JO, with the JO enabled to appoint additional elected representatives as long as representation remains equal. General Managers will participate in JO Board meetings in an advisory capacity
- an alternate representative, preferably the Deputy Mayor where there is one, may be appointed in certain circumstances where the Mayor cannot be represented, for example, due to illness or leave
- remote or proxy voting may occur in circumstances where it is impractical for the representative to attend in person
- the relevant Department of Premier and Cabinet (DPC) Regional Coordinator will represent the State Government on the Board in an associate, non-voting capacity
- the Board members will be appointed for a two year term, with the Chair chosen by voting representatives of the Board
- the role of Board members and Chair will be modelled on relevant roles of a councillor and mayor in the Local Government Act, plus the need to act in the best interests of the region as a whole.
- all member councils will have equal voting rights
- a simple majority at a meeting at which a quorum is present will be required for a decision to be made. The Chair of the JO will not have a casting vote
- Board members will not be paid sitting fees. However, a one-off increase to the Mayoral fee will be considered as part of the councillor remuneration review to commence in the coming months.

### Planning and reporting

JOs will be required to prepare succinct strategic priorities and work plans and produce succinct annual performance reports.

### Financial resourcing

The State Government will provide seed funding of \$300,000 per JO. Member councils will fund the ongoing functions of the JO. These contributions will be worked out by each JO using a regionally negotiated formula.

JOs will have a range of other funding opportunities, including the ability to apply for grants and generate income from activities they undertake.

### JO formed corporations and other entities

JOs will be enabled to undertake optional functions directly, through member councils and through corporations and/or other entities.

An emerging direction to inform an appropriate model for JOs to form corporations and other entities has been developed and is included for feedback.

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

### 11.1 Statement of Investments - June 2016

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 2016.

#### 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 2016

#### Enclosures

Nil

### **RECOMMENDATION**

That the information relating to the Statement of Investments for June 2016 be received and adopted.

### **BACKGROUND**

Attached is a copy of the Statement of Investments for June 2016.

#### **Investment Commentary**

The total investment portfolio reduced by \$786K during June 2016. Various revenue was received totalling \$7.7M, including rate payments amounting to \$1.1M, Investments recalled of \$1.5M, user fees and charges and other revenue of \$1.6M, Grants and Contributions of \$1.1M, Debtors receipts of \$1.2M and ILU & Hostel bonds of \$1.2M. Payments to suppliers of \$3.9M, Investments placed of \$2M, ILU & Hostel Bond refunds of \$1.1M and employee wages of \$1.5M amounted to total expenditure of \$8.5M.



## Report of the Director Finance, Corporate and Commercial Services

## 11.1 Statement of Investments - June 2016 (cont)

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Note that the Westpac Bank Account balance shown in (a) of \$1.4M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented. The interest to 30 June is \$2M with an annual budget estimate for 2015/2016 of \$1.125M. Included in the actual interest income figure is interest income on Section 94, Blue Haven ILU & Hostel Restricted Assets.

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations. The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities. Interest rates have been dropping for a number of years. With the Reserve Bank cash rate now at 1.75% there does not appear to be any likelihood of any change in rates upward in the short term. The current 90 day investment rate quoted by National Australia Bank on 30 June 2016 was 2.85%. The previous month's was 2.85% with June 2015 rate being 2.90%. Council's interest on investment budget estimate has been conservative based on the trend with interest rates. Council has been able to consistently perform above the Reserve Bank 90 day bank bill index. Council staff have been reviewing long term investment rates with six longer term investments currently included in our portfolio. The National Australia Bank is currently quoting 90 days 2.85%, 1 year 2.80%, 2 years 2.70% and 3 years 2.70%.

**Certification – Responsible Accounting Officer**

I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

**(b) Council Investments as at 30 June, 2016**

| DIRECT INVESTMENTS:<br>INSTITUTION | S & P<br>RATING | MARKET<br>VALUE \$   | INVESTMENT<br>TYPE | DATE<br>LOGGED | MATURITY<br>DATE       | TERM<br>(DAYS) | RATE % |
|------------------------------------|-----------------|----------------------|--------------------|----------------|------------------------|----------------|--------|
| AMP                                | A+              | 500,000.00           | Term Deposit       | 09/03/16       | 12/09/16               | 187            | 3.00   |
| AMP                                | A+              | 1,000,000.00         | Term Deposit       | 09/05/16       | 09/11/16               | 184            | 3.00   |
| AMP                                | A+              | 1,000,000.00         | Term Deposit       | 23/05/16       | 23/11/16               | 184            | 3.00   |
| AMP                                | A+              | 1,000,000.00         | Term Deposit       | 01/06/16       | 30/11/16               | 182            | 3.00   |
| Beyond Bank                        | BBB+            | 1,000,000.00         | Term Deposit       | 26/05/16       | 29/08/16               | 95             | 3.00   |
| Beyond Bank                        | BBB+            | 1,000,000.00         | Term Deposit       | 31/05/16       | 07/09/16               | 99             | 3.00   |
| Bankwest                           | AA-             | 1,000,000.00         | Term Deposit       | 05/04/16       | 15/08/16               | 132            | 3.00   |
| Bankwest                           | AA-             | 1,000,000.00         | Term Deposit       | 06/04/16       | 14/07/16               | 99             | 3.00   |
| Bank of Qld                        | A-              | 1,000,000.00         | Term Deposit       | 06/01/16       | 06/07/16               | 182            | 3.15   |
| Bank of Qld                        | A-              | 1,000,000.00         | Term Deposit       | 30/03/16       | 02/11/16               | 217            | 3.10   |
| Bank of Qld                        | A-              | 1,500,000.00         | Term Deposit       | 15/02/16       | 17/08/16               | 184            | 3.10   |
| Bank of Qld                        | A-              | 1,000,000.00         | Term Deposit       | 18/01/16       | 18/07/16               | 182            | 3.10   |
| Bank of Qld                        | A-              | 1,000,000.00         | Term Deposit       | 20/01/16       | 21/07/16               | 183            | 3.10   |
| Bank of Qld                        | A-              | 1,000,000.00         | Term Deposit       | 02/05/16       | 02/11/16               | 184            | 3.10   |
| Bank of Qld                        | A-              | 1,500,000.00         | Term Deposit       | 23/03/16       | 26/10/16               | 217            | 3.10   |
| Bendigo                            | A-              | 1,000,000.00         | Term Deposit       | 03/02/16       | 04/08/16               | 183            | 2.95   |
| Bendigo                            | A-              | 1,000,000.00         | Term Deposit       | 22/06/16       | 04/01/17               | 196            | 2.75   |
| ME Bank                            | BBB+            | 1,000,000.00         | Term Deposit       | 15/03/16       | 15/03/17               | 365            | 3.07   |
| ME Bank                            | BBB+            | 1,500,000.00         | Term Deposit       | 24/02/16       | 22/02/17               | 364            | 3.05   |
| ME Bank                            | BBB+            | 1,000,000.00         | Term Deposit       | 01/03/16       | 05/09/16               | 188            | 3.00   |
| ME Bank                            | BBB+            | 1,000,000.00         | Term Deposit       | 20/04/16       | 20/04/17               | 365            | 3.15   |
| NAB                                | AA-             | 1,000,000.00         | Term Deposit       | 04/02/16       | 05/07/16               | 152            | 3.03   |
| NAB                                | AA-             | 1,000,000.00         | Term Deposit       | 17/02/16       | 20/07/16               | 154            | 3.03   |
| NAB                                | AA-             | 1,000,000.00         | Term Deposit       | 26/04/16       | 28/09/16               | 155            | 3.13   |
| NAB                                | AA-             | 2,000,000.00         | Term Deposit       | 09/03/16       | 11/08/16               | 155            | 3.12   |
| NAB                                | AA-             | 1,000,000.00         | Term Deposit       | 11/05/16       | 12/10/16               | 154            | 3.01   |
| Newcastle B/S                      | BBB+            | 1,000,000.00         | Term Deposit       | 20/06/16       | 21/12/16               | 184            | 2.70   |
| IMB Society                        | BBB             | 1,000,000.00         | Term Deposit       | 13/01/16       | 13/07/16               | 182            | 2.90   |
| ING Bank                           | A-              | 1,000,000.00         | Term Deposit       | 25/01/16       | 27/07/16               | 184            | 2.95   |
| ING Bank                           | A-              | 1,000,000.00         | Term Deposit       | 02/02/16       | 03/08/16               | 183            | 2.95   |
| ING Bank                           | A-              | 1,000,000.00         | Term Deposit       | 09/02/16       | 10/08/16               | 183            | 2.96   |
| Rural Bank                         | A-              | 1,000,000.00         | Term Deposit       | 10/02/16       | 11/07/16               | 152            | 2.85   |
| Suncorp                            | A+              | 1,000,000.00         | Term Deposit       | 27/04/16       | 31/10/16               | 187            | 3.10   |
| Suncorp                            | A+              | 1,000,000.00         | Term Deposit       | 30/05/16       | 01/12/16               | 185            | 3.00   |
| Suncorp                            | A+              | 1,000,000.00         | Term Deposit       | 16/06/16       | 18/01/17               | 216            | 3.03   |
| Westpac                            | AA              | 1,427,406.41         | Bank Account       | -              | AT CALL                |                | 0.84   |
| Westpac                            | AA              | 1,581,578.82         | Maxi Account       | -              | AT CALL                |                | 1.30   |
| <b>TOTAL DIRECT INVESTMENTS</b>    |                 | <b>40,008,985.23</b> |                    |                | Average Rate-June 2016 |                | 2.91   |
|                                    |                 |                      |                    |                | Average Rate-June 2015 |                | 2.95   |

|                          |                      |
|--------------------------|----------------------|
| <b>TOTAL INVESTMENTS</b> | <b>40,008,985.23</b> |
|--------------------------|----------------------|

|                             |               |        |  |
|-----------------------------|---------------|--------|--|
| TOTAL INVESTMENTS MAY 2016  | 40,795,055.93 | -1.96% | Change in total investment over prev 1 month   |
| TOTAL INVESTMENTS JUNE 2015 | 42,300,747.15 | -5.42% | Change in total investment over prev 12 months |

Item 11.1  
Attachment 1

(c) Application of Invested Funds

| Restricted Funds:        | Description                                | Value (\$)           |
|--------------------------|--|----------------------|
| Externally Restricted    | S94 Developer Contributions                | 3,511,541.52         |
|                          | Grants                                     | 1,025,442.00         |
|                          | Domestic Waste                             | 1,922,907.00         |
|                          | Waste & Sustainability                     | 228,464.18           |
|                          | Carer Respite Centre                       | 1,012,143.91         |
|                          | Southern Council's Group                   | 1,717,600.01         |
| Internally Restricted    | Blue Haven ILU                             | 4,238,450.00         |
|                          | Blue Haven Care-Residential                | 9,907,920.00         |
|                          | Land Development                           | 3,206,920.00         |
|                          | Waste Business Unit (Plant Replacement)    | 1,775,436.00         |
|                          | Plant Replacement - Engineers              | 1,315,375.00         |
|                          | Employee Leave Entitlements                | 1,000,000.00         |
|                          | S94 Recoupments                            | 818,620.96           |
|                          | Carry-over works                           | 1,625,084.00         |
|                          | Holiday Parks - Crown Reserves             | 1,213,526.00         |
|                          | Holiday Park - Kendalls Beach              | 607,585.00           |
|                          | Contingencies                              | 779,730.00           |
|                          | Property Insurance                         | 120,000.00           |
|                          | Community Bus                              | 174,969.00           |
| CACP                     | 66,983.00                                  |                      |
| Unrestricted Funds:      | Funds to meet current budgeted expenditure | 3,740,287.65         |
| <b>TOTAL INVESTMENTS</b> |  | <b>40,008,985.23</b> |

**Note:**

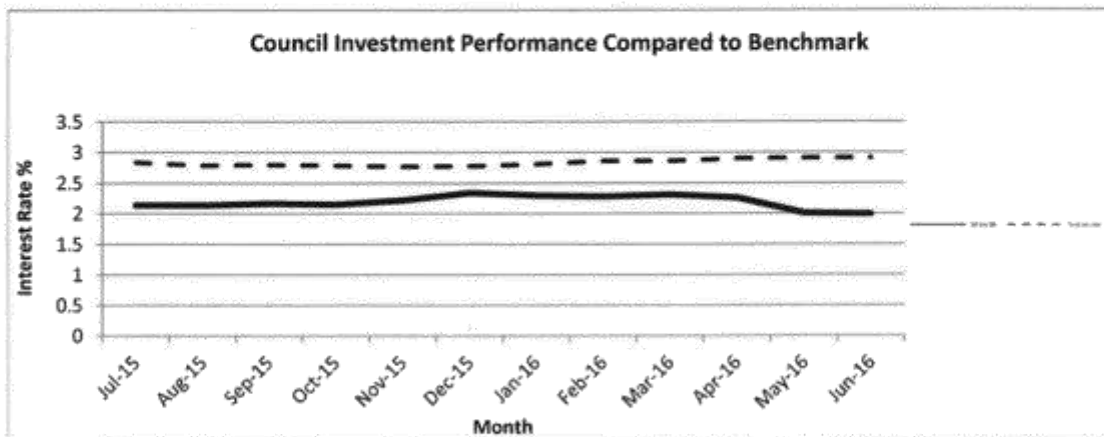
The above Application of Invested Funds reflects audited balances as at 30 June 2015. Actual movement in these balances are recorded at the end of the financial year.

The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

(d) Investment Portfolio Performance

Investment Performance vs Benchmark

|           | Investment Portfolio Return (%pa) | Benchmark: BBSW 90 day Bank Bill Index (source RBA) |
|-----------|-----------------------------------|---|
| 1 month   | 2.91                              | 1.99  |
| 3 months  | 2.91                              | 2.09  |
| 6 months  | 2.88                              | 2.19  |
| 12 Months | 2.84                              | 2.19  |



## 12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

### 12.1 Kevin Walsh Oval amenities building renewal, Jamberoo

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

CSP Strategy: 2.13 Effectively manage other assets to cater for current and future generations (including car parks, community buildings, cemeteries and dams)

Delivery Program: 2.13.1 Manage community buildings by the creation and implementation of the Community Buildings Asset Management Plan actions

#### Summary

Report on the detailed design and costs estimate for the refurbishment of the existing amenities building at Kevin Walsh Oval, Jamberoo.

#### Finance

The 2016/17 budget has \$436,500 allocated for the refurbishment of the Kevin Walsh Oval amenities building.

#### Policy

N/A

#### Attachments

Nil

#### Enclosures

Nil

### **RECOMMENDATION**

That Council defer advertising of public tenders for the construction and refurbishment of the Kevin Walsh Amenities Building pending future funding allocations from savings in Council's quarterly budget reviews.

### **BACKGROUND**

At the June 2015 Council meeting, a public submission was considered from the Jamberoo Combined Sporting Clubs Inc, regarding the 2015/16 budget for the Kevin Walsh Oval amenities building renewal.

