



# ORDINARY MEETING OF COUNCIL

To be held at 5pm on

## Tuesday 19 September 2017

Council Chambers

11 Manning Street, KIAMA NSW 2533

### Order of Business

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

### Members

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

## COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers  
11 Manning Street  
KIAMA NSW 2533

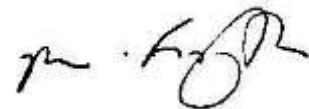
13 September 2017

To the Chairman & Councillors:

### NOTICE OF ORDINARY MEETING

You are respectfully requested to attend an **Ordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers 11 Manning Street, KIAMA NSW 2533** on **Tuesday 19 September 2017** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully



Michael Forsyth  
**General Manager**



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**AGENDA FOR THE  
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL  
TUESDAY 19 SEPTEMBER 2017**

**1 APOLOGIES**

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

### 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### 3.1 Ordinary Council on 15 August 2017

##### Attachments

- 1 Minutes - Ordinary Council - 15/08/17 [↓](#)

##### Enclosures

Nil

#### ***RECOMMENDED***

That the Minutes of the Ordinary Council Meeting held on 15 August 2017 be received and accepted.



**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL**

commencing at 5pm on

**TUESDAY 15 AUGUST 2017**

Council Chambers, 11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

MINUTES OF THE ORDINARY MEETING

15 AUGUST 2017

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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 15 AUGUST 2017 AT 5.00PM

**PRESENT:** Mayor – Councillor M Honey,  
Deputy Mayor – Councillor K Rice,  
Councillors M Brown, N Reilly, W Steel, D Watson, and M Way  
(Councillor A Sloan arrived at 5.15pm)

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

**1 APOLOGIES**

Councillor M Westhoff

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**3.1 Youth Engagement Meeting on 3 August 2017**

*OC-17/092*

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

(Councillors Reilly and Way)

**3.2 Ordinary Council Meeting on 18 July 2017**

*OC-17/093*

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

(Councillors Way and Watson)



**MINUTES OF THE ORDINARY MEETING****15 AUGUST 2017****4 BUSINESS ARISING FROM THE MINUTES**

Nil

**5 PUBLIC ACCESS**

<b>For/ Against</b>	<b>Name</b>	<b>Item No.</b>	<b>Subject</b>
For	Kathryn Timbs	9.1	Planning Proposal – Pheasant Point Heritage Conservation Area
Against	Peter O'Neill	9.2	10.2017.116.1 – Lot C DP 380582 44 Manning Street Kiama – demolition of existing building at 44 Manning Street, Kiama – construction of a three storey mixed use development consisting of ground floor commercial/retail space and 15 shop top dwellings and associated parking
Against	Paul Brady Colin Irwin	9.5	DA 10.2017.37.1 – Lot 3 DP 32006 – 3 Gura Street Kiama – Dwelling alterations and additions and carport
Support	Dr Rowan Hollingworth Robyn Hind	9.5	DA 10.2017.37.1 – Lot 3 DP 32006 – 3 Gura Street Kiama – Dwelling alterations and additions and carport

**6 MAYORAL MINUTE****6.1 Successful launch of the SENTRAL renovations and winners of the Kiama Independence Day speech and photographic competitions***OC-17/094*

Resolved that Council:

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

(Councillors Way and Brown)

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**MINUTES OF THE ORDINARY MEETING**

**15 AUGUST 2017**

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**7 MINUTES OF COMMITTEES**

**7.1 Kiama Local Traffic Committee - electronic meeting 1 August 2017**

*OC-17/095*

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

(Councillors Steel and Way)

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

*OC-17/096*

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

(Councillors Watson and Steel)

**7.3 Economic Development Committee Meeting Minutes- 25 July 2017**

*OC-17/097*

**Resolved** that Council endorse the recommendations contained in the minutes of the Economic Development Committee Meeting of 25 July 2017

(Councillors Steel and Brown)

**COMMITTEE OF THE WHOLE**

*OC-17/098*

**Resolved** that at this time, 5.07pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

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

(Councillors Rice and Way)

MINUTES OF THE ORDINARY MEETING

15 AUGUST 2017

**8 PUBLIC ACCESS REPORTS**

*OC-17/099*

Committee recommendation that at this time, 5.07pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Rice and Reilly)

**9.1 Planning Proposal - Pheasant Point Heritage Conservation Area**

*OC-17/100*

Committee recommendation that Council exercise its delegation in relation to the amendment of Schedule 5 of the Kiama LEP 2011 to establish a Heritage Conservation Area over the subject 17 lots and amend map sheet HER\_012 to cover the affected properties.

(Councillors Brown and Reilly)

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

Against: Nil

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

*OC-17/101*

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

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

**MINUTES OF THE ORDINARY MEETING**

**15 AUGUST 2017**

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

(Councillors Brown and Reilly)

Councillor A Sloan arrived at the meeting at 5.15pm

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

Against: Nil

**9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport**

*OC-17/102*

**Committee recommendation that**

- 1. Council defer determination of DA 10.2017.37.1 for one month only to allow the applicant to submit amended plans which indicate the upper floor level being recessed by a minimum of 4.0 metres to the west of the front façade of the building with a further report being presented to Council following consideration of those amendments by staff.
- 2. If the amendments are not received within one month then the application be refused in accordance with the recommendation

(Councillors Brown and Reilly)

**MINUTES OF THE ORDINARY MEETING**

**15 AUGUST 2017**

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

Against: Councillor Steel

**9 REPORT OF THE ACTING DIRECTOR ENVIRONMENTAL SERVICES**

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

*OC-17/103*

Committee recommendation that Council requests that the Department of Planning & Environment make the amendment to the Kiama LEP 2011 to rezone part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 and Lot 38 DP 630551, Irvine Street Kiama from RE1 Public Recreation to R2 Low Density Residential and from Community to Operational Land. This will include introducing a minimum lot size of 450m<sup>2</sup>, and apply a maximum building height of 8.5m and maximum floor space ratio of 0.45:1.

(Councillors Brown and Sloan)

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

Against: Nil

**9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011**

Moved by Councillor Rice and seconded by Councillor Sloan that Council:

1. Endorse this Planning Proposal for housekeeping amendments to the Kiama LEP 2011 to proceed to the Department of Planning and Environment for a Gateway determination to have the capacity to limit dual occupancy as described in the report by introducing a minimum lot size for dual occupancies in newly zoned R2 Low Density Residential land.
2. Apply the new minimum lot sizes for dual occupancies on all future greenfield subdivisions.
3. Request plan making delegations for this proposal as a part of the Gateway determination.
4. On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.

The Motion was Put and Lost.

For: Councillors Honey, Rice and Sloan

Against: Councillors Brown, Reilly, Steel, Watson and Way



**MINUTES OF THE ORDINARY MEETING**

**15 AUGUST 2017**

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*OC-17/104*

Moved by Councillor Brown and seconded by Councillor Watson that the report be noted.

The Motion was Put and Carried.

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

Against: Councillor Sloan

**10 REPORT OF THE GENERAL MANAGER**

**10.1 Australian Coastal Councils Association - Research Project**

*OC-17/105*

Committee recommendation that Council endorse the expression of interest to participate in the research project.

(Councillors Sloan and Rice)

**10.2 Gerringong Men's Shed - Lot 7010, DP1026773 Blackwood Street, Gerringong**

*OC-17/106*

Committee recommendation that Council provide owner's consent for the lodgement of the development application for Lot 7010, DP1026773 Blackwood Street, Gerringong.

(Councillors Brown and Way)

**10.3 21st Annual Johnny Warren Memorial Cup - request for sponsorship**

*OC-17/107*

Committee recommendation that Council supports the event by making a donation equivalent to the cost of providing waste and recycling services at the event.

(Councillors Steel and Way)

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**MINUTES OF THE ORDINARY MEETING**

**15 AUGUST 2017**

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**10.4 FootGolf Australia - request for sponsorship**

*OC-17/108*

**Committee recommendation** that Council sponsor the FootGolf Australia for \$3,000 on the contingent that the event happens.

(Councillors Brown and Reilly)

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

**11.1 Statement of Investments - July 2017**

*OC-17/109*

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

(Councillors Sloan and Reilly)

**11.2 Economic Development Australia Conference - Ballarat**

*OC-17/110*

**Committee recommendation** that council endorse the Economic Development Manager's attendance at the Economic Development Australia Conference in Ballarat on the 9-12 October 2017.

(Councillors Brown and Watson)

**11.3 17th International Cities, Town Centres and Communities Conference - Melbourne**

*OC-17/111*

**Committee recommendation** that Council endorse the attendance of three staff to attend the 2017 International Cities, Town Centres and Communities National Mainstreet Conference to be held in Melbourne from 25-27 October 2017.

(Councillors Brown and Watson)

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**MINUTES OF THE ORDINARY MEETING**

**15 AUGUST 2017**

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**11.4 Iluka Reserve Tennis Courts**

*OC-17/112*

**Committee recommendation** that Council approves the issuing of a permit, for a term of 12 months, to One Stop Tennis Coaching to allow it to conduct regular tennis coaching lessons at the Iluka Reserve Tennis Courts.

(Councillors Sloan and Way)

**11.5 Revotes of Expenditure 2016/17**

*OC-17/113*

**Committee recommendation** that Council revoke the expenditure items as listed to the 2017/2018 budget year.

(Councillors Brown and Steel)

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

**12.1 Purchase of plant equipment**

*OC-17/114*

**Committee recommendation** that Council purchase one (1) JCB 3CX T4i Backhoe Loader from JCB Construction Equipment Australia with a capital value of \$188,814 + GST.

(Councillors Watson and Way)

**13 REPORT OF THE DIRECTOR COMMUNITY SERVICES**

**13.1 Support for the Top End Slam Down Under Masters**

*OC-17/115*

**Committee recommendation** that Council:

1. endorse the donation of the court hire fees at the Kiama Leisure Centre for the Wheelchair Sports NSW 2017 Top End Slam Down Under Masters
2. assist in promoting the event.

(Councillors Steel and Way)



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**MINUTES OF THE ORDINARY MEETING**

**15 AUGUST 2017**

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**13.2 Gerringong Museum relocation**

*OC-17/116*

**Committee recommendation** that Council endorse the provision of financial and practical support to the value of \$50,000 for the project, including laying the concrete slab and hiring specialist equipment, subject to an agreed masterplan of the reserve being submitted to the September Council meeting.

(Councillors Way and Rice)

**13.3 Kiama Harbour CCTV state funding application**

*OC-17/117*

**Committee recommendation** that Council defer stage two of the project until savings from other works become available, and the \$10,000 required to complete the CCTV project at Kiama Harbour be allocated.

(Councillors Way and Brown)

**13.4 Request for donation - Kiama Library Auditorium**

*OC-17/118*

**Committee recommendation** that Council approve a donation for the use of the Library Auditorium at no charge by Mental Health Carers ARAFMI to run one 12 week program for carers, beginning in September.

(Councillors Watson and Steel)

**13.5 2017 NSW Local Government Awards**

*OC-17/119*

**Committee recommendation** that Council congratulate Andrew Chatfield, Dylan Powell and Nick Guggisberg on the success of securing the Heart Foundation Local Government Award 2017 for Council.

(Councillors Brown and Steel)

MINUTES OF THE ORDINARY MEETING

15 AUGUST 2017

**14 REPORTS FOR INFORMATION**

*OC-17/120*

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

- 14.1 Thank you letter from The Tourist Attraction Signposting Assessment Committee (TASAC)
- 14.2 Kitchen Caddy Paper Bags
- 14.3 Question for future meeting: Commercial/Personal Fitness Reserves
- 14.4 Regional Illegal Dumping - Quarterly Report - 1 April – 30 June 2017
- 14.5 Minnamurra Progress Association - Minutes
- 14.6 Question for Future Meeting - Town and Village Boundaries
- 14.7 Incorporation of additional Lot and DP for adopted Optus Lease at Kiama Sports Complex
- 14.8 Liveable Cities Conference
- 14.9 SENTRAL Youth Services receive \$3,000 donation from The Rotary Club of Minnamurra
- 14.10 Question for Future Meeting - helium balloon usage regulation
- 14.11 Emailing of Rates Notices
- 14.12 Local Government Regional NAIDOC Awards
- 14.13 Leisure Centre - proposed additional car parking spaces
- 14.16 Register of amenities in the Local Government Area
- 14.17 South Precinct Meeting - Minutes
- 14.18 ICAC - Lobbying Local Government Councillors - A guide for Councillors, constituents and other interested parties
- 14.20 ALGA Conference Report - Councillor Rice
- 14.21 Making Cities Liveable Conference Report - Councillor Rice
- 14.22 Questions for future meetings register.

(Councillors Brown and Way)

**14.14 Cost of installing guarding and a platform at the lookout point along the Bombo walking track**

*OC-17/121*

**Moved** by Councillor Brown and seconded by Councillor Sloan that Council seek funding under the Regional Tourism Product Development Program, with any shortfall to be paid by the funds available from the Boanyo Avenue footpath project.

The Motion was Put and Carried.

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**MINUTES OF THE ORDINARY MEETING**

**15 AUGUST 2017**

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**14.15 Minnamurra Progress Association Minutes – Minnamurra Boardwalk**

*OC-17/122*

**Moved** by Councillor Reilly and seconded by Councillor Sloan that Council request a comprehensive report be provided for Council's consideration on the proposed Minnamurra Boardwalk covering (but not limited to): economic, social, technological, legal and environmental impacts.

The Motion was Put and Carried.

**14.19 Potential use of former Fulton Hogan Princes Highway Geringong site**

*OC-17/123*

**Moved** by Councillor Way and seconded by Councillor Brown that Council investigate potential sites in the Geringong area for use as sporting fields (how many, what types; suitability for particular sports?) and provide a report listing all these sites to the October Council meeting.

The Motion was Put and Carried.

**15 ADDENDUM TO REPORTS**

*OC-17/124*

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

(Councillors Reilly and Brown)

**15.1 NSW Coastal Conference 2017**

*OC-17/125*

**Moved** by Councillor Reilly and seconded by Councillor Brown that Councillors Reilly and Sloan be approved to attend the NSW Coastal Conference 2017.

The Motion was Put and Carried.

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**MINUTES OF THE ORDINARY MEETING**

**15 AUGUST 2017**

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**RESUMPTION OF ORDINARY BUSINESS**

*OC-17/126*

**Resolved** that at this time, 7.05pm, 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 Way)

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

*OC-17/127*

**Resolved** that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered *OC-17/092* to *OC-17/126* above.

(Councillors Brown and Sloan)

**16 NOTICE OF MOTION**

**16.1 Deputy General Manager**

***MOTION***

That Council appoint a suitably qualified Deputy General Manager from our Directors who has the full delegated authority of the role of General Manager in appropriate circumstances, as determined by the General Manager.

Councillor Reilly advised that he wishes to withdraw this motion.

**16.2 Council owned land**

***MOTION***

That the Council owned land opposite Iluka Reserve, on the Western Side of Riverside Drive, be investigated for development as a matter of urgency.

The Motion was Put and Lapsed.

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MINUTES OF THE ORDINARY MEETING

15 AUGUST 2017

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**17 QUESTIONS FOR FUTURE MEETINGS**

**17.1 September Budgetary Review**

Councillor Reilly requested that at the September Budgetary Review, can Council consider both shade and an upgrade to the playground between Tombonda Drive and Whitton Place. The Mayor referred this matter to the Director Engineering and Works for investigation and report.

**17.2 Long Term Revenue Committee**

Councillor Reilly requested that Council convene a meeting of the Long Term Revenue Committee. The Mayor referred this matter to the Director Finance, Corporate and Commercial Services for investigation and report.

**17.3 Conference reporting template**

Councillor Reilly requested that a template be developed for the purposes of Councillors attending conferences to provide consistent reports. The Mayor referred this matter to the General Manager for investigation and report.

**17.4 Community noticeboard**

Councillor Rice advised that despite Council's best intentions, it still struggles to reach many in our community with valuable community information. Councillor Rice requested a report that outlines the history of interest in a central Kiama noticeboard and provide an overview of the advantages and disadvantages of providing a strategically located touch screen for Council purposes. The Mayor referred this matter to the General Manager for investigation and report.

**17.5 Wood fire heaters**

Councillor Rice requested, following concerns expressed by several local residents, that a report be provided that details the number of wood fired heaters that have been approved in Kiama's urban areas through the past twelve months and the reasoning behind their approval. Could the report also include a discussion of how and whether the chimney maintenance requirements of all of Kiama's urban wood fired heaters and fireplaces is monitored. Finally, can Council's position on other popular types of outdoor fire places also be outlined. The Mayor referred this matter to the Acting Director Environmental Services for investigation and report.

**17.6 Heritage building protection**

Councillor Rice requested a report that discusses mechanisms that Kiama Council could implement to strengthen heritage protection and appropriate infill development throughout central Kiama and its villages, particularly those areas nearby other properties that are already recognised as heritage items in the Kiama LEP. The



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**MINUTES OF THE ORDINARY MEETING**

**15 AUGUST 2017**

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

**17.7 Helium balloons**

Councillor Brown requested a report on the range of fines and penalties imposed by other Local Government Areas that have supported the banning of helium balloons. The Mayor referred this matter to the Acting Director Environmental Services for investigation and report.

**18 CONFIDENTIAL SUMMARY**

*OC-17/128*

**Resolved** that at this time, 7.14pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Steel and Way)

**Public Representations:**

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

**18.1 Exclusion Of Press And Public:**

*OC-17/129*

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

**19.1 CONSTRUCTION OF NEW BRIDGE APPROACH ROADS AND DEMOLITION OF EXISTING CARRINGTON FALLS BRIDGE**

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

**19.2 NETWORK REFRESH WIDE AREA NETWORK TENDER**

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

**MINUTES OF THE ORDINARY MEETING**

**15 AUGUST 2017**

**19.3 ILLAWARRA PILOT JOINT ORGANISATION - PANEL FOR CODE OF CONDUCT REVIEWERS**

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

**19.4 ORGANISATION STRUCTURE**

**Reason for Confidentiality:** This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local Government Act.

(Councillors Steel and Watson)

**19 CONFIDENTIAL REPORTS**

**19.1 Construction of new bridge approach roads and demolition of existing Carrington Falls bridge**

*OC-17/130*

**Resolved** that Council accept the tender from Affective Services Australia in the amount of \$213,518.00 including GST (\$193,780.00 excluding GST) to complete the works.

(Councillors Brown and Sloan)

**19.2 Network Refresh Wide Area Network tender**

*OC-17/131*

**Resolved** that:

1. Council accept the tender from Computer Systems Australia in the amount of \$553,369 (GST inclusive) for the Network Refresh Wide Area Network (WAN), and
2. the Mayor and General Manager be authorised to sign and seal documentation relating to the tender.

(Councillors Brown and Watson)

**19.3 Illawarra Pilot Joint Organisation - Panel for Code of Conduct Reviewers**

*OC-17/132*

**Resolved** that Council approves the following firms as recommended in the Illawarra Pilot Joint Organisation Code of Conduct Reviewers Panel Final Evaluation Report:

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**MINUTES OF THE ORDINARY MEETING**

**15 AUGUST 2017**

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- Wise Workplace Services T/A Wise Workplace
- TressCox Lawyers
- The Centium Group
- SINC Solutions Pty Ltd
- O'Connor Marsden & Associates
- O'Connell Workplace Relations Pty Ltd
- Bradley Allen Love

(Councillors Brown and Steel)

Directors and staff left the Chamber at 7.15pm.

**19.4 Organisation Structure**

*OC-17/133*

**Resolved** that Council:

1. Adopt the organisation structure outlined in the report.
2. Advertise the Director of Environment Services position as a Senior Officer position under the Local Government Act.
3. That Council hold a meeting of the Performance Review Committee.

(Councillors Brown and Reilly)

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

*OC-17/134*

**Resolved** that at this time, 7.45pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Brown and Rice)

**Adoption of Report**

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

*OC-17/135*

**Resolved** that that the Confidential Committee of the Whole recommendations numbered *OC-17/130* to *OC-17/133* be confirmed and adopted.

(Councillors Brown and Rice)



MINUTES OF THE ORDINARY MEETING

15 AUGUST 2017

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**20 CLOSURE**

There being no further business the meeting closed at 7.45pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 19 September 2017

.....  
Mayor

.....  
General Manager

Item 3.1

Attachment 1

**3.2 Extraordinary Council Meeting on 22 August 2017**

**Attachments**

- 1 Extraordinary Minutes 22 August 2017 [↓](#)

**Enclosures**

Nil

***RECOMMENDED***

That the Minutes of the Extraordinary Meeting held on 22 August 2017 be received and accepted.

Item 3.2



**MINUTES OF THE  
EXTRAORDINARY MEETING OF  
COUNCIL**

commencing at 5pm on

**TUESDAY 22 AUGUST 2017**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

Item 3.2

Attachment 1

MINUTES OF THE EXTRAORDINARY MEETING

22 AUGUST 2017

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MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF  
THE  
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,  
KIAMA, ON TUESDAY 22 AUGUST 2017 AT 5PM

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

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

**1 APOLOGIES**

An apology was tendered on behalf of Councillor Way.

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

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

**3.1 Regional Growth – Environment and Tourism Fund**

*OC-17/136*

**Committee recommendation** that Council confirm that the remaining 3 projects are still supported in principle and subject to this Council officers are to attend the briefing and prepare the final submissions by the nominated close date.

(Councillors Brown and Westhoff)

MINUTES OF THE EXTRAORDINARY MEETING

22 AUGUST 2017

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**4 REPORTS FOR INFORMATION**

Nil

**5 CONFIDENTIAL SUMMARY**

*OC-17/137*

**Resolved** that at this time, 5.10pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Brown and Westhoff)

**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.

**5.1 Exclusion Of Press And Public:**

*OC-17/138*

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

**5.1 KIAMA AGED CARE CENTRE OF EXCELLENCE - TENDER ASSESSMENT**

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

(Councillors Brown and Watson)

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MINUTES OF THE EXTRAORDINARY MEETING

22 AUGUST 2017

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**5.1 Kiama Aged Care Centre of Excellence - Tender assessment**

*OC-17/139*

**Resolved** that Council accept the tender assessment and the course of action described in the report.

(Councillors Brown and Sloan)

*OC-17/140*

**Resolved** that Council deal with the following item as a matter of urgency.

(Councillors Brown and Steel)

**5.2 3 Belvedere Street, Kiama -**

*OC-17/141*

**Resolved** that Council allow the General Manager or his delegate to negotiate up to the maximum amount agreed at the meeting.

(Councillors Brown and Watson)

The **MOTION** on being put was **CARRIED**.

Councillor Sloan requested that his name be recorded against the motion.

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

*OC-17/142*

**Resolved** that at this time, 5.32pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Sloan)

**MINUTES OF THE EXTRAORDINARY MEETING**

**22 AUGUST 2017**

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**Adoption of Report**

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

**OC-17/143**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered OC-17/137 to OC-17/141 be confirmed and adopted.

(Councillors Brown and Steel)

**6 CLOSURE**

There being no further business the meeting closed at 5.33pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 19 September 2017

.....  
Mayor

.....  
General Manager

**4 BUSINESS ARISING FROM THE MINUTES**

**5 PUBLIC ACCESS SUMMARY**

**6 MAYORAL MINUTE**

Nil



## 7 MINUTES OF COMMITTEES

### 7.1 Kiama Local Traffic Committee Meeting Minutes 5 September 2017

Responsible Director: Engineering and Works

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#### Attachments

- 1 Minutes of Kiama Local Traffic Committee Meeting - 5 September 2017 [↓](#)

#### Enclosures

Nil

#### **RECOMMENDED**

That the Minutes of the Kiama Local Traffic Committee Meeting held on 5 September 2017 be received and accepted.

#### **BACKGROUND**

The Minutes of the Kiama Local Traffic Committee Meeting held on 5 September 2017 are attached for Councillors' information.



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

commencing at 9.07am on

**TUESDAY 5 SEPTEMBER 2017**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

**Item 7.1**

**Attachment 1**

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**MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 5 SEPTEMBER 2017**

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**MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE OF THE  
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,  
KIAMA, ON TUESDAY 5 SEPTEMBER 2017 AT 9.07AM**

**PRESENT:** Councillor M Honey (Mayor) (Chairman), Amy Thomson (attended via phone) (RMS Representative), Darrell Clingan (Local Member's Representative), Gino Belsito (Director Engineering & Works), Darren Brady (Manager Design & Development), Janelle Burns (Kiama Council Road Safety Officer), and Cathie Bax and Mallory McLennan (Minutes)

**1 APOLOGIES**

Kevin Brown (NSW Police Representative)

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**3.1 Kiama Local Traffic Committee on 1 August 2017**

*LTC-17/030*

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

*(Councillors Honey and Clingan)*

**4 BUSINESS ARISING FROM THE MINUTES**

Nil

**5 REPORT OF RMS DELEGATED FORMAL ITEMS**

**5.1 O'Mara Place, Jamberoo - Removal of No Stopping zone**

*LTC-17/031*

*Committee recommendation that the existing "No Stopping" zone in the cul-de-sac of O'Mara Place, Jamberoo be deleted by removing the existing regulatory signage and linemarking.*

*(Councillors Honey and Clingan)*

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**MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 5 SEPTEMBER 2017**

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**5.2 Gipps Street, Kiama - Extension of Bus Zone Times**

*LTC-17/032*

**Committee recommendation** that the existing times for the Bus Zone in Gipps Street, Kiama be extended to include a restriction from 3–4pm on school days only.

(Councillors Honey and Clingan)

**5.3 5 Tonne Weight Limit - Elambra Parade, Jupiter Street and Greta Street, Gerringong**

*LTC-17/033*

**Committee recommendation** that approval is given for the implementation of a 5 tonne weight limit in Elambra Parade, Jupiter Street and Greta Street, Gerringong.

(Councillors Honey and Clingan)

**5.4 Fern Street, Gerringong - No Parking Zone**

*LTC-17/034*

**Committee recommendation** that regulatory signage be installed on the western side of Fern Street, Gerringong between the Burnett Avenue and Sandy Wha Road intersections.

(Councillors Honey and Clingan)

**6 REPORTS FOR INFORMATION**

*LTC-17/035*

**Committee recommendation** that the following Reports for Information be received and noted:

- 6.1 Sandy Wha Road, Gerringong - Road Dip – request for additional signage to warn of the impending dip in the road.
- 6.2 Manning Street, Kiama – Farmer's Market – requests for dedicated on street parking for business impacted by traffic congestion caused by Farmer's Market patrons.

(Councillors Honey and Clingan)

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**MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 5 SEPTEMBER 2017**

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**7 GENERAL BUSINESS REPORTS**

1. Darrell Clingan requested an update from Amy Thomson on the progression of the speed determination report for Fern Street, Gerringong. Amy Thomson noted that the report has been completed and is waiting for signature from the RMS Regional Manager.
2. Darrell Clingan raised concerns from a resident affected by parking issues in the Noble Street, Morrow Street and Belinda Street area, particularly caused by development in this area, and concerns relating to traffic travelling along Belinda Street and consequent driver behaviour.

Gino Belsito noted that Council has:

- liaised with site developers
- increased monitoring through Ranger Services
- agreed to review traffic management through the area once residences were occupied and consider solutions if required.

Gino Belsito will formally acknowledge Mr Hainsworth's concerns and advise Council's position as above.

**8 CLOSURE**

There being no further business the meeting closed at 9:25am

These Minutes were confirmed at the Ordinary Meeting of Council held on 3 October  
2017

.....  
Mayor

.....  
Director Engineering & Works

**7.2 Long Term Financial Planning and Revenue Sub-Committee- Minutes of Meeting held on 4 September 2017**

Responsible Director: Finance, Corporate and Commercial Services

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**Attachments**

- 1 Long Term Financial Planning and Revenue Sub-Committee- Minutes of Meeting held on 4 September 2017 [↓](#)

**Enclosures**

Nil

***RECOMMENDED***

That the Minutes of the Long Term Financial Planning and Revenue Sub-Committee-meeting held on 4 September 2017 be received and accepted and the recommendations contained therein be endorsed.

**BACKGROUND**

The minutes of the Long Term Financial Planning and Revenue Sub-Committee meeting held on 4 September 2017 are attached. Council is asked to receive and accept the Minutes and endorse the recommendations contained therein.

**Item 7.2**

**Attachment 1**



## LONG TERM FINANCIAL PLANNING AND REVENUE SUB-COMMITTEE - MINUTES

<b>Date:</b>	4 September 2017	<b>Time:</b>	10am	<b>Venue:</b>	CR1
<b>Chairperson:</b>	Kerry McMurray			<b>Minutes:</b>	Kerry McMurray
<b>Meeting Objective:</b>	To consider Long Term Financial matters and identify opportunities for revenue streams for financial sustainability				
<b>Present:</b>	Councillors Honey, Rice, Reilly, Sloan and Steel, Michael Forsyth (GM) and Kerry McMurray (DFCCS)				
<b>Apologies:</b>	Nil				

### MINUTES

The minutes of the previous meeting held on 6 March 2017 were received and adopted.

### BUSINESS ARISING FROM PREVIOUS MINUTES

#### Land Development Strategy

##### Recommendation:

That in accordance with the legislative requirement the purpose of the Land Development Reserve be identified as:

1. To be established and used only for revenue generating investments/activities that provide a commercial rate of return either in the short, medium or long term.
2. That all profits/returns generated from investments/activities be returned to the Land Development Reserve

### NEW BUSINESS

#### Glenbrook Road Subdivision

The committee reviewed the subdivision proposal for Lot 26 DP 709368 which involves a 5 lot subdivision. The concept plans and costings were presented to the committee. It is anticipated that the Development Application will be lodged in the next month.

##### Recommendation:

That the information be noted.

#### Iluka Reserve Proposed Development

The committee was updated on the indicative costings of the proposed 9 lot subdivision on part of Iluka Reserve. The costings included funding a significant amount of improvements and embellishments identified by those people interviewed by the consultant, Site Plus, who prepared the masterplan.



- 2 -

### Minutes of the Long Term Financial Plan and Revenue Sub-Committee Meeting

It was noted by members of the committee that further work on subdivision layout and the reserve embellishments need to be conducted.

**Recommendation:**

That the information be noted.

### **Spring Creek Subdivision Proposal LGA**

The committee was updated on the revaluation of the Kiama local government area.

The revaluation has occurred due to the introduction of the FESL by the State Government and their objective to have all Council areas operating on the same valuation base date.

Kiama LGA is shown to have an overall increase of 2.4% since the last revaluation (2015) however land values in some rate categories have decreased marginally. The revaluation will have no impact on Councils current rate mix in preparing the 2017/2018 budget or the Long Term Financial Plan. A report will be presented to Council on the matter.

**Recommendation:**

That the information be noted.

### **Electronic Rate Notices**

With the ever increasing cost of postage, the delivery of notices sent electronically has increased in popularity. Working with Print Mail Logistics Ltd, Council is now able to deliver rates notices to our rate payers by email. The benefits of this being reduced postage costs and faster delivery and less impact on the environment.

Rate payers are able to opt in for email delivery through an online registration form.

The registration form can be accessed using one or more of the following options:

- Following links on Councils Website
- Following instructions from a marketing advertisement
- Scanning a QR code on the paper copy of the rates notice
- <https://registrations.pml.com.au/kiama>

In the first 8 weeks 2.5% of ratepayers have taken up this initiative which already reflects a saving in postage and printing of \$700 per annum.

**Recommendation:**

That the information be noted.

### **Eservices – Bpoint Implementation**

As part of Council's Strategic IT Plan Council is focusing on increasing our offering to our community in the eServices space. Over the past several years there has been a strong

Item 7.2

Attachment 1

### Minutes of the Long Term Financial Plan and Revenue Sub-Committee Meeting

push across all sectors to make it easier for customers/community to interact with businesses.

In reviewing Council's payment process, it was found that Council could not take written credit card details on any form that was submitted electronically. In the interim, Council offered customers alternative payment options until Council was compliant with holding credit card details. Council's IT systems were reviewed with the current securities in place to be sufficient for the moment while better options were pursued.

To reduce any liability by Council other avenues have been reviewed to find the best outcome for both Council and customers.

Council has taken on a new product offered by the Commonwealth Bank Australia (CBA) called BPoint. BPoint an online payment platform offers customers multiple payment options whilst streamlining payment processing. It can reduce Council's risk in regards to holding credit card details as it has the ability to store the information within the BPoint platform which sits with CBA. BPoint also allows integration with Civica Authority E-Service platform allowing for online payments straight through to Council's software system without the need for extra administration.

The implementation of this product has commenced in Council's test environment including the integration to Council's website. The payment of rates is the first component of this implementation and will be available for the next instalment of rates. Subsequent stages will include being able to accept debtor payments and direct debits which will make a significant improvement to processes both here at the Administration Centre and particularly at the Leisure Centre.

#### **Recommendation:**

That the information be noted.

### **Special Rate Variation Discussion**

DFCCS outlined the proposal to the Committee which was identified since the Fit for the Future (FFTF) methodology was introduced back in 2014. Council in submitting Long Term Financial Plans (LTFP) both in 2016 (deemed unfit) and in 2017 (declared fit) identified the need to introduce a permanent special rate variation to enable Council to meet a number of the FFTF Benchmarks, in particular the Asset Renewal and Asset Maintenance Ratios.

In both LTFPs it was identified the need for a 6.0% (including Rate Peg limit) for 3 years, compounding and then retained permanently as part of Council's Notational Rate Yield. The current LTFP which identified the need for the Special Rate Variation, was adopted in draft by Council in May 2017 and placed on public exhibition. No comments were received and Council formally adopted the Long Term Financial Plan at its meeting held on 22 June 2017

Special variations provide an opportunity for councils to vary general income by an amount greater than the annual rate peg.

The criteria against which IPART assesses each application is based on what councils are required to do under IP&R. These criteria are:

**Minutes of the Long Term Financial Plan and Revenue Sub-Committee Meeting**

1. The need for, and purpose of, a different revenue path for the council's General Fund (as requested through the special variation) is clearly articulated and identified in the council's IP&R documents, in particular its Delivery Program, Long Term Financial Plan and Asset Management Plan where appropriate. In establishing need for the special variation, the relevant IP&R documents should canvas alternatives to the rate rise. In demonstrating this need council must indicate the financial impact in their Long Term Financial Plan applying the following two scenarios:
  - Baseline scenario – General Fund revenue and expenditure forecasts which reflect the business as usual model, and exclude the special variation, and
  - Special variation scenario – the result of implementing the special variation in full is shown and reflected in the General Fund revenue forecast with the additional expenditure levels intended to be funded by the special variation.

Evidence to establish this criterion could include evidence of community need/desire for service levels/project and limited council resourcing alternatives. Evidence could also include the assessment of the council's financial sustainability conducted by the NSW Treasury Corporation.
2. Evidence that the community is aware of the need for and extent of a rate rise. The Delivery Program and Long Term Financial Plan should clearly set out the extent of the General Fund rate rise under the special variation. The council's community engagement strategy for the special variation must demonstrate an appropriate variety of engagement methods to ensure community awareness and input occur. The IPART fact sheet includes guidance to councils on the community awareness and engagement criterion for special variations.
3. The impact on affected ratepayers must be reasonable, having regard to both the current rate levels, existing ratepayer base and the proposed purpose of the variation. The Delivery Program and Long Term Financial Plan should:
  - clearly show the impact of any rate rises upon the community,
  - include the council's consideration of the community's capacity and willingness to pay rates, and
  - establish that the proposed rate increases are affordable having regard to the community's capacity to pay.
4. The relevant IP&R documents must be exhibited (where required), approved and adopted by the council before the council applies to IPART for a special variation to its general income.
5. The IP&R documents or the council's application must explain the productivity improvements and cost containment strategies the council has realised in past years, and plans to realise over the proposed special variation period.
6. IPART's assessment of the matters set out in Section 5.

The criteria for all types of special variation are the same. However, the magnitude or extent of evidence required for assessment of the criteria is a matter for IPART.

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**Minutes of the Long Term Financial Plan and Revenue Sub-Committee Meeting**

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**Recommendation:**

That a detailed proposal on the required Special Rate Variation be prepared and presented to a Councillor Workshop, prior to the matter being presented to Council

**Council owned land on Riverside Drive Opposite Iluka Reserve**

Councillor Reilly has requested this matter be listed on the agenda in order to assist conversation regarding this matter.

At the Council meeting on 19 July 2016 Councillor Reilly raised the possibility of Council developing Council owned land on the western side of Riverside Drive.

On 15 September 2015 Council resolved to proceed with a gateway proposal for part of Iluka Reserve at Kiama Downs to create up to nine residential lots including open space embellishment over the remainder of the public reserve to meet community needs for future recreation activities in the area based on a masterplan including community consultation.

There is land on the western side of Riverside Drive opposite to, and north of, Iluka Reserve and Iluka Crescent which is road reserve however is zoned residential. A plan of the road reserve is attached. The road reserve is no longer required as a result of the construction of the North Kiama Bypass and relocation of the Princes Highway. Although sections of the land are relatively shallow there is, subject to closure of the road reserve, the possibility of creating approximately eight allotments. The lots could be made wider to compensate for the shallow depth and the need to provide reasonable front and rear setbacks and solar orientation of future buildings. Under the Roads Act the relevant sections of road reserve will need to be closed subject to the resolution of any objections possibly from neighbours to the rear.

**Recommendation**

1. That the subject land on Riverside Drive be investigated as to the potential of developing a residential subdivision on this land.

**Council Owned Land – 85 Attunga Avenue**

Councillor Reilly requested this matter be listed for consideration of the Committee.

**Recommendation**

That Council investigate the potential sale of 85 Attunga Avenue as surplus land.

**Bombo Quarry Taskforce**

The committee was provided with an update by the General Manager on discussions to date at the Bombo Quarry Taskforce meetings.

**Recommendation**

1. That the Bombo Quarry Taskforce be requested to meet to determine negotiation points in relation to Bombo
2. That the Member for Kiama, Gareth Ward be invited to attend a Bombo Quarry Taskforce meeting.

**Minutes of the Long Term Financial Plan and Revenue Sub-Committee Meeting**

**GENERAL BUSINESS**

**Annual Financial Audit**

The committee was advised that the Annual Audit will be conducted in the last two weeks of September.

**Audit, Risk and Improvement Committee EOI**

The committee was advised that the EOI for membership to this committee had been extended and Council was now in receipt of several EOI's which will be considered by committee members in the near future.

**RMS land Riverside Drive**

The committee was advised that the RMS had just listed a parcel of land (6033M2) on Riverside Drive for sale by auction

**NEXT MEETING**

The committee agreed that quarterly meetings be held, with special meetings called as required to deal with matters such as the annual draft budget.

The next scheduled meeting is Monday 4 December, however, a number of items will require a special meeting held at some time in October/ November.

There being no further business the meeting closed at 12.07pm

**7.3 Destination Kiama Advisory Committee - Notes of Strategic Meetings held on 29 August and 6 September 2017**

Responsible Director: Finance, Corporate and Commercial Services

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**Attachments**

- 1 Minutes of the Destination Kiama Advisory Committee strategic meeting held on 29 August 2017 [↓](#)
- 2 Minutes of the Destination Kiama Advisory Committee strategic meeting held on 6 September 2017 [↓](#)

**Enclosures**

Nil

***RECOMMENDED***

That Council receive and accept the Minutes of the Destination Kiama Advisory Committee strategic meetings held on 29 August and 6 September 2017 and endorse the recommendations contained therein.

**BACKGROUND**

The Minutes of the Destination Kiama Advisory Committee Strategic Meetings held on 29 August and 6 September 2017 are attached for review and endorsement.



**Item 7.3**

**Attachment 1**

**MINUTES OF THE  
DESTINATION KIAMA ADVISORY COMMITTEE STRATEGIC MEETING  
HELD 29 AUGUST 2017 – 10.30am**

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**PRESENT:** Councillor Matt Brown (Chairperson), Councillor Warren Steel, Sue Thorley, James Cook, Liz Lewis, Robert Sciacchitano, Perrie Croshaw, Kerrie McMurray (Director Finance, Corporate and Commercial Services), Karen Ronning (Manager Tourism and Events)

**APOLOGIES:** Nil

**Item 1 – Welcome to Country**

**Item 2 – Apologies – Sue Thorley**

**Item 3 - Pecuniary Interest Declarations – Nil**

**Item 4 – Tourism and Events Manager Report**

**1. Visitor Information Centre Staffing**

**Recommendation:** That the contracts of the staff at the Visitor Information Centre be extended for a further four months, through to 28<sup>th</sup> February 2018.