The Club's submission concerned the reduction in funding available for the amenities renewal from \$849,000 to \$450,000. At the time Council were advised by the Director of Engineering and Works that an architect and quantity surveyor had been engaged to carry out preliminary cost estimates on the preferred option to upgrade and extend the existing facility in its current location. The preliminary costs estimates for these concept designs were in the order of \$460,000 to \$490,000. It was proposed that a Stakeholder Working Group would be established comprising the architect, staff, Councillors and local representatives to develop a detailed plan

## Report of the Director Engineering and Works

## 12.1 Kevin Walsh Oval amenities building renewal, Jamberoo (cont)

and estimate. The \$450,000 allocated in the draft budget was retained for the final 2015/16 budget however it was acknowledged that any variation to the budget resulting from the above process would need to be formally reconsidered by Council in a future budget.

Throughout the previous year the working party has convened on a number of occasions to develop the plans and specifications suitable for the sporting clubs and public usage in accordance with the budget. As the detailed plans have been refined, it has become apparent that there are additional costs not originally foreseeable in the concept cost estimate. Examples include, asbestos removal, repairs to the existing building's floor slab, painting of existing building, new electrical distribution boards etc.

In addition, following the public exhibition of the concept plans, submissions were received from Council's Waste Business Unit requesting an enlarged garbage bin enclosure and from Council's Access Committee requesting an adult change table and hoist in the proposed disabled toilet facility. At the Council meeting of 15 December 2015 it was resolved that:

"15/471

*Committee recommendation that Council:*

- 1) *Adopt the concept plan for the refurbishment of the existing amenities building at Kevin Walsh Oval, Jamberoo and commence detailed design and specifications suitable to call tenders for the construction works.*
- 2) *Incorporate the waste management recommendations into the project.*
- 3) *Determine if an adult change table is to be included in the project following receipt of detailed cost estimates."*

In conjunction with the Stakeholder Working Group the detailed designs and specifications have been completed incorporating the above. Council staff have worked with the architects to review the building materials, fittings and fixtures to reduce costs where possible while still complying with the Building Code of Australia, Australian Standards and Council's own requirements and without compromising the stakeholder's and public's expectations for this building.

The Quantity Surveyor's revised cost estimate is \$563,417. At present there is \$436,500 remaining of the original budget, indicating a shortfall of \$126,917.

The adult change table facilities have been estimated at \$26,000. However this is exclusive of the costs of the structural enhancements such as additional ceiling beams and reinforced walls required to accommodate the hoist and change table loadings that have been incorporated into the design. The deferral of the installation of these items could be considered in the interim while Council seeks grant funding to offset this cost.

While it should be acknowledged that the budget shortfall is subject to change pending the receipt of public tenders for the construction works, given Council's recent adoption of the 2016/17 budget it is unlikely that any savings will be available until quarterly reviews are undertaken later in the year to determine if any funding can be allocated towards this project.

**12.2 2016/2017 Plant Replacement Program - purchase 11 Plant items**

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.

**Summary**

This report informs council of the process and outcomes of the request for quotations for the purchase of eleven (11) items of plant as identified in the 2016-17 Plant Replacement Program.

**Finance**

The capital expenditure will be made available from the Engineering & Works Plant Replacement budget. These purchases were identified in the 16/17 budget.

**Policy**

The RFQ has been undertaken in accordance with the Local Government Tender Regulations 2005.

**Attachments**

Nil

**Enclosures**

Nil

***RECOMMENDATION***

That Council purchase:

1. seven (7) Ford Ranger utilities from Harrigan Ford with a total capital value of \$199,245 + GST
2. one (1) Isuzu FRR 110-260 truck and body from Dwyers Truck Centre with a total capital value of \$158,456 + GST
3. one (1) Hino 917 truck with Garwood compaction body from Illawarra Hino with a total capital value of \$177,388 + GST
4. one (1) road sweeper from Bucher Municipal with a total capital value of \$330,835 + GST
5. one (1) Mack Trident truck and dog trailer from Southern Truck Centre with a total capital value of \$373,759 + GST

Report of the Director Engineering and Works

12.2 2016/2017 Plant Replacement Program - purchase 11 Plant items (cont)

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## **BACKGROUND**

As part of the 2016-17 Plant Replacement Program, Engineering & Works have the following Plant identified as being at the end of their economic life and programed for replacement:

- Plant 9144 – utility
- Plant 9155 – utility
- Plant 9158 – utility
- Plant 9173 – flat top truck.

Waste Services have the following Plant identified as being at the end of their economic life and programed for replacement:

- Plant 9063 – utility
- Plant 9159 – utility
- Plant 9163 – utility
- Plant 9188 – utility
- Plant 9187 – rear loader garbage compactor
- Plant 9180 – tipper truck and dog trailer
- Plant 9184 – street sweeper

A specification was developed in consultation with stakeholders to ensure the vehicle will meet the operational needs of the end user.

A request for quotation was then placed with the Local Government Procurement Vendor Panel system. The request for quotation was sent to all panel members under LGP contract 1608-2 & NPN04-13.

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.

**12.3 Bicycle safety rails - grant funding acceptance**

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

CSP Strategy: 2.10 Effectively manage the transport network of roads, footpaths and cycleways to cater for current and future generations

Delivery Program: 2.10.2 Manage footpaths and cycleway infrastructure for the community by the implementation of the Shared Pathway Asset Management Plan actions

**Summary**

The report outlines the 2016-2017 NSW Governments Safer Roads Program and recommends acceptance of the grant from Roads and Maritime Service (RMS) for the installation of safety fencing for crash barriers (smooth running rail) at three separate locations being Minnamurra River Bridge, Gipps Street and South Kiama Drive, Kiama.

**Finance**

\$102,500 grant funding.

**Policy**

N/A

**Attachments**

- 1 Key requirements for acceptance
- 2 Key dates
- 3 Council acceptance
- 4 Council initial financial forecast and Key Milestone dates

**Enclosures**

Nil

***RECOMMENDATION***

[That Council accept the grant funding offer from the Roads and Maritime Services and delegate authority for the General Manager to sign the funding agreement.](#)

**BACKGROUND**

Following a previous grant application by Council, an offer of \$102,500 has been received from the Roads and Maritime Service (RMS) for the installation of bicycle safety fencing for crash barriers (smooth running rails) at three separate locations at Minnamurra River Bridge, Gipps Street and South Kiama Drive for the 2016-2017 financial year. The bicycle safety rails are installed on the inside of existing guardrail barriers to prevent injury to cyclists from accidentally colliding with the support posts. The proposed locations were previously selected by Council's Walking Tracks and Cycleways Committee.



Report of the Director Engineering and Works

12.3 Bicycle safety rails - grant funding acceptance (cont)

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The key requirements that Council must adhere to as part of its acceptance of the project funding agreement are outline below, with further details and key dates provided in Attachments A and B.

1. Council provides written acceptance of funding (Attachments C and D).
2. Council provides detailed designs and cost estimate.
3. Council submits monthly status reports.
4. Council submits invoices and evidence of work completed.
5. All physical works completed by 26 May 2017.
6. Any variations to scope or cost must be discussed and approved by Roads and Maritime before starting construction of the project.
7. Council accepts ongoing maintenance of the completed asset.

The RMS require the signed funding agreements be returned by Friday 29 July 2016.

## Attachment A – Key Requirements for Approval of Funding

### Key requirements for funding

There are several compliance phases throughout the life of a project that need to be adhered to if funding is to be offered and maintained. The performance of Council against these compliance phases will be monitored and reported on by Roads and Maritime.

#### 1. Council acceptance of funds and Council project / program plan

Council must notify Roads and Maritime that they will accept the funding offered by Roads and Maritime by **29 July 2016**. If Council requires more time to process the funding approval they should advise Roads and Maritime before this date. Council is required to submit "Council acceptance of Roads and Maritime funding" form when accepting the funds offered by Roads and Maritime (Attachment C).

In addition to the acceptance Council should also submit the financial forecast sheet (Attachment D) for the 2016-17 financial year. It is strongly recommended that Council commit to a significant level of expenditure by December 2016. It is expected that Council will endeavour to complete all physical works by end of May 2017.

Please note that these targets may be used as a performance measure in future funding submission considerations.

In accepting an allocation for projects that are funded under sharing arrangements Council has then confirmed that their share of the costs of the projects is committed to and these projects will be delivered under that basis.

Funding may be re-allocated to other Councils where the signed acceptance letter and a completed financial forecast are not returned by the due date.

#### 2. Completion of design and estimate

Councils are requested to complete the design and final cost estimate for each project by no later than **30 September 2016** (or by agreement with Roads and Maritime). Should there be any variation to cost or scope of the project, details of the variation must be submitted in writing to Roads and Maritime for assessment and approval prior to commencement of construction.

If Roads and Maritime is responsible for the ongoing maintenance of any part of the project, including any duties that relate to the construction or commissioning of a structure, Council must ensure that Roads and Maritime reviews and provides formal approval of the plans prior to the commencement of construction by council.

For all other projects, Councils are responsible for reviewing and approving plans as the asset owner. Roads and Maritime does not undertake design or safety reviews of Council projects.

Council is required to undertake public consultation and meet all WHS requirements for each project. Council must ensure that projects are constructed in accordance with the relevant Australian Standards, Austroads Guidelines and Roads and Maritime Supplements (where appropriate).

A road safety audit may be required for certain projects – to be confirmed by the RMS project manager at the project development stage. Council is responsible to undertake the Road Safety Audit under *Guidelines for Road Safety Audit Practices* and address all corrective actions. Any audits must be undertaken by an accredited and independent audit team.

### 3. Council monthly reporting

Every month through the 2016-17 financial year Council shall submit a report that includes all projects detailed in this letter and its attachments. In the event other projects are funded throughout the year then these must be added to the monthly report.

A report template will be provided to Council following their acceptance of the funds and return of Attachments C and D.

The monthly report includes:

- The program and project numbers for each project along with a description / scope of each project in accordance with that funded proposal.
- Details of the progress of all works including submission of design and cost estimate to Roads and Maritime, and the start and completion dates of construction.
- Cost estimation / actuals as follows:
  - Actual costs for each month prior to the current reporting month.
  - Actual costs for reporting month including an estimate for the value of works to be completed to the end of the month.
  - Forecast for each month after the reporting month to the end of the financial year.
  - Note that the cost estimate represents the works completed, not when Council receives invoices. Also, Council should be aware that this forecasting process does not generate payment, and is separate from invoicing.
- Risks, mitigations and comments on each project. Comments should be detailed enough to give an accurate view as to the current status of the project.
- Work Health Safety (WHS) occurrences (any events or conditions that resulted in or had the potential to result in a noteworthy amount of damage or injury including any notifiable incidents).

Monthly reports shall be provided by the third last working day of the month. Reports are encouraged to be submitted earlier than this. A report is still required to be submitted even if there has been no change to the previous month – in this case it should be noted that there is no change.

Please email monthly reports to your Roads and Maritime Network & Safety contact.

### 4. Invoicing

Council must submit a claim for payment using the form provided by Roads and Maritime (not a RCTI). The claim must not include GST. Evidence of works completed must be submitted with the claim. Evidence may include submission of a signed completion report, photos or other documentation.

### 5. Project finalisation

All physical works should be completed **26 May 2017**. The final claim and completion report are to be submitted as soon as practicable after completion. **Note that any approved allocated funding not spent prior to 30 June 2017 will lapse.** Roads and Maritime will only pay for actual and completed works at this date and is unable to pay for any incomplete project works not claimed at this date. No project funds will be rolled over to the next financial year.

#### 6. Scope changes / variations

Any change of scope, time or cost, for projects **MUST** be discussed as soon as possible with the Roads and Maritime Program Delivery Manager. Council must formally request and detail in writing the proposed changes to the Program Delivery Manager. No works are to commence prior to receiving written approval for the change from Roads and Maritime and a revised forecast is agreed to in writing. Note that a change of scope may result in a revised funding allocation and the merits of the project may be re-assessed against other priority projects.

#### 7. Ongoing maintenance

Council will be responsible for the maintenance of all completed assets except for the following:

- Traffic signals.
- Any asset where Roads and Maritime has formally accepted ownership and maintenance liability in writing.

For Roads and Maritime to accept ownership/maintenance of an asset, the asset must be designed and constructed in accordance with all Roads and Maritime specifications / requirements.

#### 8. Work Health and Safety

Council will comply with WHS Laws (Work Health and Safety Act 2011, Work Health and Safety Regulation 2011).

Council acknowledges that under WHS Laws, it has a primary duty of care to ensure, so far as is reasonably practicable:

- the health and safety of workers, and
- that the health and safety of others is not put at risk from the works.

Council acknowledges and agrees to consult, cooperate and coordinate with other relevant persons about matters relating to shared risks and the health, safety and welfare of the workers.<sup>1</sup>

Council will have a system in place to manage work health and safety risks that is sufficiently resourced and implemented.

If a notifiable incident occurs, the Council must notify:

- SafeWork NSW (formerly WorkCover) immediately, and
- Roads and Maritime within 24 hours

Council will exercise due diligence in the selection of workers to carry out works and impose the requirements set out above, to the extent possible.

Roads and Maritime looks forward to working with Council to successfully deliver the 2016-17 financial year program of works.

<sup>1</sup> For more information on duties and consultation please refer to the SafeWork NSW website at [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)

**Attachment B – Key Milestones / Dates**

| Milestone  | Submission Date                      |
|--|--------------------------------------|
| Council accepts funding and provides initial forecast for 2016-17    | 29 July 2016                         |
| Council submits detailed designs and cost estimates for all projects | 30 September 2016                    |
| Completion of physical works for all projects                        | 26 May 2017                          |
| Submission of completion reports and final invoices                  | 16 June 2017                         |
| monthly reports  | third last working day of each month |

Item 12.3

Attachment 2

**Attachment C – Council acceptance of Roads and Maritime funding**

**2016-17 Financial Year**

Kiama Municipal Council hereby accepts Roads and Maritime funding for the following list of projects:

| Program | Project Number | Project Description   | 2016-17 Funding Offered |
|---------|----------------|---|-------------------------|
| Cycling | S/09130        | Install safety fencing for crash barriers (smooth running rail) at 3 separate locations (Gipps Street, Minnamurra Bridge and South Kiama Drive), Kiama. | \$102,500               |

Council confirms acceptance of Roads and Maritime funding on the terms and conditions outlined in the Roads and Maritime funding letter and attachments which detail the Roads and Maritime funding program requirements for 2016-17.

- Council has committed its share of the cost for all part-funded projects.
- Council will complete all necessary planning, design, road safety audit, public consultation, WHS considerations and environmental assessment for each of the projects.
- Council will construct the project in accordance with the submitted project plan and endeavour to meet all specified completion dates noted in the Roads and Maritime letter and attached notes.
- Council will submit a monthly financial and milestone report.
- **Council will endeavour to complete all physical works by 26 May 2017.** Roads and Maritime will only pay for actual and completed works and is unable to pay for any incomplete project works. No funds will be rolled over to the next financial year.

**General Manager Signature:**

**Print Name:**

**Date:**

Please retain a copy of this funding acceptance letter for Council records.

**Attachment D – Initial financial forecast and Key Milestone Dates**

Please provide an initial financial forecast of the expected dollar value and key milestone dates in the tables below.

Monthly reports will also be required to be completed via a supplied spreadsheet and must include an estimate of the cost of works to be completed up to the end of the current month for Roads and Maritime accrual purposes. This does not generate payment and is separate from invoicing. Forward months should show a forecasted figure of expected work completed.

**Financial Forecast**

Please provide an initial financial forecast of the expected dollar value of works to be completed for the year against each project in the table below.

| Project Number | Funding Offered | Jul 2016 | Aug 2016 | Sep 2016 | Oct 2016 | Nov 2016 | Dec 2016 | Jan 2017 | Feb 2017 | Mar 2017 | Apr 2017 | May 2017 | Jun 2017 |
|----------------|-----------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| S/09130        | \$102,500       |          |          |          |          |          |          |          |          |          |          |          |          |

**Milestone Dates**

Please provide key milestone dates for each of council projects as outlined below.

| Project Number | Planning/ Concept Design Approved | Detailed Design Approved | Commence Construction | Finish Construction and Open for Use |
|----------------|-----------------------------------|--------------------------|-----------------------|--------------------------------------|
| S/09130        |                                   |                          |                       |                                      |

"I have the authority to complete the monthly financial report on behalf of Council":

**Kiama Municipal Council**

Name:

Title:

Contact Number:

Signature:

**13 REPORT OF THE DIRECTOR COMMUNITY SERVICES**

Nil



## 14 REPORTS FOR INFORMATION

### 14.1 Question for future meeting: underpass on Federal Street, Minnamurra

Responsible Director: Engineering and Works

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At Council's meeting of 15 March 2016, Councillor Rice requested that a report be prepared on the safety measures at the Federal Street underpass, including why the mirror that was once installed is no longer operational.

Council has investigated this matter and is unaware of a mirror having previously been installed at this location. Nevertheless if one had been present and was removed, this would have been in response to advice from the NSW Roads and Maritime Services (RMS) that the use of convex mirrors is not supported as a device for general use on public roads, as the convex shape of the mirror results in the image, speed and distance of any object being distorted.

In terms of the underpass beneath the railway, there is only sufficient space for one traffic lane and a pedestrian footpath. The low head height clearance of 3.4 metres also precludes most larger vehicles from using this route. At present, the underpass has 'Stop' signs on both approaches, with eastbound traffic advised to give way to oncoming traffic. There is ample sight distance from the 'Stop' signs in each direction and as expected given the relatively low traffic volumes, there is no recorded accident history at this location within the previous 5 years.

While the current one lane configuration may not be ideal, the cost of constructing a two traffic lane underpass would be prohibitive. Similarly the installation of traffic signals to regulate traffic flows would cost \$50,000+ and may not be supported by the RMS given the relatively low traffic volumes. Another alternative could include making Federal Street one-way only, however this would require a considerable detour via Oxley Avenue for local residents and is unlikely to be supported.

Another option could involve the installation of a solar powered flashing warning sign to advise drivers of oncoming vehicles via a road sensor. However the use of such signage should be considered with caution as they may become a liability to Council should it malfunction and a collision occurs because of a driver's reliance on the sign in lieu of proper caution and visual assessment. The estimate for the installation of a flashing warning sign is approximately \$5000 initially, with ongoing annual maintenance costs. There is currently no allocation in the 2016/17 budget for the installation of this signage.

Based on the above and the fact that the underpass has operated in its current configuration for many years, it is not envisaged that further traffic management measures are necessary at this time.

**14.2 Parking Statistics - June 2016**Responsible Director: Environmental Services

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**CBD Parking:**

Parking patrols conducted – 11 site specific – 30 general area

Infringements issued – 18

Vehicle spaces marked – 1054

Market Day – 25/6

Terralong Street 2P – 5 patrols

Terralong Street 1/2P – 1 patrol

Rosebank Place 2P – 1 patrol

Collins Street 2P – 2 patrols

Railway Parade 2P – 1 patrol

Manning Street 2P – 1 patrol

**School Parking:**

Kiama High - 3 parking patrols resulting in 6 infringements

Minnamurra Public - 3 parking patrols resulting in 1 infringement

St Peter and Paul's - 1 parking patrol resulting in 1 infringement

Kiama Public - 1 parking patrol resulting in nil infringements

**Reactive Issues:**

Mail Zone – 1 infringement

No Stopping – 2 infringements

**Total amount of infringements = \$4555**

Specific patrols for July will be locations nominated above.

**14.3 South Precinct Meeting Minutes**

Responsible Director: Office of the General Manager

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The minutes of the South Precinct Meeting held on 16 June 2016 & minutes of the South Precinct Annual General Meeting held on 16 June 2016 are enclosed for Councillors' information.

**Enclosures**

- 1 South Precinct Meeting Minutes 16 June 2016
- 2 South Precinct Annual General Meeting Minutes 16 June 2016

**14.4 Questions for Future Meetings - 2011 Urban Strategy**

Responsible Director: Environmental Services

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At its meeting held on 28 June 2016 Councillor Rice requested a report on the number of lots/dwellings, greenfield or otherwise, that have been released since the 2011 Urban Strategy that indicates how this has met the expectations of the Strategy, Kiama Council and the Department of Planning and Environment.

This matter is currently being investigated and a report will be submitted to the August Council meeting.

**Item 14.4**

**14.5 Economic Development Committee Meeting Minutes**

Responsible Director: Finance, Corporate and Commercial Services

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The minutes of the Economic Development Committee Meeting held on 19 April 2016 are attached for further information.

**Enclosures**

- 1 Minutes of Economic Development Committee Meeting - 19/04/16

**14.6 Investment Options**

Responsible Director: Finance, Corporate and Commercial Services

At the meeting held on 17 May 2016 (Item 12.1) Councillors Sloan and Steel requested a report to be provided on investment options available to Council that might return a higher yield and any investment restrictions that may apply.

Councils current Investment Policy, adopted in January 2015, guides who we place our investments with and how much of the total investment portfolio we can have invested in any one credit rating.

Our current Investment Policy allows for us to place investments with institutions with a credit rating from Standard and Poors of nothing less than BBB rated. If an institution does not receive a rating from Standard and Poors, then Council does not invest with them.

Institutions with credit ratings lower than BBB or non-rated have been offering higher interest rates for investments placed with them to compensate for the higher risk associated with their credit rating. Below is a table of interest rates on offer in early July 2016.

| Investment Institution | Credit Rating | Interest Rate (120 days) |
|------------------------|---------------|--------------------------|
| Police Credit Union    | NR            | 2.85%                    |
| Mymove                 | NR            | 2.81%                    |
| Maitland Mutual        | NR            | 2.65%                    |
| CBA                    | A+            | 2.60%                    |
| ANZ                    | A+            | 2.55%                    |
| ING                    | AA            | 2.25%                    |

Council's investment portfolio currently contains only Term Deposits with Authorised Deposit-Taking Institutions. These are corporations authorized under the Banking Act 1959 (C'wlth) to take deposits from customers. By diversifying the types of investments we are placing, we could access higher returns.

A Floating Rate Note (FRN) is a medium to long term fixed interest investment where the coupon is a fixed margin ("coupon margin") over a benchmark, also described as a 'floating rate'. The benchmark is usually the Bank Bill Swap Rate (BBSW) and is reset at regular intervals – most commonly quarterly.

## Reports for Information

## 14.6 Investment Options (cont)

Some recent rates that have been on offer are:

| Investment Institution      | Rating | Term    | Rate                              |
|-----------------------------|--------|---------|-----------------------------------|
| Members Equity Bank Limited | BBB+   | 3 years | 3mth BBSW + 145bps (basis points) |
| Suncorp Metway              | AAA    | 5 years | 3mth BBSW + 105-110bps            |

Finance staff are currently assessing these investments and future cash flow needs to determine the best investment option.

Council has recently met with NSW Treasury Corporation (TCorp) and have obtained some rates they are offering in their Hour Glass facility. The ability to invest in this facility is available under the current Investment Policy. Finance staff are in the process of setting up an account with TCorp so we can access this investment.

The Hour-Glass Funds are specifically designed to meet the needs of the New South Wales public sector clients. Within convenient managed fund structures that include diversified funds and single asset class funds, the investment model offers diversification across asset classes, securities, investment managers and investment styles.

Below is a table of the recent performance of the Hour Glass Core Fund.

| Fund               | 1 Year | 3 Year | 5 Year | 7 Year |
|--------------------|--------|--------|--------|--------|
| Cash Fund          | 2.49%  | 2.73%  | 3.40%  | 3.82%  |
| Strategic cash     | 2.58%  | 2.90%  | 3.64%  | 4.05%  |
| Medium Term Growth | 1.47%  | 5.86%  | 6.47%  | 6.99%  |
| Long Term Growth   | -0.16% | 9.40%  | 9.17%  | 9.69%  |

All returns are shown net of fees and expenses. They are historic returns and do not forecast future returns.

## Reports for Information

## 14.6 Investment Options (cont)

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TCorp works with clients to ensure they are maximizing outcomes from their investments. TCorp provides clients with:

- Formulating and reviewing investment policies
- Establishing investment governance frameworks
- Analyzing investment risk
- Reporting in investment portfolios

Finance staff is currently undertaking a review of the Investment Policy to expand our investment options. We will be availing ourselves of the opportunity to have TCorp review and provide feedback on our Investment Policy. Once this review has been done, the Investment Policy will be provided to Council for review and adoption.



**14.7 Bert Flugelman Sculpture, Making Waves, Installation and Unveiling**Responsible Director: Community Services

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Council is advised of the installation and unveiling of the Bert Flugelman sculpture, *Making Waves*, at Storm Bay Kiama.

Council purchased the Flugelman sculpture in May 2015 and over the past 12 months, work has been undertaken to identify the appropriate location for its installation and to strengthen to base.

Two rounds of community consultation were held along with expert advice obtained from sculptor Greer Taylor for the sculptures location, with sites being considered throughout Kiama.

Ms. Taylor provided advice and consultation to Council's Community and Cultural Development Officer and Civil Engineer on installation options and artistic interpretation of the base design and landscaping.

Council's Workshop, Works, and Parks and Gardens Depot teams have been critical partners in the installation, and are to be congratulated on their professional involvement and quality of work.

The unveiling ceremony was held on Thursday 7 July 2016, on location at Storm Bay. The ceremony was attending by Council's Mayor Councillor Brian Petschler, General Manager Michael Forsyth, Councillors Reilly, Way, Rice, McClure, Honey and Sloan, along with special guests Kay and Rosemary Flugelman (Bert Flugelman's daughter and wife) and Ian Freu (a fellow artist of Bert Flugelman who also worked on the sculpture). The event was also attended by members of the Kiama Cultural Board, council staff and community members.

In her speech Kay Flugelman said *'On behalf of the Flugelman family I would like to say how delighted we are that this marvelous sculpture is now part of the Kiama landscape... He [Bert] loved the sea and loved the South Coast...we would like to thank Kiama Council for their initiative in providing their community with such a relevant piece of community sculpture.'*

A short video capturing the installation and ceremony can be found at:  
<https://www.youtube.com/watch?v=c2HsxmtiHJM>

**14.8 Kiama Ice Forum - Methamphetamine and our Community**Responsible Director: Community Services

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This report is to follow up from the September 2015 Council meeting where council resolved that it "...investigate the formation of a forum involving partnerships between Kiama Council, local police, schools and parents to educate our community about the scourge of MDMA otherwise known as ice".

A forum has been organised in partnership with Illawarra Shoalhaven Local Health District, the Australian Drug Foundation, and our local Community Drug Action Team (CDAT) who's membership includes local residents, police and professionals who in the sector.

The forum will be held at the Pavilion on 14 July from 10am–4pm and is fully booked out with 100 people booking in to attend. The flier promoting the forum is enclosed for councillors' information.

**Enclosures**

- 1 Kiama Ice Forum - Methamphetamine and our community 2016 flyer

**14.9 Minutes of the Kiama Access Committee held 8 July 2016**

Responsible Director: Community Services

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Enclosed for council's information are the minutes of the Kiama Access Committee held 8 July 2016.

**Enclosures**

- 1 Minutes - Access Committee - 8 July 2016

**14.10 Regional Tourism Organisation (RTO) Review Announcement**Responsible Director: Office of the General Manager

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In July 2015 Minister Ayres tasked the Destination NSW (DNSW) Board to:

- Review the current RTO Structure in NSW
- Discuss and create options for an enhanced RTO system in NSW;
- Undertake a Review of DNSW's Regional Tourism Funding Program (RVEF)

According to DNSW CEO Sandra Chipchase, "Extensive consultation was undertaken by the DNSW Board with stakeholders including local Government, the tourism division of the NSW Business Chamber, the NSW Tourism Advisory Council, key tourism industry associations, the NSW Office of Location Government and most importantly, NSW's Regional Tourism Organisations, including your RTO."

On 7 July 2016 and at the Member for Kiama, Gareth Ward's Electoral Office, Minister Ayres announced the following key reforms:

- The South Coast Regional Tourism Organisation (SCRTO) will no longer exist and will be replaced with "Sydney Surrounds South" Destination Network (DN). This will include Wollongong, Wingecarribee, Shellharbour, Kiama and Shoalhaven. Note: This is the smallest Destination Network (excluding the ACT).
- The DN's are to be established as companies with sound governance structures, skills based Boards and accountability for financial and business outcomes (see page 6 of brochure for maps of all DNs).
- Each DN will be guaranteed funding of \$400,000 for operational purposes – 3 full time staff plus five (5) paid board positions appointed by DNSW. There is no requirement to match dollar for dollar. The management team will consist of the following:
  - General Manager
  - A Business Development or Marketing Manager / Officer
  - An Administrative Assistant
  - **Applications are now open for the role of Board Members \$10,000 annual remuneration and \$20,000 for the role of Chair effective 08 July 2016 closing 31 July 2016.** The Job Information Packs can be viewed at [www.destinationnsw.com.au/our-industry/destination-networks/destination-networks-chairs-board-members](http://www.destinationnsw.com.au/our-industry/destination-networks/destination-networks-chairs-board-members)
  - It is hoped that Kiama will have a few key individuals to apply for the board positions and potentially the Operational Roles once they are released so Kiama has a strong presence.
- Funding will now be sought by individual councils and Local Tourism Organisations (Kiama Tourism) rather than the DN applying for funding.
- The Regional Visitor Economy Fund (RVEF) application process has been redesigned.

## Reports for Information

## 14.10 Regional Tourism Organisation (RTO) Review Announcement (cont)

- Increased funding for Regional Visitor Economy Contestable Funding of an addition \$3.5million over the next four years, plus additional \$1 million for Regional Flagship Events Program.
  - An addition to the Regional Flagship program is welcomed in the form of an **Incubator Program** – Grants up to \$20,000 for a maximum of 2 years. This would potentially provide opportunities for new events to gain expert assistance early rather than waiting three (3) years to apply.
  - **Flagship Marketing Grants** still available
  - **Development Program** – one off grants up to \$50,000 per Flagship event to support key event development initiatives.
- A welcomed addition is the new **Regional NSW Conferencing Unit** - activities will include:
  - A regional NSW conferencing website and portal
  - Development of a client database of Associations and Corporations with a propensity to meet in Regional NSW
  - Assistance to Industry in bid development templates and responses to Request for Tenders
  - Improved research on regional business conferences and benefits to the community
  - Developing NSW Government and industry partnerships
  - Working with Business Events Sydney to grow visitation to the Regions.