**Moved:** Rob Sciacchitano    **Seconded:** Liz Lewis

**2. Tourism and Events Coordinator**

**Recommendation:** That the General Manager consider engaging a full time Events Coordinator for a three year term to assist in the creation and implementation of an events strategy, co-ordinate selected Community and Tourism events, and pursue event funding and sponsorship.

**Moved:** Cr Warren Steele    **Seconded:** James Cook

**3. Kiama Visitors Guide**

Prospectus for the 2018 Kiama Visitor Guide will be distributed shortly. Quotes are being received for the printing, design, photography and copy.

**4. Destination Kiama Membership**

The membership prospectus was distributed last week. This will be followed up in the next Destination Kiama e-news.

**Item 5 – Economic Development**

Kiama Council's Economic Development Manager Megan Hutchison attended the meeting and provided the Advisory Committee with an overview of her activities.

**Item 6 – Tourism and Events Managers Report continued.**

**5. 2017 UNSPOILT Domestic Marketing Campaign**



The final stages of the 2017 UNSPOILT Campaign held in conjunction with our regional partners and Destination NSW is currently in market and will run through to November 30. The total 2017 UNSPOILT marketing activity held over the past six to nine months, represents an investment of \$70K from Kiama which was matched \$:\$ by Destination NSW. A full report on outcomes will be available once the campaign has concluded.

#### 6. 2018 UNSPOILT Domestic Marketing Campaign

**Recommendation:** That we maintain our investment in the UNSPOILT campaign and subsequent funding submission to Destination NSW for \$:\$ funding for 2018 at \$70K.

**Moved:** James Cook                      **Seconded** Liz Lewis

#### 7. Super League Visit – February 2018

Megan and Karen have been participating in planning meetings for the Hull and Wigan Super League teams visit to Australia, from February 4 2018. This is a Destination Wollongong initiative in partnership with Destination NSW and ANZ stadium.

#### 8. Corona Sunset Festival

Destination Kiama has serviced a preliminary inquiry from the Corona Sunset Festival who are investigating possible locations for the staging of this one day event in Australia in late February 2018.

#### 9 Tourism After Hours – October 3

As the Tourism Advisory Committee will be presenting the highline DRAFT Tourism and Events strategy at this gathering, it was agreed to move the location of this event from Bushbank to the Gerroa Fishermans Club.

#### 9. Australian Tourism Data Warehouse (ATDW)

Due to the importance of this content distribution platform, we are working with ATDW to be in Kiama on Monday October 23 to run free industry workshops.

### Item 7 - Kiama Tourism and Events Strategy Development

The Advisory Committee continued to discuss and develop the Kiama Tourism and Events Strategy.

The following Strategy Planning Process and Timelines were revised as follows:

July 2017      Brainstorming, ideas, SWOT & documentation of preliminary thoughts and ideas

August 2017

- Strategy Objectives
- Planning process confirmed
- Strategy Objectives confirmed
- What does success look like (1 year / 3 Years)
- DRAFT Strategies and actions prioritised
- Vision drafted
-

September 2017

- Consultation – e.g. Destination NSW, Destination Sydney Surrounds South, Chamber
- Internal – within Council

October 2017

- October 3 - Present highline draft strategy at Kiama Tourism After Hours and provide a print out
- October 26 – Host 2 x 1 hour (2 hours could be too long) Tourism and Event Strategy Open Forums – 2pm and 5pm starts at Pavilions (if available)
- Finalise strategy after feedback received

November 2017

- Strategy submitted to Council – documentation needed by 11 Nov. TAC presentation to Council on Monday 20<sup>th</sup> Nov 5.30pm to 6.30pm.
- Commence Implementation
- Reporting
- Review

**Item 8 – Next Tourism and Events Strategy meeting**

10.30am Wednesday 6 September at the RSL Room - TBC

**Item 9 - Meeting close**

**Item 7.3**

**Attachment 2**

**MINUTES OF THE  
DESTINATION KIAMA ADVISORY COMMITTEE STRATEGIC MEETING  
HELD 6 SEPTEMBER 2017 – 10.00am**

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**PRESENT:** Councillor Warren Steel, Sue Thorley (Acting Chair), James Cook, Liz Lewis, Robert Sciacchitano, Perrie Croshaw, Michael Forsyth (General Manager) Kerrie McMurray (Director Finance, Corporate and Commercial Services), Karen Ronning (Manager Tourism and Events)

**Item 1 – Welcome to Country**

**Item 2 – Apologies** – Councillor Matt Brown (Chair)

**Item 3 - Pecuniary Interest Declarations** – Nil. Perrie Croshaw advised the Committee of her intention to use 'Inspired' in the name of her new business.

**Item 4** – The efforts on Graeme Mackey to detail important historical milestones were noted

**Item 7 - Kiama Tourism and Events Strategy Development**

The Advisory Committee continued to discuss and develop the Kiama Tourism and Events Strategy:

7.1 DRAFT Vision

Kiama will welcome and inspire visitors year round to experience our distinctive natural landscapes, relaxed lifestyle, arts and culture.

7.2 Strategic Planning Process

September 2017

- Consultation – e.g. Destination NSW, Destination Sydney Surrounds South – being held on the 26th
- Internal – TBC

October 2017

- October 3 - Present highline DRAFT strategy at Kiama Tourism After Hours and provide a print out
- E-survey distributed to database
- October 26 – Host 2 x 1.5 hour Tourism and Event Strategy Open Forums – 3pm and 6pm starts at Pavilions
- Finalise strategy after feedback received

November 2017

- Strategy submitted to Council – documentation needed by 11 Nov. TAC presentation to Council on Monday 20<sup>th</sup> Nov 5.30pm to 6.30pm.
- Commence Implementation
- Reporting

**Item 8 – Next Tourism and Events Strategy meeting**

16 October 3.30pm. Followed by the Council briefing at 5.30pm

**Item 9 - Meeting closed at 11.50am**

**7.4 Minutes of the Blue Haven Advisory Committee Meeting 7 June 2017**

Responsible Director: Office of the General Manager

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**Attachments**

- 1 Minutes of Blue Haven Advisory Committee Meeting - 7 June 2017 [↓](#)

**Enclosures**

Nil

***RECOMMENDED***

That the Minutes of the Blue Haven Advisory Committee Meeting held on 7 June 2017 be received and accepted.

**BACKGROUND**

Attached for Councillor information are the minutes of the Blue Haven Advisory Committee meeting held on 7 June 2017.



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

commencing at 6pm on

**WEDNESDAY 7 JUNE 2017**

Blue Haven Independent Living Units  
Stage 5 - Level 7

**Item 7.4**

**Attachment 1**

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MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE

7 JUNE 2017

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MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE OF THE  
MUNICIPALITY OF KIAMA HELD AT BLUE HAVEN ILU,  
KIAMA, ON WEDNESDAY 7 JUNE 2017 AT 6PM

**PRESENT:** Mr A Fowlie (Chairman), Councillor M Honey (Mayor), Councillor K Rice, Mrs P Waters, Mr I Pullar, Mrs C Rogers, Mrs F Whittaker, Mrs T Sligar, Mr S Dawson.

1 Apologies Mr B Wilson, Mrs C Crow-Maxwell, Mrs J Bartlett.

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**3.1 Blue Haven Advisory Committee on 1 March 2017**

*BLU-17/073*

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

**4 BUSINESS ARISING FROM THE MINUTES**

Nil

**5 REPORT OF THE DIRECTOR COMMUNITY SERVICES**

**5.1 Blue Haven Care Financial Report**

*BLU-17/074*

*Committee recommendation that the information contained in the budget report of year to date actuals ending 30 April 2017 be received and accepted.*

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MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE 7 JUNE 2017

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**6 REPORTS FOR INFORMATION**

**7 CONFIDENTIAL REPORTS**

**9.1 Blue Haven Village**

**Independent Living Units**

*BLU-17/075*

Committee recommendation that this information be noted.

**9.2 Contract Caretakers**

**All stages**

*BLU-17/076*

Committee recommendation that the caretaker's contracts be approved at the amounts indicated in the report.

**9.3 Aged Care Facility Redevelopment**

*BLU-17/077*

Committee recommendation that the Committee receive and accept the actions and information described in this report relating to the Kiama Aged Care Centre of Excellence.

**8 CLOSURE**

There being no further business the meeting closed at 7.10pm

These Minutes will be confirmed at the Ordinary Meeting of Council held on 19 September 2017

.....  
Mayor

.....  
General Manager



## 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 Question for Future Meeting: Helium Balloon Release Ban

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

CSP Strategy: 2.2 Our community and natural environments are adaptive, resilient and sustainable

Delivery Program: 2.2.2 Protect and maintain environmentally significant natural areas

Item 9.1

#### Summary

Councillor Rice requested a report outlining some of the specific scientific evidence behind the regulation of helium balloon usage by the NSW Government and other councils in our coastal region. This report provides some research, evidence (photographs) and background to the issues regarding marine debris and more specifically balloons in the marine environment. The CSIRO predicts that plastic ingestion in seabirds may reach 95% of all species by 2050, taking into account the steady increase of plastics production.

A 2012 published study, 'To eat or not eat? Debris selectivity by marine turtles', analysed dead sea turtles stranded in Queensland between 2006 and 2011. Researchers found that pelagic turtles had a preference for rubber debris of which 78% was found to be balloons, and also that pelagic sized turtles were more likely to ingest debris (54% of the dead pelagic sized turtles).

A number of councils along our stretch of coastline have adopted bans on the release of helium balloons at council events and in council reserves. These include Shellharbour, Shoalhaven, Eurobodalla and Bega Valley councils. A number of other councils in other areas of NSW and other states are also considering or have introduced similar bans in response to the evidence of the effect of helium filled balloons on the marine environment.

#### Finance

N/A

#### Policy

Recommendation to include in Council's Sustainable Events Guidelines and adopt a no balloon release position.

#### Attachments

Nil

#### Enclosures

Nil

### **RECOMMENDATION**

That Council resolve to:

## Report of the Director Environmental Services

## 9.1 Question for Future Meeting: Helium Balloon Release Ban (cont)

1. Ban the release of helium filled balloons at Council events and on Council managed land.
2. The inclusion of a 'no balloon release' section in the Council's Sustainable Events Policy and protocols be effected.
3. Join neighbouring councils in advocating for a State and National education program on the issues associated with balloon release in relation to littering, the effect on the marine environment, helium usage and encouraging the banning of balloon release.

Item 9.1

**BACKGROUND**

A number of Councils along our stretch of coastline, as well as interstate and inland Councils have adopted bans on the release of helium filled balloons. The Councils in the local area who have adopted these bans include Shellharbour, Shoalhaven, Eurobodalla and Bega Valley Councils. Other Councils in NSW include Ryde and Lithgow and interstate Sunshine Coast Council and Cottosloe Council.

It is envisaged that the ban on the release of helium filled balloons, is not a ban on balloons or even helium filled balloons, but seeks to ensure that these balloons are not released to the environment where it is demonstrated that they are having an impact on our sea life and the marine environment. Much of the work in this area will be around education and communication of the problem so people understand why the ban is in place.

Brief summary of some of the information available:

Dr Jennifer Lavers, biologist with the Institute of Marine and Antarctic studies in Hobart, says she finds balloons in about 1 in 20 of every seabird she examines. In her study entitled 'Plastic ingestion by Flesh Footed Shearwaters: Implications for fledgling body condition and the accumulation of plastic derived chemicals', it was identified that plastic ingestion in the study was the highest reported for any marine vertebrate, suggesting the condition of the Australian marine environment is poor. Over the 4 year study there was a reported increase from 79% to 90% in frequency of plastic consumption.

The report for the senate enquiry into the impacts of marine debris noted that in 2014, a bunch of 14 balloons with only 5 remaining inflated had travelled over 300km in 24 hours, from Albury to a beach south of Bermagui.

The report also identified that studies indicate plastic bags, cling film, food wrappers and balloons are most commonly consumed by turtles, whilst seabirds largely consume balloons and degraded hard plastics. Dr Kathy Townsend from the University of Queensland submitted to the report that balloons are attractive to both seabirds and turtles because they look similar to squid and jellyfish.

On Lord Howe Island, the examination of plastic taken from the stomachs of seabirds were able to be identified as items originating from Australia rather than from overseas.

In February 2017, Queensland shopping centre chain Retail First introduced a no helium balloons policy due to environmental concerns, after the discovery of a Retail

## Report of the Director Environmental Services

## 9.1 Question for Future Meeting: Helium Balloon Release Ban (cont)

First branded balloon inside the stomach of a dead endangered Grey Headed Albatross.

A 2012 published study, 'To eat or not eat? Debris selectivity by marine turtles', analysed dead sea turtles stranded in Queensland between 2006 and 2011. Researchers found that pelagic turtles had a preference for rubber debris of which 78% was found to be balloons. The study also found that pelagic sized turtles were more likely to ingest debris (54% of the dead pelagic sized turtles).

A study published in 2013, comparing plastic ingestion in juvenile and adult stranded short tailed shearwaters in eastern Australia, found that more than 2/3rds of birds ingested debris. Juveniles were more likely to ingest debris than adults and there was preferential selection for hard plastic, rubber and balloons.

There is a multitude of scientific data and evidence around the impact of balloons on the marine environment, much of which can be found on the CSIRO website at <https://www.csiro.au/en/Research/OandA/Areas/Marine-resources-and-industries/Marine-debris> and numerous other websites including the Australian Seabird Rescue organization <http://seabirdrescue.org/> and even a campaign put together by Zoos Victoria with a presentation from Dr Jennifer Lavers at <https://www.zoo.org.au/get-involved/act-for-wildlife/balloons/about>.

The current restriction in the Protection of the Environment Operations Act identifies the release of 20 or more balloons at or about the same time as an offence, so it is unclear if the ban would be enforceable under the legislation, however the policy should be clearly communicated to the community, Council event organisers and during the process of reserve hire, to ensure support for the ban, rather than a required enforcement approach.

Photographs have been included with this report, as further evidence of the issues around helium balloons and plastic debris in the marine environment.



Balloon clip removed from a flesh footed shearwater in 2016, Source: Ian Hutton



Dead albatross found off Southport, picture Tod Burrows

Sourced Sunshine Coast Birds blogspot



Balloon remnants removed from a Grey Headed Albatross gut

Sourced Sunshine Coast Birds blogspot



Light mantled albatross – balloon knot blocking gastro intestinal tract

Sourced Sunshine Coast Birds blogspot

**9.2 10.2016.306.1 - Lot 5 DP 621070 - 291 Minnamurra Lane, Jamberoo - secondary dwelling**

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

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

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

Item 9.2

**Summary**

This report reviews development application No 10.2016.306.1 and recommends approval of the application.

**Finance**

N/A

**Policy**

N/A

**Reason for Report to Council**

The report is submitted to Council as 12 submissions were made during the notification period.

**Attachments**

1 10.2016.306.1 - plans [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council approve Development Application number 10.2016.306.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of this report.

**BACKGROUND**

**Applicant:** Plannex Environmental Planning - Vortex Pty Ltd

**Owner:** Ms K L Mundt

**Development Site**

The property is known as Lot 5 DP 621070 - 291 Minnamurra Lane, Jamberoo The property is located on the northern side of Minnamurra Lane and has a frontage of approximately 255m which is interrupted by a concessional allotment of 4000m<sup>2</sup>.

The overall site measures 24.94 hectares and is irregular in shape. The subject site currently contains a single storey brick dwelling house with a metal roof. This

## Report of the Director Environmental Services

## 9.2 10.2016.306.1 - Lot 5 DP 621070 - 291 Minnamurra Lane, Jamberoo - secondary dwelling (cont)

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dwelling house is located some 270m back from Minnamurra Lane and is bounded by rural properties containing principally rural dwellings and land used for pasture.

The site is zoned RU2 Rural Landscape pursuant to Kiama LEP 2011.

The site is almost totally cleared and is covered in pastured and slopes moderately from high point in the north towards the south where a Category 2 watercourse traverses the property, before rising again towards the road.

Access to the existing dwelling house is currently obtained directly from Minnamurra Lane via gravel access driveway.

The subject site is connected to the overhead mains electricity supply that runs along Minnamurra Lane. The site is not serviced by Sydney Water's reticulated water supply or sewerage systems.

A 75m wide easement for transmission lines cuts across the south-western corner of the site.

The subject site is located within an elevated rural area, to the north of Jamberoo village. Development in the immediate vicinity of the site is characterised by rural residential allotments built close to Minnamurra Lane.

The properties immediately surrounding the subject site contain the following:

- The neighbouring property to the east (Lot 6 DP 621070) is currently vacant land and has an area of about 20 hectares.
- The neighbouring property to the west (No 255 Minnamurra Lane) is a 20 hectare (approx.) parcel of land used for the agistment of horses. The property contains a dwelling house adjacent to its western boundary, and also has a 4,000m<sup>2</sup> 'concessional' allotment excised from its Minnamurra Lane frontage (No 261 Minnamurra Lane).
- There is a 4,000m<sup>2</sup> 'concessional' allotment along the southern boundary of the site (No 299 Minnamurra Lane), which contains a timber dwelling house with a metal roof.
- The land opposite the site, to the south, includes two 4,000m<sup>2</sup> 'concessional' lots (Nos 290 and 306 Minnamurra Lane) fronting the road and each containing a dwelling house.
- The balance of the land to the south is part of a larger dairy farm, known as 'Hillview'.
- There are other concessional lots containing dwellings along Minnamurra Lane in the vicinity of the subject site being Nos 310 and 329 Minnamurra Lane

**Description of the Proposed Development**

The development proposal seeks Council's consent for the construction of a single storey secondary dwelling on the subject site, adjacent to Minnamurra Lane. The proposed secondary dwelling faces South and will be positioned with a setback of 30m from the site's Minnamurra Lane boundary. The western boundary setback to No 255 is approximately 115m and the eastern boundary setback to No 299 is



## Report of the Director Environmental Services

## 9.2 10.2016.306.1 - Lot 5 DP 621070 - 291 Minnamurra Lane, Jamberoo - secondary dwelling (cont)

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approximately 45m. The closest neighbour to the south is No 290 Minnamurra Lane which is on the other side of the road being approximately 56m away.

The proposed secondary dwelling consists of an articulated floor plan, with overall dimensions of 25.07m wide by 21.39m deep. The building design features a covered wrap-around veranda along the southern and eastern elevations and a large covered terrace and deck area at the rear facing north and overlooking the paddocks of the subject site. The secondary dwelling includes an entry foyer; large open plan living, dining and kitchen area opening out onto the covered terrace and deck; 2 bedrooms (the main with a walk-in robe); a study; bathroom; and, laundry with a separate toilet. A large garage is integrated with the dwelling and attached to its western side.

The design of the proposed secondary dwelling has adopted a traditional form with contemporary layout. The architectural form is compatible with that of the principal dwelling and features a hipped roof at 25 degree pitch, covered verandas, timber support posts, face brick walls, and a feature gable to define the dwelling's primary entry.

The proposed secondary dwelling will be externally finished with selected brickwork coloured in a blend of cream, brown, and brown-red. The roof will be corrugated metal roofing coloured 'Night Sky' (black).

Access to the secondary dwelling is to be provided from the existing property access road from Minnamurra Lane. The proposed driveway will lead directly to the roller doors of the garage which face which are proposed to face west.

It is proposed to undertake landscaping of the area immediately surrounding the secondary dwelling. The landscape plan submitted with the proposal makes provision for the planting of a row Forest Red Gum (*Eucalyptus tereticornis*) along the Minnamurra Lane frontage of the site, together with hedges of Lilly Pilly and Photinia around the secondary dwelling. Additional tree plantings of Weeping Cherry, Small Leafed Fig and Melaleuca will also be provided along with a small grove of lemon trees.

Effluent generated by the secondary dwelling will be treated and disposed of onsite using an aerated wastewater treatment system and sub-surface irrigation area located to the north of the dwelling.

The secondary dwelling has been designed to be adaptable and architectural plans demonstrate both pre-adaptation and post-adaptation floor plan layouts

### **History of the Application**

The current proposed location of the secondary dwelling was not the first choice of the applicant but was offered as a compromise following 10 submissions being received during the first neighbour notification period.

When the development application was initially submitted the proposed location was in the south eastern corner of the subject site on the eastern side of No 299 Minnamurra Lane. It was proposed to be positioned with a front setback of 10m from the site's Minnamurra Lane boundary with side boundary setbacks of 18m to the western boundary and approximately 12m to the eastern boundary. Access to the secondary dwelling was to be provided directly from Minnamurra Lane via a new 6m



## Report of the Director Environmental Services

## 9.2 10.2016.306.1 - Lot 5 DP 621070 - 291 Minnamurra Lane, Jamberoo - secondary dwelling (cont)

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wide driveway. The proposed driveway would have led directly to the front roller doors of the garage addressing Minnamurra Lane.

Following the submission of 10 objections to the proposal being received, Council wrote to the applicant advising that the proposed location of the secondary dwelling is not in accordance with a number of provisions of Kiama DCP 2012 - Chapter 6 – Rural Development and it is believed this has led to the significant number of objections from local residents.

The principal concerns raised by local residents were that the secondary dwelling is dispersed from the main dwelling, is located too close to the road, is within 100m of adjoining dwellings, creates a second access off Minnamurra Lane and is directly opposite an existing dwelling. All of which contribute to the loss of rural amenity for existing residents and the erosion of the rural landscape in the locality. All the existing homes predate the controls in Kiama DCP 2012 and whilst clustered are not directly opposite each other allowing views from existing dwelling and the public road out into the rural landscape.

The applicant was subsequently requested to relocate the position of the secondary dwelling to better comply with the provisions of the Chapter 6 - Rural Development. The suggested locations included beside the existing dwelling or approximately 110-120 meters further to the north from the front property boundary towards the dam maintaining the existing alignment. It was considered that both of these locations would reduce the number non-compliances with Council's DCP and allow a number of advantages including:

- (a) it would allow access to be achieved by utilising the existing property access road;
- (b) it would achieve the 100m spatial separation from the existing adjoining dwellings on other properties; and
- (c) it would make the secondary dwelling less visually intrusive in the rural landscape and better maintain existing views as it would either be setback around 270m from the road adjacent to the existing dwelling or by being 110 - 120 further north from Minnamurra Lane the secondary dwelling would be sited on a lower contour level making it at least partially if not fully hidden from sight below the higher portion of land adjacent to Minnamurra Lane.

After receiving Council's letter, the applicant and their Town Planner attended Council for a meeting to discuss the relocation of the secondary dwelling. Both of the locations suggested by Council were considered unfavourable. The location suggested beside the principle dwelling was considered unsuitable by the applicants as they wanted their privacy maintained. The second suggested location towards the dam and watercourse was considered unsuitable as the applicant felt it would compromise agricultural viability of the property by restricting the ability of stock to access the dam and the onsite effluent disposal area may end up being too close to the dam and watercourse.

After the suggested locations were dismissed by the applicant as being unsuitable further discussion was held concerning repositioning the secondary dwelling to the west of No 299 Minnamurra Lane on the basis that the existing property access road

## Report of the Director Environmental Services

## 9.2 10.2016.306.1 - Lot 5 DP 621070 - 291 Minnamurra Lane, Jamberoo - secondary dwelling (cont)

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could be utilised. The south-western corner of the property was considered but is constrained by buffers to a class 2 watercourse and an easement for high voltage transmission line. The applicant ultimately proposed the current location for the secondary dwelling in an attempt to:

- a) minimise the number of non-compliances with Council's policy;
- b) reduce any amenity impacts on neighbours;
- c) maintain rural landscapes and views; and
- d) meet their current requirements and future vision for the agricultural use of the property.

Following this meeting and consideration of Council's concerns, the applicant decided to amend the application by re-positioning the proposed secondary dwelling to a location between their access driveway and the existing dwelling house at No 299 Minnamurra Lane. The new dwelling position shown on the accompanying plans is 30m back from Minnamurra Lane; downhill of No 299 Minnamurra Lane; and, is not directly opposite the dwelling house at No 290 Minnamurra Lane. Amending the application involved further survey work, revised geotechnical report and revised plans.

The amended development application was re-notified to adjoining neighbours and people who had made a submission to the previous proposal. This notification period resulted in 12 submissions being received mainly objecting to the same issues as the previous development application.

**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 (BASIX)

The BASIX SEPP applies to the State and to development applications for the construction of dwellings. The BASIX SEPP therefore applies to the development proposal.

The aim of the BASIX SEPP is identified in clause 3 as "*to ensure consistency in the implementation of the BASIX scheme throughout the State*". The BASIX SEPP achieves this aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

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

- State Environmental Planning Policy No 55 - Remediation of Land

The land is considered suitable for the proposed use.

- State Environmental Planning Policy (Rural Lands) 2008

## Report of the Director Environmental Services

## 9.2 10.2016.306.1 - Lot 5 DP 621070 - 291 Minnamurra Lane, Jamberoo - secondary dwelling (cont)

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The Rural Lands SEPP was gazetted on 9 May 2008 and applies to the Kiama Council area.

Clause 10 lists a range of matters for Council to consider when dealing with an application for the erection of a dwelling on land in a rural zone, as follows:

- (a) *the existing uses and approved uses of land in the vicinity of the development,*
- (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) *if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,*
- (e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).*

Larger holdings of land in the vicinity of the site are used for agricultural purposes, including the grazing of dairy cattle and agistment of horses; with smaller allotments used for rural-residential purposes.

The proposed secondary dwelling will be located on a 24.94 hectare allotment that contains an existing dwelling house, but which also contains large areas of improved pasture land and farm dams, making it suitable for ongoing agricultural use. Whilst there are no rural-residential zones adjoining or near to the site the surrounding land uses are predominantly rural residential and the proposal is therefore unlikely to have a significant impact on these existing land uses.

The proposed secondary dwelling is not considered to be incompatible with those uses in the immediate locality and therefore does not require the implementation of any special measures to avoid or minimise incompatibility with surrounding land uses.

It is considered that the development proposal is consistent with the Rural Lands SEPP as the proposal facilitates the orderly and economic use and development of the land for rural and related purposes. Approval of the secondary dwelling will not compromise the agricultural potential of the properties in the locality.

- Kiama LEP 2011

The subject land is zoned - RU2 Rural Landscape pursuant to Kiama LEP 2011. The objectives of the RU2 zone are stated as:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To protect agricultural land for long term agricultural production.*

Report of the Director Environmental Services

9.2 10.2016.306.1 - Lot 5 DP 621070 - 291 Minnamurra Lane, Jamberoo - secondary dwelling (cont)

- 
- *To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing and integrates with tourism.*

The development proposal is considered to be consistent with the RU2 zone objectives, particularly as it will not disrupt the rural landscape character of the locality.

The proposal would be defined as a *secondary dwelling which means a self-contained dwelling that:*

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.*

The proposed development is for the construction of a separate self-contained secondary dwelling located upon the same allotment as the principal dwelling. Secondary dwellings are a permissible land use in the RU2 zone subject to Council's development consent.

Other relevant provisions of Kiama LEP 2011 requiring consideration for the development proposal are summarised as follows:

Clause 5.4(9) lists requirements for secondary dwellings providing that they must not exceed 60m<sup>2</sup> or 100% of the floor area of the existing dwelling. In this instance the existing principal dwelling has a total floor area of 540m<sup>2</sup> and the proposed secondary dwelling have a total floor area of 292m<sup>2</sup> (excluding car parking), which represents 54% of the floor area of the principal dwelling.

Clause 6.5 lists considerations and requirements for land which has been identified as riparian land and watercourses. The subject site is crossed by two watercourses. A class 3 watercourse is located to the north of the existing dwelling and a class 2 watercourse is located to the north and west of the proposed secondary dwelling. The proposed building envelope is located well clear of these constraints being about 70m from the nearest Category 2 watercourse, and therefore does not involve any works within 25m of the watercourse. Accordingly, Clause 6.5 is not considered relevant to the development proposal.

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

Nil.

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

- Kiama DCP 2012

The proposed development is considered to be consistent with the provisions of Kiama DCP 2012. The relevant provisions will be briefly discussed below.

#### *Chapter 2- Overall Controls*

This Chapter of the DCP outlines general controls that apply to all types of development throughout the Local Government Area. The only real controls applicable to the development is the 15m building line setback to a public road, the requirement to use low reflective materials and to minimised impacts on views from

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public or private places. The proposed secondary dwelling is setback 30m from Minnamurra Lane, has a dark non reflective roof and being single storey and more than 50m from the closest dwellings affords adequate view sharing. The secondary dwelling has been located so that it is not directly opposite adjacent dwellings to facility view sharing, protect local amenity and is consistent with the settlement pattern in the Lane. The proposal therefore considered to be consistent with the objectives and requirements of this Chapter.

*Chapter 4 – Low Density Development*

This Chapter of the DCP outlines general controls that apply to low density developments including secondary dwellings. Most of the controls are aimed at maintaining amenity for future occupants and adjoining neighbours in urban environments so have limited application for a secondary dwelling in a rural setting. The proposed design enjoys good solar access to living areas and includes a 71m<sup>2</sup> north facing deck/terrace. There is ample opportunity for future occupants to recreate outside. The garage is 168m<sup>2</sup> and can easily accommodate three vehicles and the required storage. The proposal is therefore considered to be consistent with the objectives and requirements of this Chapter.

*Chapter 6 – Rural Development*

This Chapter of the DCP outlines general controls and performance criteria that apply to all kinds of rural development. The proposal largely satisfies the requirements of the Chapter.

*Sections 1-2 - Design, Siting and Setback Controls*

This section of Kiama DCP relates to Design, Siting and Setback Controls and requires that rural dwellings and ancillary development must be appropriately setback from boundaries, adjoining dwellings and be designed and sited to:

- a) protect agricultural land;
- b) avoid/minimise their impact on the natural environment;
- c) avoid/minimise their impact on the scenic landscape;
- d) complement the landscape rather than become conspicuous built elements in the landscape;
- e) be clustered with other developments rather than dispersed over the property;
- f) be 100m from another dwelling on adjoining land; and
- g) maintain an agricultural buffer of at least 150m to adjoining land used or capable of being used for agricultural purposes.

The secondary dwelling complies with most of the requirements of this section. It is proposed to be positioned 30m back from Minnamurra Lane, employ exterior colours that are recessive, earthy tones and utilises the existing access road to the property. The secondary dwelling has been positioned close to Minnamurra Lane in amongst other existing neighbouring dwelling houses in order to minimise the potential visual impact issues on the rural landscape. It is not directly opposite the dwelling house at No 290 Minnamurra Lane to facilitate view sharing and afford the occupants of that property views to the north.

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Relevant clauses requiring further detailed discussed as provided below.

Control C12 provides as follows:

*C12 - Ancillary development should also be where possible and practicable clustered around the principal dwelling, or able to utilise the same access ways.*

The applicant firstly contends that this clause is not relevant to the proposal as the secondary dwelling is not ancillary development.

“*Ancillary development*” can be considered as a group term encapsulating a variety of types of minor development that would ordinarily be associated with the occupation and use of a dwelling house and that generally have minimal environmental impact. An ancillary use is a use that is subordinate or subservient to the dominant purpose. To put it simply if a component serves the dominant purpose it is ancillary to that dominant purpose. If a component serves its own purpose and it is not a component of the dominant purpose, then it could be considered as an independent use on the same land and would be a dominant use in its own right. Secondary dwelling is a separately defined land use under Kiama LEP 2011 and on this basis clause C12 would not apply.

The application argues further that if the proposal is found to be ancillary development then the proposal complies with Control C12 anyway. The basis for this conclusion is that clause C12 only requires ancillary development to be clustered around the principal dwelling rather than being dispersed over the property if it is practicable to do so. In this instance the application demonstrates that the site is constrained and it is not practical to cluster the secondary dwelling with the principal dwelling in this situation the clause provides it is sufficient for the secondary dwelling to utilise the existing access way which it does.

The application states that various siting options for the proposed secondary dwelling have been considered and that it is not practicable to cluster the secondary and primary dwelling together. In support of this argument the applicants have presented a site analysis plan which has identified a number of constraints applying to the land. The constraints identified are both natural constraints and constraints pertaining to the use of the land and operation of the primary production activities. The key constraints which have influenced the dwelling siting options are identified as:

- Major ridgeline and visually prominent side slopes - These areas have been ruled out as unsuitable for the erection of a dwelling house as they are highly visually prominent and the slope of the land would not only require substantial earthworks and site modification to accommodate a building platform, but would also highly constrain access provision and on-site effluent disposal. Putting a dwelling in this location would require extending the existing access road further reducing the extent of agricultural land available for production.
- Category 2-3 watercourses and riparian zones - Areas impacted by the Category 2-3 watercourses and their riparian zones have been discounted due to potential localised flooding impacts, bank steepness and stability issues, and the desirability of maintaining an undeveloped riparian corridor for its water

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- quality and habitat benefits. The requirement to separate onsite effluent disposal areas from riparian lands.
- Transmission easement - Building within the transmission easement is prohibited under the terms of that easement.
  - Poor-draining soils - There are natural springs and areas of poorly draining soils existing on the subject site, particularly adjacent to the easternmost dam, which are evidenced by boggy ground. These areas provide a poor foundation for building and are not suited for effluent disposal, and have been discounted as potential building sites.
  - Effluent disposal area - The on-site effluent disposal area for the existing dwelling house is located on 903m<sup>2</sup> of flatter land adjacent to the house. This area, and associated buffer zones are obviously not suitable for the siting of the proposed secondary dwelling.
  - 'Home paddock' – There is a 'home paddock' area located to the west of the existing dwelling house. This area is used by the owners as a space for activities that would traditionally occur within the backyard area of a typical suburban housing allotment (ie children's play area, outdoor recreation space, vegetable garden, landscaping etc).
  - Prime arable lands – These areas are prime agricultural lands associated with the beef production activities, being the only relatively flat land on the property. These lands are the most useful and productive lands on the property, and are used for the growing of silage for winter fodder for the beef herd. These areas, particularly those to the east and west of the existing dwelling house are contiguous with the grazing paddocks on the upper slopes and northern slopes of the property, which are less productive lands due to the steeper topography which influences productivity, accessibility, and workability of that land.

Once the areas affected by the above constraints have been excluded, the only land available that is considered suitable for the erection of the secondary dwelling and its associated effluent disposal area are the areas immediately east (Option A) or west (Option B) of No 299 Minnamurra Lane. Option A was originally proposed but the application was amended in response to neighbour objection, leading to the current site shown on the site analysis plan as Option B. The site analysis appears to be thorough and accurate and supports the proposed location of the secondary dwelling and the required effluent disposable area. This site is able to utilise the same access as the existing principal dwelling so satisfies Control C12.

Controls C17 & 18 provides as follows:

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

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*processing plants, dairies, cattle yards, horticulture, feedlots or other like activities that could result in noise, odours or agricultural spray drift).*

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

Item 9.2

The proposal fails to comply with Control C17 which relates to agricultural buffer areas of at least 150m wide between rural dwellings and adjoining land used for agricultural purposes. The applicant has requested a variation to this requirement.

The adjoining property to the west (No 255) is believed to be or is capable of being used for agricultural production. The proposed location of the secondary dwelling fails to comply with the 150m setback being only 130m. A condition of development consent could be applied requiring that a 20m wide native vegetation buffer strip be planted along the western boundary to help screen and mitigate the impacts of agricultural activities on the adjoining property. The proposed secondary dwelling is 45m from the neighbouring property to the east (No 299) but this is a 4000m<sup>2</sup> holding that is not used for agricultural production. The larger holding further to the east is approximately 149.23m from the secondary dwellings proposed location being just under the 150m standard. This property has an area of approximately 20 hectares, is vacant and not currently used for agricultural purposes. At 20ha in area this land would have limited agricultural potential in any case and the setback is considered reasonable given an existing dwelling is situated within the setback.

Control C20 provides as follows:

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

The proposal fails to comply with Control C20 which relates to rural setbacks between dwellings. The proposed secondary dwelling will be setback less than 100m from two (2) existing dwelling houses in the immediate vicinity of the subject site. The applicant has requested a variation to this requirement.

The separation distance to the closest neighbouring dwellings is as follows:

- No 299 Minnamurra Lane – 45m separation distance to the property boundary.
- No 290 Minnamurra Lane – 56m separation distance to the property boundary.

More than 100m separation distance has been provided to all other nearby dwellings. Whilst the proposal fails to comply with the requirement of C20 in two instances the position of the proposed secondary dwelling relative to the neighbouring dwellings in Minnamurra Lane is considered to be acceptable, despite being less than 100m, as it is consistent with the existing established development pattern in the area and will not cause any significant amenity impacts.

All of other existing dwelling houses in the 'cluster' along this section of Minnamurra Lane fail to achieve the 100m separation distance between the dwellings. The



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proposed separation distance is therefore comparable with the separation distances between the existing dwelling houses in this section of Minnamurra Lane. What is more in the 915m stretch of Minnamurra Lane between No 255 to No 344 which contains 10 rural dwellings houses and at least 9 of these rural dwellings houses are sited within 100m of another rural dwellings house. The proposal also includes a landscape plan which proposes to establish vegetated hedgerows to screen the proposed development from their immediate neighbours.

In order to achieve a minimum separation distance of 100m to the neighbouring dwelling houses, the proposed secondary dwelling would need to be moved further to the north or north-west. This area of the property is subject to a number of constraints, including the two watercourses which pass through the site; the 75m high voltage electricity transmission easement; the steeper hillslopes over the northern part of the site; and, the greater impact on the visual quality of the rural landscape by building on the more highly visible steeper slopes of the property. Furthermore, servicing and providing access to the secondary dwelling becomes more expensive and problematic the further it is moved into the subject site. The longer the access driveway the greater the loss of agriculturally productive land. The requested variation is considered acceptable in this instance.

The remaining sections of Chapter 6 – Rural Development relate to the following:

- Section 3 - Access and Services Infrastructure;
- Sections 4-7 - Water Supply and Effluent;
- Sections 8-14 Environmental Considerations and Natural Hazard.

The proposal largely satisfies the requirements of these Sections as it is capable of being adequately serviced, the access driveway will not disturb the amenity of the neighbours and the proposed site is free from natural hazards and environmental constraints. Services are proposed to meet the needs of the secondary dwelling.

#### *Chapter 8 – Landscaping*

This chapter of the DCP outlines general controls that apply to landscaping. A landscape plan has been prepared for the proposal and is considered acceptable. The landscaping proposes the use of a mix of native and exotic species around the dwelling and along the front property boundary break up any minor visual impact the dwelling may present.

#### *Chapter 11 – Waste Requirements*

This chapter of the DCP outlines general controls that apply to waste minimisation, management and recycling. The proposal will dispose of waste via the Kiama Council rural waste service. Adequate space is available to store the waste receptacle and no further issues are envisaged.

#### **Any Planning Agreement**

Nil

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

Nil

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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 ongoing significant noise impacts are expected as a result of the development.

- Privacy and Overlooking

No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development. The proposal will be more than 50m from the two closest neighbours and screen landscaping is proposed. Furthermore, the living areas and private open space for the secondary dwelling is orientated to the north away from neighbours.

- Overshadowing

The proposal is single storey and separated from neighbouring properties so will not lead to any overshadowing issues.

- Views

Whilst the proposal will change some of the views currently available from neighbouring properties, the proposal will not have an unreasonable impact upon these views. As mentioned above the dwelling has a reasonable level of spatial separation from neighbours. The secondary dwelling has been specifically sited to be offset from the No 290 Minnamurra Lane so that their northerly rural landscape view is retained.

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is available on site within an oversized 3 car garage. The existing dwellings car parking arrangements remain unaltered. Manoeuvring is compliant with AS/NZS 2890.1 – 2004 and the existing driveway is compliant with the required gradients.

- Stormwater Management

All stormwater will be directed to rainwater tanks initially with any surplus to be disposed of onsite.

### **Environmental Impacts**

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

*Fauna Impacts* – The proposal will not negatively impact upon any native fauna or its habitat.