In response to the RTO review being made public, Catherine Shields, Chair of SCRTO has advised:

- Julie Bishop from DNSW has been invited to the next meeting SCRTO Board Meeting on Wednesday 27th July to explain how the new Destination Networks(DNs) will operate and how these changes will affect us.
- Spring 2016 will be the last of the current RVEF (Regional Visitor Economy Fund) funded activities for the SCRTO “Unspoilt Campaign” in its current format. The Campaign can continue and can cross DN boundaries, however RVEF funding will need to be sourced by individual Councils or local Tourism Organisation.

**Attachments**

- 1 DNSW Destination Network Letter - Stuart Ayres to SCRTO - RTO Review Outcomes 6 July 2016
- 2 RTO Review - Destination Networks - Letter CEO Sandra Chipchase to SCRTO 6 July 2016

**Enclosures**

- 1 Regional Destination Networks - RTO Review Brochure - 6 July 2016 DNSW



**The Hon. Stuart Ayres MP**  
Minister for Trade, Tourism and Major Events  
Minister for Sport

Ms Linda Marquis  
Admin Officer  
South Coast Regional Tourism Organisation  
office@southcoast.net.au

Dear Ms Marquis

I am pleased to advise that the Regional Tourism Organisation (RTO) Review is now completed and the Deputy Premier and I will be announcing the outcomes today at a media event in Dubbo.

As you are aware, the NSW Government has a goal of doubling overnight visitor expenditure by 2020. Regional tourism is vitally important in meeting this target. Whilst NSW's visitor economy has been growing, many RTOs have experienced ongoing challenges in relation to long term operational funding issues, and difficulties achieving value for money from Government funding. The reforms are designed to address these issues and to re-energise regional tourism across the State.

In summary, the key reforms I am announcing today are:

- Six Destination Networks to be established as companies with sound governance structures, skills based Boards and accountability for financial and business outcomes (see attached map)
- Guaranteed operational funding for four years for Destination Networks with no requirement to match dollar-for-dollar
- A redesigned Regional Visitor Economy Fund (RVEF) application process
- Increased funding for the Regional Visitor Economy Contestable Fund of an additional \$3.5 million over the next four years plus an additional \$1 million each year for the next four years for the Regional Flagship Events Program
- The commissioning of a new State-wide Destination Management Plan and the creation of a new Destination NSW Regional Division, including a Regional Conferencing Unit.

I have asked the CEO of Destination NSW, Ms Sandra Chipchase, to write to you outlining in more detail the innovative reforms resulting from the RTO Review and the transition arrangements.

I would like to take the opportunity thank you again for your contribution to the Review of Regional Tourism and RTOs across NSW. In less than five years the NSW Government has reversed a decline in tourism growth; but we know there is still more we can do.

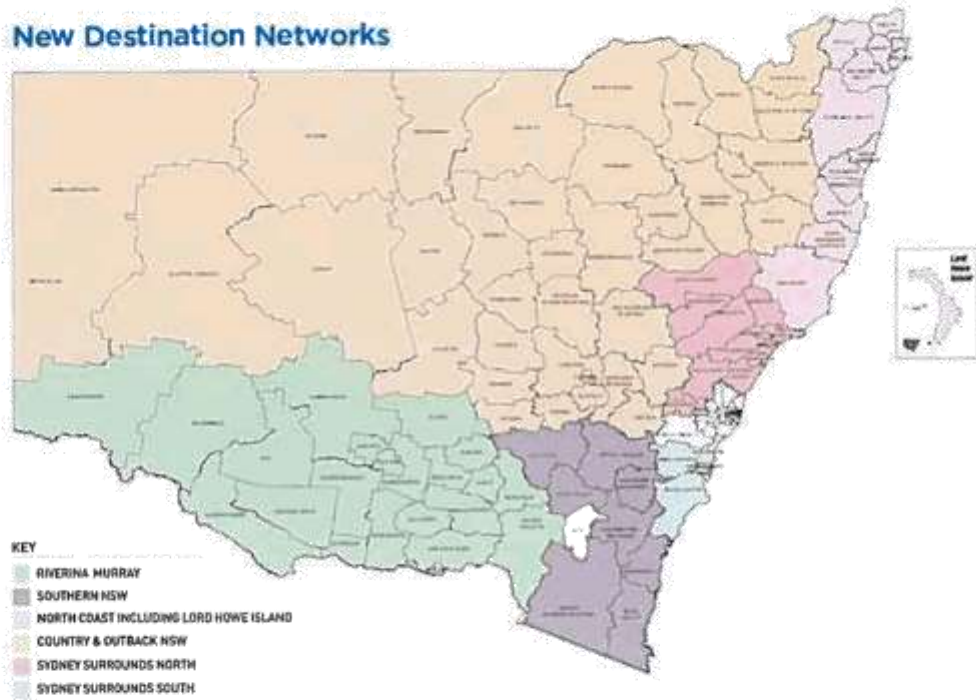
By providing a new structure, streamlined funding processes, professional governance, a clear road map and record funding, we are confident these new initiatives will deliver the results Regional NSW deserves.

Yours sincerely



The Hon. Stuart Ayres MP  
**Minister for Trade, Tourism and Major Events**  
**Minister for Sport**

6 July 2016







6 July 2016

Ms Linda Marquis  
Part-time Admin Officer  
South Coast Regional Tourism Organisation

Email: [office@southcoast.net.au](mailto:office@southcoast.net.au)

Dear Linda,

**Re: Regional Tourism Organisation (RTO) Review Announcement**

As you may be aware, the outcomes of the RTO Review are being officially announced today by the Minister for Trade, Tourism and Major Events, the Hon Stuart Ayres MP, at 10.30am in Dubbo.

This letter outlines the reforms and initiatives resulting from the RTO Review conducted by the Board of Destination NSW and approved by the Minister and NSW Government and provides information, and guidance for your RTO, in relation to transitional arrangements as the new regional tourism structure is implemented across the State.

In July 2015 Minister Ayres tasked the Destination NSW (DNSW) Board to:

- Review the current RTO Structure in NSW
- Discuss and create options for an enhanced RTO system in NSW;
- Undertake a Review of DNSW's Regional Tourism Funding Program (RVEF).

Extensive consultation was undertaken by the DNSW Board with stakeholders including local Government, the tourism division of the NSW Business Chamber, the NSW Tourism Advisory Council, key tourism industry associations, the NSW Office of Local Government and most importantly, NSW's Regional Tourism Organisations, including your RTO.

In summary, the key recommendations of the Review are:

- The creation of six new Destination Networks that are established as not-for-profit companies limited by guarantee with paid Boards and greater governance and accountability arrangements
- Guaranteed operational funding for each Destination Network for four years without the requirement for matched dollar for dollar funding
- A more streamlined Regional Visitor Economy Contestable Fund (RVEF) application process
- Increased funding for the Regional Visitor Economy Contestable Fund
- An expanded Regional Flagship Events Program and increased funding for the Program over the same time period
- New initiatives including a State-wide Destination Management Plan and the creation of a new Regional Division within Destination NSW, including a Regional Conferencing Unit.



### Destination Networks (DNs)

Regional Tourism Organisations will be replaced with the following six Destination Networks:

- Destination Riverina Murray
- Destination Southern NSW (including the Snowy Mountains and the Far South Coast)
- Destination North Coast (from the Mid-Coast to Tweed Heads including Lord Howe Island)
- Destination Country and Outback NSW
- Destination Sydney Surrounds North (including the Blue Mountains, Central Coast and the Hunter)
- Destination Sydney Surrounds South (including the Southern Highlands, Wollongong and Shoalhaven).

The boundaries are for administrative and management purposes. Many of the DN's have "hero" destinations and regions within them and we anticipate separate campaign and destination development activities will continue in these areas. Where destination, product and experience synergies exist, the Destination Networks are encouraged to work together co-operatively.

The role of Destination Networks will be to facilitate visitor economy growth at the local level, through representing and co-ordinating the region's tourism industry. Destination Networks will predominantly be destination managers. Their core responsibilities will be:

- Destination Management and Business Planning
- Industry Engagement and Industry Development
- Product Development
- Training and Education
- Preliminary Review of Local RVEF applications to ensure quality/compliance with guidelines before they are forwarded to Destination NSW for assessment
- Collaboration with Destination NSW on industry engagement and development activities
- Work in collaboration with Destination NSW led marketing and communications activity.

Advertisements for DN Board positions will be in newspapers over the coming weeks and on the Destination NSW website at [www.dnsw.com.au/dns-applications](http://www.dnsw.com.au/dns-applications)

### Funding

**Guaranteed Operational Funding** – Operational funding for Destination Networks will be available through Destination NSW with no requirement to source matching dollar for dollar funding. This will be available for a period of four years, providing certainty and stability to Destination Networks to better plan for future growth and to ensure highly credentialed staff can be recruited.



**Regional Visitor Economy Contestable Funding** - An additional \$3.5million over four years will be available for the Regional Visitor Economy Contestable Fund. Local Government, local tourism and sector organisations, Joint Organisations and collaborations of industry operators will be eligible to apply under improved and streamlined criteria and guidelines.

**The Regional Flagship Event Fund Program** will have an additional \$4 million available over the next four years via an expanded program including new Incubator and Event Development programs, in addition to the current Flagship Program.

Announcements regarding these and other State Government regional tourism programs will be made in the coming months.

#### **Destination NSW**

A new Regional Division will be created within Destination NSW. This will be the point of contact for Destination Networks and will be led by a new head of regional tourism. The division will be responsible for developing the State-wide Destination Management Plan and will have dedicated resources to further promote and develop key sectors such as Aboriginal tourism, Youth, Food and Wine and Cruise. The Zone Management team will also be strengthened.

One of the key recommendations of the Visitor Economy Industry Action Plan (VEIAP) was the promotion of Conferencing in Regional NSW, including the establishment of a Regional NSW Conferencing Unit. This Unit will be part of the new Regional Division.

Destination NSW will also establish the Destination Network Boards and have a senior staff member sitting on each Board as an Observer.

Further information in relation to the implementation of Destination Networks, is included in the Destination Networks brochure available on Destination NSW's corporate website. I have taken the liberty of attaching a copy to this correspondence.

#### **Next Steps**

A senior staff member of Destination NSW will be in contact with you shortly to arrange a suitable time in the coming days and weeks to answer your questions and discuss the transition arrangements for your RTO including current RVEF projects and the winding up of your operations as quickly as practical. Transitional operational funding will be available on a case by case basis. Please note RTOs will not be required to match transitional operational funding.

The transition process will commence as of today and we will be calling every RTO directly to identify the best way to walk you through the changes eg some RTOs may prefer a face to meeting, some Skype calls, others a conference call. We will go over the information as it relates to your RTO and your region in whatever manner you prefer.



Should you have any immediate queries in relation to the RTO Review outcomes and transition process for Regional Tourism Organisations, please contact Julie Bishop, Group Director Destination Development at Destination NSW, on 9931 1134 or [julie.bishop@dnsw.com.au](mailto:julie.bishop@dnsw.com.au).

Change is never easy and we thank you for your commitment to growing tourism in your region. Today's announcements highlight that growing the Regional NSW visitor economy is a priority and we look forward to the contribution the new Destination Networks and their supporters will be making in the future.

Yours sincerely

A handwritten signature in blue ink, appearing to read "SCK", written over a light blue horizontal line.

Sandra Chipchase  
Chief Executive Officer

**14.11 Town Centre Footpath Bollard Colours**Responsible Director: Engineering and Works

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At Council's meeting of 15 March 2016, an information report was tabled on the colour of the footpath bollards in Terralong Street and Manning Street, identifying how these were selected as part of the streetscape upgrades to provide a uniform theme and linkage with nearby heritage buildings and landscaping treatments. The Council resolved that:

*"6/088*

*Committee recommendation that Council contact organisations for the vision impaired for advice on recommended colours for the visually impaired.*

*(Councillors McClure and Sloan)"*

The matter was subsequently referred to Council's Access Committee which includes representatives from visually impaired community. At the meeting of 8 June 2016, the committee discussed the issues for people with low vision who find the existing bollards blend into the footpath paving colour due to the limited contrast. It was recommended that reflective adhesive strips fixed around the tops of the bollards in the pedestrian footway area only, would be a simple solution to make them more visible for people with low vision.

This work will be undertaken by Council's Works section in the near future.

**14.12 World Junior Surfing Championships 2017/2018**Responsible Director: Office of the General Manager

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Council has recently received confirmation from Surfing NSW that the World Surf League (WSL) World Junior Surfing Championships will be held in Kiama in 2017 and 2018.

The Minister for Trade, Tourism and Major Events and Minister for Sports, Stuart Ayres, announced that the Championship had been secured for the Kiama region for two years and will provide Kiama with worldwide exposure as well as attracting thousands of visitors to the area.

Surfing NSW General Manager, Luke Madden, has advised that the 2017 event will be run from 3 – 13 January at either Bombo, Warri or Jones beaches and will be webcast to millions of viewers with the possibility of the event also appearing on Fox Sports Live as well as numerous television shows around the world.

Destination NSW were instrumental in working with the WSL to bring the event to Kiama.

The World Surf League organises the annual tour of professional surf competitions and broadcasts each event live at WorldSurfLeague.com.

The event is expected to attract more than 2000 people to Kiama with an estimated spend of almost \$1.8 million for the region.

**Attachments**

- 1 Media release WSL World Junior Surfing Championship



**Stuart Ayres**

Minister for Trade, Tourism and Major Events  
Minister for Sport

## MEDIA RELEASE

Friday, 24 June 2016

### **WORLD JUNIOR SURFING CHAMPIONSHIPS HEADING TO KIAMA**

Some of the best international junior surfers will be heading to Kiama early next year as the WSL (World Surf League) World Junior Championships have been secured for the region in 2017 and 2018, the NSW Government announced today.

Minister for Trade, Tourism and Major Events and Minister for Sport, Stuart Ayres, said the event would give Kiama worldwide exposure, and attract thousands of visitors to the region.

"The WSL World Junior Championships is the premier event for young surfers, and will see the very best athletes coming to Kiama to compete. It will be a huge boost to the South Coast, confirming the region's reputation as a must visit for surfers," Mr Ayres said.

"From 2017-2018 the event will attract more than 2000 people to Kiama, with visitors estimated to spend almost \$1.8 million. This is great news for local hotels, restaurants and attractions, and for the NSW economy."

Member for Kiama, Gareth Ward, said the championships will see the region and its beaches promoted around the world.

"The championships will be seen right around the surfing world, through a live webcast, highlights TV show and inclusion in other championship tour events. This coverage will reach millions of households worldwide, displaying our beautiful region to potential visitors," Mr Ward said.

"I can't wait to welcome competitors to Kiama next year as this is a fantastic way for local surfing fans to view the stars of tomorrow on one of NSW's best beaches."

Previous winners of this event include world-class surfers Sally Fitzgibbons, Joel Parkinson, Andy Irons and Adriano de Souza. The 2017 event will be held from 4-15 January.

WSL World Junior Championships was secured by the NSW Government through its tourism and major events agency, Destination NSW

**14.13 Local Government NSW - Policy Review**Responsible Director: Office of the General Manager

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Local Government NSW (LGNSW) is updating its policy framework to better reflect the issues that matter most to members. LGNSW is seeking member feedback on the proposed framework. A copy of a background paper which includes a number of questions to encourage feedback has been circulated to Councillors.

The background document has been prepared to seek member feedback on:

- The proposed framework of policy principles and position statements.
- The content and wording of the policy principles.
- The suggested issues/topics for position statements.

Following the consultation, LGNSW intends to submit the proposed framework and draft policy principles for resolution to the 2016 LGNSW Conference.

The Working Committee has developed the following set of 12 Draft Policy Principles for comment:

**Economic**

1. Local government must have control of its revenue raising.
2. Local government demands fair funding for its infrastructure and service responsibilities (ie no 'cost shifting').

**Infrastructure**

3. Local government is best placed to plan for essential local infrastructure.

**Planning**

4. Local Government is best placed to lead and influence local and regional planning processes according to the needs and expectations of local communities.
5. Local government planning prioritises community quality of life.

**Environment**

6. Local government actions reflect Ecologically Sustainable Development principles:
  - a. Intergenerational equity – today's actions maintain or enhance the environment for future generations
  - b. Precautionary principle – prevent environmental degradation
  - c. Conservation of biological diversity
  - d. Improved valuation and pricing of environmental resources – recognising the value of the environment to the community.

**Social and community**

7. Local government services embody the principles of Social Justice:
  - a. Equity – fair distribution of resources



## Reports for Information

## 14.13 Local Government NSW - Policy Review (cont)

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- b. Rights - equality for all people
  - c. Access – to services essential to quality of life
  - d. Participation – of all people in their community.

Under the broad Policy Principles the following are some examples of other areas where specific position statements could be developed:

- Constitutional recognition of Aboriginal people
- Strong and inclusive communities
- Sustainable library services and programs
- Natural resources
- Climate change
- Extended producer responsibility
- Sustainability
- Revenue and funding
- Planning
- Infrastructure
- Constitutional recognition of local government
- Democracy and governance

In response to the questions raised in the background paper the following feedback is proposed.

- The LGNSW policies should relate to matters of state significance and represent the general views of member councils. The policies should be the platform for the LGNSW lobbying and advocacy roles.
- The approach of having high level principles with more detailed position statements is supported.
- Policy principles and position statements could be member council or LGNSW staff initiatives however ratified at Conference.
- The policy principles should cover the key topics listed in the background paper and aligned to the LGNSW Strategic Plan.
- The format of the policy position statements as proposed in the background paper is supported.

**Enclosures**

- 1 LGNSW Policy Discussion Review Paper

**14.14 Questions For Future Meetings Register as at 11 July 2016**

Responsible Director: Office of the General Manager

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Attached for Councillors information is the Questions for Future Meetings register as at 11 July 2016.

**Attachments**

- 1 Questions for Future Meetings Register

**Questions Without Notice Register**

| No                            | Details   | Actions  |
|-------------------------------|---|--|
| <b>21 July 2015 meeting</b>   |   |  |
| 18.1                          | <p><b>Local Environmental Plan Review Committee</b><br/>                     Councillor Rice advised that two objectives of the newly formed Local Environmental Plan review committee are:</p> <ul style="list-style-type: none"> <li>• To form a consistent and open path of communication from the community to the committee and Council; and</li> <li>• To facilitate the dissemination of information to the community in regard to the operation and review of the LEP.</li> </ul> <p>Councillor Rice requested a report that details how these two objectives will be comprehensively met as the committee goes about receiving and deliberating on the business before it. The Mayor referred this matter to the General Manager for investigation and report.</p> | Matter addressed at subsequent Local Environmental Plan Review Committee |
| 18.2                          | <p><b>Display of Motions</b><br/>                     Councillor Seage requested that motions be displayed live on screen as they are being typed for Council review prior to voting. The Mayor referred this matter to the General Manager for investigation and report.</p>   | Actioned   |
| <b>18 August 2015 meeting</b> |   |  |
| 18.1                          | <p><b>New SEPP 65 Regulation</b><br/>                     Councillor McClure requested a report on the effects that the new SEPP 65 regulations will have on Kiama Council's DCP and LEP. The Mayor referred this matter to the Director Environmental Services for information and report.</p>   | Report submitted to October meeting                                      |
| 18.2                          | <p><b>Farmers Market</b><br/>                     Councillor Steel requested a report on the number of stall holders who operate at the farmers market and live within a 50km radius of Kiama. . The Mayor referred this matter to the General Manager for information and report.</p>  | Report submitted to September Council meeting                            |
| 18.3                          | <p><b>Free Shuttle Bus</b><br/>                     Councillor Steel requested a report on the possibility of the provision of a free shuttle bus from the Leisure Centre parking area to Hindmarsh Park on market and festival days that could be funded from the fees paid by the markets to operate. The Mayor referred this matter to the General Manager for information and report.</p>   | Report submitted to September Council meeting                            |

| No    | Details   | Actions  |
|-------|---|--|
| 18.4  | <p><b>Temporary Closure of Terralolong Street</b><br/>Councillor Steel requested advice regarding the proposed temporary closure of Terralolong Street for the Jazz and Blues Festival. The General Manager advised that the Jazz and Blues Club are investigating various options for greater opportunities for the Festival, one of which is the temporary closure of Terralolong Street. He advised Councillor Steel that he had requested the Jazz and Blues Club to consult with the main street retailers with regard to this option. The General Manager also advised that any request for a street closure would need to be reported to the Traffic Committee. He further advised that he was aware that the Chamber of Commerce had conducted a survey of retailers that would be affected by the street closure and that he had received a letter from the Chamber of Commerce prior to the meeting tonight but had not as yet opened the letter so was unaware of the results.</p> | Response provided at meeting   |
| 18.5  | <p><b>Capacity of Bombo Sewage Treatment Plant</b><br/>Councillor Sloan requested that Council contact Sydney Water to formally request advice, in both Equivalent Person (EP) and flows, about the remaining dry and wet weather treatment capacity at the Bombo Sewage Treatment Plant. The Mayor referred this matter to the Director Environmental Services for information and report.</p>   | Report submitted to September Council meeting  |
| 18.6  | <p><b>Herbicide Usage</b><br/>Councillor Rice requested a report that outlines the health and safety criteria that currently underpin Council's regime of herbicide usage on parks and ovals. The Mayor referred this matter to the Director Engineering and Works for information and report.</p>  | Report submitted to September Council meeting  |
| 18.7  | <p><b>The Boneyard</b><br/>Councillor Way requested a report on the feasibility of applying to the Geographical Names Board to formally identify and confirm Kiama's iconic surfing location north of Bombo Headland as the "Boneyard". The Mayor referred this matter to the Director Engineering and Works for information and report.</p>  | Report submitted to September Council meeting and name referred to Streets & Reserves Naming Committee |
| 18.8  | <p><b>Proposed Kiama Arts Centre</b><br/>Councillor Reilly requested a report on the means and possibility of funding the proposed Kiama Arts Centre in the 2016/17 budget year. The Mayor referred this matter to the General Manager for information and report.</p>  | Report submitted to September Council meeting  |
| 18.10 | <p><b>Holiday Park Advisory Committee</b><br/>Councillor Reilly requested a report on the implementation of a holiday park advisory committee consisting of councillors, staff, caravan owners, park managers and residents prior to the November Council meeting. The Mayor referred this matter to the Acting Director Corporate &amp; Commercial</p>   | Report submitted to September Council meeting  |

| No                               | Services for information and report.            | Details   | Actions                                      |
|----------------------------------|---|---|--|
| <b>15 September 2015 meeting</b> |   |   |  |
| 18.1                             | <b>Validation of complaints</b>                 | Councillor McClure requested a report on the way Council can validate complaints and ensure that all complaints are valid at all times. The Mayor referred this item to the General Manager for investigation and report.   | Report submitted to October Council meeting  |
| 18.2                             | <b>Question without Notice Register</b>         | Councillor McClure requested that Council create a register of Questions Without Notice with the register to include the status of all Questions Without Notice asked by the Councillors and for this to be reported to each Ordinary Council meeting. The Mayor referred this item to the General Manager for investigation and report.          | Completed                                    |
| 18.3                             | <b>Gerringong Residents' Group</b>              | Councillor McClure requested a report on the feasibility of the formation of a Gerringong Residents' Group to maintain the land on the corner of Fern and Willawa Streets, Gerringong. The Mayor referred this item to the Director of Engineering and Works for investigation and report   | Report submitted to October Council meeting  |
| 18.4                             | <b>Causeways</b>                                | Councillor Seage requested a report listing the causeways within the LGA and identifying a recommended priority list to address the safety issues outlined in an email sent by Aleysha Brook-Smith after the recent heavy rains. The Mayor referred this item to the Director of Engineering and Works for investigation and report.              | Report submitted to December Council meeting |
| 18.5                             | <b>Police Residence</b>                         | Councillor Steel requested a report on the future of the Police Residence in Terralong Street. The Mayor advised that the Member for Kiama had recently advised that some funding had been provided to undertake minor aesthetic repairs to the residence, however any further works were pending the result of a Native Title Claim on the land. | No action required                           |
| 18.6                             | <b>Parking in Thomson Street</b>                | Councillor Steel requested a report on the provision of a No Parking zone on the western side of Thomson Street, Kiama near the Terralong Street intersection. The Mayor referred this item to the Director of Engineering and Works for investigation and report.  | Reported to October Local Traffic Committee  |
| 18.7                             | <b>CCTV at Kiama Harbour and Blowhole Point</b> | Councillor Way requested an estimate of costs associated with the installation of CCTV at Kiama   | Report to October Council meeting            |

| No                             | Details   | Actions                                       |
|--------------------------------|---|---|
|                                | Harbour, the harbour boat trailer parking areas and Blowhole Point. The Mayor referred this item to the Director of Corporate & Commercial Services for investigation and report.   |   |
| 18.8                           | <p><b>Tourist Information Map at Kiama Station</b></p> <p>Councillor Way requested that an estimate of costs for the installation of a tourist information map/sign, similar to the sign at Minnamurra Station, which features routes to tourist destinations in the local area, be erected at Kiama Station. He also suggested that the map should display the WiFi and App information on the base. The General Manager advised that Council is working with Kiama Tourism to upgrade existing tourist information signage within the area. The Mayor referred this item to Director of Engineering &amp; Works for investigation and report.</p> | Actioned                                      |
| 18.9                           | <p><b>Bombo Headland</b></p> <p>Councillor Honey requested a report on the progress made in gaining funding for the Conservation Management Plan for Bombo Headland and whether approaches have been made to the Member for Kiama. Councillor Honey further requested that approaches be made to Wollongong Botanical Garden with the intention to include a coastal botanical garden on all or part of the headland. The Mayor referred this item to the Director of Engineering &amp; Works for investigation and report.</p>   | Report to October Council meeting             |
| 18.10                          | <p><b>Book dispenser</b></p> <p>Councillor Reilly requested a report on the construction and placement of a book dispenser similar to those found in other areas, where books may be left and borrowed in a public place. The Mayor referred this item to the Director of Community Services for investigation and report.</p>  | Report to December Council meeting            |
| 18.11                          | <p><b>Street lighting</b></p> <p>The Mayor requested information regarding the cost associated with extending the footpath lighting from the new subdivision at the northern end of South Kiama Drive to Kiama Heights. He referred the item to the Director of Engineering and Works for investigation and report.</p>   | Report to October Council meeting             |
| <b>20 October 2015 Meeting</b> |   |   |
| 18.1                           | <p><b>73 Fern Street, Gerringong</b></p> <p>Councillor McClure requested an investigation into the option of a land swamp of Noble Park at 73 Fern Street, Gerringong with 98 Fern Street, Gerringong. This investigation would include all details of the land, any covenants or restrictions and should include discussions with the owners of 98 Fern Street. The Mayor referred the item to the General Manager for investigation and report.</p>   | Report to November Council meeting            |
| 18.2                           | <p><b>Secure Storage for Caravans and Boats</b></p>   | Report to November Council meeting (combined) |

| No                       | Details   | Actions  |
|--------------------------|---|--|
|                          | <p>Councillor Seage requested a report on the feasibility of Council providing a secure storage area for caravans and boats at a reasonable annual rate to ratepayers and for a slightly higher rate to non-ratepayers. The Mayor referred the item to the Director of Engineering and Works for investigation and report.</p>  | <p>with 18.4)<br/>Site inspection carried out and further investigation to be carried out.</p> |
| 18.3                     | <p><b>Speed humps in Blue Haven Complex</b><br/>Councillor Steel requested a report on the speed humps in the Blue Haven Complex Stage 5 parking area. The General Manager advised that a residents' survey was being undertaken and that he would report the outcome of the survey to a future meeting.</p>  | <p>Report to November Council meeting</p>  |
| 18.4                     | <p><b>Possible Commercial Opportunity for Caravan Storage</b><br/>Councillor Steel requested a report on approving a local park area (approx. 2-4 hectares) either at a suitable Council owned area or land owned by a local farmer, for privately owned caravans and boats to park when not in use. The Mayor referred the item to the Director of Environmental Services for investigation and report.</p>              | <p>Report to November Council meeting (combined with 18.2)</p>                                 |
| 18.5                     | <p><b>Trees in Public Parks</b><br/>Councillor Rice requested that in the interest of maintaining biodiversity that an update or review of Council's policy for planting trees in public parks, reserves and streets be undertaken. The Mayor referred the item to the Director of Engineering &amp; Works for investigation and report.</p>  | <p>Report to November Council meeting</p>  |
| 18.6                     | <p><b>Jones Beach – Provision of picnic facilities</b><br/>Councillor Way requested a report on the costs associated with the provision and installation of three picnic tables and benches at Jones Beach adjacent to the playground. The Mayor referred this item to the Director of Engineering &amp; Works for investigation and report.</p>  | <p>Report to November Council meeting</p>  |
| 18.7                     | <p><b>Footpath at Kiama Harbour</b><br/>Councillor Way requested a report on the costs to construct a footpath from the Kiama Harbour entrance road along the back of the Scout Hall opposite the trailer parking to the top exit road opposite the new trailer parking as per the Blowhole Plan of Management. The Mayor referred this item to the Director of Engineering &amp; Works for investigation and report.</p> | <p>Report to November Council meeting</p>  |
| 18.8                     | <p><b>Review of Council's Structure</b><br/>Councillor Reilly requested that an outline be developed for an internal review of Council's structure. The Mayor referred this item to the General Manager for investigation and report.</p>   | <p>Report to November Council meeting</p>  |
| 17 November 2015 Meeting |   |  |
| 18.1                     | <p><b>Bin Liners</b><br/>Councillor Steel requested a report on the supply of bin liners for the food waste caddies being used</p>  | <p>Report to December Council meeting</p>  |