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

*Impact on Water Resources* – A rainwater tank will be provided as required by BASIX. Stormwater will be disposed of onsite and controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

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

- Agricultural land productivity

The site is currently largely pasture used for cattle grazing. The size of the property, steepness of the site, existing improvements, dams and watercourses mean that it has limited further agriculture potential. The proposed location of the secondary dwelling will not greatly diminish the agricultural productivity of the property or that of adjoining lands and is not likely to give rise to any significantly negative impact upon the existing and future agricultural uses of the lot. The dwelling is sited near other dwellings and will form a small cluster of rural residential development.

- Safety, security & crime prevention

The proposed development will have a positive impact on crime and safety in the locality as it will provide another dwelling that will improve passive surveillance and security of the subject property and the Minnamurra Lane locality generally.

- Construction impacts

The proposal is unlikely to give rise to undue construction impacts other than some minor noise disturbance to neighbours if construction activities are undertaken within the approved hours and appropriate sedimentation and erosion control measures are being implemented.

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

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

### **Submissions**

#### Public Submissions

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal when the development application was initially lodged. At the conclusion of this notification period, ten (10) submissions objecting to the proposal were received by Council. Following the lodgement of amended plans the proposal was notified again for 14 days. At the conclusion of this second notification period 12 submissions objecting to the proposal were received

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many of which came from the same people and households that objected to the initial proposal and raised similar issues. The issues raised are summarised below:

Item 1: - Secondary Dwellings should be clustered with other buildings if practicable rather than dispersed over the property

Response: - The purpose of this requirement contained in Kiama DCP is to ensure that agricultural productivity, the natural environment, scenic landscape and neighbours amenity is protected. The location chosen for the secondary dwelling will not have a significant negative impact on any of these attributes. More specifically the building footprint of the secondary dwelling and effluent disposal area will be the same regardless of where they are located on the site. The proposal utilises the existing access road so there is no further increase in the land area devoted to the access road that maybe the case if the secondary dwelling was located further back into the property. On this basis the proposed location will not undermine the agricultural viability of the property any more than if the secondary dwelling was located in a cluster with the principle dwelling.

Having regard to the natural environment the proposed location is free from environmental constraints and will not involve any clearing of native vegetation. The proposed location does not impact upon riparian lands and is not considered to be unsympathetic to the natural environment in the locality therefore there is no requirement for buildings to be clustered to minimise environmental impact.

The addition of another dwelling adjacent to Minnamurra Lane is consistent with the rural landscape established in the area by the existing dwellings many of which are on small rural allotments. The rhythm and spacing created by the proposed location of the secondary dwelling relative to existing dwellings is consistent established with the offset arrangement apparent along this section of the Lane. The proposed secondary dwelling is to be landscaped further settling the dwelling into the rural landscape of the locality. The proposed location of the secondary dwelling is not considered likely to give rise to undue amenity impacts for neighbouring dwellings. On this basis the proposed location is not considered to significantly undermine the scenic landscape of the locality any more than if the secondary dwelling was located in a cluster with the principle dwelling.

Item 2: - Dwellings must be at least 100m from dwellings on adjoining properties

Response: - The purpose of this requirement contained in Kiama DCP is to ensure that amenity of adjoining rural dwellings is not unduly compromised. As discussed above the proposal is setback 45m from the closest neighbouring dwelling. This is considered to be an adequate separation distance to preserve local amenity and is consistent with the settlement pattern in the locality. It is not envisaged that the secondary dwelling will cause a significant impact on the amenity of the closest adjoining dwellings.

Item 3: - Rural dwellings should be designed and sited having regard to the amenity of neighbours

Response: - As stated above the proposal is setback 45m from the closest neighbouring dwelling this distance is considered adequate to maintain amenity between neighbours.

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secondary dwelling (cont)

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Item 4: - Rural dwellings should be sited to protect agricultural land

Response: - The location chosen for the secondary dwelling will not have a significant negative impact on agricultural productivity of the property. The building footprint of the secondary dwelling and effluent disposal area will be the same regardless of where they are located on the site. The proposal utilises the existing access road so there is no further increase in the land area devoted to the access road that maybe the case if the secondary dwelling was located further back into the property. On this basis the proposed location will not undermine the agricultural viability of the property.

Item 5: - Rural dwellings should be sited to minimise their impact on the natural environment

Response: - The location chosen for the secondary dwelling will not have a significant negative impact on the natural environment in the locality. The location proposed is free from environmental constraints and will not involve any clearing of native vegetation. The proposed location does not impact upon riparian lands and is not considered to be unsympathetic to the natural environment in the locality and can therefore be seen to be appropriately sited having regard to the natural environmental attributes of the property.

Item 6: - Rural dwellings should be designed and sited to minimise their visual impact on the scenic rural landscape and not be conspicuous built elements

Response: - The addition of another dwelling adjacent to Minnamurra Lane is consistent with the rural landscape established in the area by the existing dwellings many of which are on small rural allotments. The rhythm and spacing created by the proposed location of the secondary dwelling relative to existing dwellings is consistent established with the offset arrangement apparent along this section of the Lane. The dwelling proposed is single storey with an earthy colour scheme being designed to be inconspicuous in the landscape. The proposed secondary dwelling is also to be landscaped with trees and screening hedges further settling the dwelling into the rural landscape of the locality. On this basis the proposed location will not undermine the scenic rural landscape of the locality any more than the existing dwellings located the locality.

Item 7: - The secondary dwelling will have a detrimental impact on views from neighbouring properties and fails to incorporate view sharing principles

Response: - The construction of the secondary dwelling will have a minor impact on views from adjoining dwellings in the sense that their outlook will now include a single storey dwelling rather than undeveloped pasture. The extent of the visual impact is considered to be relatively minor arising from the reasonable level of spatial separation between the proposed dwelling and the closest neighbouring dwellings. The secondary dwelling has been specifically sited to be offset from the No 290 Minnamurra Lane so that their northerly rural landscape view is retained. Views from Nos 290 and 299 Minnamurra Lane will be changed if the secondary dwelling in constructed but both dwellings will continue to enjoy rural views in most directions notwithstanding existing landscaping on their own and adjoining properties.

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Item 8: - The proposal is out of character with the rural residential landscape of the area

Response: - On the contrary the proposal is considered to be consistent with the established settlement pattern in the locality. The clustering of small lot rural dwelling adjacent to Minnamurra Lane has created a settlement pattern that the proposed development conforms with.

Item 9: The proposal will have a negative impact upon the amenity of the area (lights, sounds, smells, traffic)

Response: - Whilst it is agreed that the proposal will have an impact upon the amenity of the locality it is not considered that the level of amenity impact will be significant. The spill of light, sound, smells and increase in traffic is not considered to be sufficient for it to be characterised as being a significant negative impact on the amenity of the locality.

Item 10: - Minnamurra Lane is dangerous and extra traffic will increase the risk of accident

Response: - Council's Road Safety Officer advises that there is no recorded accident history on this road in the last five years (reporting years 2012-2016) according to RMS crash data. Minnamurra Lane is characterised as a rural road with low traffic volume and low vehicle speeds being classified as "minimum risk."

Council's Subdivision and Development Engineer advises in regard to additional traffic volume created by the proposed secondary dwelling – the RMS guide to Traffic Generating Development (Section 3.3) states that new dwelling houses (in new residential subdivisions) will generate on average 9 vehicle trips per day and 0.85 weekday peak hour vehicle trips. I believe this would be less in a rural setting given the additional distances to cover and therefore the effort by drivers to combine vehicle trips. Even if Minnamurra Lane was considered an unsafe road the additional traffic volume generated by the proposed development is not considered anywhere near excessive enough to warrant refusal the DA.

Item 11: - A thorough site analysis plan was not used to inform site planning and the design to achieve a satisfactory outcome having regard to satisfactory agricultural, environmental, natural hazard risk minimisation and rural amenity

Response:- A site analysis plan and written statement was provided justifying the proposed location of the secondary dwelling based on the constraints of the site and the proposed current and future use of the property for agricultural production.

Item 12: - No valid reason has been given why the proposed secondary dwelling cannot be located in close proximity with the principle dwelling

Response:- The written submission accompanying the site analysis plan argues that the flat land to the west of the principal dwelling to the north of the dwellings onsite effluent disposal area is used as a "home paddock." The home paddock is akin to the backyard of residential dwelling but on a larger scale and is used for children's play area, outdoor recreation space, vegetable garden, landscaping etc.

Item 13: - Approval will set undesirable precedent

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Response: - Each development application is assessed on merit having regard to the nature of the proposal, environmental constraints of the property, section 79C of the Environmental Planning and Assessment Act, and the circumstances of the application. As planning assessment is based on the merit of the development application approval of the subject application will not set an undesirable precedent.

### External Referrals

Nil

### Internal Referrals

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

- Development Assessment Officer - Building

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

- Landscape Design Officer

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

- Subdivision & Development Engineer

No objection has been raised in relation to the proposed development.

### The public interest

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

### 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 considered to be consistent with the relevant State Environmental Planning Policies, Kiama LEP 2011 and relevant chapters of Kiama DCP 2012. The proposed development is permissible in the RU2 Rural Landscape zone and is considered to be consistent with the zone objectives.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. Whilst concerns were raised by neighbours following notification the issues raised are no considered to be of sufficient weight to warrant refusal of the development application.

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

### Draft Conditions of Consent

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**General**

- (1) The development shall be implemented generally in accordance with the details set out in the development application documentation and on the plan/drawing and supporting documents endorsed by Council as 10.2016.306.1 dated xxxxxx except as amended by the following conditions: (g005.doc)
- (2) The dwelling shall be maintained as a single occupancy structure. (g011.doc)
- (3) The development shall be completed in accordance with the approved colour schedule. (g014.doc)
- (4) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate. (g030.doc)
- (5) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (6) The developer shall provide and maintain temporary fencing around the development site to prevent unauthorised entry into the site by persons or livestock and shall remove the temporary fencing upon completion of all work. (g140.doc)
- (7) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:
  - a The variation in hours required.
  - b The reason for that variation.
  - c The type of work and machinery to be used. (g165.doc)

**Bonds and Contributions**

- (1) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 2 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$6,678.64**. (bo005.doc)

**Prior to Commencement of Works**

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



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- 
- 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) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate. (pt034.doc)
- (4) A separate application shall be submitted to Council for the On-site Sewerage Management System prior to release of the Construction Certificate. (pt040.doc)
- (5) 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.

## Report of the Director Environmental Services

## 9.2 10.2016.306.1 - Lot 5 DP 621070 - 291 Minnamurra Lane, Jamberoo - secondary dwelling (cont)

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**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)

- (6) 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)
- (7) The applicant shall submit engineer's details of the foundation based on geotechnical advice prepared by a suitably qualified geotechnical engineer. Such detail/advice is to be provided prior to the issue of a Construction Certificate. (pt070.doc)
- (8) A landscaping buffer shall be planted in the south west corner of the site between the road frontage and the dam on the western boundary to provide a landscape buffer between the secondary dwelling and the adjoining property to the west. The screen is to prevent/reduce the potential impact of agricultural uses from the adjoining property negatively impacting the amenity of the secondary dwelling. The landscape buffer shall consist of a mass planting of suitable trees and shrubs indigenous to the local area planted 20m wide along the western boundary. A detailed plan is to be provided to Council's Landscape Officer for written approval prior to the release of the construction certificate. This plan once approved shall for part of the approved development consent plans. (lw130.doc)
- (9) Above ground water storage tanks shall be coloured or painted in earth tones to blend with the natural environment. (bhm025.doc)

**Inspections**

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

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

**Building Construction**

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor

## Report of the Director Environmental Services

## 9.2 10.2016.306.1 - Lot 5 DP 621070 - 291 Minnamurra Lane, Jamberoo - secondary dwelling (cont)

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must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)

- (6) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)
- (7) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
- Monday to Friday - 7.00 am to 5.00 pm
- Saturdays - 8.00 am to 1.00 pm
- No construction work is to take place on Sundays or Public Holidays. (bu151.doc)
- (8) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)

Item 9.2

**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 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.
  - Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
  - All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
  - All the above requirements must be in place for the duration of the construction works. (esc005.doc)

**Landscaping Works**

- (1) All landscape areas shown on the approved landscape plans (drawing numbers MS2016106 amended 4/4/2017) or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions. (lw015.doc)
- (2) The landscaping shall be maintained actively and regularly for a period of 52 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)
- (3) At the end of the 52 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in

## Report of the Director Environmental Services

## 9.2 10.2016.306.1 - Lot 5 DP 621070 - 291 Minnamurra Lane, Jamberoo - secondary dwelling (cont)

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accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)

- (4) The landscape works shall remain in situ for the perpetuity of the development. (lw040.doc)
- (5) A landscaping buffer shall be planted in the south west corner of the site between the road frontage and the dam on the western boundary to provide a landscape buffer between the secondary dwelling and the adjoining property to the west. The screen is to prevent/reduce the potential impact of agricultural uses on the adjoining property negatively impacting the amenity of the secondary dwelling. The landscape buffer shall consist of a mass planting of suitable trees and shrubs indigenous to the local area planted 20m wide along the western boundary and shall remain in situ for the perpetuity of the development. (lw130.doc)
- (6) Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent. (lw170.doc)

**Site Facilities**

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times. (sf010.doc)
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light-weight materials. (sf015.doc)
- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
- a Stating that unauthorised entry to the premises is prohibited; and
  - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

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

**Prior to Occupation**

- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to release of the Final Occupation Certificate.
- Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)
- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified

Report of the Director Environmental Services

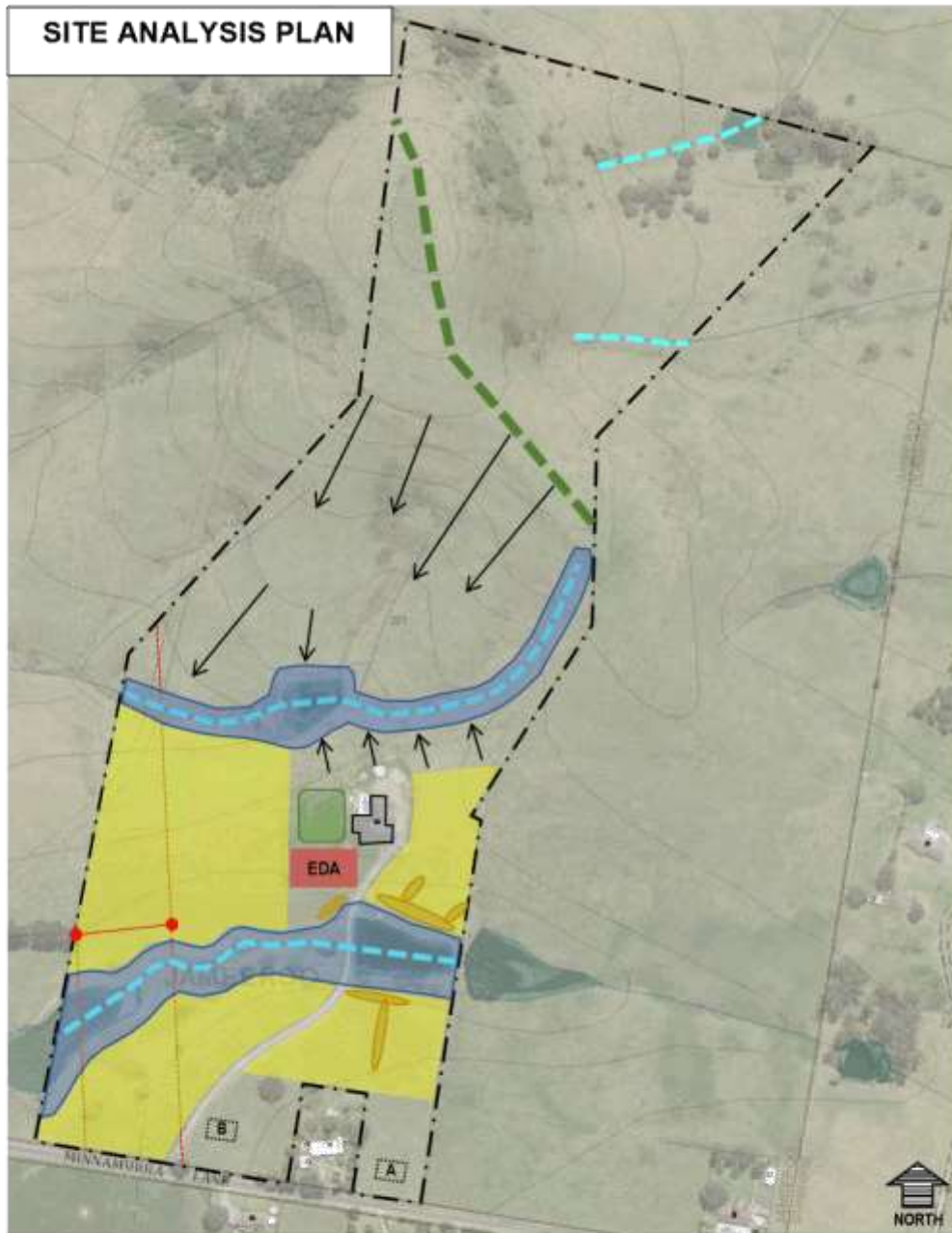
9.2 10.2016.306.1 - Lot 5 DP 621070 - 291 Minnamurra Lane, Jamberoo -  
secondary dwelling (cont)

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person to certify that the BASIX schedule of commitments have been provided  
and/or installed. (po003.doc)





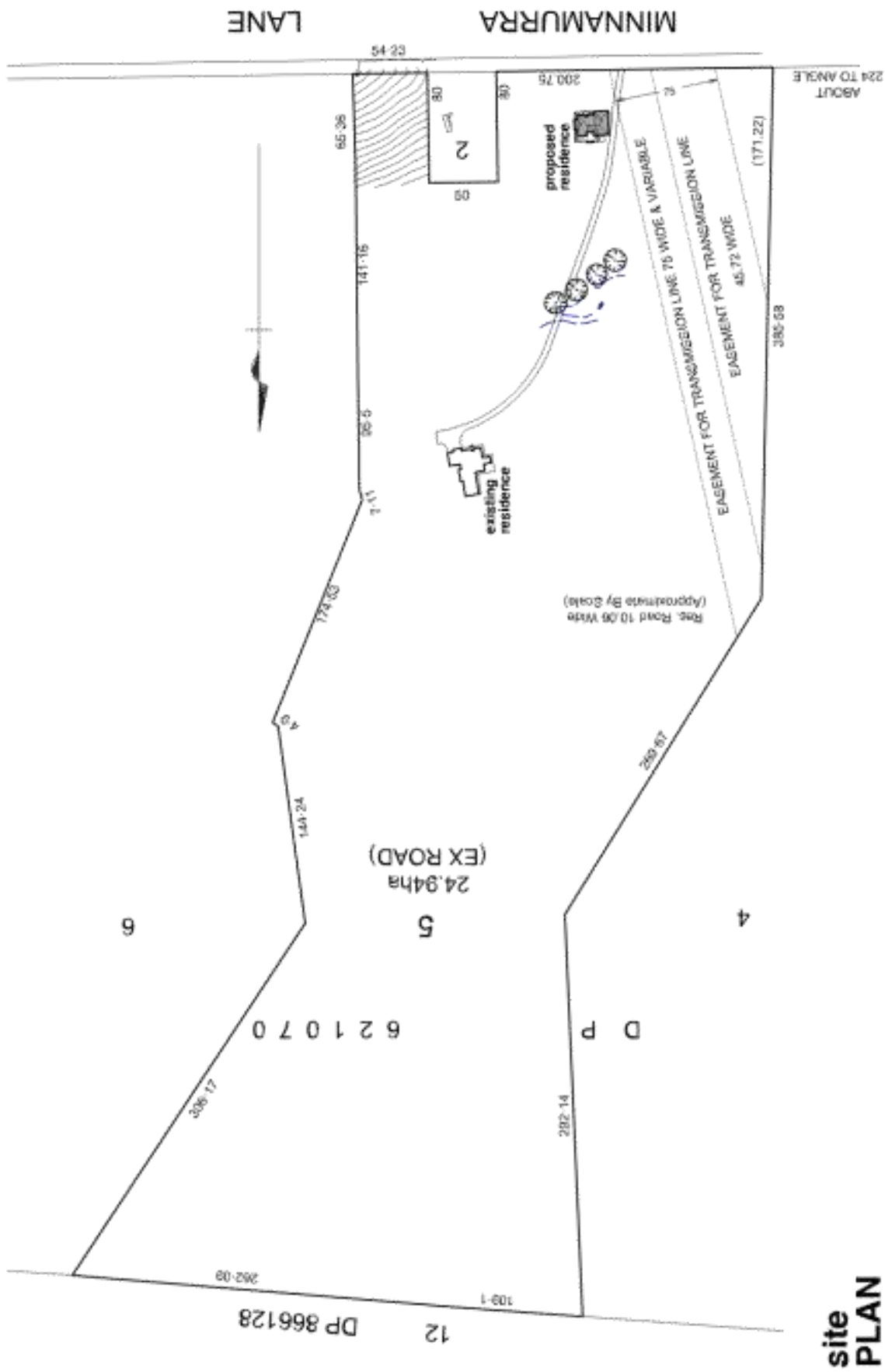


**LEGEND**

- |  |                                    |
|--|------------------------------------|
| Existing Dwelling House                    | Ridgeline                          |
| Effluent Disposal Area (existing dwelling) | Steeper Slopes                     |
| 'Home Paddock' (existing dwelling)         | Transmission Easement (75m wide)   |
| Category 3 Watercourses                    | Flatter Arable Land                |
| Riparian Buffer Zones                      | Siting Options (proposed dwelling) |
| Known Boggy Areas (poor drainage)          |                                    |

Item 9.2

Attachment 1

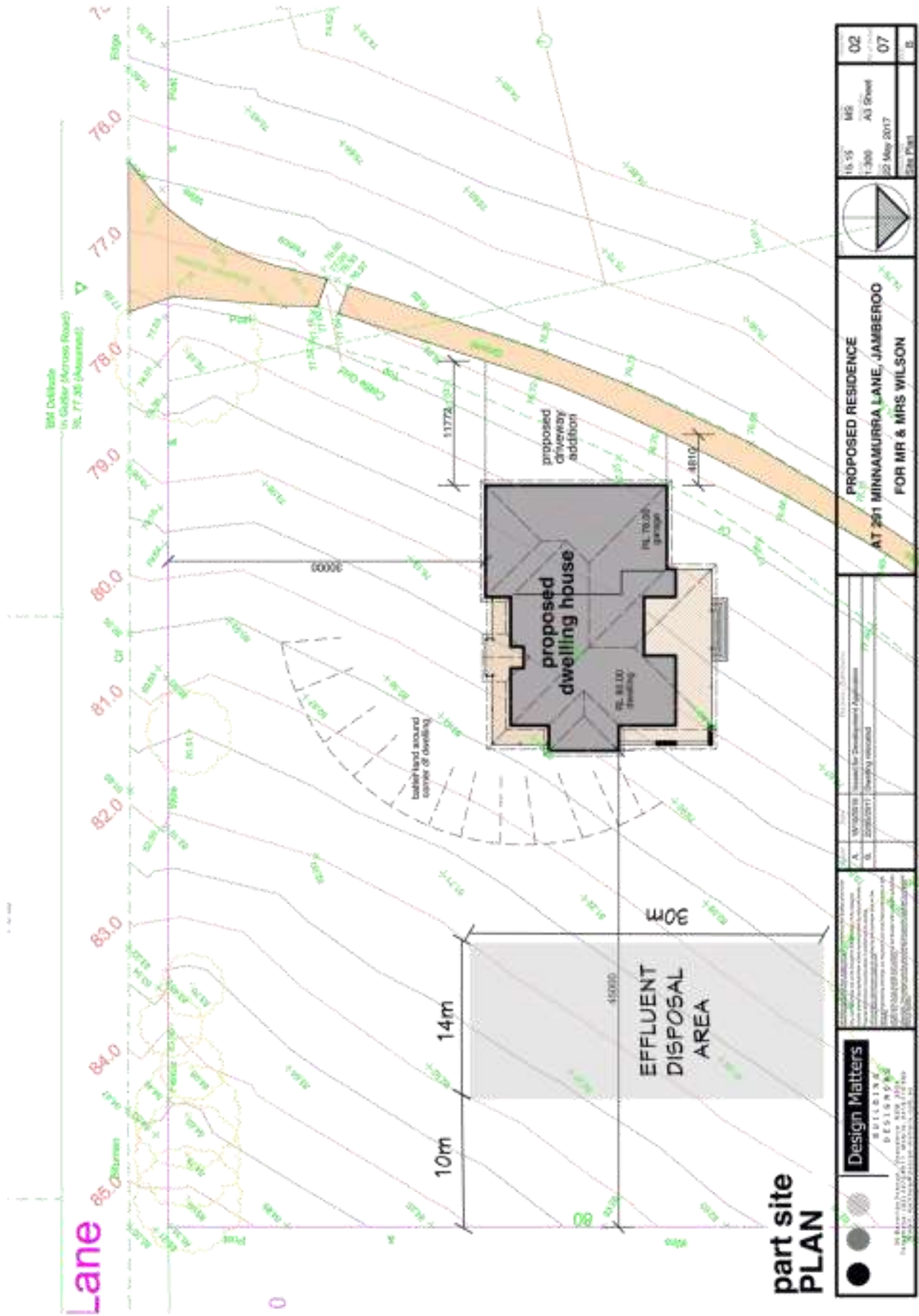


site  
PLAN

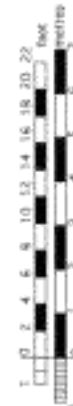
<p><b>Design Matters</b> REGULATED REGISTERED 140 Greenfield Way, Gungahlin, ACT 2917, 0291 1441 www.designmatters.com.au</p>	<p>1. 10/1/2016 Issue of Development Application 2. 20/2/2017 Planning Approval 3. 20/2/2017 Permission to enter 'Common order'</p>	<p>PROPOSED RESIDENCE AT 291 MINNAMURRA LANE, JAMBEROO FOR MR &amp; MRS WILSON</p>		01
				MR 1/2020 25 August 2017 Site Plan

Attachment 1 Item 9.2

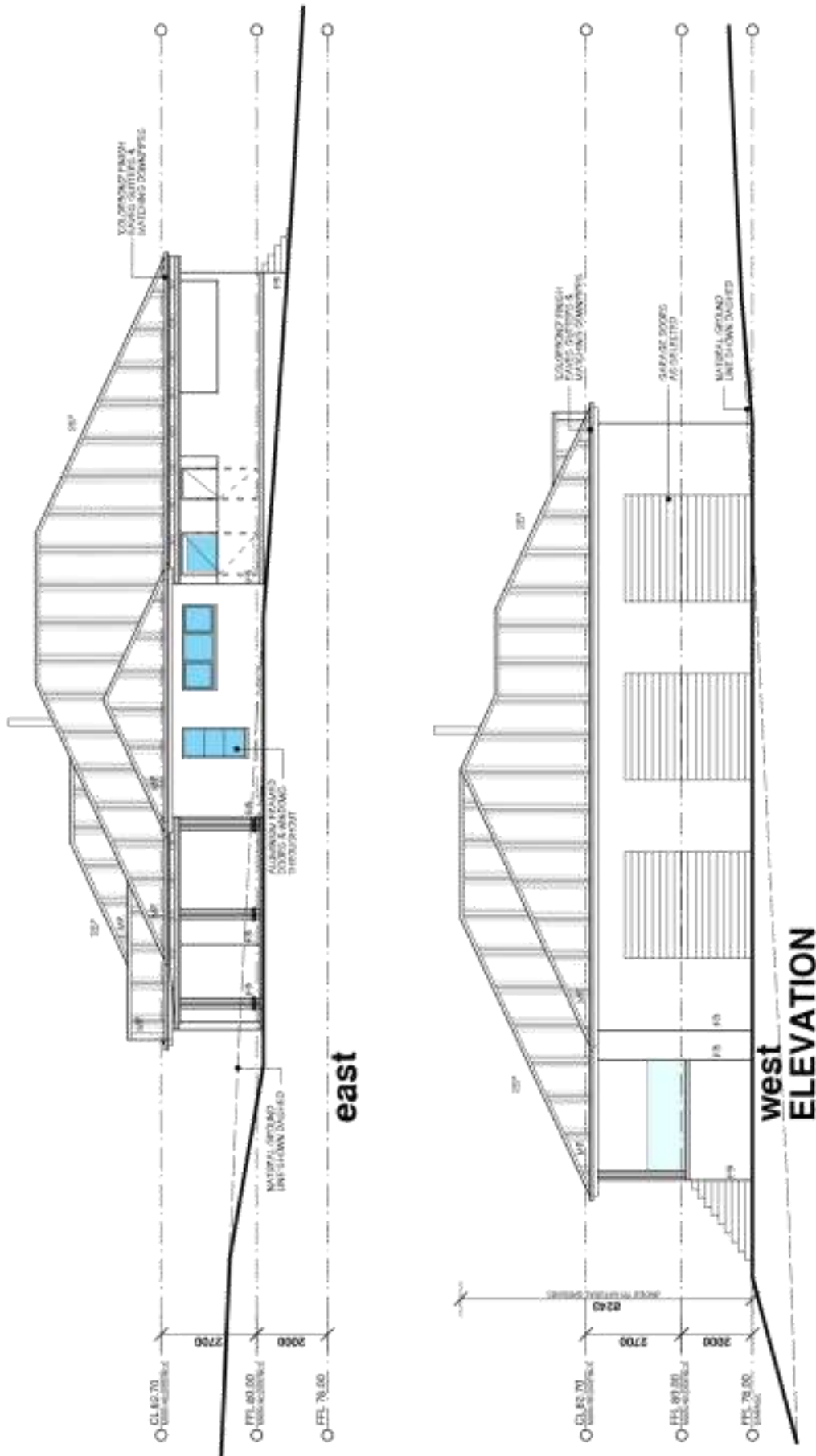




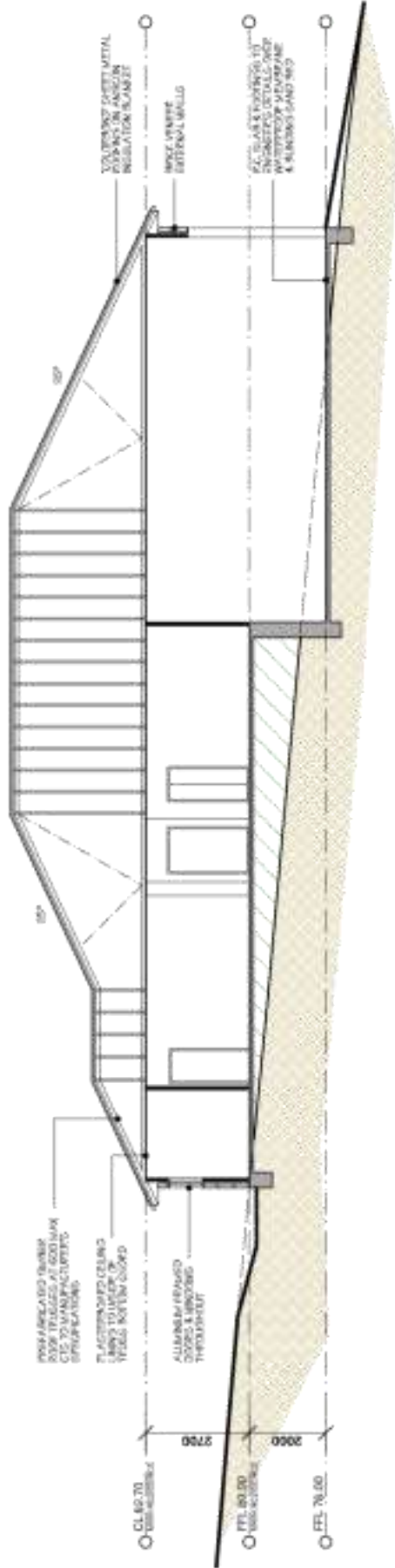
Attachment 1 Item 9.2



<p><b>Design Matters</b> KELLOGG BEECHER</p> <p>140 River Street, Jamberoo NSW 2571, 0754 1444 www.designmatters.com.au</p>	<p>PROPOSED RESIDENCE AT 291 MINNAMURRA LANE, JAMBEROO FOR MR &amp; MRS WILSON</p>		<p>10.2016.306.1</p>	<p>04</p>
			<p>15.15</p>	<p>08</p>
<p>1:100</p>		<p>25 August 2017</p>		<p>B</p>
<p>2016/08/25</p>		<p>2016/08/25</p>		<p>B</p>
<p>2016/08/25</p>		<p>2016/08/25</p>		<p>B</p>



<p><b>Design Matters</b> BUILDING DESIGNERS</p> <p>140 River Street, Jamberoo NSW 2541 Tel: 02 6442 4444 Fax: 02 6442 4444</p>	<p>PROJECT NO: 1020163061</p> <p>DATE: 25 August 2017</p> <p>SCALE: 1:100</p> <p>PROJECT: PROPOSED RESIDENCE AT 291 MINNAMURRA LANE, JAMBEROO FOR MR &amp; MRS WILSON</p>	<p>DATE: 05/08/17</p> <p>BY: AJJ/CHW</p> <p>REVISION: 08</p>
	<p>PROPOSED RESIDENCE AT 291 MINNAMURRA LANE, JAMBEROO FOR MR &amp; MRS WILSON</p>	



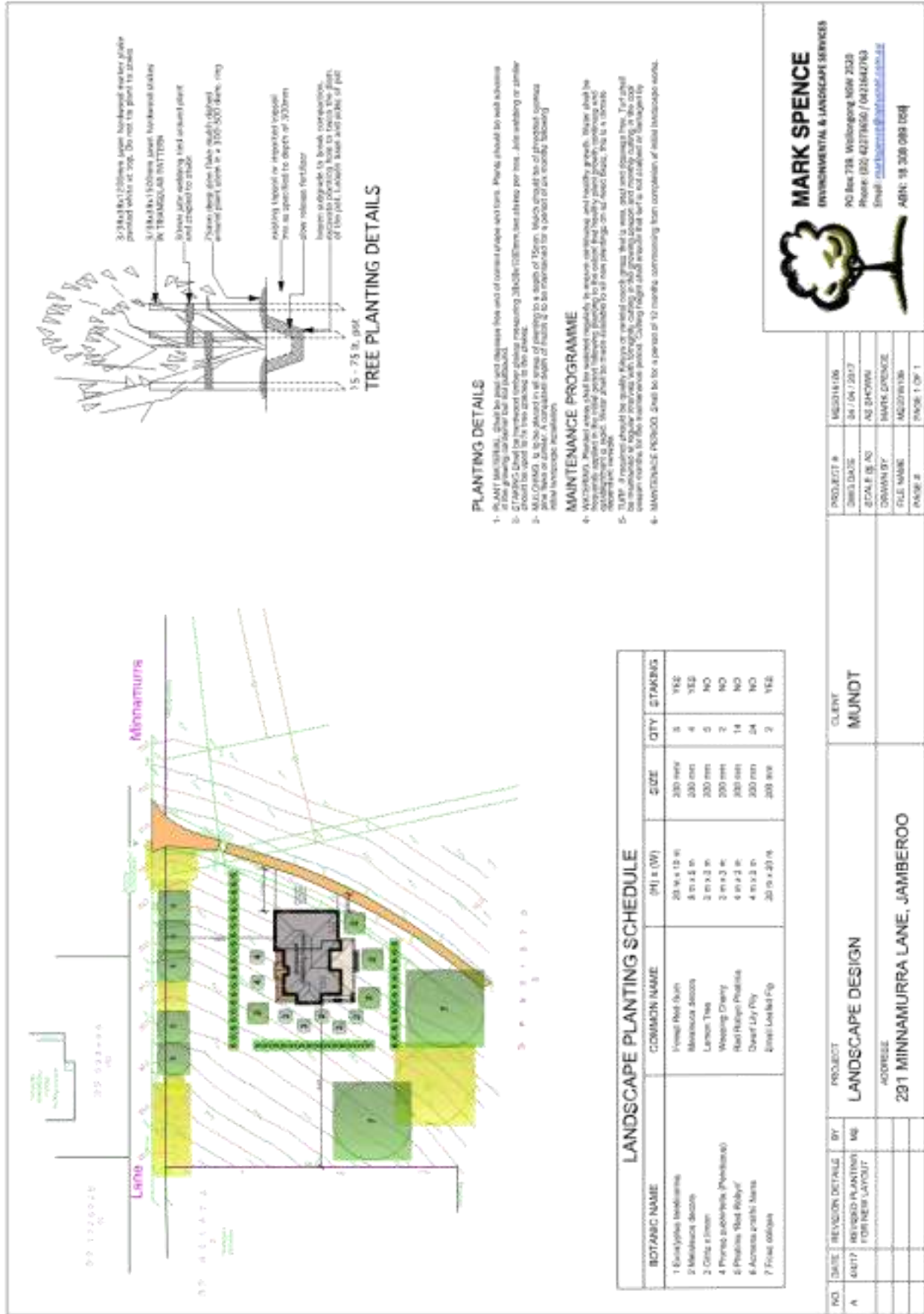
EXTERNAL COLOUR SCHEDULE	
<b>EXTERNAL WALLS</b>	
FACE WORKFACE	COLOUR: GREY, BROWN & BROWN RED
POSTS	COLOUR: WARDON
<b>ROOF</b>	
COLOURS: ROOF SHEETING	COLOUR: BLACK
COLOURS: DOWNPIPES	COLOUR: GREEN
<b>WINDOWS/DOORS</b>	
FINISHED ALUMINIUM WINDOW	COLOUR: WHITE
FINISHED ALUMINIUM GARAGE DOOR	COLOUR: WHITE



<p><b>Design Matters</b> BUILDING DESIGNERS</p> <p>140 Greenfield Way, Gungahlin, ACT 2917, 0291 1441 www.designmatters.com.au</p>	<p>DATE: 2017-08-28                  A: 10/1/2014 Issue of Development Application                  B: 20/2/2017 Final Design                  C: 20/8/2017 Revision as per Council order</p>	<p>PROPOSED RESIDENCE                  AT 291 MINNAMURRA LANE, JAMBEROO                  FOR MR &amp; MRS WILSON</p>		SS-16 MR 06
				1:100 All Drawn 28 August 2017

Attachment 1 Item 9.2





**9.3 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport**

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

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

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

Item 9.3

**Summary**

This report recommends approval of DA No 10.2017.37.1.

**Finance**

N/A

**Policy**

N/A

**Reason for the Report**

At its meeting held on 15 August 2017 Council resolved the following:

“Committee recommendation - OC-17/102 that:

1. *Council defer determination of DA 10.2017.37.1 for one month only to allow the applicant to submit amended plans which indicate the upper floor level being recessed by a minimum of 4.0 metres to the west of the front façade of the building with a further report being presented to Council following consideration of those amendments by staff.*
2. *If the amendments are not received within one month then the application be refused in accordance with the recommendation.”*

**Attachments**

- 1 Updated amended plans [↓](#)
- 2 Council Report - 15 August 2017 [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council approve Development Application No 10.2017.37.1 pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979, subject to the conditions at the end of this report.

Report of the Director Environmental Services

9.3 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

---

At its meeting held on 15 August 2017, Council considered a report on a development application for additions and alterations to the dwelling at 3 Gura Street Kiama and resolved as follows:

The Council resolution - OC-17/102 resolved the following:

1. Council defer determination of DA 10.2017.37.1 for one month only to allow the applicant to submit amended plans which indicate **the upper floor level being recessed by a minimum of 4.0 metres to the west of the front façade of the building** with a further report being presented to Council following consideration of those amendments by staff.
2. If the amendments are not received within one month then the application be refused in accordance with the recommendation.

In response to the above resolution the applicant submitted amended plans identifying the front wall of the upper floor at a new position of 5.3m from the proposed front facade of the building which is 1.3m further to the west than was requested by Council.

In assessing the amended plans, it was noted that a full height solid wall had been included in the amended plans extending along the northern side of the proposed upper floor deck, in addition to a large cantilevered roof extending a further 900mm beyond the eastern edge of that deck. This extended cantilever together with the solid wall was determined as diluting the streetscape setback by adding to the external bulk of the building. This was not considered to be in the spirit of Council's resolution.

Following further discussions with the applicant the plans were again amended by removing the full height solid wall forward of the requested 4.0m relocation and removing the cantilevered portion of the roof that extended beyond the eastern edge of the deck.

The building form inclusive of the amendments are now more consistent with the building form of other dwellings in Gura Street and therefore represents acceptable streetscape presentation.

View corridors have also been improved even though, as discussed in the report to the August Council meeting:

*"The proposed development would not seriously or unreasonably disrupt the whole of any of the primary views enjoyed by the neighbours of adjoining properties. There would be some impact on secondary views such as town views and historical buildings from adjoining properties that are of great value particularly for the residents at No 2 Gura Street."*

The previous report also acknowledges that under the principles of the Tenacity case the expectation to retain secondary views across side boundaries is unrealistic.

### **Additional Submissions**

The original amended plans were notified to the neighbouring properties via email.

Report of the Director Environmental Services

9.3 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

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Questions from some neighbours were received by Council seeking Council's assistance in interpreting the revised plans, however no further written neighbour submissions were received.

### Final Comments and Conclusion

The updated amended plans have been assessed as complying with the resolution from the August Council meeting.

A copy of the original report to Council's meeting held on 15 August 2017 is attached to this report.

### Draft Conditions of Development Consent

#### Access Construction

- (1) The developer shall construct the footpath access driveway in compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's "*Driveway and Footpath Works Procedure Manual*". (ac001.doc)
- (2) The access driveway shall be constructed to meet the design requirements of Council's "*Driveway and Footpath Works Procedure Manual*". The access driveway shall be installed prior to the issue of any occupation certificate. (ac015.doc)
- (3) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

Work undertaken within the road reserve may only be undertaken by a Council approved contractor. A list of approved contractors may be obtained from Council's Engineering and Works Department. (ac020.doc)

#### Stormwater Management

- (1) Stormwater shall be connected to the existing system. (sm005.doc)

#### 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)



## Report of the Director Environmental Services

## 9.3 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

- 
- (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:
- Preserve and protect the building from damage;
  - Underpin and support the building in an approved manner, if necessary, and;
  - 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 building shall not exceed an overall height of 8.5m as defined under Kiama LEP 2011. The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past the frame inspection stage. (bu120.doc)
- (8) There shall be no encroachment of the boundaries by the construction of walls/retaining walls. 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)

## Report of the Director Environmental Services

## 9.3 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

- 
- (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) The developer shall submit to the Principal Certifying Authority for approval prior to the issue of the construction certificate for the development, a detailed Erosion and Sedimentation Control Plan (ESCP) applying to the whole development site designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007). The ESCP shall consider the following, but not be limited to:

- a Minimise the extent of exposed areas at any time.
- b Placement of temporary fill to fabric barriers down slope of exposed areas.
- c Diverting surface run-off from upstream works as necessary to minimise to sediment pick-up.
- d Provide temporary slope drainage as appropriate to avoid scour of embankments.
- e Covering of stockpiles.
- f Early installation of landscaping and water quality controls.
- g Revegetation/resetting disturbed areas.
- h Filtration of stormwater inlets and outlets.

All works on the site must be in accordance with the approved ESCP for the full duration of construction works and must provide an overall site detail. For staged development an ESCP shall be provided for each stage of the development. (esc015.doc)

**Site Facilities**

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times. (sf010.doc)
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials. (sf015.doc)
- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
  - a Stating that unauthorised entry to the premises is prohibited; and

## Report of the Director Environmental Services

## 9.3 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

- 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) A contribution pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94A (Indirect Contributions) Plan shall be paid to Council prior to the issuing of any Occupation Certificate. The total contribution required for the development is **\$4500**.

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

$$\text{Contribution (at time of payment)} = \frac{C \times \text{CPIP}}{\text{CPIc}}$$

Where:

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

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

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

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

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)

- (3) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)

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

- Compliance with Sydney Water requirements in regard to rainwater tank installations
- Compliance with technical specifications for rainwater tanks and associated plumbing configurations for rain water reuse, prior to the issue of any Occupation Certificate. (po004.doc)

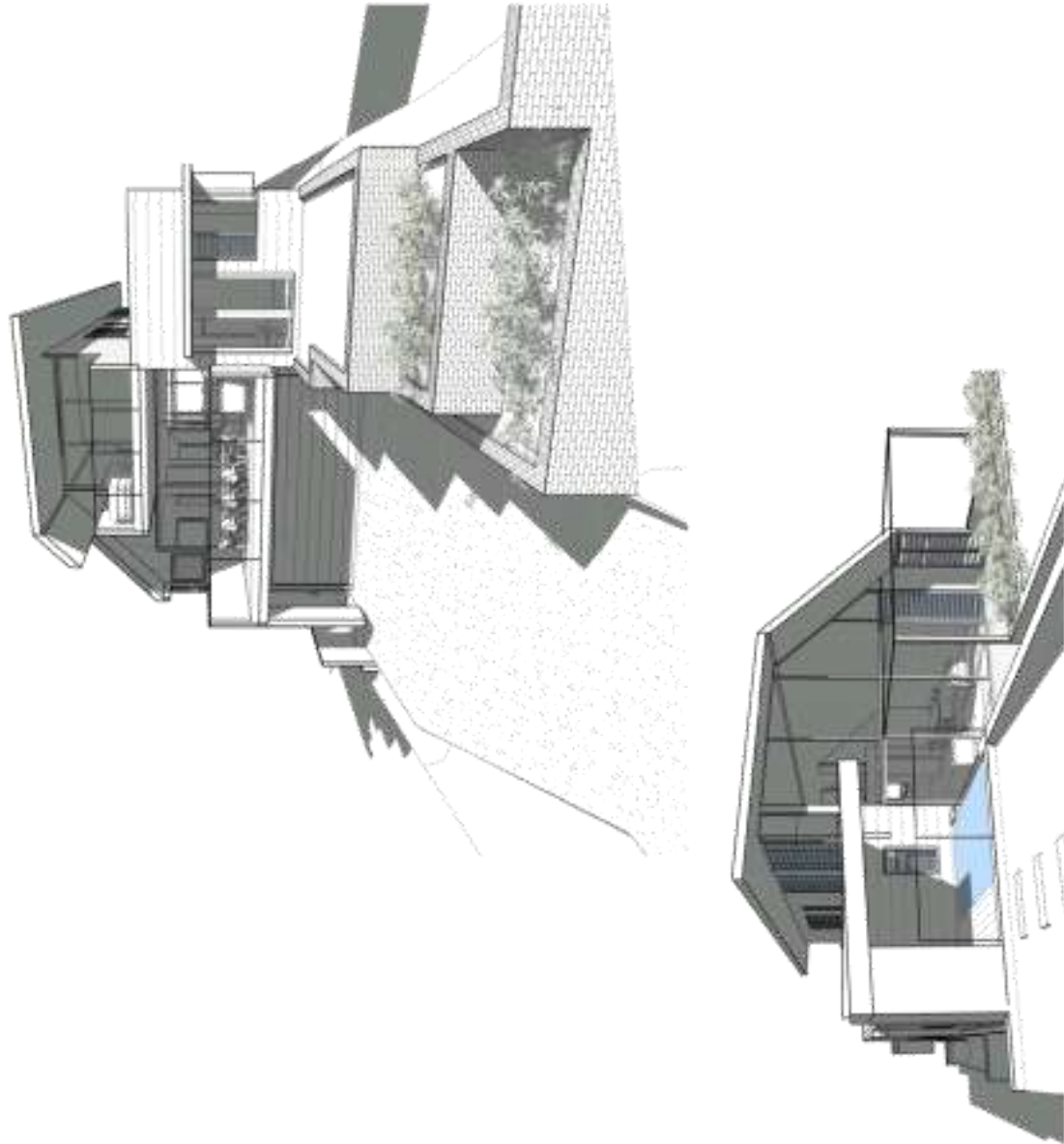
## Report of the Director Environmental Services

## 9.3 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

- 
- (5) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.

**NOTE:** A Fire Safety Certificate must be provided in accordance with the Environmental Planning and Assessment Regulations 2000 prior to the issue of an Occupation Certificate excepting Class 1(a), 10(a) & 10(b) structures. (po005.doc)

- (6) Documentary evidence must be submitted to the accredited certifying authority demonstrating that compliance with Condition (2) has been achieved and the pool pump/AC unit location and attenuation must be inspected by the accredited certifying authority prior to the release of any occupation certificate.



DRAWING LIST	
Sheet Number	Sheet Name
A001	COVER SHEET
A002	BASIX REQUIREMENTS
A100	SITE ANALYSIS
A101	EXISTING SURVEY
A102	EXISTING SITE PLAN / ROOF PLAN
A103	PROPOSED SITE PLAN & ROOF PLAN
A104	EXTERNAL FINISHES
A105	DEMOLITION PLAN
A106	SHADOW DIAGRAMS - EXIST - SUMMER
A107	SHADOW DIAGRAMS - EXIST - WINTER
A108	SHADOW DIAGRAMS - PROPOSED - SUMMER
A109	SHADOW DIAGRAMS - PROPOSED - WINTER
A200	EXISTING CARPORT PLAN
A201	EXISTING GROUND FLOOR
A202	PROPOSED GARAGE PLAN
A203	PROPOSED GROUND FLOOR
A204	PROPOSED FIRST FLOOR
A301	EXISTING SECTION
A302	PROPOSED SECTIONS
A401	EXISTING ELEVATIONS 1
A402	EXISTING ELEVATIONS 2
A403	PROPOSED ELEVATIONS
A404	PROPOSED ELEVATIONS 2
A800	NOTIFICATION - SITE PLAN
A801	NOTIFICATION - FLOOR PLANS
A802	NOTIFICATION - ELEVATIONS 1
A803	NOTIFICATION - ELEVATIONS 2
A804	NEIGHBOUR VIEWLINE PROJECTIONS - NO2
A805	NEIGHBOUR VIEWLINE PROJECTIONS - NO8
A806	ENVELOPE MASSING
A807	DRIVEWAY SECTION
A808	3D REAR VIEWS
A809	STREET ELEVATION STUDY
A810	REAR ELEVATION STUDY
A811	SOLAR IMPACT STUDY - 2 GURA STREET
A812	FSR DIAGRAMS

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE SITE: LOT 3 DP 32006, 3 GURA STREET, KIAMA	DATE: 08/12/17 DRAWN: CW CHECKED: CJ	SCALE: AS SHOWN
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PROFESSIONAL ARCHITECT No. 44128 NSW No. 44128 NSW No. 44128 NSW	REGISTERED ARCHITECT No. 44128 NSW No. 44128 NSW No. 44128 NSW
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No.	Description	Date	No.	Description	Date
A	CLIMATE REVIEW	31/1/17	1	DA - CLIENT REVIEW	21/8/17
B	DEVELOPMENT APP	31/8/17			
C	DEV APP MODIFICATIONS 1	29/1/17			
D	DEV APP MODIFICATIONS 2	1/7/17			



PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5



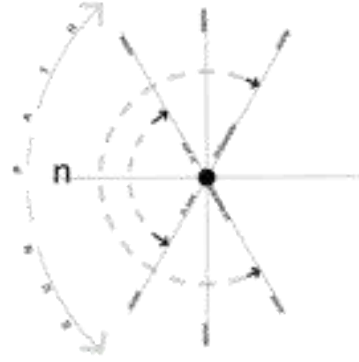
PHOTO 6



PHOTO 7



AERIAL - NTS



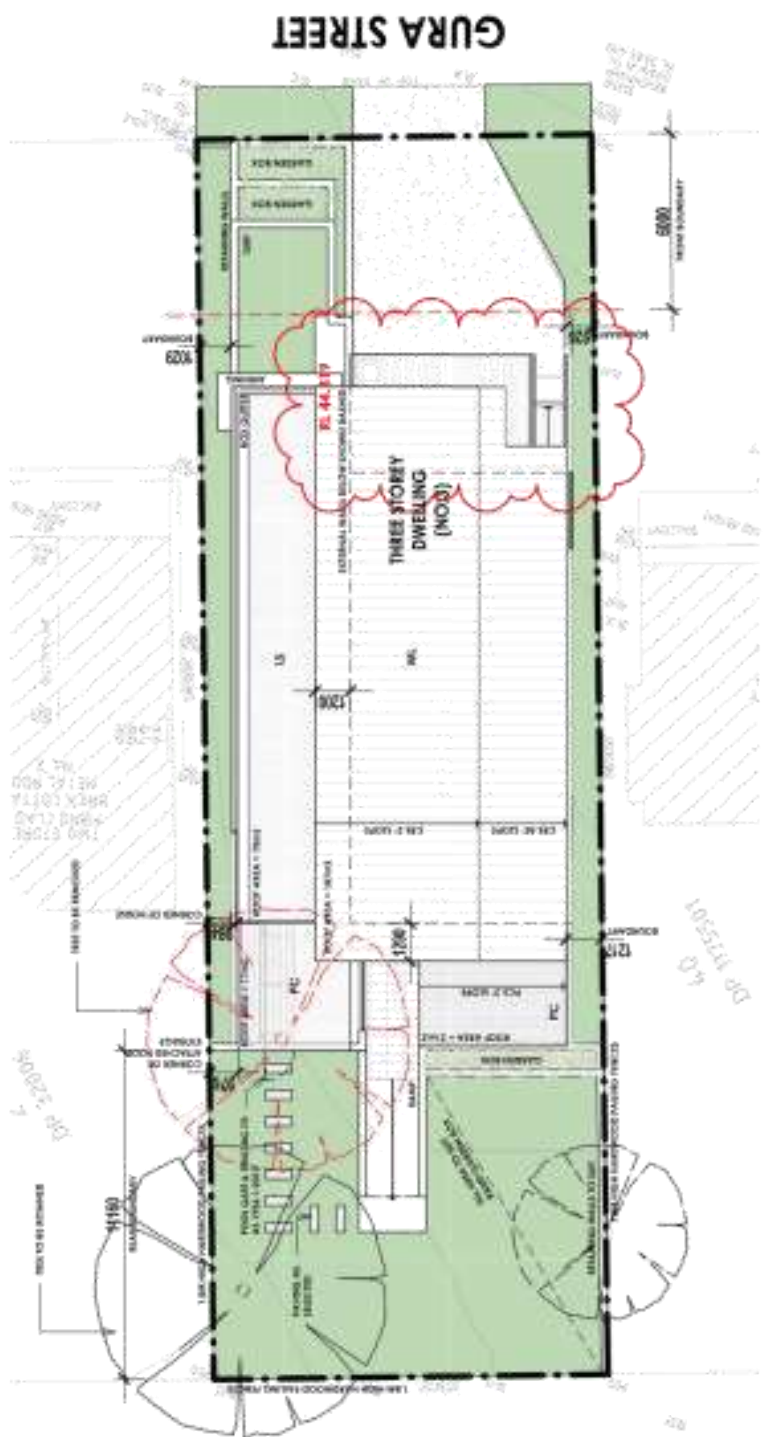
No.	Description	Date	No.	Description	Date
A.	SCHEMATIC REVIEW	20/1/17			
B.	CONCEPT PLAN	20/5/17			

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE	SCALE: AS SHOWN	DATE: JUN 2017	PROJECT NO: A100
SITE: EDMAA	DRAWN: C/W	CHECKED: C/T	
CLIENT: MR. P. & MRS. K BRADY	ADDRESS: 345A COX ST		
DRAWING: SITE ANALYSIS			



**ROOF COLOUR**  
 MAXLINE 340  
 ANDREA 'SALAIT'  
 STRAMIT LONGSPAN'  
 MODERN 'SALAIT'

**LEGEND:**  
 ML = 'MAXLINE 340'  
 LS = 'STRAMIT LONGSPAN'  
 PC = 'POLYCARBONATE SHEETING'

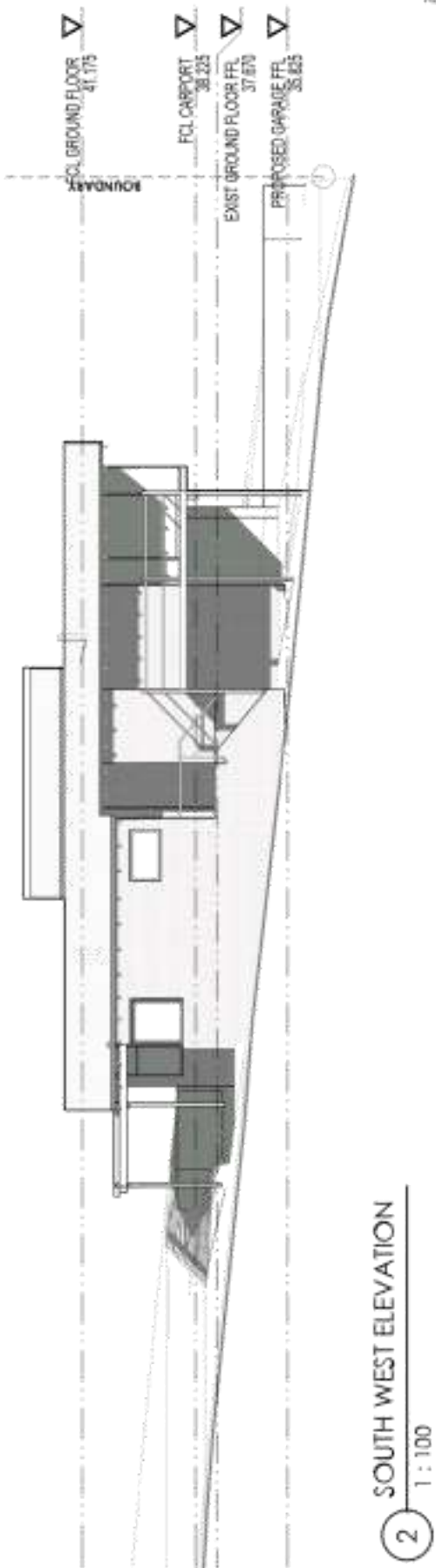
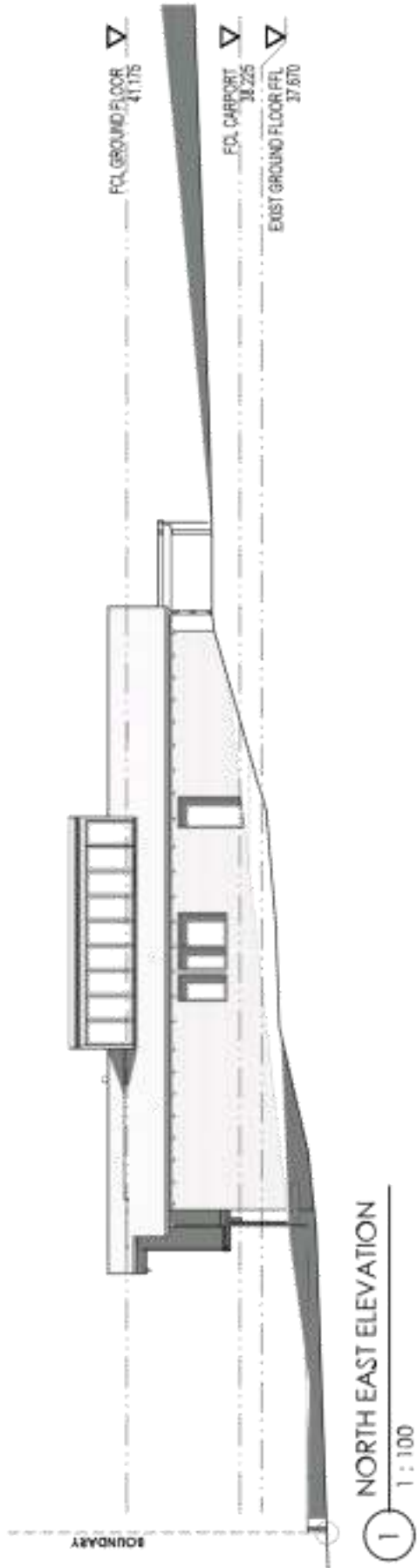


**SITE INFO:**  
 SITE AREA = 544m<sup>2</sup>  
 ROOF AREA DWELLING = 300m<sup>2</sup>

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE LOT 3 DP 32006, 3 GURA STREET, KIAMA	DATE: 30/07/2017	SCALE: 1:100	NO: A103
DRAWN: EMMA	CHECKED: CM	DATE: 30/07/2017	
CLIENT: MR. P. & MRS. K. BRADY	DESIGNER: CM		
DESIGN: PROPOSED SITE PLAN & ROOF PLAN			

  
 ARCHITECTURE  


No.	Description	Date	No.	Description	Date
1. A.	SCHEMATIC REVIEW	20/03/17	1. B.	PRELIMINARY REVIEW	20/03/17
2. A.	CONCEPT PLAN	30/07/17			
3. C.	DEV. APP MODIFICATIONS	27/01/17			
4. B.	DEV. APP MODIFICATIONS 2	07/07/17			



PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE LOT 3 DP 32006, 3 GURA STREET, KIAMA	SCALE: 1 : 100 DATE: 30/01/17 DRAWN: C/W CHECKED: C/T	A-01
CUSTOMER: MR. P. & MRS. K. BRADY DRAWING: EXISTING ELEVATIONS 1	DATE: 30/01/17	

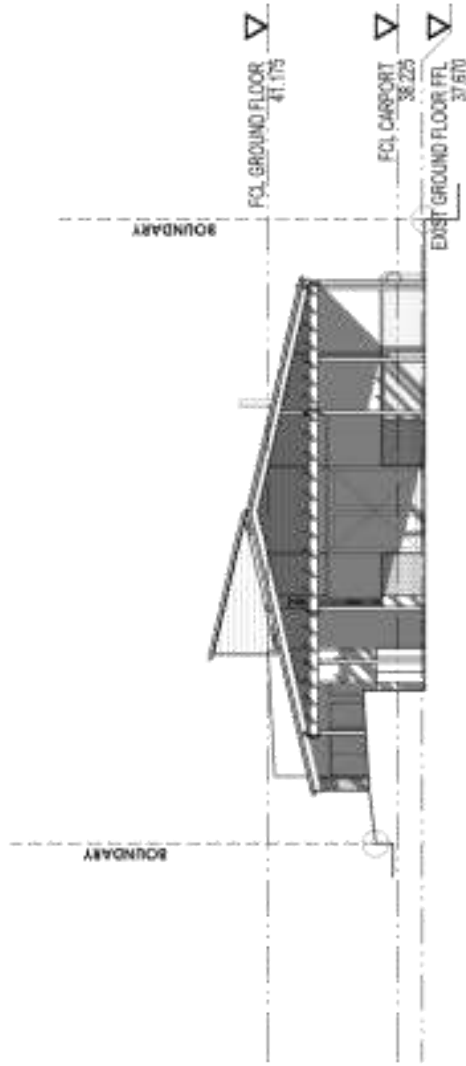
ARCHITECTURE  
 1. 25.04.2008 REGISTERED ARCHITECT  
 2. 25.04.2008 HYBRID  
 3. 10.12.2008 SEMI-DETACHED HOUSE  
 4. 10.12.2008 HOUSE  
 5. 10.12.2008 HOUSE  
 6. 10.12.2008 HOUSE



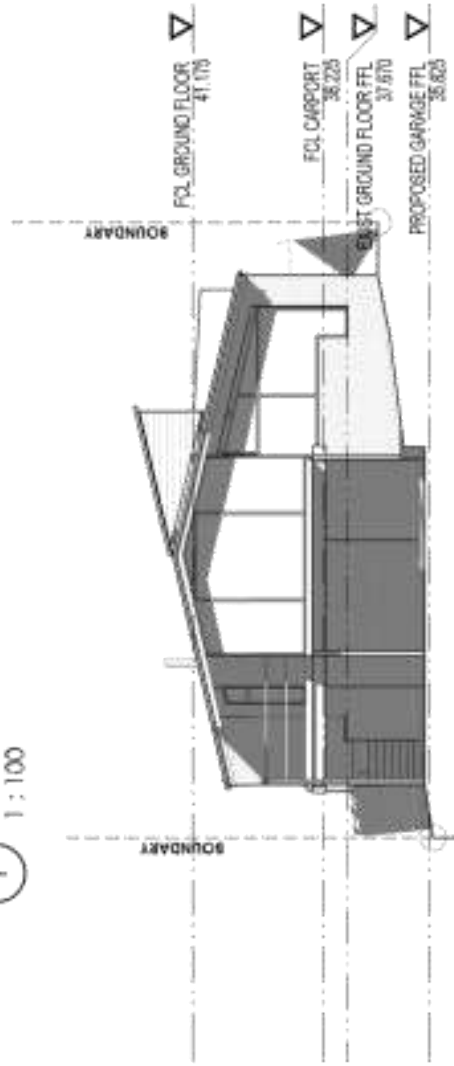
No.	Description	Date	No.	Description	Date
K	REVISIONS	12/01/17			
C	REV APP MODIFICATIONS	27/01/17			

Attachment 1 Item 9.3





1 NORTH WEST ELEVATION  
1 : 100



2 SOUTH EAST ELEVATION  
1 : 100

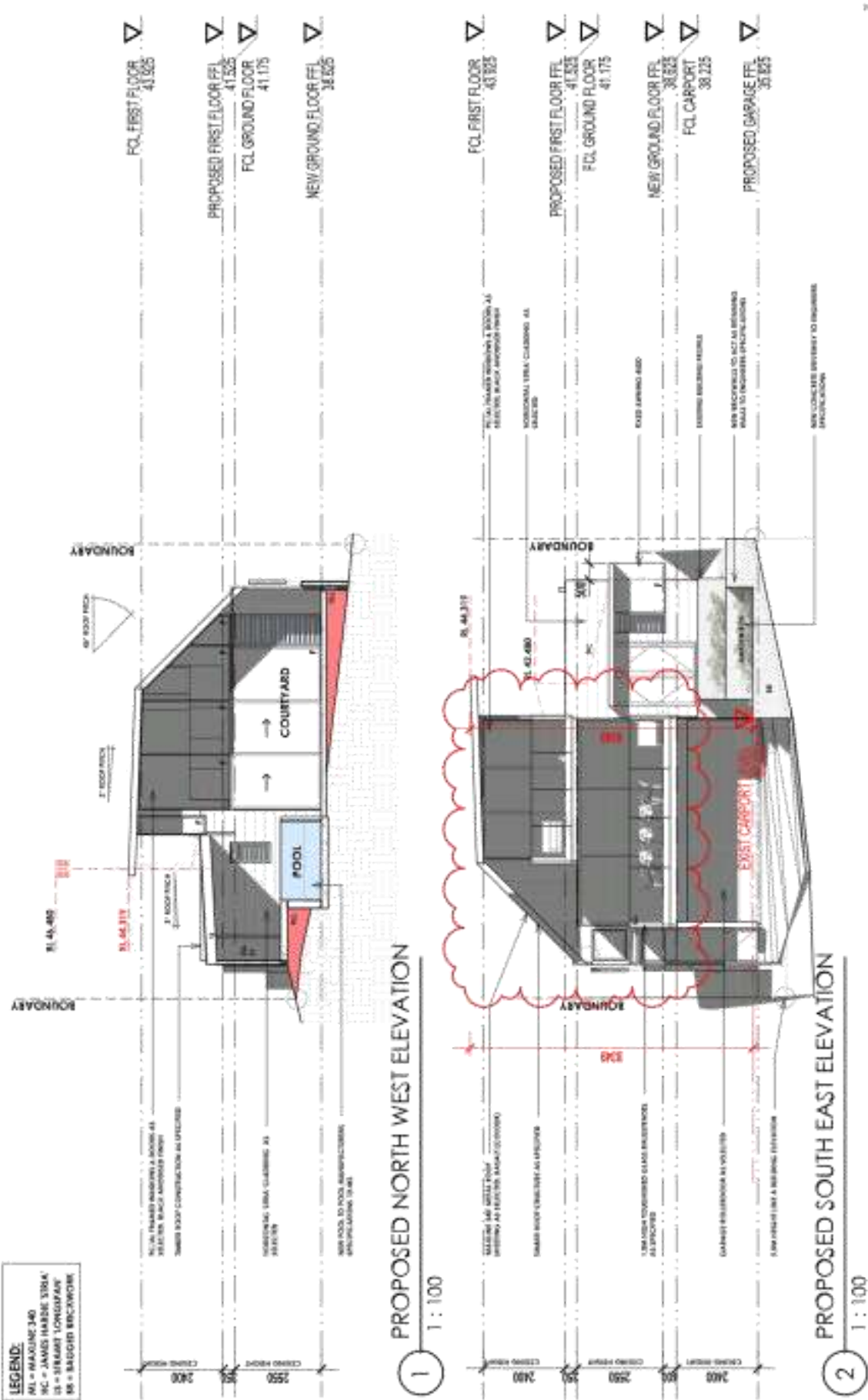
No.	Description	Date	No.	Description	Date
K	REWORKING AMP	31/8/17			
C	REV APP MODIFICATIONS	31/8/17			

ARCHITECTURE  
 1. 25 ARLINGTON STREET  
 2. 100/102 BRISBANE STREET  
 3. 100/102 BRISBANE STREET  
 4. 100/102 BRISBANE STREET  
 5. 100/102 BRISBANE STREET  
 6. 100/102 BRISBANE STREET

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE LOT 3 DP 32006, 3 GURA STREET, KIAMA	DATE: 31/8/17	SCALE: 1 : 100	NO: A-022
CLIENT: MR. P. S. MCG. K. BRADY	DESIGNER: MRS. J. MCG. K. BRADY	DATE: 31/8/17	NO: A-022
STATUS: EXISTING ELEVATIONS 2	DATE: 31/8/17	SCALE: 1 : 100	NO: A-022







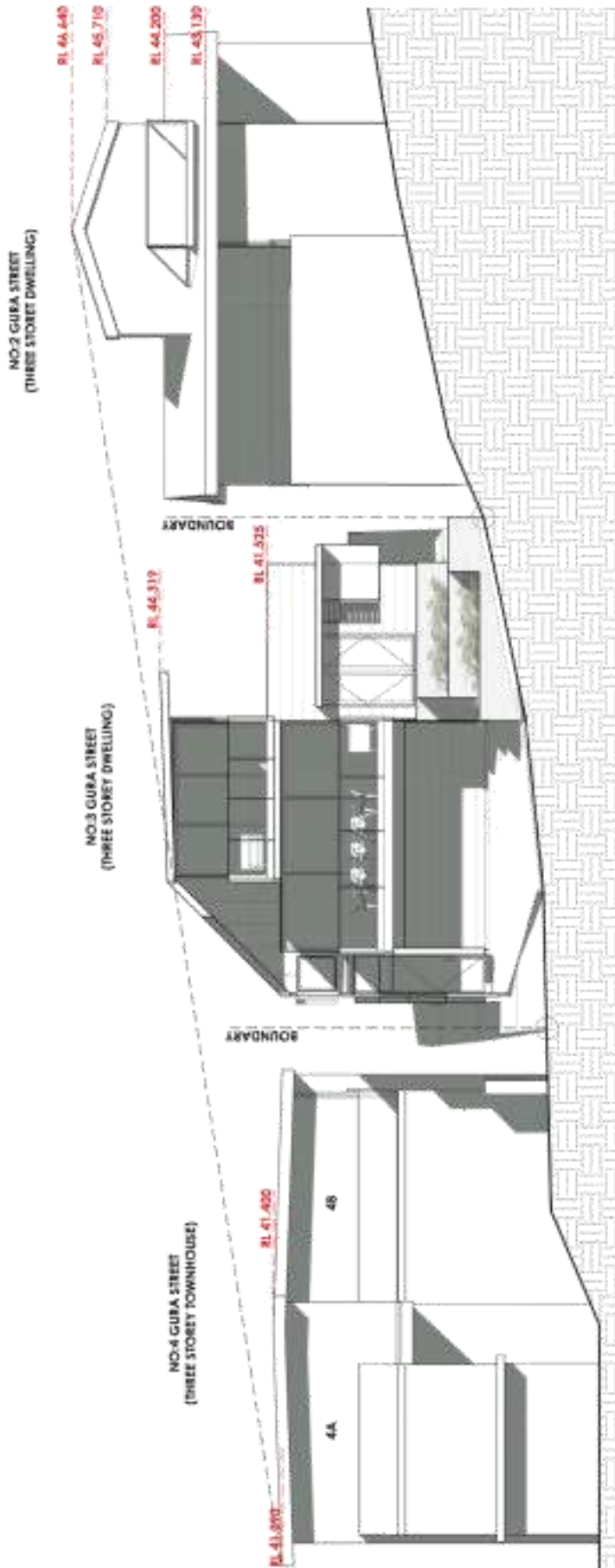
NO.	DESCRIPTION	DATE	NO.	DESCRIPTION	DATE
1.	PRELIMINARY REVIEW	20/01/17	5.	MANAGER REVIEW	20/01/17
2.	PROFESSIONAL REVIEW	20/01/17	6.	MANAGER REVIEW	20/01/17
3.	REV APP MODIFICATIONS	27/01/17	7.	MANAGER REVIEW	27/01/17
4.	REV APP MODIFICATIONS 2	27/01/17	8.	MANAGER REVIEW	27/01/17

**architect**

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE  
 SITE: LOT 3 DP 32006, 3 GURA STREET,  
 KIAMA  
 CLIENT: MR. P. & MRS. K. BRADY  
 DRAWING: PROPOSED ELEVATIONS 2

NO.	DESCRIPTION	DATE	NO.	DESCRIPTION	DATE
1.	PRELIMINARY REVIEW	20/01/17	5.	MANAGER REVIEW	20/01/17
2.	PROFESSIONAL REVIEW	20/01/17	6.	MANAGER REVIEW	20/01/17
3.	REV APP MODIFICATIONS	27/01/17	7.	MANAGER REVIEW	27/01/17
4.	REV APP MODIFICATIONS 2	27/01/17	8.	MANAGER REVIEW	27/01/17





1 PROPOSED - SOUTH EAST - STREET ELEVATION  
1 : 100

No.	Description	Date	No.	Description	Date
A.	REV APP MODIFICATIONS 3	27/1/17			
B.	REV - CLIENT REVIEW	27/1/17			

architecture

1. 2017.37.1  
 2. 10.2017.37.1  
 3. 10.2017.37.1  
 4. 10.2017.37.1  
 5. 10.2017.37.1

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE	SCALE: 1 : 100
SITE: LOT 3 DP 32006, 3 GURA STREET,	DATE: 28/1/2017
OWNER: MR. P. A. MRS. K. BRADY	DRAWN: C/W
DESIGNER: STREET ELEVATION STUDY	INDEXED: C/T
	JOB NO.: 3036.CDW.01

**ORDINARY MEETING**

15 AUGUST 2017

Report of the Director Environmental Services

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**9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport**

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

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

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

**Summary**

This report recommends refusal of Development Application No 10.2017.37.1.

**Finance**

N/A

**Policy**

N/A

**Reason for the Report**

The development application attracted more than 3 submissions.

**Attachments**

1 10.2017.37.1 - plans

**Enclosures**

Nil

**RECOMMENDATION**

That Council refuse Development Application number 10.2017.37.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, for the following reasons:

1. The proposed development would be contrary to Control C13 in Chapter 4 of Kiama DCP 2012 – Low Density Development - which requires low density development:

*“To maintain and improve the existing and future desired character/amenity of residential zones. Council will only approve of new dwelling houses/additions where they are compatible with the existing and environmental character of the locality and have a sympathetic and harmonious relationship with adjoining development.”*

2. The proposed development would be contrary to the following development objective listed in Chapter 4 of Kiama DCP 2012 – Low Density Development:

*“To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.”*

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3. The proposed development would result in the loss of existing "Secondary Views" for an upslope property as a result of the building design not meeting the abovementioned development objective.
4. The 21m long unbroken ridge line provides little relief and demonstrates that view sharing for upslope properties has not been considered in the design as required under Control C6, C8 & C10 - Section 5 Chapter 2 – 'Views and Vistas' (Kiama DCP 2012):
  - "C6 Any development in Kiama should incorporate view sharing principles into the design and siting of development to ensure that where possible with that existing view lines are not detrimentally impacted."
  - C8 Development should ensure, where possible, that there is no unreasonable loss of existing view lines from existing development.
  - C10 Building design should have regard to the topography of the site and avoid unnecessary bulk or alteration of natural ground levels."
5. As a result of the above, the proposal is not in the public interest.

**BACKGROUND**

**Development Site**

The property is described as Lot 3 DP 32006 which is located at 3 Gura Street, Kiama and sits in a steep hillside location within the Kiama township. The subject property overlooks the Kiama Harbour Basin and is situated on the high side of the street. The land is zoned R2 Low Density Residential pursuant to Kiama LEP 2011.

The allotment shape is rectangular with an area of 566m<sup>2</sup> and is burdened by a narrow allotment width of 13.4m and slopes up from Gura Street towards the rear lane. The proposed development site has a steep cross fall to the south.

The bounding property to the North is a 3 level dwelling and the neighbouring property to the South contains a 3 level dual occupancy development. The rear of the site is bounded by a public laneway off Fitzroy Street.

**Description of the proposed development**

The proposal involves the proposed construction of alteration and additions to an existing residential dwelling over 3 levels to create a fully renovated 3 bedroom residence.

The proposed tri-level building is of a contemporary architectural design, two thirds of which would be encapsulated within a 45 degree and 2 degree pitched roof. The remaining third of the building is finished under a 3 degree pitched roof together with parapet walls.

It is proposed for the dwelling to be finished in recessive colour tones featuring a contemporary building design together with a stepped terrace frontage designed to mitigate the slope.

**Section 79C Assessment**

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:

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9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

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**Relevant Environmental Planning Instruments**

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

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

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

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

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

- Kiama LEP 2011

The subject land is zoned LEP2011 - R2 Low Density Residential pursuant to Kiama LEP 2011. *Dwelling-houses and their ancillary structures* are permitted with consent in the zone. The proposal is considered to be consistent with the zone objectives.

Specific clauses requiring consideration:

- Clause 4.3 Height of Buildings – 8.5m.  
The proposed development has been designed to the 8.5m building height limit set under Clause 4.3 of Kiama LEP 2011.
- Clause 4.4 Floor Space Ratio – 0.45:1. The proposal has been designed to the limit of this development Standard.

**Development Control Plan 2012**

The proposed development has been assessed and will generally comply with the objectives for Low Density Development in Chapter 4 under Kiama Development Control Plans 2012 (Kiama DCP 2012).

- *"To encourage innovative housing design which incorporates high level architectural, environmental and amenity standards.*
- *To promote residential development that achieves the principles of energy efficiency and ecologically sustainable development.*
- *To protect the character of the areas and towns.*
- *Ensure all development is designed and sited to respond to greater climatic extremes with energy efficient responses.*
- *To provide high level of user amenity through the provision of well designed, livable dwellings.*
- *To provide high level of visual and acoustic privacy for existing and new residents.*
- *To ensure that any residential development adjacent or in close proximity to rurally zoned land recognizes the 'right to farm' for rural land zonings.*



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9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

- 
- *To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.*

There is some conjecture raised in Council's assessment that the proposed development may not strictly adhere to the last objective listed above. This matter is discussed in further detail in this report under the various heads of consideration.