| No                      | Details  | Actions                            |
|-------------------------|--|------------------------------------|
| 18.2                    | <p>as part of the OK Organics program. The Mayor referred this matter to the Director of Environmental Services for investigation and report.</p> <p><b>Stormwater Control</b><br/>Councillor Sloan requested that a report be brought to Council outlining the feasibility of requiring household scale Stormwater Quality Improvement Devices (also known as SQIDs) or rain gardens instead of detention basins for new developments. The Mayor referred this matter to the Director of Environmental Services for investigation and report.</p> | Report to June Council meeting     |
| 18.3                    | <p><b>Investment Policy</b><br/>Councillor Rice requested a report on how Council's previous resolution to amend the Investments Policy to include consideration of investments in local or regional community based enterprises as well as those without interest in Coal Seam Gas wherever possible, has influenced Council's suite of investments since that time. The Mayor referred this item to the Acting Director Corporate &amp; Commercial Services for investigation and report.</p>  | Report to December Council meeting |
| <b>15 December 2015</b> |  |                                    |
| 18.1                    | <p><b>Use of Council owned property - Shoalhaven Street</b><br/>Councillor Reilly requested that a report be prepared with consultation with local Lions Groups to investigate the use of the dwelling on Council land on Shoalhaven Street opposite the Bowling Club for a Respite Care Facility. The Mayor referred this item to the General Manager for investigation and report.</p>   | Report to February Council meeting |
| 18.2                    | <p><b>Upgrade to toilet facilities - Jones Beach</b><br/>Councillor Reilly requested that Council investigate the possibility of an upgrade to the toilet facilities on Jones Beach and provide a report to Council as to costs for inclusion in the 2016/17 Budget. The Mayor referred this item to the Director Engineering and Works for investigation and report.</p>  | Report to February Council meeting |
| 18.3                    | <p><b>Playground equipment – Black Beach Kiama</b><br/>Councillor Way requested a report on the cost of providing sail covers to the playground at Black Beach Kiama, as well as the cost to provide a swing for older children at the same playground. The Mayor referred this item to the Director Engineering and Works for investigation and report.</p>   | Report to February Council meeting |
| 18.4                    | <p><b>Amenities Block – Bombo Hill Reserve</b><br/>Councillor Way requested a report on the cost and potential location of an amenities block that would include a change room and toilets for Bombo Hill Reserve (playing fields) on the corner of North Kiama Drive and Riverside Drive at Kiama Downs. The Mayor referred this item to the Director Engineering and Works for investigation and report.</p>   | Report to February Council meeting |
| 18.5                    | <p><b>Accessible car parking - Kiama</b><br/>Councillor Rice requested a report on the extent to which accessible car parks in Kiama meet the current Australian Standards for accessible car parking. The Mayor referred this item to the Director</p>  | Report to February Council meeting |



| No                     | Details   | Actions  |
|------------------------|---|--|
| 18.6                   | <p>Engineering and Works for investigation and report.</p> <p><b>NSW Health and Arts Framework - Taskforce</b><br/>                     Councilor Sloan advised that the NSW Minister for Health last Wednesday announced the appointment of a Taskforce to implement a new NSW Health and Arts Framework which involves new money to better involve the arts in health programs.<br/>                     Councilor Sloan requested a report be brought back to Council about the implications and opportunities of this announcement for Council and in particular whether the new Aged Care Centre of Excellence might be suitable to be a pilot project for this new program. The Mayor referred this item to the Director Community Services for investigation and report.</p> | Report to February Council meeting   |
| 18.7                   | <p><b>Placement of advertising posters</b><br/>                     Councilor Steel requested a report on the advertising posters which have been placed on the railway bridge at Bombo Beach. The Mayor referred this item to the Director Engineering and Works for investigation and report. The Director Engineering and Works advised that his staff had already made enquiries as to what avenues Council can take to recoup the costs already incurred for removing the posters.</p>   | Report to February Council meeting   |
| 18.8                   | <p><b>Endeavour Energy - donation of used power poles</b><br/>                     Councilor McClure requested a report on the sourcing at no cost to Council of used power poles from Endeavour Energy for donation to local artists and artisans to craft into totem pole like structures to be placed in suitable locations around the Kiama Harbour. The exact locations of the structures to be determined at a later date. The Mayor referred this item to the Director Engineering and Works for investigation and report.</p>   | Report to February Council meeting   |
| <b>2 February 2016</b> |   |  |
| 18.1                   | <p><b>Additional Parks and Gardens staff during Christmas period</b><br/>                     Councilor Seage requested that a report be undertaken on Council considering employing additional Parks and Gardens staff to increase the efficiency of maintenance of our parks, walkways and gardens and additionally considering employing contract lawn mowing people during future Christmas periods. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.</p>  | To be reported to the April or May Council meeting   |
| 18.2                   | <p><b>Mitre 10 site installation of booths</b><br/>                     Councilor Steel requested that a study be undertaken for the installation of internal booths at the Mitre 10 site and that this be reported back to Council. The Mayor referred this matter to the General Manager for investigation and report.</p>  | Council resolved at the meeting on 23 February 2016 to "further investigate the proposals that have been received (16/050) |
| 18.3                   | <p><b>18.3 Parking signs in Terralong Street</b><br/>                     Councilor Steel requested that signs be installed on Terralong Street indicating that only small cars</p>   | Signs to be installed by end of May 2016   |

| No                   | Details   | Actions   |
|----------------------|---|---|
| 18.4                 | <p>park in the carparks that protrude onto Terralong Street. The Mayor referred this matter to the Director Engineering and Works for investigation and report</p> <p><b>Hindmarsh Park stage roof</b><br/>Councillor Steel requested that the roof of the stage in Hindmarsh Park be cleaned. The Mayor referred this matter to the Director Engineering and Works for investigation and report.</p>   | Completed   |
| 18.5                 | <p><b>Review of old State and Federal Government roadside signage</b><br/>Councillor Sloan requested that a review be undertaken of all roadside signage installed by other levels of government to determine if they are still required to satisfy grant conditions, with a view of having unnecessary signs removed.</p>  | Review is currently underway and will be reported to a future meeting of Council. |
| 18.6                 | <p><b>Combining strategic planning and design committees</b><br/>Councillor Honey requested that consideration be given to combining the number of committees, groups and projects within Council currently undertaking aspects of planning and review within the Kiama town centre and investigate combining these committees and projects into one coordinated group to allow for a more efficient and effective strategic planning outcome for the entire Kiama Town Centre. These committees include:</p> <ul style="list-style-type: none"> <li>• Akuna Street Masterplan</li> <li>• Arts Precinct design group</li> <li>• Precinct East design competition</li> <li>• Commercial Centres Committee</li> <li>• Collins Street and Collins Lane Heritage Precinct upgrade</li> </ul> <p>And to ensure that appropriate budget be allocated in the 2016/2017 budget for this to occur. The Mayor referred this matter to the General Manager for investigation and report.</p> | Report to March Council meeting.  |
| 18.7                 | <p><b>Playground equipment for young people 9-14 years old</b><br/>Councillor Reilly requested that a report be provided on the provision of playground equipment for young people between the ages of 9 and 14 years. The Mayor referred this matter to the Director Engineering &amp; Works for investigation and report.</p>   | Report to March Council meeting.  |
| 18.8                 | <p><b>Colour of bollards</b><br/>Councillor Reilly requested that when maintaining bollards they are painted a uniform colour. The Mayor referred this matter to the Director Engineering &amp; Works for investigation and report.</p>   | Report to July Council meeting.   |
| 18.9                 | <p><b>Boats and caravans parking on footpaths</b><br/>Mayor Petschler requested that action be taken on the increasing number of boats and caravans within the Municipality that are being parked on footpaths. This matter was referred to the Director Engineering &amp; Works and Director Environmental Services for investigation and report.</p>  | Report to March Council meeting.  |
| <b>15 March 2016</b> |   |   |
| 18.1                 | <b>Restricted Parking in Shoalhaven Street, Kiama</b>   | Report to future Council  |

| No   | Details   | Actions                         |
|------|---|---------------------------------|
|      | Councillor McClure requested that a report be undertaken on installing timed parking to the eastern side of Shoalhaven Street, opposite the Penny Whistler café. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.  | meeting                         |
| 18.2 | <b>Restricting pedestrians and cyclists on Minnamurra Bends</b><br>Councillor McClure requested that a report be undertaken on the restriction of access to pedestrians, cyclists, scooters, skateboards, etc along the Minnamurra Bends, Riverside Drive from the Oxley Avenue intersection. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.   | Report to April Council meeting |
| 18.3 | <b>Request for signage at Federal Street, Minnamurra be modified</b><br>Councillor McClure requested that the signage at the Federal Street, Minnamurra rail bridge be modified as currently the "Stop" sign east of the bridge also has a "No Stopping" sign attached. The Mayor referred this matter to the Director of Engineering and Works for investigation.  | Complete.                       |
| 18.4 | <b>Residential parking permits</b><br>Councillor Seage requested that an investigation be undertaken into parking permits being made available to residents that reside in the Kiama CBD and have no parking facilities available to them. The Mayor referred this matter to the Director of Engineering and Works for investigation and report   | Report to April Council meeting |
| 18.5 | <b>Implication of the use of Glyphosphate in weed control</b><br>Councillor Sloan requested that a report be prepared outlining the implication of the World Health Organisation's upgrading of the health risk of Glyphosphate from a "possible" carcinogen to a "probably" human carcinogen status and what alternatives are available for weed control in urban areas. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.       | Report to May Council meeting   |
| 18.6 | <b>Installation of "No Standing" signs at Saddleback Mountain Road, Kiama</b><br>Councillor Sloan requested that an investigation be undertaken into the temporary measure of replacing the "No Stopping" signs on Saddleback Mountain Road adjacent to Kiama High School with "No Standing" signs to enable students to be legally dropped off on the school side of the road. The Mayor referred this matter to the Director of Engineering and Works for investigation and report. | Report to April Council meeting |
| 18.7 | <b>Planning Alerts Organisation</b><br>Councillor Sloan requested that an update be provided on the availability of Council development assessment data to the Planning Alerts organisation. The Mayor referred this matter to the Director of Environmental Services for investigation and report.   | Report to April Council meeting |
| 18.8 | <b>Safety measures at Federal Avenue, Minnamurra</b><br>Councillor Rice requested that a report be prepared on the safety measures at the Federal Avenue underpass, including why the mirror that was once installed is no longer operational. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.  | Report to July Council meeting  |

| No    | Details   | Actions   |
|-------|---|---|
| 18.9  | <p><b>Lighting at the Collins Street petrol station</b><br/>Councillor Rice requested that a report be prepared on the influence that Council may have on the brightness of the petrol station lighting in Collins Street, Kiama. The Mayor referred this matter to the Director of Environmental Services for investigation and report.</p>  | Report to April Council meeting   |
| 18.10 | <p><b>Impact of extra bins at Kiama Harbour</b><br/>Councillor Rice requested that a report be prepared detailing the outcome of the study undertaken on the impact of extra rubbish bins being installed around Kiama Harbour on reducing fishing tackle litter. The Mayor referred this matter to the Director of Environmental Services for investigation and report</p>   | Report to April Council meeting and further report to June Council meeting. |
| 18.11 | <p><b>Biodiversity Conservation Act impact</b><br/>Councillor Rice requested that a report be prepared detailing the impact that the new Biodiversity Conservation Act will have on the workload of Council officers called to assess land clearing proposals. The Mayor referred this matter to the Director of Environmental Services for investigation and report.</p>   | Report to April Council meeting   |
| 18.12 | <p><b>Design standards for signage</b><br/>Councillor Reilly requested that a report be prepared on the development of a design standard that covers colours, styles and signage for all Municipality infrastructure. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.</p>   | Report to future Council meeting  |
| 18.13 | <p><b>Collins Street notice board removal</b><br/>Councillor Reilly requested that the neglected notice board on Collins Street, Kiama near Collins Lane be removed. The Mayor referred this matter to the Director of Engineering and Works for investigation.</p>   | Complete – noticeboard removed.   |
| 18.14 | <p><b>Installation of mirror at Kiama Harbour</b><br/>Councillor Reilly requested that a report be prepared on the installation of a mirror where the new harbour road meets the Holiday Park cabins. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.</p>   | Report to April Council meeting   |
| 18.15 | <p><b>Coral trees on land between South Coast rail line and South Kiama Drive</b><br/>The Mayor, Councillor Petschler requested that the coral trees that have been cut down be removed, along with the fallen branches on the land at the corner of South Kiama Drive and Manning Street, Kiama. The Mayor referred this matter to the Director of Environmental Services for investigation.</p>   | Report to April Council meeting   |
| 18.16 | <p><b>Bait vending machines</b><br/>Councillor Steel requested that an update be provided on the installation of the bait vending machines to be installed.<br/>The General Manager advised that the machines had been installed at the Holiday Parks at Kendalls Beach and Warri Beach and that contact details for the Scout Association had been provided to the vendors for installation of a machine at the Scout Hall at Kiama Harbour.</p> | General Manager advised on night.   |
| 18.17 | <p><b>Red garbage bin service</b><br/>Councillor Steel requested that a report be prepared on increasing the red garbage bin service to</p>   | Report to April Council   |

| No                   | Details  | Actions                            |
|----------------------|--|------------------------------------|
| <b>26 April 2016</b> |  |                                    |
| 18.1                 | <p>weekly in the waste zones receiving the OK Organics service due to complaints about odours from nappies and prawns. The Mayor referred this matter to the Director of Environmental Services for investigation and report.</p> <p><b>Chapter 9 - Kiama Development Control Plan, Car Parking Requirements</b><br/>                     At the meeting of 10 February 2015 a revised version of Chapter 9 – Kiama Development Control Plan, Car Parking Requirements was presented to Council for endorsement. At that meeting Council resolved some further amendments to the chapter and determined that Public Exhibition would be deferred until the Development Committee had been given opportunity to make submissions. The resolution regarding this item did not appear in the Minutes of that meeting. In the 14 months since then, nothing further has been heard of reviewing this chapter. Councillor Rice asked what the status of the Review of Chapter 9 DCP and have the amendments made by Council been recorded for inclusion in this process. The Mayor referred this matter to the Acting Director Environmental Services for investigation and report.</p> | Report to May Council meeting      |
| 18.2                 | <p><b>Brown Street Cutting</b><br/>                     Councillor McClure asked for a report on what can be done to improve the Brown Street cutting. At present the cutting appears unstable and provides no pedestrian access. The Mayor referred this matter to the Director Engineering and Works for investigation and report.</p>   | Report to future Council meeting   |
| 18.3                 | <p><b>Kiama Harbour Moorings</b><br/>                     Councillor McClure asked for a report on what is the procedure currently in place for a member of the public to be able to obtain a mooring at Kiama Harbour. The Mayor referred this matter to the Director Engineering and Works for investigation and report.</p>   | Report to June Council meeting     |
| 18.4                 | <p><b>Council Meetings - timing of supporting documentation</b><br/>                     Councillor McClure asked for a report on the action that could be taken to avoid last minute paperwork arriving on Councillors desks in the minutes prior to Council meetings to avoid rash decisions being made. The Mayor directed this matter to the Acting General Manager for investigation and report.</p>  | Report to May Council meeting      |
| <b>15 May 2016</b>   |  |                                    |
| 18.1                 | <p><b>Cycleway and walkway along Minnamurra Bends</b><br/>                     Councillor Steel requested a report be completed on the feasibility of the installation of a cantilevered walkway/cycleway along the western side of Riverside Drive around the Minnamurra bends, Kiama Downs. The Mayor referred this matter to the Director Engineering &amp; Works for investigation and report.</p>   | Report to a future Council meeting |
| 18.2                 | <p><b>Community funded solar power</b><br/>                     Councillor Sloan requested a report be prepared on the feasibility of hosting solar panels on the roof of the Leisure Centre and/or other key buildings as part of a community funded solar power scheme.</p>  | Report to June Council meeting     |

| No   | Details   | Actions                        |
|------|---|--------------------------------|
| 18.3 | <p>The Mayor referred this matter to the Director Finance, Corporate &amp; Commercial Services for investigation and report.</p> <p><b>Use of non-identifying information from CCTVs</b><br/>                     Councillor Rice requested a report be prepared on the feasibility and legality of using non-identifying information from CCTV cameras to estimate the population serviced by Kiama at peak tourist times. The Mayor referred this matter to the Director Community Services for investigation and report.</p>   |                                |
| 18.4 | <p><b>Cycleway and boardwalk around Minnamurra Bends – expression of interest</b><br/>                     Councillor Way requested that an expression of interest be prepared for suitable parties to prepare an options report to identify a suitable system that could be constructed along Riverside Drive, from Meehan Drive around Minnamurra Bends to Minnamurra Bridge for the purpose of:</p> <ul style="list-style-type: none"> <li>• safe access and travel for pedestrians and cyclists</li> <li>• minimising the footprint on the surrounding natural environment</li> <li>• designing a cycleway/walking path that is cost affective and enhances the aesthetics of the surrounding area</li> <li>• preparing innovative design concepts that may include cantilever, cable gantries, pier and beam or any other solutions that will accommodate a shared pathway</li> <li>• prepare a fee proposal for the preliminary report/concept design.</li> </ul> <p>The Mayor referred this matter to the Director Engineering &amp; Works for investigation and report.</p> | Report to future meeting       |
| 18.5 | <p><b>Room for veterans' photographic exhibition</b><br/>                     Councillor Reilly requested that a suitable room be made available for the purpose of displaying a photographic recording of images of WWII veterans from within our Local Government Area, in association with the project "Reflections" of the Australian Institute of Professional Photographers, involving local Bob Shaw. The room is required in June and will need to be accessible for people in wheelchairs and the elderly. The Mayor referred this matter to the Director Community Services for investigation and report.</p>   | Room provided.                 |
| 18.6 | <p><b>Iluka Reserve Zoning</b><br/>                     Councillor Sloan requested an update on the zoning of Iluka Reserve and advice on when it was zoned residential. The Director Environmental Services has determined that the 1996 LEP showed the area zoned as reserve and the 2011 LEP showed the area zoned as residential. This was included in the exhibited plans at the time. The Director is now searching out some further commentary and researching archives and will report the matter back to a future Council meeting once the research is completed.</p>  | Report to June Council meeting |
| 18.7 | <p><b>Heart defibrillator</b><br/>                     Councillor McClure requested a report on the most appropriate location for the Kiama Business Chamber to place a heart defibrillator and any legal issues that may apply. The Mayor referred this</p>  | Report to June Council meeting |

| No           | Details   | Actions                  |
|--------------|---|--------------------------|
| 28 June 2016 | matter to the Director Finance, Corporate & Commercial Services for investigation and report.   |                          |
| 18.1         | <p><b>2011 Urban Strategy</b><br/>                     Councillor Rice requested a report on the number of lots/dwellings, greenfield or otherwise, that have been released since the 2011 Urban Strategy that indicates how this has met the expectations of the Strategy, Kiama Council and the Department of Planning and Environment. The Mayor referred the matter to the Director of Environmental Services for investigation and report.</p> | Report to future meeting |
| 18.2         | <p><b>Replacement of CFL streetlights</b><br/>                     Councillor Sloan requested a report on the feasibility of replacing CFL streetlights with LED lamps. The Mayor referred the matter to the Director of Engineering &amp; Works for investigation and report.</p>  | Report to future meeting |
| 18.3         | <p><b>Coral Trees - South Kiama Drive -</b><br/>                     Councillor Petschler requested that the dead coral trees near the creek in South Kiama Drive opposite Hillview Circuit be cleared and referred the matter to the Director of Engineering &amp; Works for investigation and action.</p>   | Report to future meeting |

**14.15 National General Assembly Canberra - 19-22 June 2016**Responsible Director: Office of the General Manager

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Councillors Petschler, Reilly and Steel and the General Manager attended the National General Assembly held in Canberra from 19-22 June 2016. The theme of the conference was Partners in an Innovative and Prosperous Australia. Councillor Reilly also attended the State of the Regions Workshop on the Sunday.

The conference was opened by the Australian Governor-General, His Excellency General the Honourable Sir Peter Cosgrove AK MC (Ret'd). The ALGA President, Mayor Troy Pickard, welcomed delegates and in his speech referred to the following:

- The limited taxation revenue (approximately 3%) local government receives.
- The need for a greater share of Commonwealth taxation for the States and local government.
- The local government policies prepared by ALGA and submitted to the major parties for consideration as part of their election platform.
- The advised end of the freeze of Federal Assistance Grants in 2017 and the continuation of the "Roads to Recovery" funding.
- Council's important role in innovation and the need for the adoption of innovation.

A keynote speaker was Mr George Megalogenis who is a renowned history and political author and journalist. He spoke of the volatility in politics and the shift in voting patterns during the past 20-30 years. He referred to the significant impacts on the Australian financial situation being the China and USA currency wars, increase in technology leading to jobs offshore and the slow rise in Australian wages affecting expenditure. He also commented on the neglect of infrastructure by successive State governments leading to significant challenges in dealing with the population growth of the major cities and an adverse impact on productivity. He also referred to the liveability of mid-size cities which is at risk as the population size of cities exceeds 4.5 million.

The congestion of cities was an issue raised in a subsequent panel session where it was reported that the cost of congestion will be \$53 billion by 2031. It was agreed that there needs to be greater collaboration between the three levels of government and increased integration of infrastructure and settlement strategies. Reference was made to the inequity of access to jobs particularly in Western Sydney where there is a growing job deficit.

There was recognition of the need to also address change as a result of technology in terms of work and settlement patterns. Reference was also made to the significance of soft infrastructure to new communities provided by councils such as libraries and community centres which often play the roles of community hubs.

In line with the innovation theme the conference included a number of speakers from telecommunications and information technology companies such as Telstra and Microsoft. There was discussion regarding the pace of change aided by the capability of technology increasing and decreasing costs of technology. Pip Marlow of Microsoft spoke of the need for organisations to provide time and resources for



## Reports for Information

## 14.15 National General Assembly Canberra - 19-22 June 2016 (cont)

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innovation. She referred to benefits of organisations moving away from hierarchical to network models with a greater focus on outputs rather than inputs. She also suggested that uncertainty should be embraced. Underpinning these actions is the need to build trust with strong citizen engagement.

The conference included sessions on digital transformation at the local and federal government levels.

The Federal Minister for Major Projects & Local Government, the Hon. Paul Fletcher MP and the Shadow Minister for Regional Development & Local Government, the Hon. Julie Collins MP addressed the conference.

Minister Fletcher encouraged local government to embrace digital technology and referred to the potential significant savings to Government. He referred to the opportunity to develop MyGov as a one stop shop for all government transactions. The Minister recognised local government as the most responsive of all levels of government and that local government provides a sense of identity and community.

Shadow Minister Collins advised of the commitment by the opposition to fund local government plebiscites on council merger proposals. She also advised of the opposition's support for constitutional recognition of local government and de-freezing of the financial assistant grants. The Shadow Minister made a funding commitment of \$2 million for four years to the Australian Local Government Women's Association to support more women in local government.

During the conference the Council delegates joined Mr Nick Guggisberg and Ms Melissa Andrews at Parliament House to receive the National Award for Local Government in the Disability Access & Inclusion category. The ceremony was very enjoyable with short presentations being made on each of the award winning projects. Mr Guggisberg, Ms Andrews, the stakeholders and the project team are commended again for their excellent work which resulted in the award.

**14.16 Biodiversity Reforms submission from Kiama Municipal Council, submitted to the Office of Environment and Heritage – Biodiversity Reforms Team – 28 June 2016**

Responsible Director: Environmental Services

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Attached is a copy of the Biodiversity Reforms submission from Kiama Municipal Council.

**Attachments**

- 1 Biodiversity Reforms submission



KIAMA MUNICIPAL COUNCIL

Phone Enquiries:  
4232 0444

Reference:

28 June 2016

NSW Biodiversity Reforms Team

To the NSW Biodiversity Reforms Team,

**Kiama Council submission to the NSW Biodiversity Reforms package**

We thank you for the opportunity to review and provide comment on the proposed draft legislation and associated documentation relating to the NSW biodiversity reforms package. Council staff have identified a number of issues with the proposed legislation and associated programs, and these are detailed in the following general submission.

Yours faithfully

**Byron Robinson  
Environment and Sustainability Officer**

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your council  
your community

**Concerns relating to the Draft NSW Local Land Services (Amendment) Bill**

- A native vegetation regulation map is referred to in the draft bill, which will identify areas where the NSW Local Land Service (Amendment ) Bill will be applied. These maps are yet to be released, therefore the impact on our local government area from the application of the amendments to the Local Land Service (LLS) Act are unknown. Also unknown is the extent of connecting and smaller vegetation patches which are not zoned E2 or E3 which will be included in the Category 1 – Excluded and Category 2 – Regulated areas of the map. Whilst there are restrictions on utilising the proposed clearing 'Codes of Practice' in the coastal zone, it is unknown at this stage whether LLS will have the staffing resources allocated to be able to deal with the demand created by the legislation.
- The introduction of self-assessable codes for vegetation clearing has the real potential to create misinterpretation of the vast amount of information relating to these codes. Any misinterpretation and / or misapplication of the codes will be much easier to defend than they will to prove they were inappropriately or deliberately applied.
- The inaccuracy of the mapping is also recognised, as ground truthing of vegetation type has not been completed as part of the mapping process. The provision of maps to try to clarify areas where clearing consent is not required leaves a huge grey area on interpreting the actions on ground for both land holders and consent / compliance officers.
- It is concerning that information in the submission guide notes that unlawful clearing will be included in the Category 2 – Regulated Land, however the definition of unlawful clearing will only be applied to clearing which has had compliance action enacted. Considering there is a report from Philip Gibbons of ANU, claiming that only 1/6<sup>th</sup> of clearing in NSW has been with consent, it is unclear how much unlawful clearing will actually be re-categorised as technically lawful under the new legislation.
- The Draft NSW LLS (Amendment) Bill defines urban areas to which the bill will not apply. This includes E zoned land, and it is unclear what this means in terms of Council's role in determining clearing applications, monitoring, compliance and enforcement.
- There are advantages to having the planned SEPP – Protection of trees in urban areas covering the E zones and Rural zones. This would mean that any works in these E zones would require consent. This measure affords

greater protection from impacts of 'Allowable Activities' (formerly Routine Agricultural Management Actions (RAMAs)), as these now only apply to Category 2 – Regulated Land as mapped in the native vegetation regulatory map.

- The consultation has asked whether LLS or Council should be the consent authority for clearing permits in the urban zoned land in rural areas (E zones and R5), for clearing associated with development that is permitted without consent such as extensive agriculture which will be regulated under the new SEPP, and clearing below the BAM threshold.
  - o Option 1 - LLS are to issue vegetation clearing permits under the SEPP, therefore one single body will be responsible in rural areas for management of all native vegetation clearing regulated by the SEPP.
  - o Option 2 - If Councils issue permits under the SEPP, this will mean the same decision maker is responsible for permits for native vegetation clearing regulated by the SEPP on land that is not covered by the Native Vegetation Regulatory map.

Council would prefer the option for LLS to be the consent authority for vegetation clearing permits in the E zones and R5 zones, although it is unclear who would be the regulatory authority for compliance and enforcement. Previous arrangements under the Native Vegetation Act had the Office of Environment and Heritage undertaking compliance action.

If Council were to be the authority to issue permits for clearing in E zones, significant staff resourcing and finance would be required to monitor and undertake compliance action in these zones, as well as deal with applications to remove vegetation under the BAM threshold (0.5 hectares or 5,000m<sup>2</sup>).

- Code based clearing activities are applicable to Endangered Ecological Communities (EEC), which is concerning given EECs are identified based on their very high risk of extinction. Set aside ratios have been proposed where clearing is allowed, but the threshold for where a set aside loading is required for EECs has been set in the coastal zone at 1 hectare. This gives the impression that clearing below 1 hectare in the coastal zone of EEC can be carried out without the need for consent, even though LLS certification is required and the officer must be satisfied that the primary use of the land is agricultural activities.
- It is also identified that EEC set aside loading is not imposed if 'in the opinion' of the LLS certifying officer, 50% or more of the vegetation comprising the over-story, mid-story or groundcover in the area proposed to be cleared are

species not identified in the EEC. This could also lead to important but degraded areas of EEC being cleared with minimal set aside or other protections imposed.

- The assessment of code based clearing will require significant resourcing from the NSW Local Land Services. Is LLS able to resource the requirements of the legislation adequately?
- It is proposed that compliance actions which will be used as a basis for determining the lawfulness of clearing will be prescribed in a regulation under the LLS Act. These regulations have not been released for public consultation, and therefore it is unclear how monitoring and follow up compliance activities will operate.
- For clearing above the Biodiversity Assessment Threshold (BAM), (on the coast this is 0.5 hectares), in the excluded areas (including E zones and R zones), the Minister for Primary Industries will be responsible under the LLS Act for approving clearing that exceeds the BAM threshold and for determining offset requirements. This is a concern, as the Office of Environment and Heritage and the Environment Agency Head are considered the authority on biodiversity and native vegetation not the Minister for the Department of Primary Industries. There would need to be a clear referral process for Office of Environment and Heritage input into the assessment of any proposal to clear above the BAM threshold in excluded areas.

#### **Concerns with the Biodiversity Offset Scheme**

- The 'maintain or improve' principle contained in the current Native Vegetation Act has been replaced with 'avoid, minimise, offset'. This is a considerable weakening of the principle which was established under the Native Vegetation Act to 'maintain or improve'.
- It is of concern that the stated object of the proposed Act is to conserve biodiversity and ecological integrity at a bioregional and State scale, whereas the current legislation is focused on the regional scale, which brings into question how local biodiversity loss will be addressed as and if it is happening.
- The new legislation will allow applicants to discharge their offset requirements by paying into a new Biodiversity Conservation Fund (BCF), where the Biodiversity Conservation Trust will be responsible for sourcing biodiversity offsets. This effectively leaves the responsibility to find offsets and stewardship agreements with a government trust, instead of with the proponent. It is not clear how this will be managed in terms of a situation

where there is significant demand for offsets being created by 'paying in' to the BCF and no available offsets. It is unclear if the regulations will deal adequately with this potential problem, as the regulations have not been released for comment.