The applicant has provided a design response in order to demonstrate how compliance is achieved in relation to some of the qualitative Controls in Kiama DCP 2012 listed below:

*"The requirements of **Control C2** in Chapter 4 of the Kiama DCP 2012, where the two storey component of low density residential development must be located within 12.0 metres of the street front setback line have been met with the proposed design now shown on amended plans. The two storey area is now located within the zone located approximately 11.0 metres from the street front setback line.*

*The roof line however, is extended rearwards into the block to simplify the form, and to give appropriate scale to the rear of the site which has a much higher landform.*

*The rear portion of the house is cut into the site profile and achieves the equivalent of a single storey height at the rear ridge line in relation to the adjacent ground line. This allows the maximum height over the rear portion to be much less than the maximum allowable height and satisfies Council's Clause 10 and Clause 11 of the Chapter 2 of the Kiama DCP 2012.*

*It is also a relevant point that the design when viewed as a pure elevation along the southern and northern sides is actually a single storey height which then steps or folds back into the site. These elevations will never be able to be viewed in their entirety when constructed on site. This aspect may not be readily understood by a person when first viewing the drawings".*

*The requirements of **Control C7** in Chapter 4 of the Kiama DCP 2012, where the side boundary walls component of low density residential development which are greater than 15.0 metres in length must be articulated with different materials or design have been met with the proposed design now shown on amended plans.*

*The Southern side has a variety of methods of articulation which include:*

- *contrasting materials for cladding using ribbed colorbond steel and bagged base brickwork.*
- *at either end, the walls are cut back with louvre panels or strip windows.*

*The Northern side uses the existing wall line to the bedroom wing, however, extended at the rear to provide for a new Laundry. The wall plan is re-clad with a modern panel system with existing window articulation.*

*The requirements of **Control C8**, in Chapter 4 of the Kiama DCP 2012, where low density residential development must consider view sharing principles has been demonstrated on the attached diagrams as being compatible with only a very minor impact. However, this is only to secondary views and not from neighbour's primary views to the harbour. View sharing principles as established by relevant legal cases has been covered within a separate document submitted to Council.*

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*In particular, noting the reference point in Chapter 2, Section 5 - Maintenance of Views + Vistas of the Kiama DCP 2012, for the determining factors in view sharing is that the primary view available from living space and kitchen are not unreasonably affected. A series of view diagrams for both no.2 Gura Street and for No 8 Fitzroy Street have been prepared to show the minor impact of the proposal when compared to the existing expansive views available from both properties.*

*With regard to the objection received from No 8 Fitzroy Street, the existing primary view from the living and main balcony towards the headland and main beach will not be affected, as the recently constructed duplex in front of their property has already been constructed lower to accommodate view sharing.*

*In addition, a coloured marker has been installed on the existing TV aerial at the surveyed height of the maximum ridge line of the proposed additions as agreed with Council as a reference point.*

*The property at No 41 Pheasant Point Drive has no impact from their main living space or main deck and their view is already affected by existing screening vegetation within their yard and within neighbour's yards.*

*Number 2 Gura Street currently enjoys expansive sea and harbour views from their main living space and main balcony. This will not be affected to any significant degree by the proposed development.*

*With relation to any concerns for views back over the town, the more likely site to be affected would be No 2 Gura Street. The impact has been assessed based on the view potential from their primary living space and from the attached front deck, and when compared to existing outlook there is only a marginal impact.*

*A set of diagrams has been prepared to show more precisely the view corridors and the very minor impact that will occur. This is seen as being a reasonable and acceptable outcome for this proposal.*

*The requirements of **Control C13** in Chapter 4 of the Kiama DCP 2012, where low density residential development must consider compatibility with existing environmental character of the locality has been addressed by the attached Gura Street elevation study drawing. The adjacent neighbour's houses and their surveyed ridge heights has been plotted and presented.*

*It is apparent that the proposed roof profile when set between the two adjacent neighbours represents a good fit and transition in height across the large gradient difference along the street elevation. When the subject site development is completed, it will leave only No 4 Gura Street to be re-developed, which given its age is more likely in the short term.*

*A modern urban form is now the established dominant character of this part of Gura Street, and the proposed development will fit and enhance this character".*

The proposed building design is of a contemporary form therefore it was necessary to have the applicant who is also the architect, provide the above design responses to better articulate how the building design rests with the qualitative development controls highlighted above.

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It is noted that there are overlapping influences given by each of the above highlighted development controls and therefore assessment of compliance of each control should not be undertaken in isolation of the other development controls listed. This will be further discussed in the body of the report under the heading 'Views'.

**Any Matters Prescribed by the Regulations**

- NSW Coastal Policy, 1997

The proposed development is not inconsistent with the NSW Coastal Policy, 1997.

**The Likely Impacts of the Proposed Development**

- Streetscape

Gura Street is a short, narrow street and has an irregular centre line that ascends to the non-cul-de-sac end of the no through road. The section of Gura Street where the development is proposed falls north to south and sits on the southeast slope of the hill. The section of street to which the development context is assessed comprise a group of homes numbered 1 – 4 Gura Street and including No 12 Fitzroy Street. The remainder of the other dwellings in Gura Street do not share the same relationship in the streetscape with the proposed development.

The proposed development is to be constructed over the building foundations of the existing dwelling which stands midway and on the high side of Gura Street. The dwelling will comply with the 6m front building line setback as required under Chapter 2 of Kiama DCP 2012.

The applicant contends that: - *"it is apparent that the proposed roof profile when set between the two adjacent neighbours represents a good fit and transition in height across the large gradient difference along the street elevation. When the subject site development is completed, it will leave only No 2 Gura Street to be redeveloped, which given its age is more likely in the short term.*

*Development, particularly when viewed from the street, should be compatible with the character and scale of any existing buildings to be retained on the site and residential development in the immediate vicinity. The proposal has been designed by a design professional to reflect the height, bulk, scale and architectural style of contemporary coastal dwellings. The area is undergoing a change from the 1960's and 1970's style homes in the area to more contemporary homes befitting the coastal setting. As evidence of this there are a number of new and contemporary coastal residences further west along Pheasant Point Drive. When viewed from the street the proposal is compatible with the changing character and scale of existing buildings.*

*A schedule of materials and colours forms part of this submission. The proposal complies with the objective."*

The applicant has provided a diagram to illustrate that in terms of building height, the development responds well when viewed on a two dimensional plane. But when viewed on site, from a three dimensional perspective against the adjoining pattern of development, it is apparent that the proposed development would not be in harmonious relationship with the adjoining development. The highest part of the proposed development (8.5m high) will be set on the 6m front building line where the

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adjacent building heights ascend with hillslope at a greater distance from the streetscape.

The existing pattern of development on this side of the street between 1 - 4 Gura Street comprise tri-level dwellings where the upper levels of the buildings are stepped back away from the streetscape and ascend with the hillside topography. The proposed building design would not follow this pattern of hillside development. Rather than following the hillslope, the development moves in the opposite direction toward the street and consequently its highest floor level will stand significantly closer to Gura Street than the adjacent buildings. The contrast would be significant enough to disrupt the streetscape and cause unnecessary amenity impacts including reduction of secondary views of the adjoining neighbours. It should be noted that Kiama DCP 2012 does not specifically articulate how 'hillside development' should be undertaken.

This style of hillside development is made more difficult if compliance with Control C2 (Chapter 4 Kiama DCP 2012) – Low Density Development is to be strictly observed. The two storey portion (3 storey in this case) then must stand within 12m of the front building line which is contrary to the pattern and style of adjacent development to which the proposed development is being assessed against.

It is considered that the proposed development in this case will disrupt the streetscape and be out of step with the adjacent development. The majority of the proposed building bulk will be located significantly closer to the street than the pattern of adjoining buildings that step back evenly upslope.

It is reported that the proposed building design would be consistent with the majority of following objectives for Low Density Development Chapter 4 Kiama DCP 2012 however with exception to the last objective highlight below:

- *"To encourage innovative housing design which incorporates high level architectural, environmental and amenity standards.*
- *To promote residential development that achieves the principles of energy efficiency and ecologically sustainable development.*
- *To protect the character of the areas and towns.*
- *Ensure all development is designed and sited to respond to greater climatic extremes with energy efficient responses.*
- *To provide high level of user amenity through the provision of well designed, livable dwellings.*
- *To provide high level of visual and acoustic privacy for existing and new residents.*
- *To ensure that any residential development adjacent or in close proximity to rurally zoned land recognizes the 'right to farm' for rural land zonings.*
- *To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character."*

Submissions have been received that also challenge whether the proposed development would meet the last objective as highlight above.

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- Noise

The proposed development is assessed to have a high level of acoustic privacy for existing and new residents. Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours. No ongoing significant noise impacts are expected as a result of the development.

- Privacy and Overlooking

The proposed development is designed for high level visual privacy for both the occupants and the existing residents. No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development.

- Overshadowing

Narrow East-West oriented allotments on southern hillslopes are often very difficult to control in regard to overshadowing. The assessment of solar diagrams has revealed that the immediate southern adjoining property will be overshadowed by the development in the morning until approximately 11am. The southern adjoining development will receive at least 3 hours' sunlight between 9am and 3pm on 22 June. Therefore, it is considered that shadow impacts on the southern adjoining properties would not be unreasonable.

- Views

Section 5 of Chapter 2 Kiama DCP 2012 – Maintenance of Views & Vistas provides clear definitions of what constitutes 'primary views' and 'secondary views' and are included below for clarity:

***“Primary views** are those that feature significantly from frequently used living areas such as lounge rooms, living rooms and family rooms. These normally would be located when the dwelling is designed so that maximum advantage is taken of them.”*

***Secondary views** are those that represent a lesser or lower order of importance even though they may provide considerable enjoyment to the occupants. To the extent that the dwelling design did not see fit to feature them as primary views from frequently used living areas suggests they be considered of lower order priority than primary views.*

*The impact on views from living areas and kitchens is more significant than from bedrooms or service areas. There will be instances where views will unavoidably be affected by new development.*

*From a design viewpoint, the preservation of existing primary views from an adjoining dwelling would be of more importance than secondary views. These primary views should, to the maximum extent possible, be preserved.*

*New development should maximise views available to frequently used living areas within new dwellings without causing significant loss of views, and in particular primary views, enjoyed by existing residents, or significant loss of important vistas available from public places.”*

The proposed development would not seriously or unreasonably disrupt the whole of any of the primary views enjoyed by the neighbours of adjoining properties. There

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would be some impact on secondary views such as town views & historical buildings from adjoining properties that are of great value particularly for the residents at No 2 Gura Street.

The applicant has submitted the following submission from their solicitor that argues that the development proposal observes view sharing principles:

*"Tenacity:*

*It is our opinion that this case has been quoted more than any other case in the Land and Environment Court and every Councillor is well aware of the four step process, but in the circumstances here the second step is the most significant:*

*27 – the second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

*When one looks at the amended Statement of Environmental Effects and the Site Analysis drawing dated May 2017 by I architecture it will be appreciated that all the objectors are complaining about a perceived loss of side views.*

*In Cullen v Waverley Council [2008] NSWLEC 1215 Commissioner Bly said:*

*28 – In principle the notion of view sharing involves the equitable access to views from dwellings with the purpose of achieving a balance between facilitating new development and preserving as far as practicable, access to views from surrounding properties. An important aspect of view sharing is that while one property may lose some of their views another property will realise some views. It is also important to recognise that no one can own a view across private property.*

*29 – In my opinion the starting point for the consideration of view loss and view sharing associated with 32 Gardyne Street begins with an understanding of the associated aims and objectives of the planning controls. Generally, these controls provide for the maintenance and improvement of existing amenity that obviously includes views. More particularly new development should not significantly detract from or minimise the loss of the existing private views of dwellings, especially where panoramic landscape and ocean views are involved, as is the case here. It is also relevant to note that the building height objectives of the DCP include the minimisation of view loss.*

*32 – The properties at 34B and 32 Gardyne Street both comprise hatchet shaped lots and but for their accessways are landlocked, thus having common boundaries with several other neighbouring properties. They have no street frontage in the usual sense and in my opinion these common boundaries are side boundaries and should be treated as such when applying Tenacity. Bearing in mind that there is no ownership of views across private property, any expectation for the complete retention of views across the common boundary between these properties must be given weight, especially if height and setback controls (effectively envelope controls) are complied with."*

**ORDINARY MEETING**

**15 AUGUST 2017**

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

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In addition to this legal opinion the applicant has provided a view line analysis (can be found in the attached plans) that assists in providing perspective and scope in relation to the concerns raised in submissions on view loss.

- Vehicular Access, Parking and Manoeuvring

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

- Stormwater Management

All stormwater will drain to the street.

- Environmental Impacts

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

- Social and Economic Impacts

The proposed development would have some social and economic impacts. The amenity impacts of the proposed development have been considered in detail and concerns raised in submissions that would warrant refusal of the application.

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

The site attributes are considered to be conducive to development.

**Submissions Received**

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, 6 submissions were received.

The following summarised concerns were raised in the submissions:

**Item 1** - *"Enormous top storey void – The proposal has a massive top-storey void of about 70m<sup>2</sup> in area that adds no useable space to the development. It doubles the size of the top floor and causes major impact on our primary views, property value and the streetscape. This is not reasonable and does not comply with Council requirements for view sharing and streetscape compatibility."*

**Comment** - The applicant was asked to consider the concerns raised in objections submissions regarding the proposed top storey void. This aspect of the development according to the architect has a specific function which is outlined below:

*"The quality of the external design and interior space are designed to reflect the current emphasis on environmental design and the high standards of performance using minimal energy. Natural lighting and cross ventilation are priorities in meeting current standards, and the proposed design excels in this area. Given the awkward orientation of north in relation to the existing footprint it was necessary to raise the central roof line well above the existing northern side bedroom wing to access sun penetration to living areas in winter. The existing northern neighbour casts a winter shadow deep*



ORDINARY MEETING

15 AUGUST 2017

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

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*across the subject site and in response to obtain essential winter morning sun, the high set windows are designed bring sunlight down into the ground floor living spaces. Louvre windows that are remotely controlled from the kitchen, as the working hub of the house, allow infinite control of air flow and can be safely left open at night for purging of heat. The upper floor level also benefits from this feature. From the above studies it is apparent that the proposed design will not have any significant impacts and is compliant with all of Council's design controls. The design proposed seeks to provide the best solution for the client's brief whilst optimising the environmental performance house to a high degree. This residential adaption of an older dwelling into a modern, efficient and comfortable house for a family is a well-considered solution for a complex site."*

The applicant has also submitted with their application a legal opinion in response to this aspect of the objection and is stated below:

*"We have been instructed to act for Mr and Mrs P & K Brady, the owners of 3 Gura Street, Kiama and we have been provided with a copy of the updated objection we received by email today.*

*The letter starts with the statement 'We note that this is the third time we have been asked to submit objections to this development.' By the tone of the letter it could be assumed that the objector was in fact living at 2 Gura Street, Kiama as that is possibly a property that could be affected by a secondary view loss over a side boundary.*

*The last pages of the plans being 'neighbour view line projections No 3' showing the existing view lines and the new view lines from 2 Gura Street and 8 Fitzroy Street. A hint as to who is the objector is obtained from the last page where it is stated 'our house fronts onto Fitzroy Lane and this is our only street access. There are no views lines in the plans from Fitzroy Lane. We note that there are no photographs from the objector showing the current views obtainable from that property.*

*We submit that this latest objection does not displace the position we adopted in our letter of 29 June 2017, being:*

*27 – The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing position may be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

*And in Cullen v Waverley Council [2008] NSWLEC 1215 Commissioner Bly said:*

*Bearing in mind that there is no ownership of views across private property, any expectation for the complete retention of views across the common boundary between these properties must be given less weight, especially if height and setback controls (effectively envelope controls) are complied with."*

The architect was requested to provide a written design response for the top storey void in response to this objection. The applicant states in his response that there will not be significant impacts as a result of the top storey void. The design results in an upper roof ridge that will extend for an unbroken, continuous distance of 21m. Council's assessment of the upper void/cathedral ceiling is that it would result in a



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Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

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significant reduction of the town views including views of historical buildings. While these are considered to be secondary views, a more skilled and sensitive design could result in achieving a greater level of view sharing.

**Item 2 - Incompatible Setback** - *The Kiama DCP states that adopting similar setbacks to those already existing is important for streetscape amenity and for preventing unreasonable loss of views. It also states that developments should be sited to minimise impact on existing view lines. This proposal does not comply with these requirements. The top floor projects up to 8.5m further forward than the top floor of the immediate neighbours. This greatly increases view losses and streetscape problems.*

**Comment** - Council assessment has revealed that there is an incompatibility of the building in relation to the streetscape and it is considered that this objection holds some validity. This aspect of the proposed development is reported in detail in this report under the heading "Streetscape".

**Item 3 - Oversized eaves, parapets and wall protrusions** - *The design has oversized eaves of up to 1.8m adding unnecessary height and bulk to the building. It also has walls protruding at the front and rear that add more than 3m to the length of both the top and middle storeys. The oversized eaves, parapets & wall protrusions greatly increase primary view loss and negative streetscape for little or no benefit to the development. Despite repeated requests to reduce or remove the wall protrusions and eaves, the applicant has instead increased their size in each of his three submissions.*

**Comment** - There has been no design response provided by the architect in relation to the proposed 1.8m wide eaves. The purpose of the 1.8m wide eaves is not clearly understood as the BASIX certificate requires a minimum of 900mm for the shading of windows. The additional 900mm of eave extends out further toward the street and further reduces secondary town views unnecessarily.

**Item 4** - *When these plans are finally passed we hope that there will be some restrictions on size and weight of trucks being used in this development. There has been significant damage to the roads and other damage to property in the last build in the area. Concern is also raised in regard tradesmen vehicles and building supply deliveries to the rear lane blocking access for residents that rely solely on the rear laneway.*

**Comment** - It is considered that the size and configuration of the streets on Pheasant Point are very narrow and would not be physically possible to accommodate large articulated trucks. Council has no authority under the NSW Road Transport Act to impose weight and size restrictions for trucks entering the street on Pheasant Point. Council would be able apply development consent conditions to manage construction impacts during the course of the development.

**The Public Interest**

The proposal development is considered to be generally consistent with most of the Kiama LEP 2011 and DCP 2012, however the unfortunate context of the proposed development within the streetscape has raised enough public concern that warrants refusal of this application for development.

**Final Comments and Conclusion**

**ORDINARY MEETING**

**15 AUGUST 2017**

Report of the Director Environmental Services

9.5 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport (cont)

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The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant DCP 2012. The proposed development is consistent with the objectives of the Kiama LEP 2011 - R2 Low Density Residential zone.

Consideration has also been given to the social, economic and environmental impacts of the proposed development and there are significant concerns raised.

Concerns raised in submissions have been considered and do warrant refusal of the application.

Item 9.3

Attachment 2



Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

1 - 10.2017.37.1 - plans

The image displays a set of architectural drawings for a dwelling alteration and addition project. The drawings include:

- Floor Plans:** Multiple views showing the layout of the dwelling, including rooms, corridors, and the carport. The drawings are oriented vertically on the page.
- Sections:** Vertical cross-sections of the building, showing structural details and roof profiles.
- Title Block:** A vertical block on the right side containing project information:
  - Project Name:** ALTERATIONS & ADDITIONS TO RESIDENCE
  - Address:** LOT 3 DP 32006, 3 GURA STREET, KIAMA
  - Client:** MR & MRS S. BROWN
  - Project No.:** 102017.37.1
  - Scale:** 1:100
  - Drawn by:** [Name]
  - Checked by:** [Name]
  - Date:** 15/08/17
- Logo:** The 'iarchitecture' logo is prominently displayed in the title block area.

Item 9.3

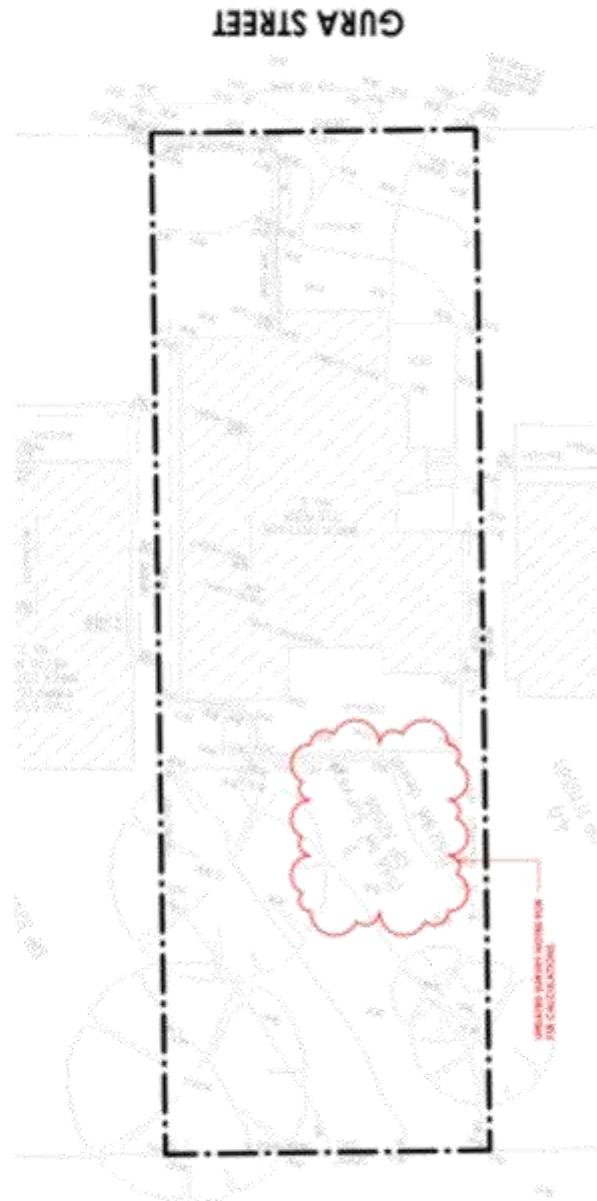
Attachment 2





Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

1 - 10.2017.37.1 - plans



**SITE DETAILS**

SITE AREA (SURVEY) = 546.0

SITE AREA (DEED) = 542.8

\*FOR CALCULATION PURPOSES ONLY

ENCLOSURE 1/1P

PROJECT NO: 102017001

PROJECT NO:	102017001
DATE:	10/08/17
SCALE:	1:150
PROJECT NAME:	LOT 3 DP 32006, 3 GURA STREET, KIAMA
CLIENT:	MR & MRS J & S BRADY
PROJECT TYPE:	RESIDENTIAL ALTERATIONS & ADDITIONS TO RESIDENCE
PROJECT STATUS:	PROPOSED
PROJECT LOCATION:	LOT 3 DP 32006, 3 GURA STREET, KIAMA
PROJECT DESCRIPTION:	ALTERATIONS & ADDITIONS TO RESIDENCE
PROJECT DRAWN BY:	J. BRADY
PROJECT CHECKED BY:	J. BRADY
PROJECT APPROVED BY:	J. BRADY

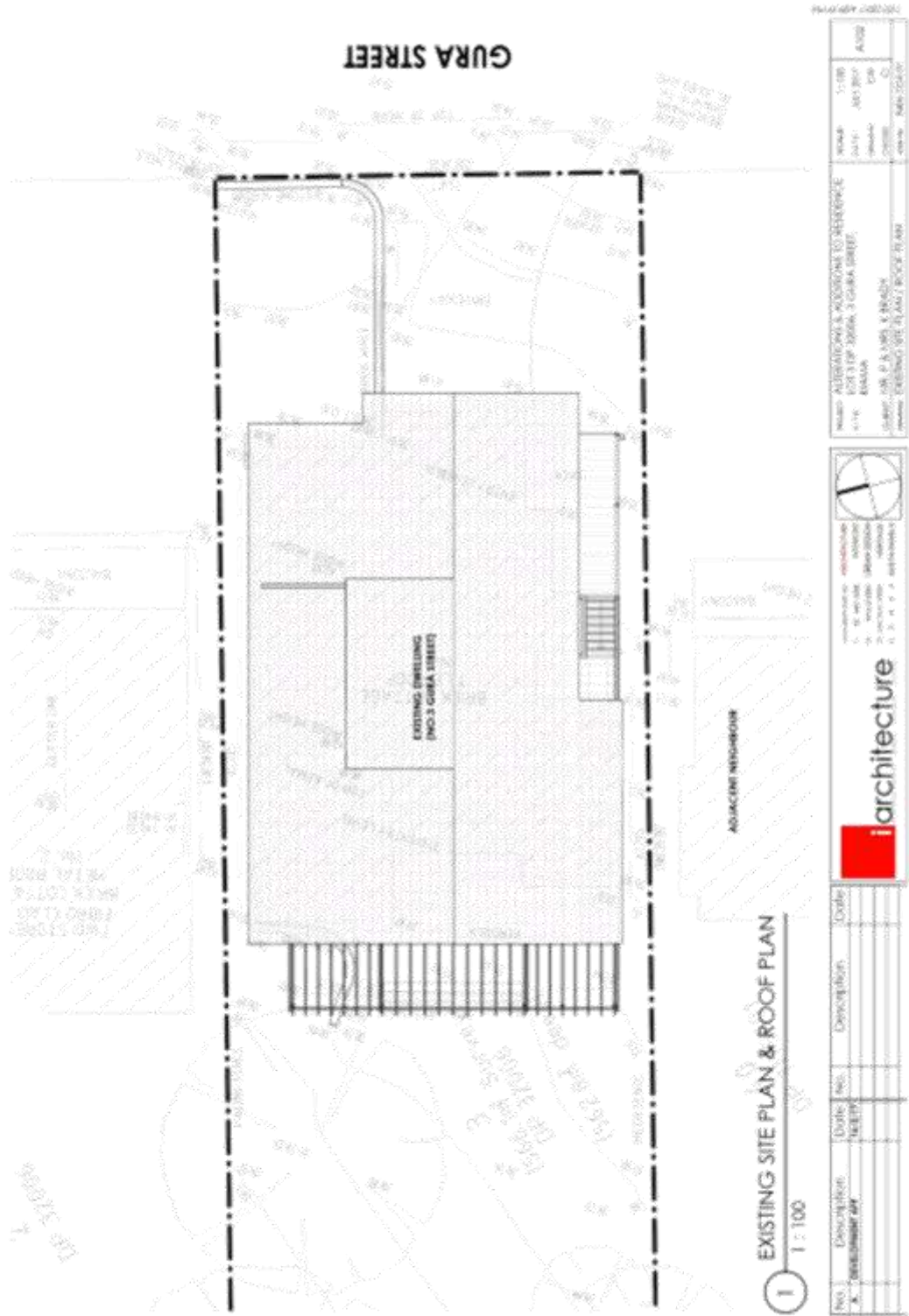
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1 EXISTING SURVEY  
1:150

Attachment 2 Item 9.3

Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

1 - 10.2017.37.1 - plans





Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

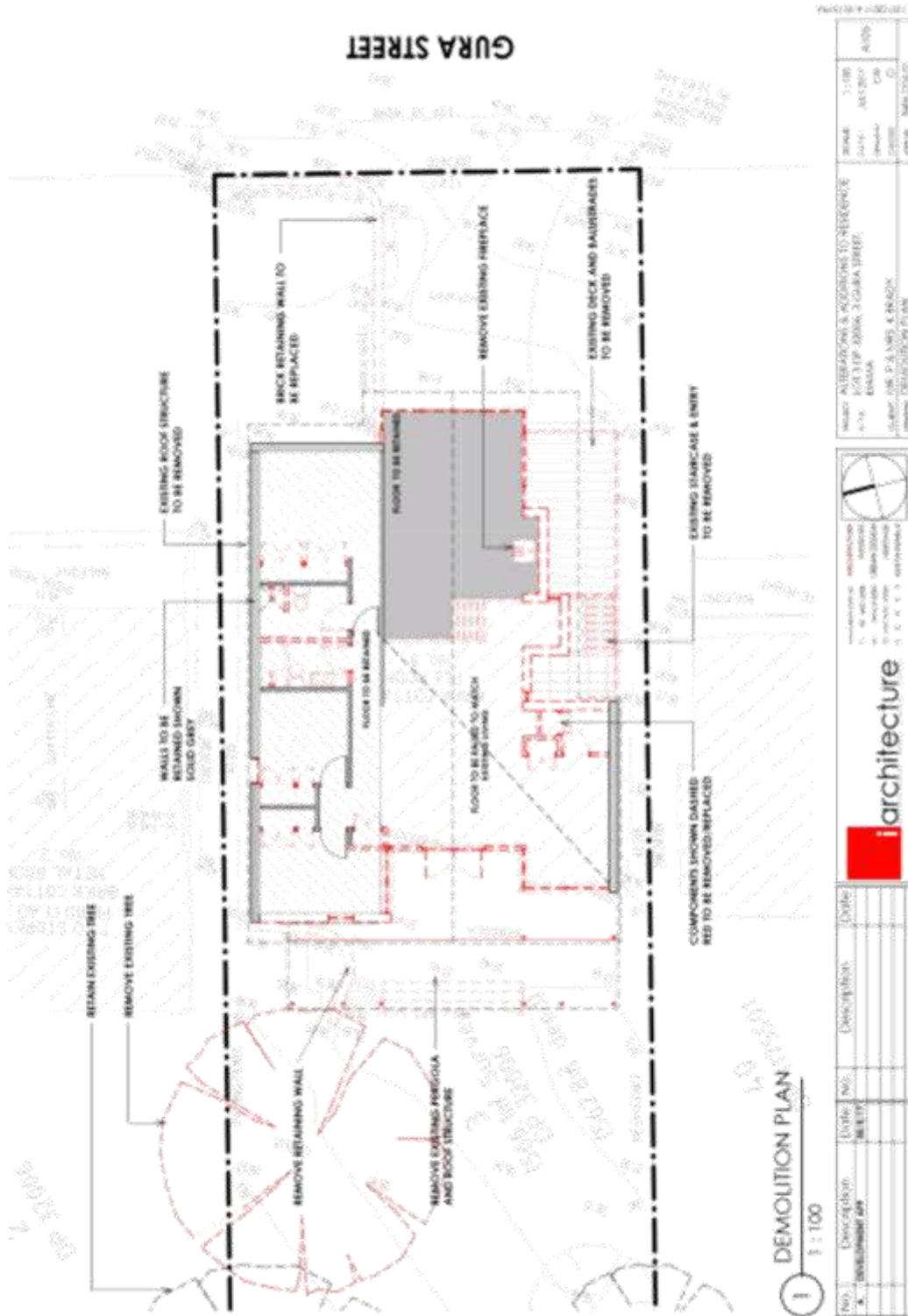
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Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

1 - 10.2017.37.1 - plans



Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

1 - 10.2017.37.1 - plans





Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

1 - 10.2017.37.1 - plans

**1** SUMMER - 9AM DEC - PROPOSED  
1 : 350

**2** SUMMER - 12PM DEC - PROPOSED  
1 : 350

**3** SUMMER - 3PM DEC - PROPOSED  
1 : 350

No.	Description	Date	No.	Description	Date
1	PRELIMINARY APPROVAL	28/05/17			
2	FINAL APPROVAL	04/07/17			

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE	NO. 1030
1/14 LOT 3 DP 32006, 3 GURA STREET	DATE: 28/05/17
1/14 KIAMA	SCALE: 1:350
DRAWN: J.P. & S.P.	CHECKED: J.P.
DATE: 28/05/17	BY: J.P.

**architecture**

Attachment 2 Item 9.3



Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

1 - 10.2017.37.1 - plans

1 WINTER - 9AM JUNE - PROPOSED  
1 : 350

2 WINTER - 12PM JUNE - PROPOSED  
1 : 350

3 WINTER - 3PM JUNE - PROPOSED  
1 : 350

No.	Description	Date	Author	Description	Done
1	PRELIMINARY	2017/08/15	ARCHITECTURE		
2	REVISED	2017/08/15	ARCHITECTURE		
3	REVISED	2017/08/15	ARCHITECTURE		
4	REVISED	2017/08/15	ARCHITECTURE		
5	REVISED	2017/08/15	ARCHITECTURE		

PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE  
107 S O P TERRACE, 3 GURA STREET,  
KIAMA  
CLIENT: JIM & JANE M. MASON  
DATE: 2017/08/15  
SCALE: 1:350  
DRAWN: JIM MASON  
CHECKED: JANE MASON  
DATE: 2017/08/15

architecture

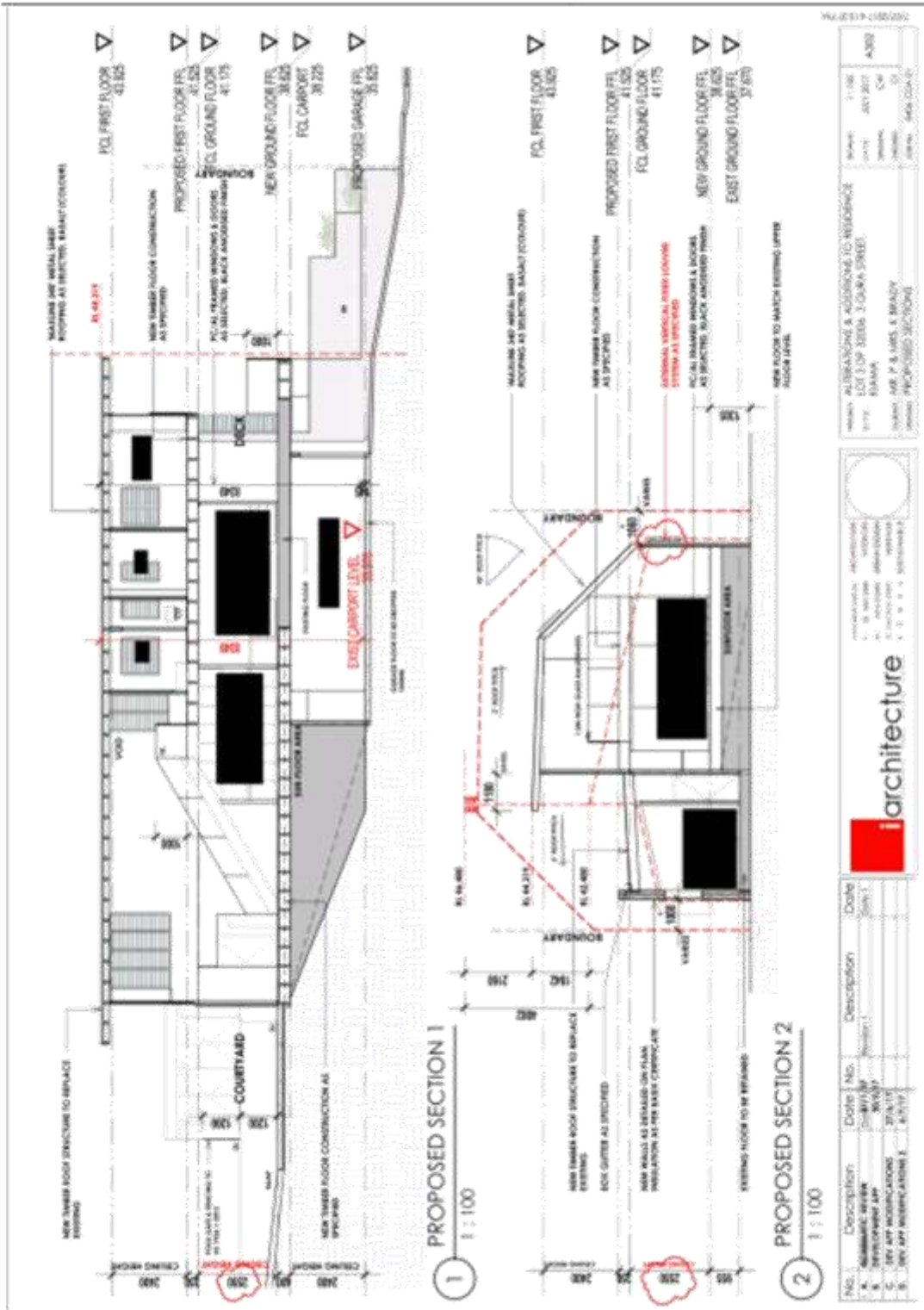
Item 9.3

Attachment 2



Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

1 - 10.2017.37.1 - plans

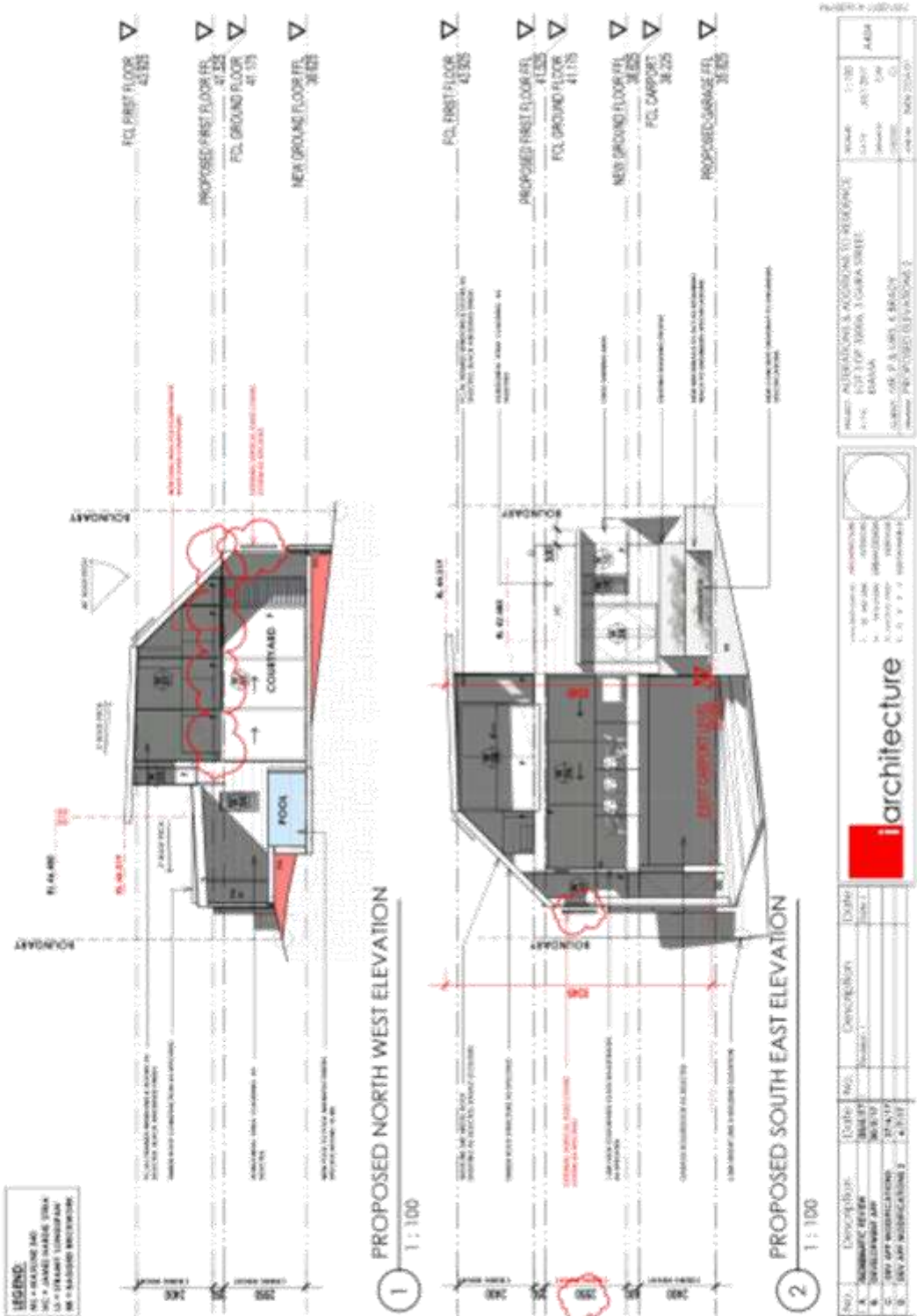


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NAME: ALBAIRING & ASSOCIATES PTY LTD 100/101 GURU STREET, GURU, ACTON PHONE: 02 9550 1234 FAX: 02 9550 1234 EMAIL: info@albaring.com.au WEBSITE: www.albaring.com.au	NAME: ALBAIRING & ASSOCIATES PTY LTD 100/101 GURU STREET, GURU, ACTON PHONE: 02 9550 1234 FAX: 02 9550 1234 EMAIL: info@albaring.com.au WEBSITE: www.albaring.com.au



Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

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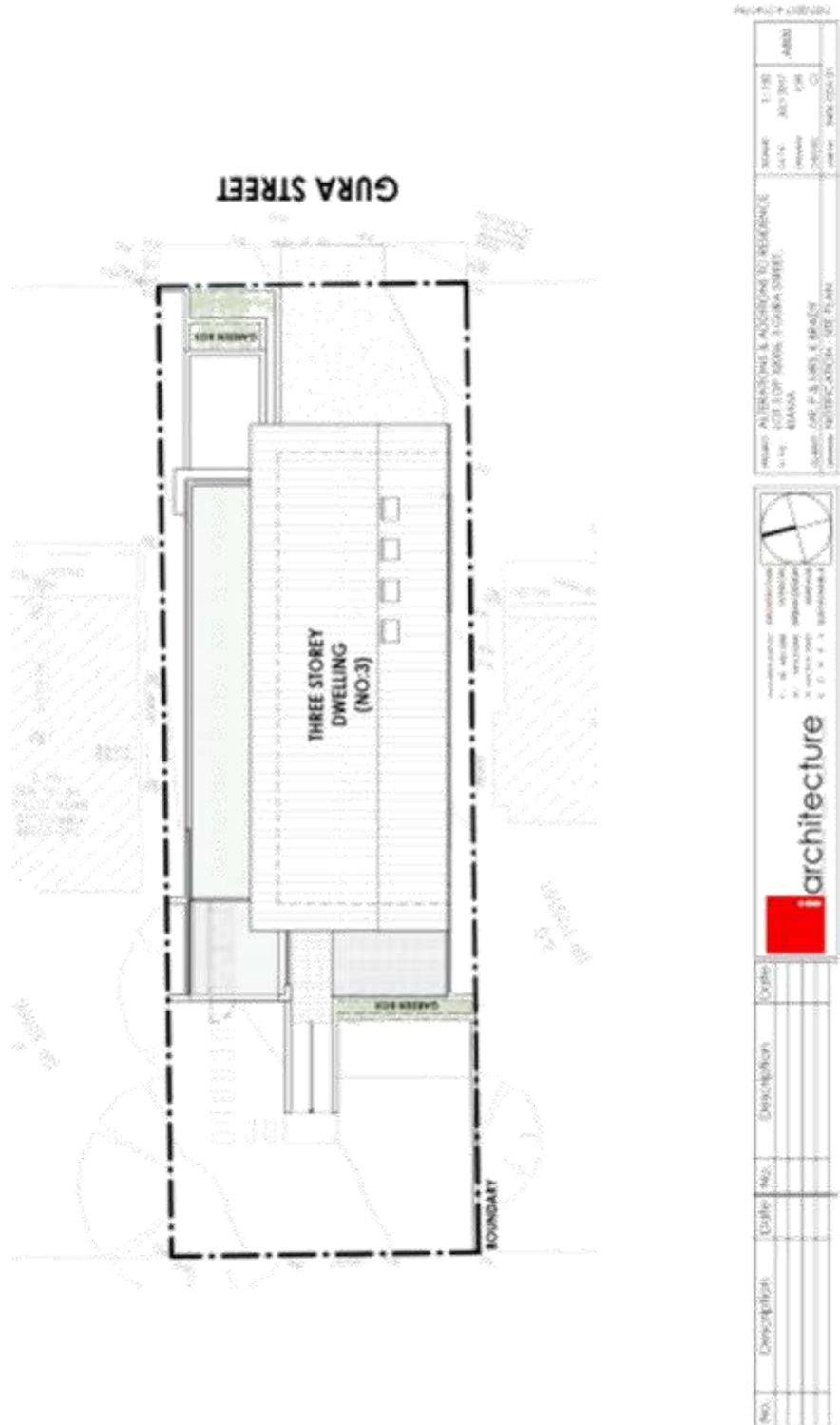


Item 9.3

Attachment 2

Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

1 - 10.2017.37.1 - plans



Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

1 - 10.2017.37.1 - plans



Attachment 2 Item 9.3



Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

1 - 10.2017.37.1 - plans



VIEW LINES - LIVING/MAINDECK - KIAMA  
CONTEXT  
NO. 2 GURA STREET



VIEW LINES - LIVING/MAINDECK - LOCAL  
CONTEXT  
NO. 2 GURA STREET

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PROJECT: RESIDENCIAL & ACQUISICION DE RESIDENCIAL  
 CLIENT: TROPICANA, 3 GURA STREET  
 LOCATION: KIAMA  
 CLIENT: TROPICANA, 3 GURA STREET  
 PROJECT NO: 10.2017.37.1

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1 - 10.2017.37.1 - plans



VIEW LINES - LIVING/DECK - KIAMA CONTEXT  
NO8 FITZROY STREET



VIEW LINES - LIVING/DECK - LOCAL CONTEXT  
NO8 FITZROY STREET

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Item 9.3

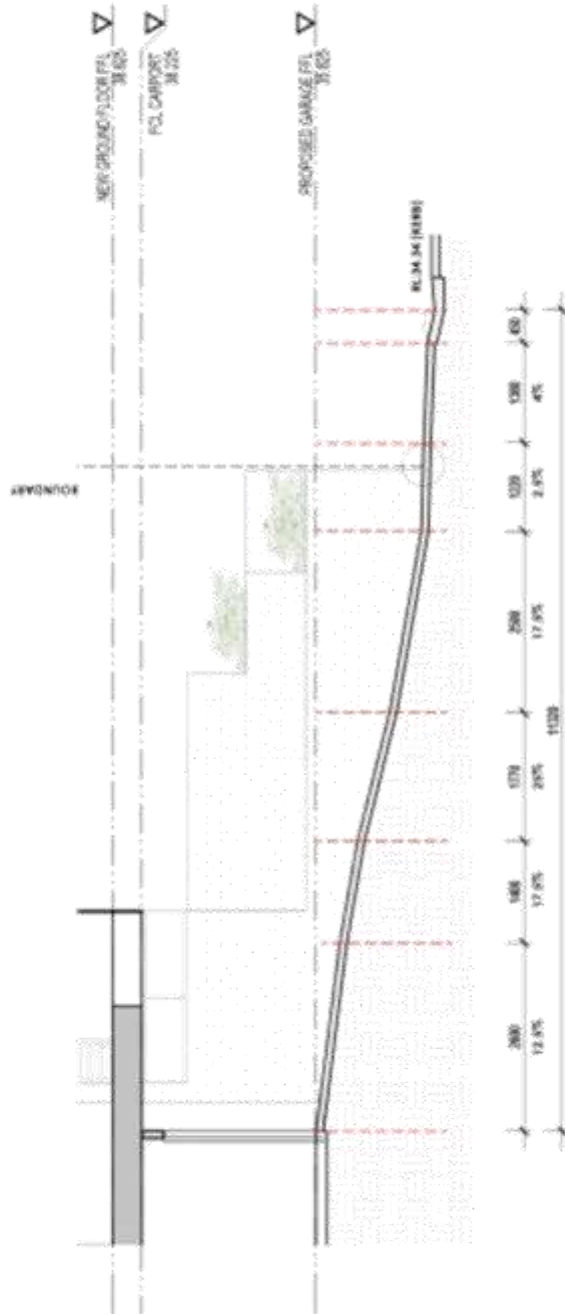
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Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

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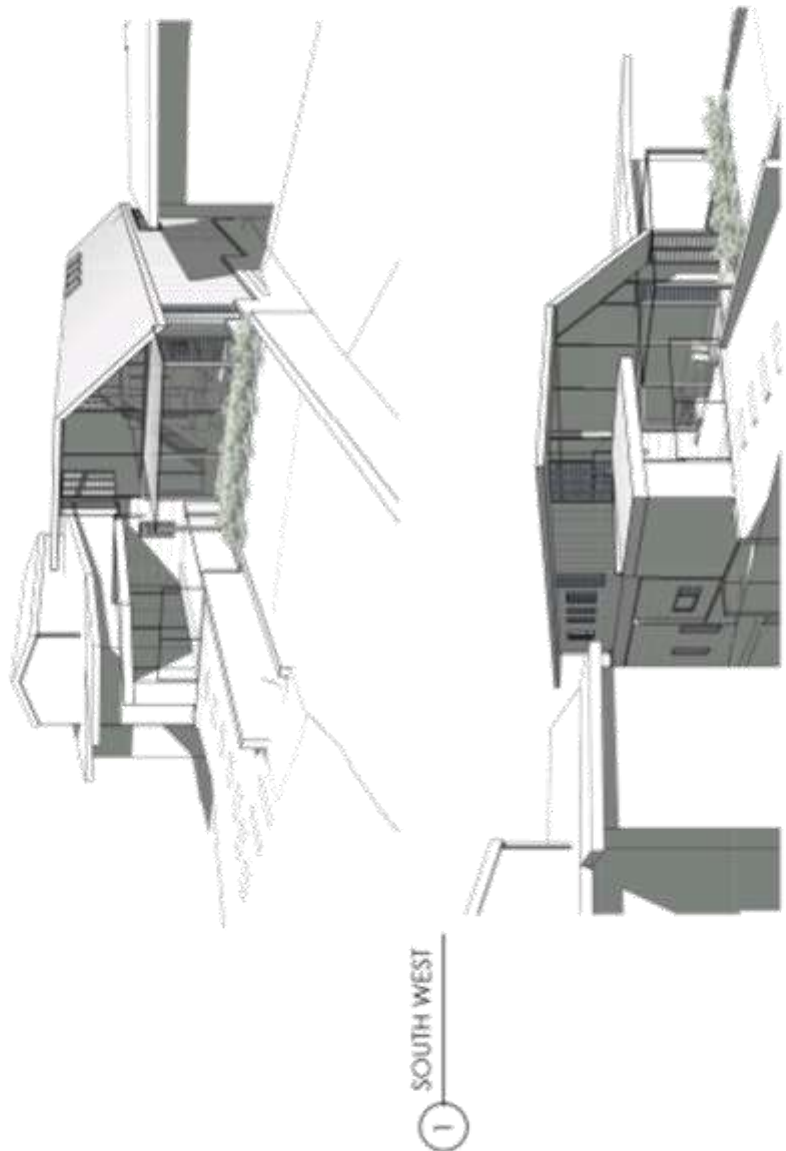


1 DRIVEWAY SECTION  
1 : 50

		PROJECT: 102892 NAME: ALTERATIONS & ADDITIONS TO RESIDENCE 1023-207 TERRA TUMBA STREET 1/171 NALLA NARRARA NSW 2586 CLIENT: MR & MRS J. BRADY PROJECT: DRIVEWAY SECTION		SCALE: 1:50 DATE: 08/2017 DRAWN: JWB CHECKED: JWB DATE: 08/2017
NO. DESCRIPTION DATE NO. DESCRIPTION DATE A. SCHEMATIC DESIGN 20/11/17 B. DEVELOPMENT APP 28/02/17 C. REV APP MODIFICATIONS 27/03/17	NO. DESCRIPTION DATE NO. DESCRIPTION DATE 1. 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport 2. 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport 3. 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport 4. 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport	PROJECT: 102892 NAME: ALTERATIONS & ADDITIONS TO RESIDENCE 1023-207 TERRA TUMBA STREET 1/171 NALLA NARRARA NSW 2586 CLIENT: MR & MRS J. BRADY PROJECT: DRIVEWAY SECTION		

Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

1 - 10.2017.37.1 - plans

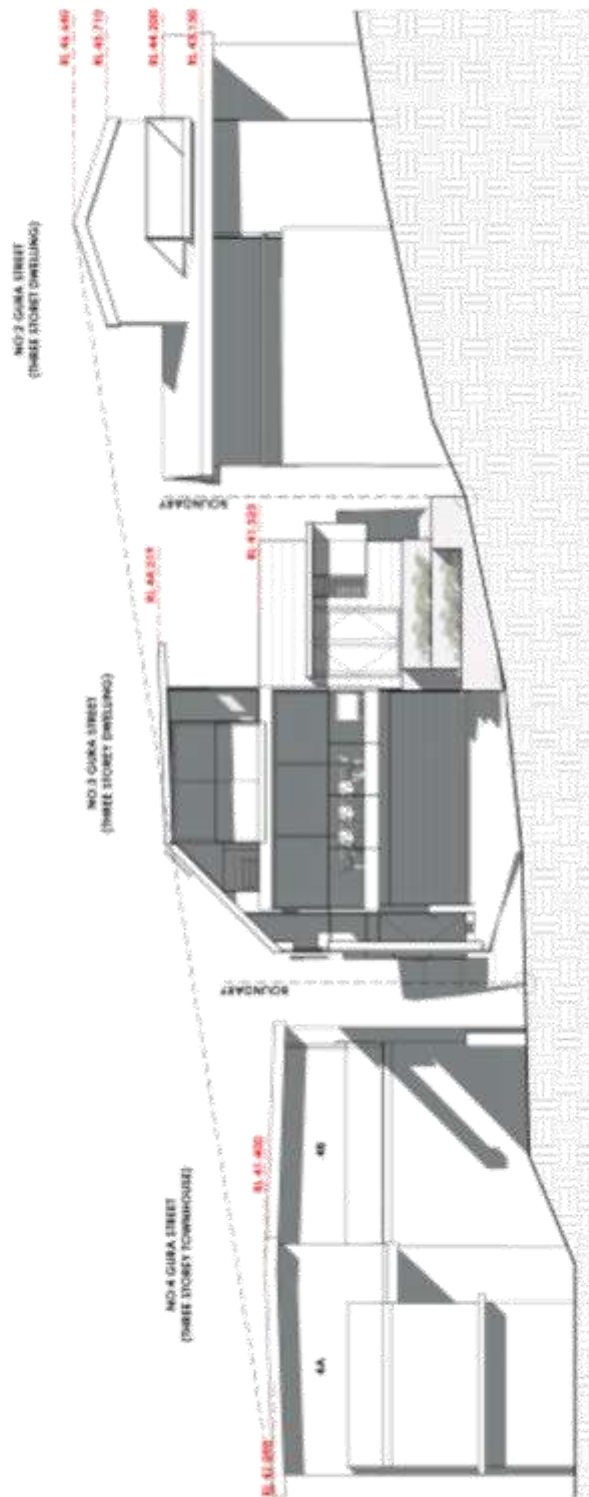


10/10/2017 10:02:00

<b>iarchitecture</b>		PROJECT: ALTERATIONS & ADDITIONS TO RESIDENCE 101 KEMP STREET, 3 GURA STREET KIAMA CLIENT: MR. P. & MRS. S. BRADY DRAWN BY: J. BRADY		NO. 101 DATE: 10/10/2017 DRAWN BY: J. BRADY CHECKED BY: J. BRADY SCALE: 1:100	
Proj. No.	Description	Date	Rev.	Description	Code
101	ALTERATIONS & ADDITIONS TO RESIDENCE	10/10/2017	1		

Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

1 - 10.2017.37.1 - plans



1 PROPOSED - SOUTH EAST - STREET ELEVATION

1 : 100

Rev.	Description	Date	Rev.	Description	Code
A	ISSUED FOR APPROVAL	2/10/17			

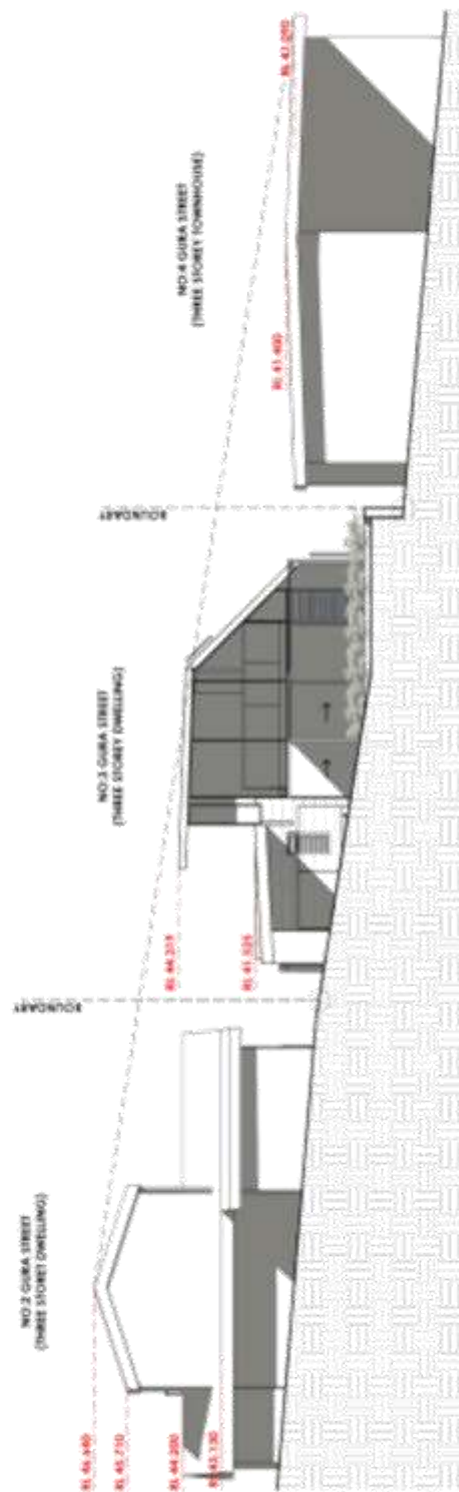
Project:	ALTERATIONS & ADDITIONS TO RESIDENCE	Scale:	1:100
Village:	529 STEEP TERRACE, 3 GURA STREET	Date:	20/10/17
Client:	EMMA	Project:	CSB
Contractor:	DAVID J. & JANE S. SPADY	Client:	CSB
Architect:	TRISTAN ARCHITECTURE	Drawn:	TRISTAN

 <b>Tristan Architecture</b>
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Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

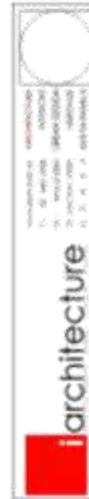
1 - 10.2017.37.1 - plans



1 PROPOSED - NORTH WEST - REAR ELEVATION

1 : 100

Rev.	Description	Date	By	Description	Date
1	ISSUED FOR APPROVAL	2/10/17	AM/S		

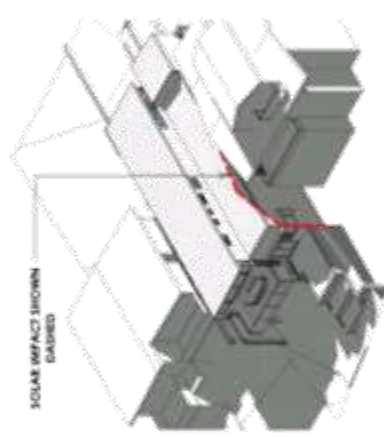


PROJECT: ALTERATIONS & ADDITIONS TO RESERVE  
 SITE: 101 YEP 3006A, 3 GURA STREET  
 ESTATE: KIAMA  
 CLIENT: MR & MRS S BRADY  
 ADDRESS: 101 YEP 3006A, 3 GURA STREET

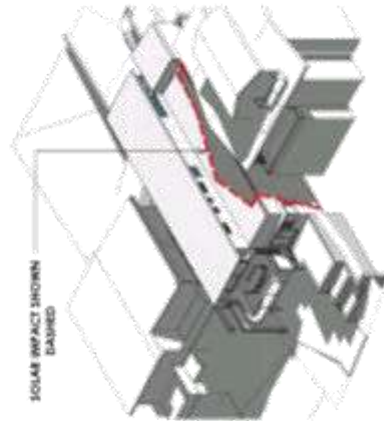
NO. 1	1:100	AM/S
NO. 2	1:100	AM/S
NO. 3	1:100	AM/S
NO. 4	1:100	AM/S

Item 9.5 - 10.2017.37.1 - Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport

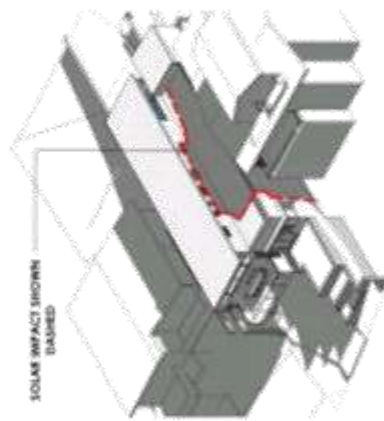
1 - 10.2017.37.1 - plans



3 SOLAR IMPACT - WINTER - 11AM



2 SOLAR IMPACT - WINTER - 10AM



1 SOLAR IMPACT - WINTER - 9AM

10/2017/37.1/02/02/1

Project Name	PREPARATIONS AND ASSISTANCE TO RESIDENCE	Issue No.	001	Issue Date	01/07/2017	Issue By	ASH
Project No.	10/2017/37.1/02/02/1	Project Name	LOT 3 DP 32006 - 3 GURA STREET	Project No.	001	Project Name	001
Project No.	001	Project Name	LOT 3 DP 32006 - 3 GURA STREET	Project No.	001	Project Name	001
Project No.	001	Project Name	LOT 3 DP 32006 - 3 GURA STREET	Project No.	001	Project Name	001



Rev.	Description	Date	By	Description	Scale
1	Issue for construction	01/07/2017	ASH		

Item 9.3

Attachment 2



**9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs**

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

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

Delivery Program: 2.1.1 Develop and implement appropriate land use plans

**Summary**

The Planning Proposal (PP) for part of Lot 34 DP 28122 and Part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs was endorsed for Gateway consideration by Council on 15 September 2015. The Department of Planning and Environment (DoPE) granted a Gateway Determination for this proposal on 20 October 2016.

Council were required to update the prepared PP to address all the matters raised in Practice Note 16-001, which was published on 5 October 2016. The DoPE also noted that part of Iluka Reserve that was not subject to this proposal (i.e. Tennis Courts) is currently zoned R2 Low Density Residential under the Kiama LEP 2011. The DoPE outlined that they would be willing to consider a revised proposal or a new proposal to rezone these lands within Iluka Reserve from R2 Low Density Residential to RE1 Public Recreation.

Council prepared the updated PP to satisfy the requirements of Practice Note 16-001 as well as preparing the required zoning and development control maps in accordance with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps, 2015' prior to exhibiting the PP. As per the DoPE's suggestion Council also updated the PP to include the land currently zoned R2 Low Density Residential (i.e. Tennis Courts) in order to rezone to RE1 Public Recreation.

Following lengthy discussions with the DoPE regarding what constitutes an 'interest' Council requested an amendment to Gateway Determination PP\_2016\_KIAMA\_005\_00 on 2 May 2017. An amended Gateway Determination was issued by the Department on 23 May 2017.

As the amended Gateway Determination did not amend the timeframe for completing this PP Council requested an extension to the Gateway Determination timeframe on 31 July 2017. On 14 August 2017 the DoPE altered the Gateway Determination by extending the timeframe by another 6 months.

In accordance with the conditions of the original determination Council placed the PP and supporting information on exhibition on 19 June 2017. Pursuant to Section 29 of the Local Government Act 1993 two public hearings were held, in June and July, to discuss this matter. Fourteen verbal submissions were made in regards to the subject site at the June hearing and 8 verbal submissions were made at the July hearing. Twenty-six written submissions were received in regards to the subject site. Twenty-four submissions objected to the proposal, 2 submissions supported the proposal, and 1 submission expressed their desire to see the reserve utilised.

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



Report of the Director Environmental Services

9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs (cont)

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### Finance

N/A

### Policy

N/A

### Reason for Report to Council

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

### Attachments

- 1 Original Gateway Determination - DoPE [↓](#)
- 2 Amended Gateway Determination - DoPE [↓](#)
- 3 Extension to Gateway Determination - DoPE [↓](#)
- 4 Council Report - 15 September 2015 [↓](#)
- 5 Council MInute - 15 September 2017 [↓](#)
- 6 Report on Outcome of Public Hearings [↓](#)

### Enclosures

Nil

## RECOMMENDATION

That Council request that the Department of Planning & Environment make the amendment to the *Kiama Local Environmental Plan 2011* for part of Lot 34 DP 28122 and part of Lot 243 DP 30200, part of Iluka Reserve Kiama Downs to:

- Reclassify part of the land from community to operational land and change interests;
- Rezone part of the land from RE1 Public Recreation to R2 Low Density Residential amend the minimum lot size, building heights and floor space ratio control maps; and
- Rezone part of the land from R2 Low Density Residential to RE1 Public Recreation and amend the minimum lot size, building heights and floor space ratio control maps.

## BACKGROUND

Council's Revenue Sub Committee identified the potential to rezone part Lot 34 DP 28122 and part of Lot 243 DP 30200, part of Iluka Reserve, Kiama Downs (the subject site) from RE1 Public Recreation to R2 Low Density Residential, introduce a minimum lot size of 450m<sup>2</sup>, and apply a maximum building height of 8.5m and maximum floor space ratio of 0.45:1 under the provisions of the *Kiama LEP 2011*. The proposal also involved the reclassification of community land to operational as per the definitions of the *Local Government Act 1993*.

Report of the Director Environmental Services

9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs (cont)

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On 15 September 2015 Council resolved to support the preparation of a Planning Proposal, as the means to commence the re-classifications/rezoning process.

***“Committee recommendation (15/327) that Council formally proceeds with a planning proposal for part of the Iluka Reserve at Kiama Downs to create up to nine residential lots including open space embellishment over the remainder of the public reserve to meet community needs for future recreation activities in the area based on a master plan including community consultation.”***

Accordingly, a PP was prepared and submitted to the DoPE for a Gateway Determination. DoPE issued a Gateway Determination on 20 October 2016 (see attachment), with the following conditions:

1. *The planning proposal is to be revised to include a Land Reclassification Map and proposed zoning and development standard maps prior to public exhibition. The maps will be prepared in accordance with the Department’s ‘Standard Technical Requirements for Spatial Datasets and Maps, 2015’.*
2. *Council is to revise the planning proposal in accordance with the Department’s Practice Note PN16-001 ‘Classification and Reclassification of Public Land through a Local Environmental Plan’. Council is to identify in the proposal that interests are being removed from the land.*
3. *Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:*
  - a) *The planning proposal is to be made publicly available for 28 days; and*
  - b) *The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).*
4. *No public hearing is required to be held into the matter under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission).*
5. *The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.*

The DoPE also noted that part of Iluka Reserve that was not subject to this proposal (i.e. Tennis Courts) is currently zoned R2 Low Density Residential under the Kiama LEP 2011. The DoPE outlined that they would be willing to consider a revised proposal or a new proposal to rezone these lands within Iluka Reserve from R2 Low Density Residential to RE1 Public Recreation.

Council prepared the updated PP to satisfy the requirements of Practice Note 16-001 as well as preparing the required zoning and development control maps in accordance with the Department’s ‘Standard Technical Requirements for Spatial Datasets and Maps, 2015’ prior to exhibiting the PP. As per the DoPE’s suggestion Council also updated the PP to include the land currently zoned R2 Low Density Residential (i.e. Tennis Courts) in order to rezone to RE1 Public Recreation.

## Report of the Director Environmental Services

## 9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs (cont)

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Following lengthy discussions with the DoPE regarding what constitutes an 'interest' Council requested an amendment to Gateway Determination PP\_2016\_KIAMA\_005\_00 on 2 May 2017. An amended Gateway Determination was issued by the Department on 23 May 2017.

As the amended Gateway Determination did not amend the timeframe for completing this PP Council requested an extension to the Gateway Determination timeframe on 31 July 2017. On 14 August 2017 the DoPE altered the Gateway Determination by extending the timeframe by another 6 months.

In accordance with the conditions of this determination Council placed the PP and supporting information on exhibition on 19 June 2017. Pursuant to Section 29 of the Local Government Act 1993 two public hearings were held, in June and July, to discuss this matter. Fourteen verbal submissions were made in regards to the subject site at the June hearing and 8 verbal submissions were made at the July hearing. Twenty-six written submissions were received in regards to the subject site.

**Public Exhibition**

The subject PP was subsequently placed on public exhibition by notifying residents within 240 metres site. All materials associated with the PP was available for perusal on Council's website and at Council's Administration Building from 19 June 2017 to 24 July 2017 (i.e. 35 days). Adjoining neighbours were notified in writing and notification was provided on Council's website as well as being publicised in local printed media.

Twenty-six written submissions were received in regards to the subject site. Twenty-four submissions objected to the proposal, 2 submissions supported the proposal, and 1 submission expressed their desire to see the reserve utilised.

**Points of Objection:**

- More public land needed;
- Need for access to residential zoned land in reserve could be met by acquisition of other existing residential land;
- Amount of public open space is reflective of the size of the population;
- Once public open space is lost it can never return;
- If reserve is underutilised, money needs to be spent upgrading;
- The Tennis Courts are an important piece of public infrastructure;
- The reserve is an oasis for birds and small animals;
- Existing green space should be reserved;
- The reserve is contaminated due to historic dumping;
- The community supported Council through amalgamation, it is now time for Council to the community;
- The Kiama LGA is overpopulated;
- Occupying all green space is detrimental to the area's character;

## Report of the Director Environmental Services

## 9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs (cont)

- 
- The new intersection will result in safety issues on Riverside Drive, no traffic analysis has been undertaken;
  - There is already reasonable amount of existing residential blocks on the market;
  - The community have positive memories associated with the reserve;
  - Council is elected by community to take care of our assets, and should not to be at mercy of developers;
  - The reserve experiences serious stormwater/flooding events;
  - The size of the reserve is a condition of the original residential subdivision of Kiama Downs;
  - This matter should be reported to the Independent Commission Against Corruption (ICAC);
  - No cost benefit analysis of the sale of the land has been provided;
  - If Council is so short of funds perhaps new management is required;
  - The land at Bombo Quarry will supply the Municipality will all the residential land it required;
  - The Planning Proposal has not considered Clauses 6.1, 6.2, 6.3, 6.5 of the Kiama LEP 2011;
  - The reserve is not identified by the KUS;
  - Insufficient visitor car parking has been provided;
  - Insufficient space has been provided for the collection of garbage bins associated with the new residential lots;
  - Health issues associated with loss of green space;
  - The community were not notified of the rezoning of the reserve to residential as part of the LEP 2011; and
  - The community has right to assume that reserves will remain as reserves forever.

## Points of support:

- The people objecting to the proposal have a vested interest as they directly adjoin the site;
- Residential development has occurred in other areas of LGA why should Kiama Downs been any different;
- The reserve is rarely used to its full potential; and
- The sale of a portion of the reserve will facilitate improvements to the public open space.

**Public Hearing**

Report of the Director Environmental Services

9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs (cont)

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

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

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

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

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

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

Accordingly, Council held 2 public hearings on 26 June and 3 July 2017. Pamphlets were delivered to residents within 240m of the site. Notification of the hearings was also placed in local printed media as well as on Council's website. These hearings were chaired by Stephen Richardson of Cowman Stoddart Pty Ltd who has provided a report of the outcome of these hearings (attached).

Fourteen verbal submissions concerning the subject site were made at the June public hearing. Eight verbal submissions were made in regards to the subject site at the July public hearing. One public submission spoke in favour of the Planning Proposal; while the remaining 21 public submissions either opposed or raised concerns in relation to the Planning Proposal.

Reasons given for support of Planning Proposal:

- The existing reserve is underutilised.
- The Planning Proposal will provide a means of obtaining revenue that could be used to improve facilities within the remainder of the reserve that would make it more attractive to the local community.
- Only a small proportion of the reserve has been identified for residential development - the majority of the reserve would remain as open space under the Planning Proposal.
- Concern was raised in relation to the false information and advertising that was being circulated within the local community attacking the Planning Proposal.

Reasons given for Objection to the Planning Proposal:

- Concerns about inadequate communication and consultation about Planning Proposal.
- Local community not provided sufficient opportunity to consider and comment on Planning Proposal.

## Report of the Director Environmental Services

## 9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs (cont)

- 
- Many submissions raised concerns about the suitability of the land for residential development:
    - The reserve is largely flood prone.
    - The reserve experiences drainage problems and becomes waterlogged after rainfall.
    - The land was previously used for dumping of rubbish and is contaminated.
    - The potential presence of acid sulphate soils.
    - Category 2 watercourse flows through reserve.
  - Council has provided insufficient justification that Iluka Reserve is underutilised.
  - There has been no community consultation to ascertain the usage of the reserve or that would justify the view that the reserve is not sufficiently utilised.
  - Iluka Reserve is used by the local community:
    - Children play in the reserve
    - People walk dogs in the reserve
    - Surrounding residents enjoy the reserve as it forms a backdrop from neighbouring properties. Many residents enjoy the view of the reserve from their properties.
  - The Planning Proposal is inconsistent with the Kiama Urban Strategy (KUS). The KUS does not identify Iluka Reserve as a potential urban expansion area. There is no strategic planning merit to justify rezoning and re-classifying Iluka Reserve for residential development. The Planning Proposal is not infill development as it involves rezoning open space for residential development. Such will undermine the KUS and set an undesirable precedent for further Planning Proposals in the LGA.
  - Rezoning open space for residential purposes will also set an undesirable precedent for other open space within the LGA resulting in the erosion of open space within the LGA.
  - The development of the reserve to create 9 residential allotments will not overcome housing shortfall in Kiama but will result in loss of valuable open space. There are other opportunities for residential land development within Kiama (such as the redevelopment of Bombo quarry). There is a lack of demonstrated justification for the need for this housing in this location.
  - Future residential development would raise difficulties in terms of:
    - Amenity impacts to surrounding properties. Dual occupancy development for instance would be inconsistent with prevailing character of development in the area.

## Report of the Director Environmental Services

## 9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs (cont)

- 
- Servicing, in particular waste collection, with up to 36 bins potentially requiring to be picked. The proposed access road would be inadequate to accommodate such service vehicles.
  - Inadequate road width for future residential traffic.
  - No provision for visitor parking in proposed street.
  - Future location of intersection of proposed access road is in a dangerous position with respect to traffic travelling along Riverside Drive. The road has a difficult alignment at this location with poor sight distance. Furthermore, vehicles travel at speed along Riverside Drive. This will create traffic safety issues for future residents.
- Part of the reserve should not be sold off to finance improvements to the reserve. Rather Council's rates should be used to maintain and improve reserve. The sale of the reserve is a long term loss for only short term gain.
  - Increasing residential densities within the existing residential areas of the local government area will require adequate supply of open space. Existing open space should therefore be retained as open space for future community.
  - Concerns raised about whether Council's anticipated revenue gains from development of site will be realised given the constraints suffered by the site including contamination issue, drainage and associated construction difficulties. If revenue not realised community will have lost valuable open space without any return.
  - The local community needs open space. Council should not be reducing the amount of open space available for the local community.

**Proposal's Relationship with Kiama Urban Strategy**

Council's adopted Planning Proposal policy outlines that if a proposal meets any of the following criteria Council may agree in principle that a Planning Proposal be prepared:

1. Land identified as a nominated area in the Urban Strategy.
2. Land can be identified as assisting to meet Council's strategic direction.
3. A clear zoning anomaly exists on site.

It is acknowledged that the site is not identified in the Kiama Urban Strategy (KUS). Iluka Reserve has not been identified in the KUS as the primary objective of the KUS is to guide Council's decision making for urban expansion opportunities (greenfield development) rather than infill development.

The entire Reserve has an area of approximately 23,796 m<sup>2</sup>. The PP seeks to reclassify approximately 8,700 m<sup>2</sup> of the site from 'community' to 'operational':

- Part of Lot 34 = 5,182.441m<sup>2</sup>, plus
- Part of Lot 243 = 3,544.412m<sup>2</sup>

The area to be rezoned from Public Recreation to Residential is approximately 3,000 m<sup>2</sup>:



Report of the Director Environmental Services

9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs (cont)

- 
- RE1 part of Lot 34 = 2,260.447m<sup>2</sup>
  - RE1 part of Lot 243 = 770.289 m<sup>2</sup>

The area to be rezoned from Residential to Public Recreation is approximately 1,210 m<sup>2</sup> (part of Lot 243). In this respect the PP will only result in the loss of approximately 1,800 m<sup>2</sup> of Public Recreation zoned land from the entire Reserve.

It is suggested that as a large portion of the reserve is already zoned the proposal could be seen to satisfy both Criteria 2 & 3. By adjusting the existing residentially zoned component of the Reserve Council are rectifying an existing zoning anomaly whilst also assisting Council to meet its housing requirements as outlined in the Illawarra-Shoalhaven Regional Plan.

### **Proposal's Relationship with Kiama LEP**

Some submissions have raised concerns about the Proposal's lack of consideration of the provisions of the Kiama LEP 2011. As per the DoPE's 'A guide to preparing local environmental plans' and 'A guide to preparing planning proposals' a PP is not required to consider the provisions of an LEP. The provisions of an LEP are to be considered and applied when assessing a Development Application (DA).

### **Dedication of the Reserve**

Iluka Reserve consists of Lot 243 DP 30200, Lot 34 DP 28122 and Lot 1 DP 509019. Lot 34 was registered in 1957 as part of a 24 lot subdivision along Riverside Drive between North Kiama Drive and Iluka Crescent. Lot 243 was registered in 1959 as part of a 243 lot subdivision of land between Riverside Drive and the railway line. Lot 1 is an original allotment that was re-registered in 1964 as part of the Torrens Title system. Lots 34 and 243 are noted as 'public garden and recreation spaces' on their respective Deposited Plans. In this way the land has become "community" land as per the *Local Government Act 1993*.

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

### **Contamination of the Reserve**

Concerns of potential contamination of the site have been raised. Three contamination reports/studies have been commissioned by Council for Iluka Reserve. Coffey Geotechnics Pty Ltd carried out an investigation of the entire Reserve in 2014. Network Geotechnics carried out both a Phase 1 Contamination Assessment & Preliminary Geotechnical Assessment and a Stage 2 Detailed Contamination Assessment in 2016. The Phase 1 Assessment only looked at land proposed to be rezoned but did reference the findings of the Coffey's report. The Stage 2 Assessment looked more closely at the land proposed to be rezoned.

## Report of the Director Environmental Services

## 9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs (cont)

The Coffey's report identified asbestos sheeting in one test pit near the eastern boundary of the site. This area is not proposed to be rezoned and as such was not including in the findings of the Network Geotechnics reports. The Phase 1 report referenced the Coffey's findings. No asbestos was detected as part of the Stage 2 investigation. However, on page 17 of the Stage 2 report it is stated that due to the presence of building material in the fill on the site, the presence of asbestos cannot be completely ruled out. The Stage 2 report recommends that an Unexpected Finds Protocol be prepared to managed any unexpected asbestos finds. The recommendations of the Stage 2 Assessment would be conditioned as part of any future DA approval.

**Public Open space density**

Concerns have been raised about the loss of public open space and its implication on community health. Utilising recent Census data, the following table has been compiled.

Location	Population	Dwellings	Household Size	Public Open Space (m <sup>2</sup> )	Public Open Space per household (m <sup>2</sup> )	Public Open Space per person (m <sup>2</sup> )
Minnamurra	760	360	2.5	215,469	599	284
Kiama Downs	5,004	1,938	2.8	501,863	259	100
Bombo	112	53	2	99,470	1877	888
Kiama	6,881	3,558	2.3	614,591	173	90
Kiama Heights	814	385	2.5	38,905	101	48
Werri Beach	562	301	2.7	149,644	497	266
Gerringong	3,966	1,686	2.6	341,730	203	86
Gerroa	673	513	2.4	35,220	69	52
Jamberoo	562	301	2.7	149,635	497	266

**Table 1:** Public Open Spaces in the Kiama Municipality.

As can be seen from the table above there is approximately 2,146,527m<sup>2</sup> of public open space in the Municipality. On average there is approximately 111m<sup>2</sup> of public open space per person in the Municipality and approximately 236m<sup>2</sup> of public open space per household.

The proposal will result in the loss of 8,700m<sup>2</sup> public open space which in turn will reduce the amount of public open space to 493,163m<sup>2</sup> in Kiama Downs. This will mean that in Kiama Downs approximately 95m<sup>2</sup> of public open space will be available per person and 254m<sup>2</sup> per household.

Report of the Director Environmental Services

9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs (cont)

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Kiama Downs will still retain a high percentage of public open space when compared to other locations in the Municipality. It is also noted that the sale of approximately 8,700m<sup>2</sup> of public open space will enable the embellishment works on the remainder of the reserve identified in the draft Master Plan.

#### **Business Plan for Sale of Reserve**

Several verbal and written submissions raised concerns over the financial viability of the proposal. It has been suggested that due to potential contamination issues and stormwater infrastructure amplification the likely profits associated with the sale of the 9 proposed residential lots will be diminished. This in turn will reduce the amount of money available to Council to embellish the remaining portion of the reserve.

No evidence has been provided to substantiate this claim.

It should also be clarified that it is not the role of a PP to assess the financial viability of a proposal. This sort of decision rests with Council's Revenue Sub-Committee as part of the sale and subsequent embellishments of the reserve.

#### **Bombo Quarry Development Timelines**

Several comments have been received suggesting that no additional residential land in the Municipality is required as new land will shortly be available at the Bombo Quarry site.

Council has managed to bring together the major landowners (in Sydney Trains, Boral and Cleary Bros) who have agreed to update the Future Land-Use Structure Plan for the Bombo Quarry Precinct, last updated in 2009. This review will take into account the existing studies of the area and what further studies are needed, to properly take into account the economic, social and environmental issues associated with the area. This will help with the development of a PP for the precinct. The plan would also need to take into account the LEP 2011 and Illawarra-Shoalhaven Regional Plan 2015 that were developed after the existing plan for the Bombo Quarry site.

It should be noted that once quarrying activities stop, the NSW Government (Major Infrastructure) intends to use the quarry to dispose of spoil for, hopefully, a period of less than five years. While much of the studies don't have to wait for this to occur, the actual on-ground works do.

Some submissions seem to be of the opinion that all of the Bombo Quarry site will be used for residential purposes. As part of the PP process for the Bombo Quarry site lands will be identified for a range of uses including; commercial, residential, educational and public open space.