- The proponent or Biodiversity Conservation Trust can seek approval to vary the offset rules if there is an 'inability' to find matching credits and can also apply to have the offsets reduced. These offsets can also be sourced from outside the locality from which the clearing is occurring. These rules for varying the offset will be included in the regulations which have not been released. The rules regarding offsetting should be tightened to ensure local offsetting is a priority and like for like vegetation offsetting is required. The ability to vary offsetting rules on a case by case basis also sets up consent authorities for challenges to their decision making and an inconsistent pathway to development consent.
- Even if entire sites are proposed to be cleared under the 'offsetting' rules, Council and consent authorities can determine that the proponent has not avoided or mitigated adequately and deny consent. This creates a situation where Council's require adequate knowledge and expertise to interpret and challenge the Biodiversity Assessment Methodology (BAM), or will be required to have the Biodiversity Assessment Report submitted with the application referred to an independent 'expert' assessor. This could also mean that more applications end up in legal challenges given the BAM has been developed to determine offset requirements, and the framework allows total offsetting by paying into the Biodiversity Conservation Trust account. It is suggested that where these situations occur that the OEH acts as a referral authority for review of the Biodiversity Assessment Report.
- There are mechanisms within the legislation for Private Land Conservation Agreements to be converted to Tier 2 - Conservation Agreements under the new legislation. Any private conservation agreement entered into prior to the Biobanking and Offsets Scheme introduced in 2008, will be able to be upgraded to a Tier 1 – Biodiversity Stewardship Agreement under the proposed Biodiversity Conservation Act, offsetting clearing elsewhere. The concern is that the original conservation agreement entered into by the current owner can now be upgraded by future owners of the land, even if the original intent of the covenant on the title was not to offset vegetation clearing.
- There is uncertainty relating to monitoring, compliance and reporting roles as the regulations for the new legislation and key documents such as the proposed SEPP have not been released for consultation. It is essential that these roles are clarified and there is a clear monitoring and reporting regime

established to be able to determine the effect of the new legislation on biodiversity on an LGA scale, and a clear pathway to address biodiversity losses where they are occurring as a result.

- The legislation as it is proposed, will be complicated to interpret for consent authorities and is without a clear explanation of roles and responsibilities divided between three pieces of legislation (EP&A Act, LLS Act and Biodiversity Conservation Act) due to key pieces of the legislative package not available for comment. The majority of clearing approvals will sit with the Local Land Services which as appears to require increased resources. Council's will need to determine how the proposed SEPP will affect them regarding resourcing, and also what expertise and knowledge will be required of development assessment staff to be able to competently assess potential development applications which include clearing proposals, once the full suite of documents and regulations are released.



**14.17 Councillor Meeting Register**

Responsible Director: Office of the General Manager

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Attached is the current Councillor Meeting Register covering the period from 1 June 2016 to 12 July 2016.

Following discussion and recommendation at the June Council meeting, an electronic format of the Councillor Meeting Register will be trialled with Directors, and Managers where necessary, completing the meeting details online. This information will be reported on a monthly basis to Council in a more concise format.

**Attachments**

- 1 Council Meeting Register June 2016



**14.18 Regional Cooperation and Development Forum**

Responsible Director: Office of the General Manager

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Attached for Councillors' information is a report by Councillor Neil Reilly on Regional Cooperation and Development Forum which was held on Sunday 19 June 2016 prior to the commencement of the National General Assembly.

**Attachments**

- 1 Regional Cooperation and Development Forum Report

## Report

### 2016 National General Assembly of Local Government 19 - 22 June 2016 National Convention Centre Canberra Clr Neil Reilly

The theme for the 2016 NGA was *Partners in an Innovative and Prosperous Australia*.

The program was focused on debating and discussing the role that local government plays in boosting productivity and showcasing innovation and best-practice. The NGA brought our sector together providing a platform for thought provoking discussion and serious consideration of the development of policies on issues of national significance.

I have reported exclusively on the Regional Cooperation and Development Forum as I was the KMC representative in attendance.

I attended the whole conference along with the Mayor, Deputy Mayor and General Manger, who will I am sure, cover the rest of the conference in their reports.

I have substantial contemporaneous notes on the whole conference that can be made available if councillors or staff desire.

#### **Regional Cooperation and Development Forum**

This forum was held the day preceding the conference and was devoted entirely to regional matters.

#### **Overview**

I found this section the most interesting of the assembly. It was 'to the point' and much of the content could easily relate to our area.

My take on this section of the conference was that communication, both within and external to council, is the real measure of how we are doing and how we are perceived.

This notion was brought into sharp relief by the presentation of Matthew O'Sullivan from the ABC. He said that, rightly or wrongly, the community's expectations of councils are very, very high, particularly in the regions and the bush. In his own words, people are no longer satisfied with talking...they want answers.

Straight forward, plain English answers.

Poor communication leads people to think (that from council) that if the language or message is deliberately complex...that means deception.

Neil Reilly

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7/12/2016

With regard to Tourism, the blindingly obvious statement was made that if people feel that they live in a nice place, it's a nice place to visit. The Wellbeing, Resilience and Liveability in Rural and Regional Australia Survey revealed that almost three quarters of rural and regional Australians would recommend their community to others as a good place to live and therefore a good place to visit. This trend was not uniform, Queensland and Western Australia being the exception. I note that to my mind, the word 'Liveability' is a very poor, but somehow more popularly acceptable expression than 'Standard of Living'. Essentially, they mean the same thing.

The role of Regional Development Australia (RDA) was put very clearly in that it is an Australian Government initiative that brings together all levels of government to enhance the development of Australia's regions. A national network of RDA committees has been established to achieve this objective. The RDA is a, or should be, the strong link that assists in the coordination of all our efforts, particularly in tourism.

The report aims to capture the essence of the presentations in point form.

**Intro: President of the Australian Local Government Association, Mayor Troy Pickard**

- We should have an understanding that as Local Government we have the least political strength of all levels of government, therefore partnerships are vital.
- Federal Government needs to have a strong regional strategy for policy development.
- There are too many ad hoc grants used for political rather than strategic purposes.

**Keynote speaker: Matthew O'Sullivan ABC's Content Director Rural, ABC Regional at Australian Broadcasting Corporation**

- Content director regional ABC
- 420 staff
- Broadcasts over 950 hrs. of TV/radio week
- 90 journalists
- He learned that making an impact is all in the way that you tell a story
- Audiences are sick of endless talking about issues, they want answers
- 'Back Roads'<sup>1</sup> popularity gave it a top ten ratings of all TV which demonstrates a huge public appetite for good stories
  - The show uses authenticity, everyday language and real answers
  - There is a thirst for interesting story telling.
- Ag Gap through 'Haywire'<sup>2</sup> won national awards
  - They have used kids who are 'not the school captains, not the Lions Young Person of the Year, but ordinary young people to tell extraordinary stories.

<sup>1</sup> 'Back Roads' is an ABC TV Show, Heather Ewart swaps reporting from political corridors of power to a new beat around the bush. Along the way she visits remote towns and regions to discover some of the country's most remarkable and inspiring communities.

<sup>2</sup> HEYWIRE is an initiative of ABC Radio through ABC Rural aimed at giving a voice to the issues and aspirations of regional/rural youth

**Wellbeing, Resilience and Liveability in Rural and Regional Australia Survey presented by Associate Professor Dr Jacki Schirmer**

- Info in the report can be downloaded can be downloaded:  
<https://www.canberra.edu.au/research/faculty-research-centres/ceraph/regional-wellbeing/survey-results/2015>

**Wellbeing**

- Community Wellbeing is high with an average >75%
- Recommend their community as a place to live average >73%

**Liveability****Measurement of liveability**

- High across the board on all measures EXCEPT economy
  - Landscape
  - Resilience
  - Liveability
  - Economy measured by
    - Affordability
    - Wages
    - How do people feel business is doing
  - Leadership and collaboration
    - People are less confident
  - Having a say and being heard
    - Young people have the feeling that they are less able to have a voice.
  - Equity And Inclusiveness
  - Volunteering
    - >75% of people volunteer in Rural and Regional Australia
- Access to services
  - Childcare Specialist access difficult
  - Public transport access low
  - Finance and Professional services hard, but higher in good Broad band areas.
  - Mobile Phone low for farmers
- Feel Safe and Crime Rates
  - Young people feel less safe, but generally OK
- Landscape and Aesthetics
  - Good
  - Environmental concerns

**State of the Regions Report Launch****Dr Peter Brain and Dr Ian Manning**

This year's report examines Local government's role in **tourism development**. Local government helps to administer many tourist attractions and assists in the presentation of tourism-related events. It also provides much of the basic infrastructure which supports the industry, especially transport infrastructure. This year's report seeks to better understand **the importance and complexity of the visitor economy** from a regional perspective - not only the opportunities for income generation, but also the associated problems of seasonal and low-wage employment.

- 4 pages for each of 160 regions
- Commonwealth Government have been kinder to their own tax payers than ours

- Higher local Taxation
- Lower Grants
- Contributes to local discrimination.
- Regions that have high productive economy have also a high technology base.
- The quality of lifestyle is directly linked to attract high technology industry...this is infinitely scalable, but does have links to housing affordability
- **Local Government have to plan ahead of current needs**
- If you are lucky enough to have excellent infrastructure and high GRP workplace the market will look after capital....if not public policy should be the driver.
- Our argument needs to brought to policy makers
- Capital Investment vs Capital expenditure
- Tourism imports (see slide FACTS 17)
- Tourism is low pay for the individual, so we need to consider household income as a whole.

#### **Importance of Local Government David Sheldon Chair Australian Regional Tourism Network**

- Local Government is Vital to Local visitor economy
  - The foundation stones need to laid
- ARTN has MOU with Transport Farmers Caravan and Camping
- The reason that tourism is not taken seriously is that is perceived as a 'Fun' industry...but in reality it is bloody hard work.
  - You need a plan...like any other business
  - Reference the guide to best practice Destination Management
  - Local, rather than regional areas is where the DMP should sit...we were duded by State and National bodies who insist of strong regions often at the expense of smaller, more attractive areas.
  - Local Govt operates 80% of tourism investment.
  - 2015 presented facts supporting Local Government, rather than state are the major players in the visitor economy
  - Got to go Roma conference
  - \$107 billion visitor economy
  - Opportunities are there to support dispersal of \$
  - Museums, Art Galleries and festivals vital
  - Tourism Precincts vital
  - Town planners need to be on the TDP wagon
  - ARTN have produced briefs towards the development of TDP
  - Research into Local government spending: Austrade ARTN is to be investigated
  - Predicted growth, both inbound and domestic requires greater investment

#### **Regional Development Australia Jack Archer**

- Innovation Capacity
  - 49 Local Govt innovation Leaders
  - 79 Old Engineering Centres
  - 110 Lifestyle Hubs
- Federal and State Government are unlikely to invest in 'change' infrastructure, there is not the cost benefit to support this compared to metro areas, therefore Local Govt has to lead...and it is shown that those local government areas that do invest, do well!
- They would like to see economic Development at a recognised profession Company directors Course would be great
- Business chambers, as a result of their older, more established status, are not good for start-ups
- Keep your blues in house

**What should Local Government be advocating and why  
Regional Policy Workshop**

**Jack Archer**

**Why is it in the National Interest to have a regional Development policy**

- Vital to economic and lifestyle well-being so long as regions and local government have an equitable say in policy development and implementation

**What role does local Government want to play?**

- That we develop champions of policy
- That ideas are shared
- Collaboration

**ABS Regional Statistics: Lisa Connolly**

**Driving Regional Data Development**

- Other data, rather than census
- Data by region Product
- Research and Prioritise information
- Working hard on the data need for population flow (like tourism in peak times)
- 40,000 people work on census

They have an invitation to visit and assist us with data

**Panel Discussion**

**Leveraging The Visitor Economy: Changes and opportunities**

**Janice Wykes Head of Tourism Research Australia, Austrade**

- Tourism Fastest growing industry, growing faster than GDP and all industry groups, twice the export value of goods and services
- Considered 'up growth super industry
- International tourism is growing fantastically ...middle class growth in India and China
- 0.1% of Chinese outbound come to Australia
- Looking for more authentic experiences
- 2030 India will have more people in the middle class than China
- Solid growth
- How do we improve the dispersal through regional areas?
  - Family and relatives visitation
  - Looking for original and authentic experiences
  - We will be able to grow the pie...it's growing anyways
  -

**Dr Meredith Wray: Consultant worked with Destination NSW (Dr Wray has extensive experience in our region)**

- Leadership role of local Government...a good place to live is a good place to visitors
- Creating memorable visitor experiences. How can we stimulate private and public investment? Local Government can drive this with a consistent framework...strategic tourism planning to stimulate local visitor economy.
- Tourism/EDC/ RDO should be integrated into Tourism
- Foster capacity in Tourism Broken Hill as an advantage
- FACE2FACE Professional Development Programs Launch February 2017
- info@meredithwray.com.au
- **The digital age is a cornerstone of tourism.**
  - Vital importance of updating digital information available



- Two or three hours a week continually updating. They move down the page, then onto the next page, then business diminishes...this is a big deal for business, council can help, but it is the role of the *business* to keep up to date.
  - Blue Mountains were overwhelmed by tourists simply because of a shot of autumn leaves on a Facebook page.
  - Suitable transport from airport: Have accommodation to match this.
  - Seasonality creates these random overwhelming. Air B&B has taken the pressure off Hobart.
  - Arts funding seen as really important to the visitor economy regionally
  - **Business levy is seen as a very good way to build economy**
  - Funding always ends up at the destination point; more should be directed at transit points.
  - Events and Festivals are a key
    - Elvis Festival a contemporary example
    - Hub events where we should work with our neighbours
    - Vivid are going to light up the ranges (WE COULD DO THE QUARIE)
    - Clarence Valley taken back the tourism role
      - Ratepayers angry that money is spent on tourism
      - Tourism Advisory Board struggling
      - ANSWER: Council has no plan...get one
        - Air B and B are just another booking platform
          - Need to have them approved, local government compliment. Byron are looking at regulations
          - Consider that tourism is as big as mining and bigger than agriculture: these industries are planned and regulated with strategy therefore so should Tourism
- Becoming Asia Ready
  - Productivity commission report recently speaks to this
    - If you are not ready, you should not focus on this
    - Get domestic right first
    - High value, small flow specialty attractions

**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 19 July 2016

**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 COUNCIL OWNED LAND AT THE CORNER OF SHOALHAVEN AND AKUNA STREETS, KIAMA (LOT 200 DP 1017091, LOT 100 DP 1211384) AND THE FORMER MITRE 10 SITE (LOT 1 DP 50674 AND LOT 1 DP 50193) TERRALONG STREET AND AKUNA STREET, KIAMA**

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

**19 CONFIDENTIAL REPORTS****19.1 Council owned land at the corner of Shoalhaven and Akuna Streets, Kiama (Lot 200 DP 1017091, Lot 100 DP 1211384) and the former Mitre 10 site (Lot 1 DP 50674 and Lot 1 DP 50193) Terralong Street and Akuna Street, Kiama**

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

CSP Strategy: 4.3 Identify opportunities to diversify and expand new and existing funding sources to meet community needs

Delivery Program: 4.3.2 Investigate surplus Council owned land and buildings being leased or sold to maximise return

**REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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**20 CLOSURE**