As outlined in Item 14.21 of Council's February 2017 meeting, Council has an obligation to meet the additional housing demands outlined by the Illawarra-Shoalhaven Regional Plan. In the Regional Plan, the DoPE outlined that the Kiama LGA would need approximately 2,850 new dwellings by 2,036. At the current rate of approvals, 2,478 new dwellings will be approved in Municipality by 2036. This equates to a short fall of 372 dwellings. While it is acknowledged that the vast majority of dwelling potential estimated by the KUS is tied up in the Bombo Quarry

Report of the Director Environmental Services

9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs (cont)

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and Spring Creek, other appropriate sites, such as the subject site, will also assist Council in meeting the requirements of the Regional Plan.

### **Density of Development**

While the PP has identified that potentially 9 new residential lots could be created as a result of this proposal several submissions have noted that dual occupancies would be permissible on these lots. The submissions have outlined that the additional demands associated with dual occupancy development (i.e. traffic, car parking, garbage collection etc.) have not been considered as part of this PP. The issue of dual occupancies is currently being discussed by Council. However, it should be stressed that the concept subdivision plan could be redesigned to better accommodate dual occupancy to ensure that future impacts are minimal.

### **Impacts of Development**

The submissions have raised several concerns regarding the potential impacts associated with the current design shown in the concept subdivision plan. Concerns have been raised regarding the impacts of:

- Traffic/Riverside Drive Intersection;
- Visitor Car parking;
- Garbage collection;
- Stormwater infrastructure etc.

It should be explained that the current PP to rezone and reclassify the land will not directly result in these types of impacts. Any future development application will need to consider the adequacy of stormwater infrastructure, visitor car parking, garbage collection and intersection designs with Riverside Drive. However as outlined above, the concept subdivision plan could be redesigned to ensure that future impacts are minimal. As outlined above, it is not the role of a PP to assessing the financial viability of a proposal.

### **Retention of Tennis Courts**

Several submissions raised concerns about the loss of existing Tennis Courts at the Reserve as a result of this proposal. It would appear that a misconception has arisen in the community regarding the Tennis Courts. It has always been the intent of this proposal to retain the Tennis Courts. The Tennis Courts are currently zoned R2 Low Density Residential. This proposal recognises the importance of this facility and at the suggestion of the DoPE seeks to rezone the Tennis Courts back to RE1 Public Recreation to ensure they are retained.

### **Conclusion**

As the subject PP seeks to discharge interests in public land under section 30 of the *Local Government Act 1993* plan making powers cannot be delegated to Council. If Council decide to proceed with this PP staff will request that the DoPE prepare the draft amendment in conjunction with the NSW Parliamentary Counsel's Office. Should Council determine not to proceed with this PP it will need to provide planning grounds justifying its position.

## Report of the Director Environmental Services

## 9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs (cont)

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

<b>Project Timeline</b>	
<b>Stage</b>	<b>Date/Details</b>
Date draft LEP exhibited	19/06/2016 – 24/07/2016
Date of Public Hearing (if held)	26/06/2017 & 03/07/2017
Date Council resolved to adopt LEP	Anticipated to be adopted 19/09/2017
Date sent to DoPE requesting preparation of LEP	Request to be sent upon formal adoption by elected Council

Item 9.4

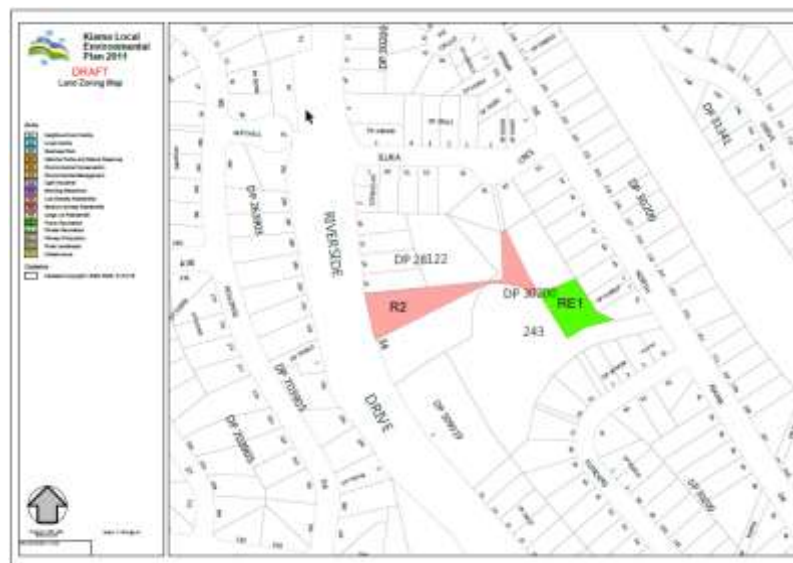
Report of the Director Environmental Services

9.4 Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs (cont)

Item 9.4



Current Zoning



Proposed Zoning



## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_KIAMA\_005\_00):** for part of Lot 34 DP28122 and part Lot 243 DP30200, Iluka Reserve, Kiama Downs to amend Kiama LEP 2011 to:

- Reclassify the land from community to operational land and change interests; and
- Rezone land from RE1 Public Recreation to R2 Low Density Residential and amend the minimum lot size, building heights and floor space ratio control maps.

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

1. The planning proposal is to be revised to reference and include a Land Reclassification Map and proposed zoning and development standard maps prior to public exhibition. The maps will be prepared in accordance with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps, 2015.'

2. Council is to revise the planning proposal in accordance with the Department's Practice Note PN16-001 'Classification and Reclassification of Public Land through a Local Environmental Plan'. Council is to identify in the proposal that interests are being removed from the land.

3. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:

- (a) the planning proposal is to be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).

4. No public hearing is required to be held into the matter under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated 20<sup>th</sup> day of October 2016

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

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





Mr Michael Forsyth  
General Manager  
Kiama Municipal Council  
PO Box 75  
KIAMA NSW 2533

Contact: Lisa Kennedy  
Phone: 02 4224 9457  
Email: Lisa.kennedy@planning.nsw.gov.au

Our Ref: PP\_2016\_KIAMA\_005 (16/11389)  
17/06561  
Your Ref: SC2391

Attention: Mr Edward Paterson

Dear Mr Forsyth

**Planning proposal to amend Kiama Local Environmental Plan (LEP) 2011**

I refer to Council's request of 31 January 2017 and subsequent amended planning proposal of 2 May 2017 seeking an alteration to the gateway determination for the planning proposal for part of Lot 34 DP28122 and part Lot 243 DP30200, Iluka Reserve, Kiama Downs.

I note that Council now seeks to include in the planning proposal that part of Iluka Reserve that was inadvertently rezoned from 6(a) Public Open Space under the Kiama LEP 1996 to R2 Low Density Residential under the Kiama LEP 2011. The correction of this anomaly will involve removing the R2 Low Density Residential zoning and replacing it with an RE1 Public Recreation zoning; and removing the minimum lot size, building heights and floor space ratio controls.

I also note that the planning proposal has been updated to reflect the Department's Practice Note PN16-001 'Classification and Reclassification of Public Land through a Local Environmental Plan'.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 20 October 2016 to reflect the amended planning proposal.

The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, please call Lisa Kennedy, Senior Planner on 4224 9457.

Yours sincerely

  
Karen Armstrong  
Director Regions, Southern  
Planning Services



## Alteration of Gateway Determination

**Planning Proposal (Department Ref: PP\_2016\_KIAMA\_005\_00):** to rezone part of Iluka Reserve, Kiama Downs to enable future residential development and to correct a mapping anomaly by rezoning part of the Reserve zoned Residential to Public Recreation.

I, the Director Regions, Southern, as delegate for the Minister for Planning, have determined, under section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 20 October 2016 for the proposed amendment to the Kiama Local Environmental Plan 2011 as follows:

Delete

"Planning proposal (Department Ref: PP\_2016\_KIAMA\_005\_00): for part of Lot 34 DP28122 and part Lot 243 DP30200, Iluka Reserve, Kiama Downs to amend Kiama LEP 2011 to:

- Reclassify the land from community to operational land and change interests; and
- Rezone land from RE1 Public Recreation to R2 Low Density Residential and amend the minimum lot size, building heights and floor space ratio control maps."

and replace with

"Planning proposal (Department Ref: PP\_2016\_KIAMA\_005\_00): for part of Lot 34 DP28122 and part Lot 243 DP30200, Iluka Reserve, Kiama Downs to amend Kiama LEP 2011 to:

- Reclassify part of the land from community to operational land and change interests;
- Rezone part of the land from RE1 Public Recreation to R2 Low Density Residential and amend the minimum lot size, building heights and floor space ratio control maps; and
- Rezone part of the land from R2 Low Density Residential to RE1 Public Recreation and amend the minimum lot size, building heights and floor space ratio control maps."

Dated 23<sup>RD</sup> day of MAY 2017

  
Karen Armstrong  
Director Regions, Southern  
Planning Services  
Department of Planning and Environment

Delegate of the Minister for Planning

Planning and Environment - Southern Region  
PO Box 5475 Wollongong NSW 2520 || T 02 4224 9450 | F 02 4224 9470 | [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)



## Alteration of Gateway Determination

*Planning Proposal (Department Ref: PP\_2016\_KIAMA\_005\_00): to reclassify (from community to operational land and change interests) and rezone part of Iluka Reserve, Kiama Downs to enable future residential development and to correct a mapping anomaly by rezoning part of the Reserve zoned Residential to Public Recreation.*

I, the Director Regions, Southern, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("the Act") to alter the Gateway determination dated 20 October 2016 (as since altered) for the proposed amendment to the Kiama Local Environmental Plan 2011 as follows:

Delete:

condition 5 - "The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.

and replace with:

a new condition 5 - "The timeframe for completing the LEP is to be **18 months** from the date of the Gateway determination."

Dated 14<sup>th</sup> day of August 2017.

  
Fatima Abbas  
Director Regions, Southern  
Planning Services  
Department of Planning and  
Environment

Delegate of the Minister for Planning



PP\_2016\_KIAMA\_005\_00 (16/13546)

Mr Michael Forsyth  
General Manager  
Kiama Municipal Council  
PO Box 75  
Kiama NSW 2533

Attention: Mr Edward Paterson

Dear Mr Forsyth

**Planning Proposal PP\_2016\_KIAMA\_005\_00 – Alteration of Gateway Determination**

I refer to your letter seeking an extension of time to complete the Planning Proposal PP\_2016\_KIAMA\_005\_00 to reclassify (from community to operational land and change interests) and rezone part of Iluka Reserve, Kiama Downs to enable future residential development and to correct a mapping anomaly by rezoning part of the Reserve zoned Residential to Public Recreation.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 20 October 2016 for PP\_2016\_KIAMA\_005\_00 (as altered). The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Lisa Kennedy to assist you. Ms Kennedy can be contacted on 4224 9457.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Fatima Abbas'.

**Fatima Abbas** 14.8.17  
Director Regions, Southern  
Planning Services

Encl: Alteration to Gateway Determination



**ORDINARY MEETING**

**15 SEPTEMBER 2015**

Report of the Director Engineering and Works

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

**13.1 Revenue Sub Committee**

- 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

Item 13.1

Item 9.4

**Summary**

On 15 April 2014, Council resolved to commence a reclassification/rezoning process in relation to land on the corner of Willawa Avenue and Fern Street Gerringong. On 20 May 2014 Council additionally resolved to commence a reclassification/rezoning process in relation to part of the Iluka Reserve at Kiama Downs. The intent of the rezoning/reclassification process is to allow part of the respective land areas to be sold and residential development to occur.

The planning proposals for the respective land are now able to be progressed however on the basis of the time elapsed since the previous resolutions, it is appropriate for Council to re-affirm its commitment to undertake the planning proposal process which will ultimately recommend the suitability of either/both sites being rezoned and reclassified as proposed.

**Finance**

The Revenue Sub-Committee recommends that Council commence the rezoning/reclassification process in relation to land surplus to Council's needs and which if sold will provide income for capital works and/or assist in long term financial sustainability.

**Policy**

N/A

**Attachments**

- 1 Iluka Reserve - plan of residential and public open space areas

**Enclosures**

Nil

Attachment 4

**RECOMMENDATION**

That Council formally proceeds with planning proposals for:

1. Part of the Iluka Reserve at Kiama Downs to create up to nine residential lots including open space embellishment over the remainder of the public reserve to meet community needs for future recreation activities in the area based on a masterplan including community consultation, and

**ORDINARY MEETING**

**15 SEPTEMBER 2015**

Report of the Director Engineering and Works

13.1 Revenue Sub Committee (cont)

- 
2. [Part of the land on the corner of Willawa Avenue and Fern Street Gerringong up to two residential lots.](#)

**BACKGROUND**

The Revenue Sub-Committee investigates opportunities for additional revenue raising activities for the development of future capital works. This can be achieved through the identification of surplus Council lands for development and/or sale as well as purchasing land for development, although the Committee does look at other means of achieving their objective not involving Council land and property directly.

The Revenue Sub-Committee has been assessing various Council-owned land which are not considered to have significant active community use and/or environmental values. If able to be supported for rezoning and reclassification, the lands provide opportunity for revenue for priority capital works and/or assisting long term financial sustainability if sold. All Councils are currently having to demonstrate their financial and operational sustainability in the longer term as part of the Fit for the Future requirements. This proposal is consistent with this Council's desire to continue to seek opportunities for on-going funding for community and service delivery.

**Willawa Avenue**

The land area is described as Lot 22 DP200176 and is currently zoned for residential purposes under Kiama LEP 2011. The land requires reclassification to operational to allow Council to subdivide/sell part of the land for residential purposes. The land does not have an active community use and is used at times for overflow parking in connection with the adjoining church. The land has some residential development potential with consideration having to be made with regard to retaining appropriate view lines to the adjoining heritage item (Uniting Church), existing vegetation around the boundaries of the site and geotechnical investigations to establish the usability of a section of the land generally in the centre of the site. Council has previously resolved to name the retained public reserve area as Arthur Campbell Reserve.

**Iluka Reserve**

The land area is described as Lot 34 DP28122, Lot 243 DP30200 and Lot 1 DP509019. The land potentially available for residential development is mostly zoned for residential purposes under Kiama LEP 2011. The land requires reclassification to operational as well as a rezoning of some of the land from Public Recreation (RE1) to subdivide/sell the land for residential purposes. The land sought for potential residential development is on the northern side of the reserve. A large area of the remainder of the site is subject to uncontrolled fill and geotechnical reports have established that these areas are unsuitable for development. However these areas continue to have open space and recreational potential which at this time is not maximised.

The area potentially available for residential development is about one-third of the total area of the Iluka Reserve and the majority of this section is currently zoned residential.

Iluka Reserve is almost two hectares in total area. It is not heavily used by the community in its current form and there are ongoing costs to maintain this reserve for

**ORDINARY MEETING**

**15 SEPTEMBER 2015**

Report of the Director Engineering and Works

13.1 Revenue Sub Committee (cont)

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the community. The potential residential development of the northern part of the reserve provides an opportunity for the retained public reserve to be properly masterplanned for future open space embellishment so the reserve can be better utilised by the community. The masterplan considerations would include but not limited to the relocation of the children's playground, continued and enhanced public access provision, alternative recreational usage options for the retained land including the long term use of the tennis courts on North Kiama Drive.

This open space masterplan can be undertaken with community involvement to determine and consider the various options and preferences available for the embellishment and long term use of Iluka Reserve. The embellishment would be able to be funded from revenue received from the residential sales of the identified land.

Item 13.1

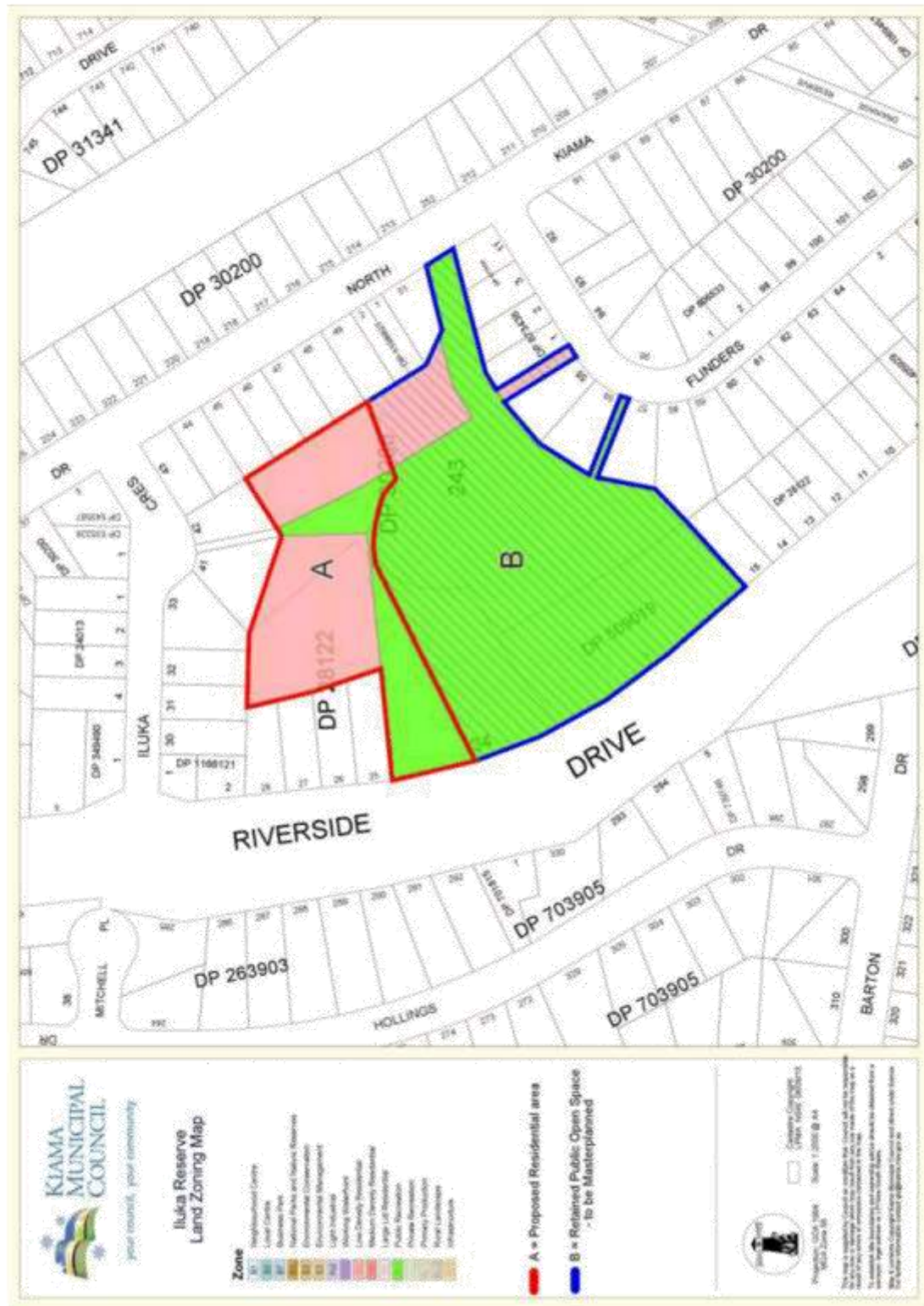
Item 9.4

Attachment 4



Item 13.1 - Revenue Sub Committee

Attachments 1 - Iluka Reserve - plan of residential and public open space areas



Item 13.1

Attachment 1

Item 9.4

Attachment 4

**MINUTES OF THE ORDINARY MEETING**

**15 SEPTEMBER 2015**

---

**13.1 Revenue Sub Committee**

*15/326*

**Committee recommendation** that the matters to be considered by Council be dealt with separately.

(Councillors Way and Steel)

*15/327*

**Committee recommendation** that Council formally proceeds with a planning proposal for part of the Iluka Reserve at Kiama Downs to create up to nine residential lots including open space embellishment over the remainder of the public reserve to meet community needs for future recreation activities in the area based on a master plan including community consultation.

(Councillors Way and Steel)

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

**Against:** Nil

*15/328*

**Committee recommendation** That Council not proceed with the planning proposal on the land at the corner of Willawa Avenue and Fern Streets Gerringong.

(Councillors Sloan and Reilly)

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

**Against:** Nil

**9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**

**9.2 Draft Crooked River Coastal Zone Management Plan - public exhibition**

*15/329*

**Committee recommendation** that Council endorse the Draft Crooked River Coastal Zone Management Plan to be placed on public exhibition for a minimum of 21 days and a further report be submitted to Council after the expiry of the exhibition period and consideration of submissions.

(Councillors Reilly and Sloan)

**PUBLIC HEARINGS REPORT**

**Item 9.4**

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

**Attachment 6**

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

**Prepared for  
Kiama Municipal Council**

**July 2017**

**COWMAN STODDART PTY LTD**

## PUBLIC HEARINGS REPORT

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

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Held at Kiama Municipal Council on 26<sup>th</sup> June and 3<sup>rd</sup> July 2017

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Our ref:	17/41
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Person presiding at Hearings:

Stephen Richardson, M. Appl. Sc., BTP (1<sup>st</sup> Class Hons),  
Grad. Dip. Env. Management, CPP, MPIA  
Town Planner and Director  
Cowman Stoddart Pty Ltd

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COWMAN STODDART PTY LTD

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Item 9.4

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- Annexure 1** Public Notice
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- Annexure 3** Written Statements

Attachment 6

Report on Public Hearings  
Kiama Municipal Council  
Re-classification of Various Sites

## 1.0 INTRODUCTION

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

The Public Hearings were specifically concerned with the following matters:

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

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

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

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

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

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



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**Report on Public Hearings**  
Kiama Municipal Council  
Re-classification of Various Sites

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

**Item 9.4**

**Attachment 6**

Report on Public Hearings  
Kiama Municipal Council  
Re-classification of Various Sites

## 2.0 THE PLANNING PROPOSALS THE SUBJECT OF THE PUBLIC HEARINGS

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

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

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

### 2.1 9 O'CONNELL PLACE, GERRINGONG

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

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

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

Report on Public Hearings  
Kiama Municipal Council  
Re-classification of Various Sites

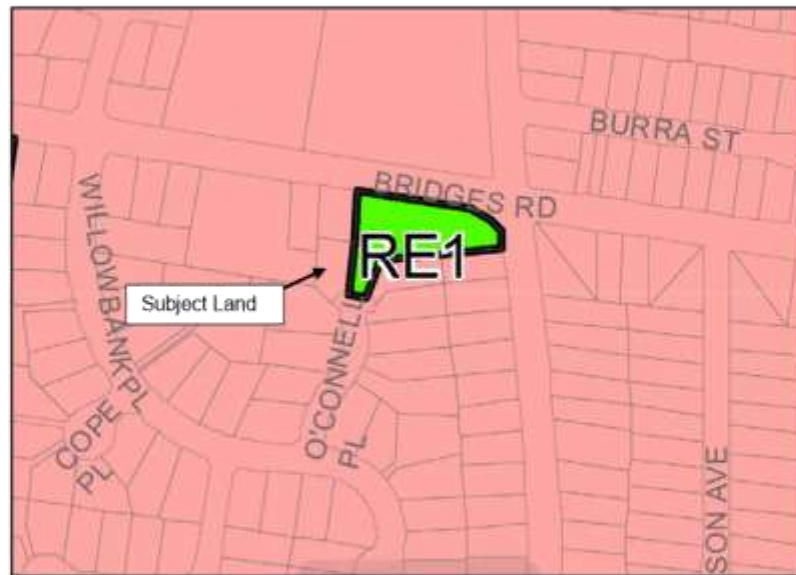


Figure 1: Zoning provisions applying to 9 O'Connell Place, Gerringong under Kiama LEP 2011.

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

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

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

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

Report on Public Hearings  
Kiama Municipal Council  
Re-classification of Various Sites

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



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

## 2.2 VARIOUS PARCELS, IRVINE STREET, KIAMA

This Planning Proposal concerns:

- Part Lot 12 DP 708075 (177 m<sup>2</sup>);
- Lots 36 (181 m<sup>2</sup>) and 45 (18.77 m<sup>2</sup>) DP 263449; and
- Lot 38 DP 630551 (186.5 m<sup>2</sup>).

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

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

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



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



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

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

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

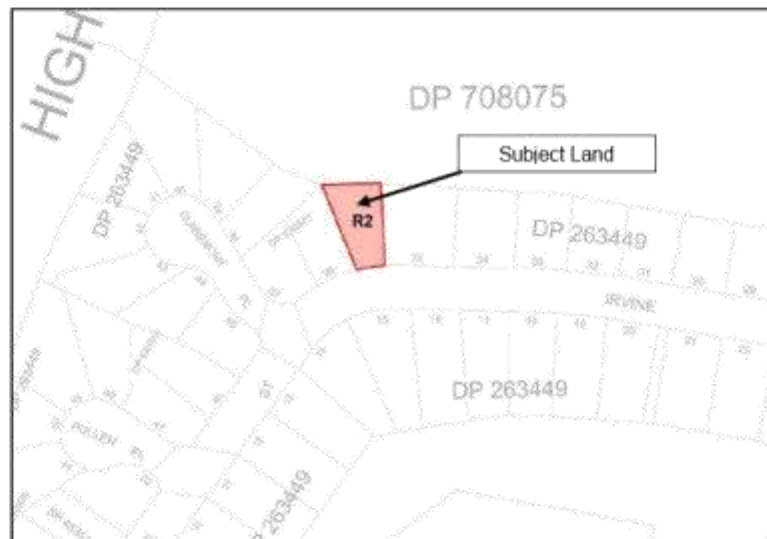


Figure 3: Proposed change in zoning under Planning Proposal.

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

2.3 VARIOUS PARCELS, ILUKA RESERVE KIAMA DOWNS

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

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



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



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



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



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

Item 9.4

Attachment 6

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

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

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

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

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

**Figure 5** details these proposed zoning changes.

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

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



Figure 4: Existing zoning provision under Kiama LEP 2011.



Figure 5: Proposed changes to zones under Planning Proposal.

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### 3.0 PUBLIC EXHIBITION

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

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

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

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

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#### 4.0 PUBLIC HEARINGS

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

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

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

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

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

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

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

This hearing commenced at 2:00 pm and was completed by 3:30 pm.

Nineteen (19) verbal submissions were heard at the hearing. No verbal submissions were made in relation to the Irvine Street Kiama Planning Proposal; three (3) verbal submissions were made in relation to the O’Connell Place, Gerringong Planning Proposal; fourteen (14) verbal submissions concerned the Iluka Reserve Planning Proposal; while two (2) submissions were of a general nature.

The public hearing at Kiama Municipal Council Chambers on the 3<sup>rd</sup> July 2017 was also attended by Mr Richardson (Chairman); Council staff – Kerry McMurray (Deputy General Manager), Phil Costello (Director of Environmental Services), Mark Lyndon (Manager Strategic Planning) and Edward Paterson (Strategic Planning Officer).

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A register of people attending this second hearing was kept and shows 20 people in attendance, and is also included in **Annexure 2** to this report. As with the first meeting, it was evident that not everyone who attended the hearing chose to list their attendance, as a 'count of heads' indicated that at least 36 members of the public were in attendance at this second public hearing.

This second public hearing commenced at 7:00 pm and was completed by 8:15 pm.

A total of fourteen (14) verbal submissions were heard at this hearing. Two (2) verbal submissions were made in relation to the Irvine Street Kiama Planning Proposal; four (4) verbal submissions were made in relation to the O'Connell Place Gerringong Planning Proposal; and eight (8) verbal submissions concerned the Iluka Reserve Planning Proposal.

Several submissions (four) were made by the same members of the public at both hearings.



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## 5.0 ISSUES RAISED AT PUBLIC HEARINGS

The following section of the report provides a summary of the issues raised by the individual verbal submissions made to the Public Hearings. Also included are summaries of responses from Council staff made to specific verbal submissions.

### 5.1 PUBLIC HEARING ON 26<sup>TH</sup> JUNE 2017

#### 5.1.1 Irvine Street Kiama Planning Proposal

No verbal submissions were made in relation to this Planning Proposal.

#### 5.1.2 9 O'Connell Place Gerringong Planning Proposal

##### *Public Submissions*

1. Diana Cahill (10 O'Connell Place, Gerringong)

Issues raised:

- Lack of sufficient consultation - was only advised of Planning Proposal on the day of the Public Hearing. Indicated that no-one in the local community was aware of this matter.
- Concerned as to whether the property would be sold on the open market or whether the property would only be made available to The Housing Trust.
- Concerned that the land could be re-developed to provide more than a single dwelling house.

2. Sharon Thistlewaite (9 O'Connell Place, Gerringong)

Issues raised:

- Has resided within the subject premises for 21 years.
- Has not been consulted about the Planning Proposal.
- Concerned that Planning Proposal could result in a change in her circumstances as a long term resident of the dwelling.

3. Cheryl Williams (7 O'Connell Place Gerringong) and her partner, Paul Urqhart

Issues raised:

- Lack of sufficient consultation – only heard about the Planning Proposal on Friday 23<sup>rd</sup> June 2017 (ie. the week before the Public Hearing).
- Indicated that they have been denied an opportunity to properly consider Planning Proposal.



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- Concerned that Council is not being transparent in its dealings in connection with this matter.

In a second separate submission Mr Urquhart raised following issues:

- Raised general comments in relation to:
  - Concerns about the adequacy of Council's community consultation with respect to these planning proposals, which has arisen from public submissions to the hearing.
  - Enquired as to extent of communication between Council and The Housing Trust with respect to the future sale of the subject land and whether such would be by way of a public tender.

**Council Staff Responses**

Mark Lyndon

- The public exhibition included notification of adjoining land owners by letter.
- The ability to re-develop the site will be dictated by the R2 zoning that applies to the site. The Planning Proposal will not alter this situation.
- All information relevant to the Planning Proposal is available on Council's web site.
- The future development and land use of the site will be a future decision for Council.
- Acknowledged that Council may need to review how best to consult with the local community in the future.

Phil Costello

- Written public submissions can still be made in relation to the Planning Proposal. Indicated that an extension of time will be provided.
- Indicated that Council may need however to review how it undertake its notification of Planning Proposals in the future.

**5.1.3 Iluka Reserve Planning Proposal**

**Public Submissions**

1. Gloria Hodgson (4 Iluka Crescent, Kiama Downs)

Issues raised:

- Has been a resident of this area for 51 years.
- Queried why Council was only now deciding to sell this land after all these years.

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- Raised concern about the suitability of the land for development given it contains a large waterlogged area particularly after rainfall.
- Raised concern that the land was not safe enough for development.

2. David Connolly (92 Riverside Drive, Kiama Downs)

Issues raised:

- Council provides insufficient evidence to justify that Iluka Reserve is underutilised. There is no strategic rationale or methodology demonstrating that the reserve is underutilised. There has also been no community consultation to ascertain the usage of the reserve.
- Council's strategic planning to date has been based upon the Kiama Urban Strategy (KUS). Council went through an exhaustive process in formulating the KUS. The KUS however does not identify Iluka Reserve for urban subdivision.
- It cannot be argued that Iluka Reserve was simply missed when the KUS was formulated as other land in the vicinity was identified such as the Railcorp Surplus land identified as "18" in the KUS.
- Rezoning and reclassifying Iluka Reserve will set an undesirable precedent for Council to rezone other public open space reserves within the LGA for development.
- Furthermore such will undermine the KUS which has been used to guide planning proposals within the LGA. Council will be unable to rely upon the KUS to direct future planning proposals as they themselves have undermined the KUS by seeking to rezone land not identified in the KUS.
- Such a proposal will also likely raise issues having regard to the requirements of Council's DCP:
  - Residential amenity.
  - Development could be developed into 18 dual occupancies – if this were to occur how could 36 bins be collected?
  - Little consideration has been given to flooding. The site is at the low end of a drainage catchment and little consideration has been given to flood levels.
  - Are acid sulphate soils present?
  - Concerns raised about future earthworks to be constructed for any subdivision and future development on land that is known to be contaminated.

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- Iluka Reserve has a category 2 watercourse that flows through the site.
- Considerable community opposition to the Planning Proposal.
- Submission recommends:
  - Planning Proposal be refused:
  - An audit be conducted to examine whether lands identified in KUS are "fit for purposes".
  - A comprehensive overhaul of KMC customer engagement policies and the development of a customer contact unit and a focus on engagement with the community.
  - That the quarry redevelopment is imminent and that usage patterns of the reserve will also change.

*(It should be noted that Mr Connolly tabled a written statement that he referred to during his public submission. A copy of that written statement is included as Annexure 3 to this report.)*

3. Brian John Beckwith (10 Iluka Crescent, Kiama Downs)

Issues raised:

- Local residents have not been adequately or properly consulted and therefore questioned the legality of the Planning Proposal. Local residents need to be better informed.
- This park identified as a reserve since 1974, however Council has not made any effort to encourage the public to use the reserve.
- Objects to reclassification of reserve.
- The reserve is not owned by Council. It is land that was paid for by the community of Kiama Downs.
- Council rates should be directed to the upkeep and maintenance of the reserve.
- Council should not be selling off land that is owned by the Kiama Downs community.

4. Ray Smith (149 Charles Avenue, Minnamurra)

Issues raised:

- Has resided in area for 39 years.
- Kiama is a predominantly rural area with unique villages. All development occurs within the villages, with density of development increasing within these villages.

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- Increasing residential densities within established areas will require open space. Existing open space that is owned by the community should be kept as open space.
- Also raised concerned about future development:
  - A 6 m wide street will not provide sufficient width for Council service vehicles.
  - People will be unable to find car parking along the street, particularly visitors to allotments within the future subdivision of the land.

5. Max Reitze (71 Newings Circuit, Kiama Downs)

Issues raised:

- This reserve was set aside many years ago.
- The reserve is used by local children to ride their bikes.
- Council needs to better justify that park is currently not sufficiently utilised.

6. Wendy Smith (53 North Kiama Drive, Kiama Downs)

Issues raised:

- The site has drainage issues and is a quagmire.
- The local community needs green spaces – Council should not be reducing green spaces.
- The public consultation associated with this Planning Proposal has been inadequate.

7. David Murray (47 Flinders Avenue, Kiama Downs)

Issues raised:

- Has resided in the area for 17 years.
- The site was previously an old tip. When part of the site was developed a lot of rubbish was taken out.
- Vehicle access along Riversdale Drive will be dangerous. Vehicles heading south generally exceed the speed limit. He has concerns about safety of future residents wishing to enter and leave the future development due to poor sight distance and speeding vehicles from the south.
- Also raised concerns about the financial viability of the future development. Costs associated with roads, water and sewer, with only 9 residential allotments identified, may not be financially viable.

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- If this rezoning and reclassification proceeds where does it end – other open space reserves will also face possible rezoning with the loss of open space for future generations the result.

8. Leonie Newman (8 Iluka Crescent, Kiama Downs)

Issues raised:

- Originally purchased her land due to the location of the reserve.
- Even though she may not directly use the reserve she still “enjoys” the reserve as her property overlooks the reserve and she gains enjoyment from being able to overlook the reserve.

9. Gareth Ward - Member for Kiama (102 Terralong Street, Kiama)

Issues raised:

- Opposed Council's Planning Proposal to rezone and reclassify open space for residential purposes.
- Need to consider the wishes of the local community.
- He has received many representations from the local community objecting to this Planning Proposal.
- Nine (9) residential allotments will not overcome housing provision with Kiama.
- There are many other opportunities for residential land development such as the re-development of Bombo quarry.
- Has a genuine concern about loss of public open space. Open space is one of the reasons people choose to live in this area.
- Concern about precedent it may set for other future proposals that will result in erosion of public open space with the LGA.

10. Roger Fife (59 Collins Street, Kiama)

Raised the following general issues:

- Kiama comprises villages and the local community is lucky to live in this area. There is an obligations on the community to care for the area.
- Tourists also visit the Kiama and are important for the Kiama economy. There is therefore an obligation to care for the natural beauty of the area.
- Given these circumstances there is great merit in looking after the areas open space and to manage it appropriately.

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11. John Daniel (11 Iluka Crescent Kiama Downs)

Issues raised:

- Raised concerns about the practicality of the proposed future residential development of the reserve:
  - Riversdale Drive is a shortcut for traffic travelling to the Princes Highway. A lot of traffic travel along this road and at high speed. Raised traffic safety concerns for a new road access at this location.
  - The proposed road to serve the future residential subdivision is very narrow and will not provide sufficient room for visitors to park along the road.
- Objects to the Planning Proposal.

12. Coralie Stapleton (Castle Hill)

Raised following question:

- Does Council have a program for re-classifying land?

**Council Response**

Edward Patterson

Mr Paterson responded to this question by advising that Council's Revenue Sub-Committee, which included Councillors and staff, review a range of properties, including a number of reserves, on an on-going basis. Not all lands investigated by the Committee were identified for re-classification.

13. Lyn Hazel (32 Flinders Avenue Kiama Downs)

Issues raised:

- Has resided in area for 40 years and has watched area change over that time.
- Raised concerns about traffic accidents along Riversdale Road with speeding vehicles.
- It is also her understanding that a sewerage easement crosses the land.
- Neighbours enjoy the reserve by sitting on their verandas to enjoy the outlook of the reserve. This enjoyment will be lost by the proposed rezoning and future development.
- Requested that Council leave the reserve as open space.

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14. Julianne Street (96 Riversdale Road, Kiama Downs)

Issues raised:

- Over the years has witnessed near misses along Riversdale Road. Due to crest and bend in road concern that the proposed entrance will be a blind corner that will raise traffic safety concerns.
- Also raised flooding concerns given land is located below a broader drainage catchment.

5.2 PUBLIC HEARING ON THE 3<sup>RD</sup> JULY 2017

5.2.1 Irvine Street Kiama Planning Proposal

1. Terry Gallagher (47 Wilsons Road Kiama)

Issues raised

- Community land has been acquired from donations by developers. Is the revenue obtained from the sale of such land following re-classification required to be used in the acquisition of additional community land; or to be used in the improvement of existing community land; or is revenue placed into general revenue.

**Council Staff Responses**

Edward Patterson

Unable to respond indicated he would take question on notice.

Kerry McMurray

Under the Local Government Act 1993 all Council land must be classified as either "operational" or "community" land. Council has classified land under its ownership on this basis.

"Community" land is not necessarily donated or "gifted", but may be acquired by any number of means. Notwithstanding how land acquired such land must be classified as either "community" or "operational".

2. Carmel Brodie (22 Irvine Street, Kiama)

Issues raised:

- Owns the adjoining property immediately to the south of the subject land. During severe rainfall events stormwater drains cannot cope with stormwater run-off. The stormwater drain to the south of their property overflows preventing runoff from draining away. Last four years they have had to make two insurance claims for stormwater damage. Development of the subject land will intensify



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

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

*(It should be noted that Mrs Brodie tabled a written statement that she referred to during her public submission. A copy of that written statement is included as Annexure 3 to this report.)*

**Council Staff Responses**

Edward Patterson

Under the Planning Proposal the land will be zoned R2 Low Density Residential. Furthermore a building height control of 8.5 m and a FSR limit of 0.45:1 will also apply. Council's existing development controls do make provision for privacy (such as setback limitations), building envelope restrictions as well as provisions for privacy and sunlight protection.

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

**5.2.2 9 O'Connell Place Gerringong Planning Proposal**

1. Diana Cahill (10 O'Connell Place, Gerringong)

Issues raised:

- Is it Council's intention to sell the property?
- If so will the property be sold on the open market? What guarantee will there be that land will be sold on open market?
- Local residents did not receive notice of second public hearing.

2. Darryl Klingon (47 Pacific Beach Road, Werri Beach)

- In the event that the property is sold would the leasee have first chance to acquire the land?

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- The broader community should have been notified of this Planning Proposal. Should not have just been adjoining residents but community wide.
- How was land originally classified as 'community' land?
- Where will revenue from sale be spent?
- Would residents have an opportunity for input into where revenue spent?

3. Don Coppack (1 O'Connell Place, Gerringong)

Issues raised:

- He was not aware of original meeting and was only made aware of the second meeting by letterbox drop last Friday.
- If the property is re-classified would the Housing Trust be able to re-develop the site for multiple dwellings. How many dwellings could be developed in this land?
- Is there a requirement for land to be sold publically or is Council able to deal with leasee solely?

**Council Staff Response**

Mark Lyndon

- Under this Planning Proposal there is no change to the zoning provisions that apply to the land – the zone will remain R2 Low Density Residential. The maximum residential development potential yield under this zoning is dual occupancy development which enables a maximum of two dwellings to be constructed on one residential allotment.
- Council has not yet determined how or to whom the land will be sold.

4. Wayne Farquhar (8 O'Connell Place, Gerringong)

- The majority of the community are unaware of this planning process. Is this normal practice?
- The Planning Proposal documents are very complex and difficult to understand.
- Are there existing covenants or restrictions that apply to the land?
- Once re-classified will this make it easier to re-develop land for higher density development?

**Council Staff Response**

Mark Lyndon

There are no specific restrictions that apply to the land.

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Under the Local Government Act a public hearing is required where a proposal seeks to re-classify community land to operations land. This is normal practice. The development potential of the land is dictated by the zoning provisions that apply to the land. The land is zoned R2 and this Planning Proposal will not alter the zoning provisions that apply to the land. Higher density residential is not permissible under this zoning. To re-zone the subject land to permit higher density development would be an anomaly given the prevailing low density residential zoning that applies to this area and such would not be supported.

### 5.2.3 Iluka Reserve Planning Proposal

#### Public Submissions

##### 1. Councillor Mark Way (178 North Kiama Drive, Kiama Downs)

Issues raised:

- Spoke in favour of Planning Proposal.
- Travels past reserve at least 4 times per day and does not observe it being used. The reserve is not used in his view.
- The Planning Proposal will provide opportunity to improve facilities provided at reserve.
- He is a supporter of improving community facilities. He supported retaining and refurbishing the existing tennis courts within the reserve, and retaining the facility as a community facility.
- Only a small portion of the site is proposed for residential – the majority will be retained as reserve.
- He objects to the false information and advertising in the local media that has been undertaken to discredit the Planning Proposal.
- In his view there are many people in Kiama Downs who support the Planning Proposal.
- He estimates that sale of land will recoup \$1.5 million for Council which will be able to spent on local facilities.
- He is in favour of Planning Proposal as it will enable improvements to local facilities with re-investment in the community to benefit the local community.

##### 2. Shon Gallagher (92 Riverside Drive, Kiama Downs)

Issues raised:

- Objects to Planning Proposal

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- Lack of communication about Planning Proposal. Scheduling of public hearing inappropriate – re-scheduling of hearing only occurred after objections were raised about initial meeting scheduled during an afternoon and at a time that was not convenient for many in the community to attend.
- Lower level of reserve is contaminated. Better quality part of reserve is the higher part of the site and it is this better area that is proposed to be developed for residential development. The better land within this reserve will therefore be lost for open spaced use.
- Concerned about environmental impacts associated with proposal – adverse flora and fauna impacts.
- The park has not been designed for small children in mind. No swings or slides. Many dangers within existing park.
- Children do play in the park each day.
- A level 2 watercourse flows through the reserve. The reserve encounters flooding when it rains.
- *"Life is not sustained by bricks and mortar – green spaces are required for children."*

3. Gloria Hodgson (4 Iluka Crescent, Kiama Downs)

Issues raised:

- Has resided in area for 51 years. The existing reserve was developed under the Whitlam Governments "Red Scheme", with trees planted in the park.
- The reserve is affected by flooding within the lower area.
- There are always people within the park. People walking dogs, children kicking footballs.
- The reserve suffers from drainage issues as it can become very boggy following rainfall.
- It would be a shame if reserve developed.

4. David Connelly (92 Riverside Drive, Kiama Downs)

Issues raised:

- Planning Proposal inconsistent with Council's stated Strategic Planning Directions.
- Proposal also inconsistent with the objectives outlined in clause 6.3(b) of the Kiama LEP 2011. Council needs to ensure development is compatible with the

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land's flood hazard, taking into account projected changes as a result of climate change.

- The existing reserve is effected by flooding, particularly lower level area of reserve. But the better elevated area is to be developed for residential development. This better quality land will be lost for open space.
- Planning Proposal is not in the public interest. The Planning Proposal is not infill development as it is seeking to develop existing park land. The land is not residential land.
- The proposed driveway access is situated within the stormwater drain – how is stormwater to be managed?
- Concerned about how bin collection will be undertaken within such a narrow driveway access.
- Concerned about site contamination issues.

5. Barbara Owens (24 North Kiama Drive, Kiama Downs)

Issues raised:

- If Council are of the view that the reserve is not utilised – Council could invest funds to upgrade reserve without the need to sell land off the reserve.
- The sale of the reserve would be a long term loss for only a short term gain.
- The community needs open space; as does local fauna and flora.
- Once the reserve is gone it will be gone forever.

6. Brian Beckwith (10 Iluka Crescent, Kiama Downs)

Issues raised:

- The proposed residential development will be an estate within an estate.
- Any future residential development will require building restrictions. Dual occupancy or duplex developments will not be in keeping with locality.
- "Battleaxe" lots with four separate lots using the same driveway would not be suitable.
- A lot of people use the reserve during mornings, afternoons and on weekends.
- If facilities were improved the reserve would be better used.

7. Don Hazell (32 Flinders Avenue, Kiama Downs)

Issues raised:

- Resides opposite walkway.

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- The reserve was originally a steep ravine, with flora and fauna.
- The park was originally a waste dump which has been covered over. The tennis courts were developed following these works.
- Green spaces make the area beautiful.
- Given the physical constraints associated with the site Council may not achieve the profit that they envisage; however this green space will be lost forever.

8. Glenn Grigg (24 Cathedral Rocks Road, Kiama Downs)

Issues raised:

- What is the primary reason for the sale of the reserve?
- Where will money raised from the sale of the reserve be spent?

**Council Staff Response**

Edward Patterson

- The site was identified through Council's Revenue Sub-Committee. A portion of the reserve was identified as surplus and suitable for re-classification and sale.
- Revenue raised for the sale of land could be re-used to improve facilities within the park – but this would require separate resolution of Council.

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Re-classification of Various Sites

## 6.0 MAIN ISSUES

In summary, the Public Hearings combined heard a total of thirty-three (33) verbal submissions over the two public hearings. Two (2) verbal submissions were made in relation to the Irvine Street, Kiama Planning Proposal; seven (7) verbal submissions were made in relation to the O'Connell Place, Gerringong Planning Proposal; twenty-two (22) verbal submissions concerned the Iluka Reserve Planning Proposal; while two (2) submissions were of a general nature. Several submissions (four) were made by the same members of the public at both hearings.

The following is a summary of the main issues that have arisen from the verbal submissions heard at the Public Hearings.

### 6.1 IRVINE STREET, KIAMA PLANNING PROPOSAL

- Questioned how revenue gains from subsequent land sale following re-classification is used. For instance either in acquiring new community lands; improving existing community land; or is it consolidated into general revenue.
- The future development of the subject land following re-classification and rezoning has the potential to exacerbate existing stormwater drainage problems in street. The existing stormwater drainage issues need to be resolved before further development of the subject land.
- The future development of the subject land following re-classification and rezoning has the potential to adversely impact the amenity of adjoining property to south in terms of privacy and overshadowing. These issues need to be considered with any future development of the subject land.

### 6.2 9 O'CONNELL PLACE, GERRINGONG PLANNING PROPOSAL

- The majority of the submissions raised in relation to this Planning Proposal criticised the extent of community consultation that was undertaken in relation to the notification of both the Planning Proposal as well as the public hearing. The submissions argued that the lack of appropriate consultation denied the community an opportunity to properly consider the Planning Proposal.
- Concerns were raised as to whether following re-classification of land whether land would be sold on open market by public tender or whether the property would only be made available to the Housing Trust. Concern was also raised as to the extent of discussions that had already occurred between Council and the Housing Trust with



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Kiama Municipal Council  
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respect to the future sale of the property, and whether Council had given any commitments to sell the land to the Housing Trust.

- Concern was raised that Council had not been open and transparent in its dealings with this matter.
- Concern was raised as to how revenue from any sale would be spent and whether the community or local residents would have say on how this money is spent.
- Concern was raised as to whether following re-classification whether the land could be re-developed into multi-dwelling housing development.
- Concerns raised about the complexity of the Planning Proposal documents and the ability for the wider community to be able to interpret these documents.

### 6.3 ILUKA RESERVE PLANNING PROPOSAL

Of the twenty-two (22) submissions that were made in relation to the Iluka Reserve Planning Proposal, one public submission spoke in favour of the Planning Proposal; while the remaining twenty-one (21) public submissions either opposed or raised concerns in relation to the Planning Proposal.

Reasons given for support of Planning Proposal:

- The existing reserve is underutilised.
- The Planning Proposal will provide a means of obtaining revenue that could be used to improve facilities within the remainder of the reserve that would make it more attractive to the local community.
- Only a small proportion of the reserve has been identified for residential development – the majority of the reserve would remain as open space under the Planning Proposal.
- Concern was raised in relation to the false information and advertising that was being circulated within the local community attacking the Planning Proposal.

Reason given for Objection to the Planning Proposal:

- Concerns about inadequate communication and consultation about Planning Proposal. Local community not provided sufficient opportunity to consider and comment on Planning Proposal.
- Many submissions raised concerns about the suitability of the land for residential development:

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- The reserve is largely flood prone.
- The reserve experiences drainage problems and becomes waterlogged after rainfall.
- The land was previously used for dumping of rubbish and is contaminated.
- The potential presence of acid sulphate soils.
- Category 2 watercourse flows through reserve.
- Council has provided insufficient justification that Iluka Reserve is underutilised. There has been no community consultation to ascertain the usage of the reserve or that would justify the view that the reserve is not sufficiently utilised.
- Iluka Reserve is used by the local community:
  - Children play in the reserve
  - People walk dogs in the reserve
  - Surrounding residents enjoy the reserve as it forms a backdrop from neighbouring properties. Many residents enjoy the view of the reserve from their properties.
- The Planning Proposal is inconsistent with the Kiama Urban Strategy (KUS). The KUS does not identify Iluka Reserve as a potential urban expansion area. There is no strategic planning merit to justify rezoning and re-classifying Iluka Reserve for residential development. The Planning Proposal is not infill development as it involves rezoning open space for residential development. Such will undermine the KUS and set an undesirable precedent for further Planning Proposals in the LGA.
- Rezoning open space for residential purposes will also set an undesirable precedent for other open space within the LGA resulting in the erosion of open space within the LGA.
- The development of the reserve to create nine (9) residential allotments will not overcome housing shortfall in Kiama but will result in loss of valuable open space. There are other opportunities for residential land development within Kiama (such as the redevelopment of Bombo quarry). There is a lack of demonstrated justification for the need for this housing in this location.
- Future residential development would raise difficulties in terms of:

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- Amenity impacts to surrounding properties. Dual occupancy development for instance would be inconsistent with prevailing character of development in the area.
- Servicing, in particular waste collection, with up to 36 bins potentially requiring to be picked. The proposed access road would be inadequate to accommodate such service vehicles.
- Inadequate road width for future residential traffic.
- No provision for visitor parking in proposed street.
- Future location of intersection of proposed access road is in a dangerous position with respect to traffic travelling along Riverside Drive. The road has a difficult alignment at this location with poor sight distance. Furthermore vehicles travel at speed along Riverside Drive. This will create traffic safety issues for future residents.
- Part of the reserve should not be sold off to finance improvements to the reserve. Rather Council's rates should be used to maintain and improve reserve. The sale of the reserve is a long term loss for only short term gain.
- Increasing residential densities within the existing residential areas of the local government area will require adequate supply of open space. Existing open space should therefore be retained as open space for future community.
- Concerns raised about whether Council's anticipated revenue gains from development of site will be realised given the constraints suffered by the site including contamination issue, drainage and associated construction difficulties. If revenue not realised community will have lost valuable open space without any return.
- The local community needs open space. Council should not be reducing the amount of open space available for the local community.

Report on Public Hearings  
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## 7.0 CONCLUSION

Public Hearings were held in accordance with the provisions of Section 29 of the Local Government Act 1993 with respect to the re-classification of various parcels of land from "Community" land to 'Operational' land within the Kiama Municipal local government area. .

The Public Hearings were specifically concerned with the following matters:

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

This report details the results of the public hearings into these three Planning Proposals.

Two separate public hearings were held in relation to these matters, one on the 26<sup>th</sup> June 2017 attended by 40 people and the other on the 3<sup>rd</sup> July 2017 attended by 36 people.

Combined a total of thirty-three (33) verbal submissions were heard during the two public hearings. Two (2) verbal submissions were made in relation to the Irvine Street, Kiama Planning Proposal; seven (7) verbal submissions were made in relation to the O'Connell Place, Gerringong Planning Proposal; twenty-two (22) verbal submissions concerned the Iluka Reserve Planning Proposal; while two (2) submissions were of a general nature. Several submissions (four) were made by the same members of the public at both hearings.

The two public submissions made in relation to the Irvine Street, Kiama Planning Proposal differed in so far that one was concerned with how revenue obtained from the subsequent sale of the land following re-classification will be used. The other submission raised specific issues of concern in terms of stormwater management, and potential privacy and overshadowing impacts following any future development of the land following its re-classification and rezoning.

Report on Public Hearings  
Kiama Municipal Council  
Re-classification of Various Sites

The majority of the seven (7) public submissions made in relation to the O'Connell Street, Gerringong Planning Proposal criticised the extent of community consultation that was undertaken in relation to the notification of both this Planning Proposal as well as the public hearings. According to many public submissions this lack of consultation denied the community an opportunity to properly consider and comment on this Planning Proposal.

Concerns were also raised by many public submissions in relation to this Planning Proposal as to whether the land following re-classification would be sold on open market by public tender or whether the property would only be made available to the Housing Trust. Concerns were also raised as to the potential that the land could be redeveloped for higher density residential development.

By far the Planning Proposal that raised most community interest at the public hearings concerned the proposed rezoning and reclassification of land within Iluka Reserve at Kiama Downs. Twenty-two (22) verbal submissions were made before the public hearing relating to this Planning Proposal. Twenty-one (21) submissions objected or raised concerns in relation to this Planning Proposal; while one (1) submission was in favour of the Planning Proposal.

The submission in support of the Planning Proposal in summary outlined that; the reserve was underutilised; the land affected by the Planning Proposal involved only a small portion of the overall reserve; and the Planning Proposal would provide the opportunity to invest funds obtained from the sale of land back into improvements to the reserve.

The submissions made objecting to this Planning Proposal raised a number of areas of concern and these are summarised in this report. In particular concerns ranged from:

- rejecting the notion that the reserve was underutilised, indicating that the reserve was used by the local community;
- concerns that the Planning Proposal did not sufficiently demonstrate or justify the reserve was presently underutilised;
- The loss of open space for residential development would set an undesirable precedent and would undermine future open space provision for an increasing population;
- there was a lack of strategic planning merit underpinning the Planning Proposal;
- the subject land presented physical constraints for future residential development. Such constraints could undermine the financial viability of any future development scenarios;
- future residential development in this particular location would also potentially create traffic safety and amenity impacts within this locality.

**Report on Public Hearings**  
Kiama Municipal Council  
Re-classification of Various Sites

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Pursuant to Section 47(G)(3) of the Local Government Act, no later than 4 days after Council has received this report of the results of the Public Hearings held in relation to these Planning Proposals; Council must make a copy of the report available for the inspection by the public within the local government area.



Stephen Richardson  
Director and Town Planner  
COWMAN STODDART PTY LTD

**Item 9.4**

**Attachment 6**

# **ANNEXURE 1**

**Item 9.4**

**Public Notice**

**Attachment 6**

**Public Hearings Report  
26<sup>th</sup> June and 3<sup>rd</sup> July 2017**

**COWMAN STODDART PTY LTD**





**Public Hearing**

Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Iluka Reserve, Kiama Downs  
Lot 208 DP 792192, 9 O'Connell Place, Gerringong  
Part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 & Lot 38 DP 630551, Irvine Street Kiama

In accordance with Clause 29(1) of the *Local Government Act 1993* a Public Hearing will be held on Monday 26 June 2017 commencing at 2pm in Council's Administration Building, 11 Manning Street, Kiama to discuss the reclassification of community land to operational land at:

- Iluka Reserve, Kiama Downs.
- 9 O'Connell Place, Gerringong.
- Irvine Street, Kiama.

Members of the public are invited to attend this Public Hearing. Enquiries should be directed to Edward Paterson of Council.

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Advertised in The Bugle 17/6/17

# **ANNEXURE 2**

**Item 9.4**

## **Register of Attendees to Public Hearings**

**Attachment 6**

**Public Hearings Report  
26<sup>th</sup> June and 3<sup>rd</sup> July 2017**

**COWMAN STODDART PTY LTD**

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# **ANNEXURE 3**

**Item 9.4**

## **Written Statements**

**Attachment 6**

**Public Hearings Report  
26<sup>th</sup> June and 3<sup>rd</sup> July 2017**

**COWMAN STODDART PTY LTD**

Greg and Carmel Brodie



30/6/2017

To General Manager,

Re: SC2676

Rezoning Lot 38, DP 630551

We have two concerns:

- 1) Our block sits immediately south of above land. During severe heavy rain events the street storm water drains already cannot deal with the run off. The storm water drain is situated just south of our block, overflows causing our runoff not to be able to escape and at times causing backflow. Just in the last four years we have had to make two insurance claims for flooding caused by storm water damage. A building on the adjoining block will affect the natural run off and spill more water into storm water drains causing us more frequent damage. Do you intend improving storm water drains?
- 2) The property we purchased was designed and built with all living areas facing north east overlooking the park. This home would never have been designed in this format if the adjoining block was a vacant block that could have been built on. If this is to go ahead will there be restrictions on the building to secure a degree of privacy and retain some sunlight?

Yours sincerely

Greg and Carmel Brodie

Handwritten signatures of Greg and Carmel Brodie in black ink.



Afternoon All,



Well before we really get going in this matter there's a few statistics that I would like to share with you, The first is in relation to planning proposals generally, planning proposals are meant to be the exception to the rule, so to speak - I went to the Sutherland Shire Council website and examined the number and scope of their proposals - it works out to one proposal per 50 thousand people roughly. Kiama's is roughly 2600 people, which indicates at least a reliance on property sales to fund council activities.

Also why Iluka? I have heard the no one uses it argument time and time again, nothing could be further from the truth - Iluka has been a poor cousin to be sure but even yesterday in the cold winter wind here is a couple of people walking a dog watching people play tennis. Also it seems a premature argument with the quarry redevelopment to be undertaken on its doorstep!

So what evidence does council have to support its claims? Well I don't know because they haven't bothered to advise of any, no strategic rationale in the sale, no selection methodology, no business case, no community involvement, no say in anything, nothing. Simply nothing. Now have a think about this, the council has had years to address these issues and they haven't? Why not??

Moving on to the proposal itself I have had a number of concerns in relation to this development and I will go through some briefly as I only have 5 minutes to speak but will deal with that in greater detail in my written submission.

This matter came to my attention through being woken by the metallic sound of heavy machinery working - it would have to be almost 2 years ago, little did I know that it would result in me being here today.

The planning proposal as it stands has shortcomings both legally and morally which render it unsupportable.

The Kiama Urban Strategy which has been the bible for development has been ignored in the preparation of the proposal and to be blunt Iluka is not in the urban strategy along with a number of reserves deliberately - I note that area 18 adjoins Iluka reserve, so what your trying to tell me is that an entire committee missed seeing Iluka whilst observing the turning circle at Barton Drive?

I further note that the mayor has said that a Jamberoo proposal must go ahead because it's in the strategy must be developed because it's in the urban strategy but Iluka is not in the urban strategy and for that reason it must be developed!

You will notice the land to the south of number 92 Riverside Drive has a RE1 Zoning this land is classified as Reserve and public recreation. Any form of approval will set an unwanted precedent and expose areas to development such as Kiama to Jamberoo, Kiama to Gerringong and Gerroa to name just a few. Any number of developers will be queuing up!

As it has basically been the council bible for development and has been used quite successfully as the western boundary line for development.

They were exhaustive in the examination of the LGA for suitable land to develop as you will see in the next email where I will attach a link to the strategy.

The LEP also has a number of significant unresolved

6.1 Acid Sulfate soils have been noted close by - are we aware as to what exactly the soil is since some of the area is fill?

I draw your attention to Part 6.2 Earthworks - specifically 6.1 and 6.3.

This Part of the LEP has been totally ignored in the making of this proposal and will prohibitively expensive to address, even in stage 1 the housing access road and parking are traveling across known contaminated lands which you must deal with under the provisions of SEPP 55. I have already discussed this matter with the EPA NSW and can advise that the current method of leaving asbestos etc in situ is to "cap" it with 2 meters of clean fill, there are alternatives to the clean fill but these are technologically based and still requires a half a meters depth.

It should be noted that any capping will have further environmental consequences and would possibly require the raising of Riverside Drive.

The proposal fails 6.3 Flooding as there has been no examination of the flooding risk to the premises - there are a number of natural springs in the area that would be impacted by hardstand areas, it is also another reason for a refusal of consent that the proposal is being built in a stormwater drain.

6.4 Riparian and watercourse land

Iluka Reserve has a level 2 watercourse within the LEP which again restricts certain types of activities and consents.

Furthermore Indications of community opposition to the proposal have come through a petition opposing the proposal

There is also a number of internal policy issues that will be provided to show that this proposal cannot not be approved. The planning agreement policy and the planning proposal policy are two that come to mind

I would like to offer an alternative, I offer the following compromise with the quarry development within 300 meters, the boardwalk development fully funded by the state that Iluka Reserve be allowed to reach its true potential funded by money raised through the quarry development that the reserve be rebuilt so as to allow the entire community to have access, with the many residents of the quarry only a bridge away the utilisation of the council assets will skyrocket- FACT the assets in the reserve such as the clubhouse the tennis courts can be the nucleus of a sport park with cycle tracks, fitness equipment etc

Recommendations

1. That the planning proposal be refused and
2. An audit be conducted to examine in a strategic sense regarding the lands identified in the KUS to see if they are "fit for the purpose"
3. A comprehensive overhaul of KMC customer engagement policies and the development of a customer contact unit and a focus on engagement with the community.
4. That it be noted that the quarry redevelopment is imminent and that useage patterns of the reserve will also change.

**9.5 Planning Proposal - 105 Shoalhaven Street - Community Facility as Additional Permitted Use - Lions Club Respite Care**

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

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

Delivery Program: 2.1.1 Develop and implement appropriate land use plans

**Summary**

The Planning Proposal (PP) for an additional permitted use for a community facility over part of Lot 102 DP 775450 - 105-109 Shoalhaven Street, Kiama was endorsed for Gateway Consideration by Council on 2 February 2016. The Department of Planning and Environment granted a Gateway Determination on this proposal on 11 April 2017. In accordance with the conditions of this determination Council placed the Planning Proposal and supporting information on exhibition for a period of 28 days.

As no submissions were received this report seeks endorsement to proceed with the amendment to the *Kiama Local Environmental Plan 2011*.

**Finance**

N/A

**Policy**

N/A

**Attachments**

- 1 Exhibition Map - Lions Club Respite Care Centre- 105 Shoalhaven Street [↓](#)
- 2 Planning Proposal to amend Kiama LEP 2011 - EPA Response [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council proceed with the preparation and finalisation of the draft *Kiama Local Environmental Plan* and mapping amendment in conjunction with Parliamentary Counsel and the Department of Planning and Environment.

**BACKGROUND**

Council resolved to prepare a Planning Proposal to permit a respite centre for carers of people with disabilities at its ordinary meeting on 2 February 2016.

**10.1 105 Shoalhaven Street, Kiama - Kiama Lions Club****Disclosure of Interest - Councillor Steel**

*Councillor Steel declared a insignificant non-pecuniary interest in this matter as he is a member of the Lions Club.*

## Report of the Director Environmental Services

9.5 Planning Proposal - 105 Shoalhaven Street - Community Facility as  
Additional Permitted Use - Lions Club Respite Care (cont)

---

Accordingly, the PP was forwarded to the NSW Department of Planning and Environment (DoPE) for Gateway Determination. The DoPE issued a Gateway Determination on 11 April 2017 with the following conditions:

1. *Prior to community consultation, the planning proposal is to be updated to identify the applicable s117 Directions.*
2. *Prior to community consultation, Council is to prepare a draft Additional Permitted Use map sheet for inclusion in the exhibited planning proposal. The final map will be prepared in accordance with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps 2015.'*
3. *Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:*
  - (a) *the planning proposal must be made publicly available for a minimum of 28 days; and*
  - (b) *the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Environment 2016).*
4. *Consultation is required with the NSW Environment Protection Authority prior to exhibition, in accordance with the Act. The Authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal. Any agency advice received and Council's proposed response to this advice should be placed on public exhibition with the planning proposal.*
5. *A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example if reclassifying land).*

The subject PP was referred to the NSW EPA who did not raise any objection to the proposal.

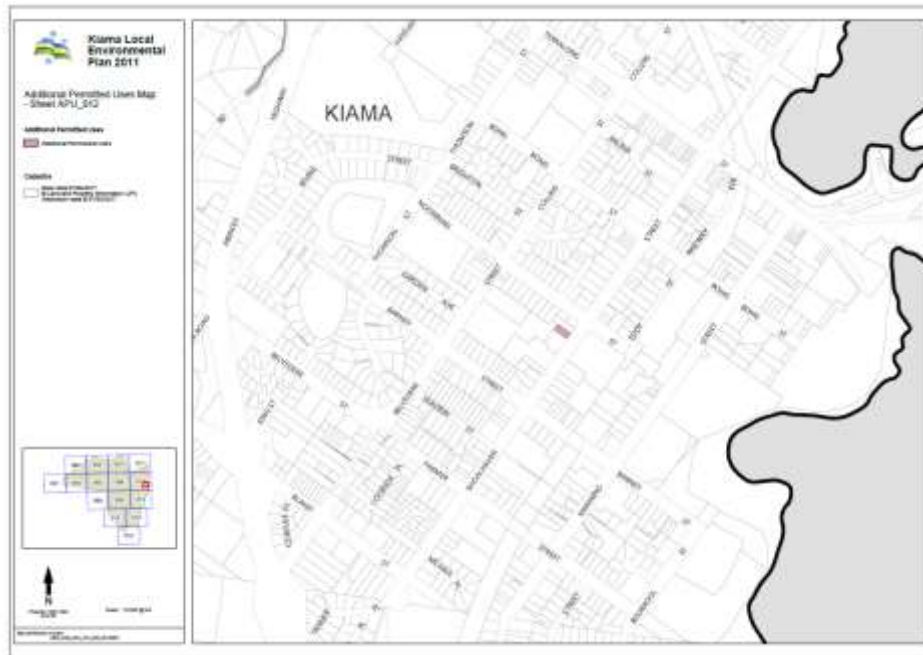
The PP was then placed on exhibition with an advertisement being placed in The Bugle, the adjoining neighbours notified in writing and notification provided on Council's website for a period of 28 days and no submissions were received.

In light of this, endorsement for the PP to proceed with the preparation and finalisation of the amendment to the *LEP 2011* in conjunction with Parliamentary Counsel and the DoPE is sought.

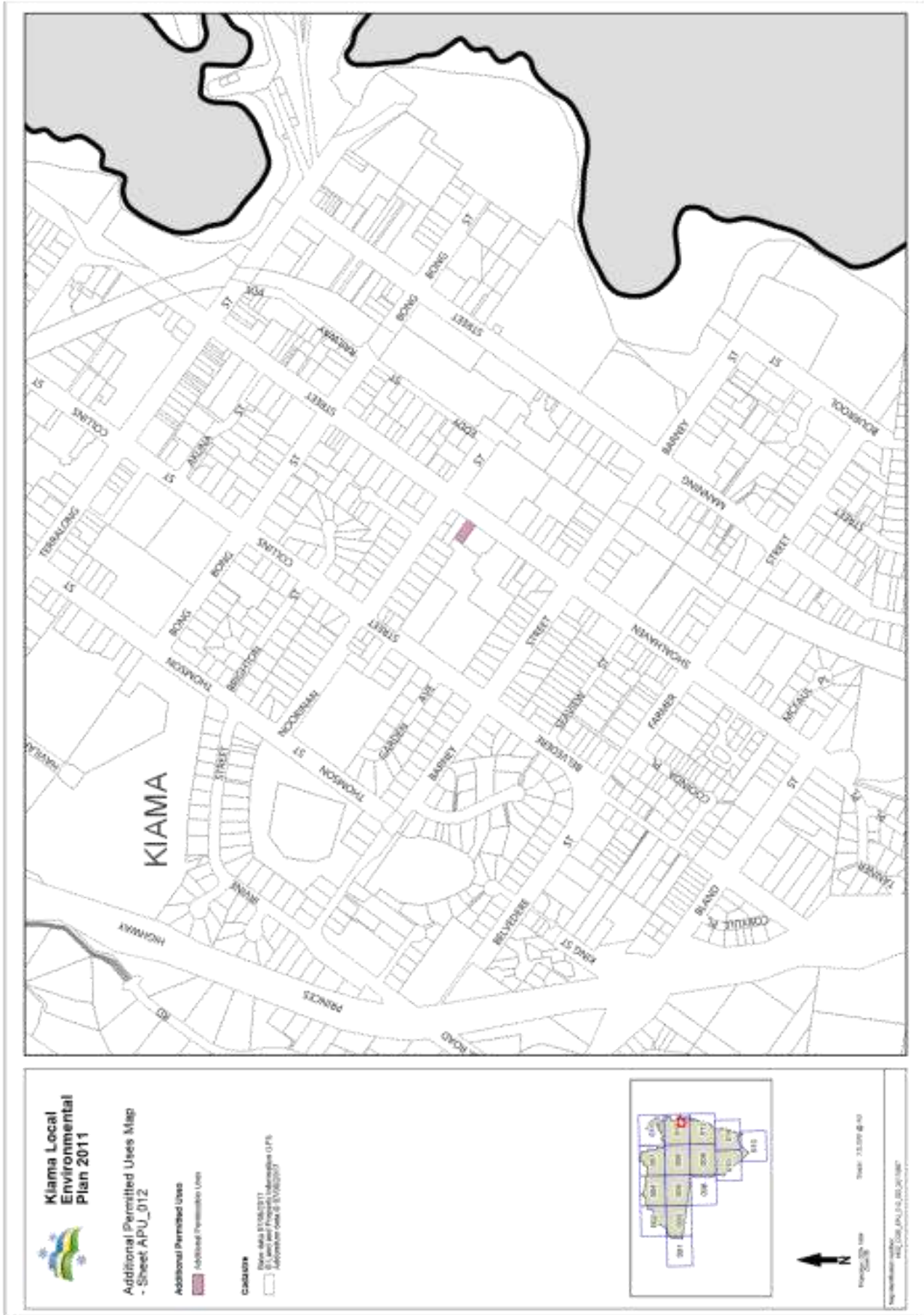
Report of the Director Environmental Services

- 9.5 Planning Proposal - 105 Shoalhaven Street - Community Facility as Additional Permitted Use - Lions Club Respite Care (cont)

***Additional Permitted Use Map Sheet***



Item 9.5



Item 9.5

Attachment 1





DOC17/253623-06:PW

Kiama Municipal Council  
(Attention: Mark Lyndon)  
Manager Strategic Planning  
PO Box 75  
KIAMA NSW 2533

Dear Sir

**Public Exhibition of Planning Proposal to amend Kiama Local Environmental Plan 2011  
with respect to Part of Lot 102 DP 775450, 105 Shoalhaven Street, Kiama**

The Environment Protection Authority (EPA) provides the following general guidance to assist Council in relation to the gateway determination for the above planning proposal.

The site including 105 to 109 and 113 Shoalhaven Street, Kiama was previously notified to the EPA under Section 60 of the Contaminated Land Management Act (the Act) and the notifications register indicates "*Regulation under Contaminated Land Management Act 1997 (CLM Act) is not required*". This indicates that the contamination was not considered to be significant enough to warrant regulation under the Act. Further information can be found at: <http://www.epa.nsw.gov.au/clm/publiclist.htm>.

Nonetheless, the EPA recommends the following matters be considered in relation to the above planning proposal.

- 1) The processes outlined in *State Environmental Planning Policy 55 (SEPP55)* should be followed in order to identify any sources of potential contamination on the site, any contaminants of potential concern and areas of concern.
- 2) Where any additional investigations identify contamination which has not previously been reported which meets the triggers in the *Guidelines for the Duty to Report Contamination*: [www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf](http://www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf). The contamination should be notified to the EPA in accordance with requirements of Section 60 of the CLM Act.
- 3) The following guidance should be consulted by Council in accordance with the proposal:
  - *NSW EPA Sampling Design Guidelines*. A copy of this guideline can be obtained at: [www.epa.nsw.gov.au/resources/clm/95059samprgdline.pdf](http://www.epa.nsw.gov.au/resources/clm/95059samprgdline.pdf).
  - *Guidelines for the NSW Site Auditor Scheme (2nd edition) 2006*. A copy of this guideline can be obtained at: <http://www.epa.nsw.gov.au/resources/clm/auditorglines06121.pdf>.
  - *Guidelines for Consultants Reporting on Contaminated Sites, 2011*: A copy of this guideline can be obtained at: [www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf](http://www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf)
  - *The National Environment Protection (assessment of contamination) Measures 2013* as amended.

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PO Box 513, Wollongong NSW 2520  
Level 3, 84 Crown Street Wollongong NSW 2500  
Tel: (02) 4224 4100 Fax: (02) 4224 4110  
ABN 43 692 285 758  
[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)



- 4) Consideration should be given to the use of an auditor accredited under the CLM Act to audit the suitability of the land for the proposed use where there is uncertainty of the quality of assessment or remediation undertaken or uncertainty of the suitability of land for the proposed use.

Any waste generated during demolition and construction needs to be classified in accordance with the EPA's *Waste Classification Guidelines* and managed in accordance with that classification. Any fill that is being transported from a development can only be transported to sites that are lawfully able to receive such material.

Further advice on contaminated land management during the planning and development control process is available on the EPA website: <http://www.epa.nsw.gov.au/clm/planning.htm>.

Further advice on waste/fill management is available on the EPA website:  
<http://www.epa.nsw.gov.au/waste/index.htm>

If you have questions regarding the above, please phone the contact officer on (02) 4224 4100.

Yours sincerely



17105717

**PETER BLOEM**  
Manager Regional Operations Illawarra  
Environment Protection Authority

Contact officer: Paul Wearne  
(02) 4224 4100

**9.6 Planning Proposal to reclassify Lot 208 DP 792192, O'Connell Place, Gerringong**

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

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

Delivery Program: 2.1.1 Develop and implement appropriate land use plans

**Summary**

The Planning Proposal (PP) to reclassify Lot 208 DP 792192, O'Connell Place, Gerringong was endorsed for Gateway consideration by Council on 17 November 2015. Department of Planning and Environment granted a Gateway Determination on this proposal on 24 February 2017. In accordance with the conditions of this determination Council placed the Planning Proposal and supporting information on exhibition for a period of 28 days.

No submissions were received during this period, however 2 public hearings were held in accordance with the requirements of section 57 of the Environmental Planning and Assessment Act 1979 and section 29 of the Local Government Act 1993 and seven verbal representations were made by neighbouring residents.

**Finance**

N/A

**Policy**

NA

**Reason for Report to Council**

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

**Attachments**

- 1 DoPE Gateway Determination [↓](#)
- 2 Report on Outcomes of Public Hearings [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council proceed with the preparation and finalisation of the draft *Kiama Local Environmental Plan* in conjunction with Parliamentary Counsel and the Department of Planning and Environment.

**BACKGROUND**

The PP to reclassify Lot 208 DP 792192, O'Connell Place, Gerringong was endorsed for Gateway consideration by Council on 17 November 2015.

Report of the Director Environmental Services

9.6 Planning Proposal to reclassify Lot 208 DP 792192, O'Connell Place, Gerringong (cont)

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***“Committee Recommendation that Council commence the process to reclassify Lot 208 DP 792192 as operational land under the Local Government Act 1993 in order to maximize options for the long term use of the property for social housing purposes and that an independent consultant be appointed to facilitate this reclassification process.”***

Accordingly, the PP was submitted to the NSW Department of Planning and Environment (DoPE) for a Gateway Determination. DoPE issued a Gateway Determination on 24 February 2017, with the following conditions:

1. The planning proposal is to be updated to include the land title and deposited plan documents and project timeline prior to exhibition.
2. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
  - a) The planning proposal must be made publicly available for a minimum of 28 days; and
  - b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Environment 2016).
  - c) No consultation is required with public authorities/organisations under Section 56(2)(d) of the Act.
  - d) A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example if reclassifying land).
  - e) The timeframe for completing the LEP is to be 12 months from the date of the Gateway Determination.

The subject PP was placed on public exhibition from 27 March till 24 April 2017 with an advertisement being placed in the *The Bugle*, the adjoining neighbours notified in writing and notification provided on Council's website.

### **Public Hearing**

The Local Government Act 1993 requires all land vested in a Council (except a road or land to which the Crown Lands Act applies) to be classified as either 'Community' or 'Operational'. The purpose of classification is to identify clearly that land which should be kept for use by the general public (Community) and that land which need not (Operational). Community land would ordinarily comprise land such as Public Parks. 'Operational' land would ordinarily comprise: land held temporarily as an asset or as an investment; land which facilitates the carrying out by a council of its functions; or land which may not be open to the general public (such as a works depot or garage).

The major consequence of classification is that it determines the ease or difficulty with which land may be alienated by sale, leasing or some other means. Pursuant to Section 29 of the Local Government Act 1993 a council must arrange a public

## Report of the Director Environmental Services

## 9.6 Planning Proposal to reclassify Lot 208 DP 792192, O'Connell Place, Gerringong (cont)

hearing in respect of a Planning Proposal that seeks to reclassify "Community" land as 'Operational' land. Accordingly, Council held 2 public hearings on 26 June and 3 July 2017. Pamphlets were delivered to residents within a 50 metre radius of the site. Notification of the hearings was also placed in local printed media as well as on Council's website. These hearings were chaired by Stephen Richardson of Cowman Stoddart Pty Ltd who has provided a report of the outcome of these hearings (attached).

The main issues that were raised were:

- Criticism regarding the level of community consultation carried out in relation to both the planning proposal and the public hearing.
- Concerns raised regarding whether the land would be sold on the open market or whether the land would be made available to the Housing Trust.
- How revenue from any potential sale would be spent.
- Concern as to whether following reclassification the land could be redeveloped into multi-dwelling housing
- Concern regarding the complexity of the Planning Proposal documents and the ability of the wider community to interpret these documents.

Comment:

Regarding the level of community consultation, the PP was advertised in *The Bugle* and on Council's website, as well as written notification going out to adjoining landowners and no submissions were received which is in accordance with Council's standard procedure. Notification of the public enquiry was conducted in the same manner and, after a request from a local resident, a mail drop was undertaken to notify landowners within O'Connell Place and within 50m of the site.

The issue of who the land may or may not be sold to is not a matter for consideration for the PP process, however any decision to sell Council owned land would need a resolution of Council and be subject to public consultation.

As there is no rezoning component in this PP, the potential land uses remain the same. The land is zoned R2 Low Density Residential under the Kiama LEP 2011 and the highest density residential use is a dual-occupancy.

Whilst it is acknowledged that PPs are complex documents, the contents of a PP are guided by State Policy and therefore the subject matter is required to have a high degree of detail. If any residents felt the need to have any of the information in the PP explained to them, Council's planning staff are available to assist them. As no submissions were received during the exhibition period it was considered that there were no objections to the proposed reclassification.

**Conclusion**

Considering the issue raised, endorsement to proceed with the preparation and finalisation of the amendment to the *LEP 2011* in conjunction with Parliamentary Counsel and the DoPE is sought.

<b>Project Timeline</b>
-------------------------

Report of the Director Environmental Services

9.6 Planning Proposal to reclassify Lot 208 DP 792192, O’Connell Place, Gerringong (cont)

Stage	Date/Details
Date draft LEP exhibited	27/3/17 – 24/4/17
Date of public hearing	26/6/17 and 3/7/17
Date Council resolved to adopt LEP	Anticipated to be adopted 19/9/17
Date sent to DoPE requesting preparation of LEP	N/A until adopted by Council

**Item 9.6**



Mr Michael Forsyth  
General Manager  
Kiama Municipal Council  
PO Box 75  
KIAMA NSW 2533

Contact: Lisa Kennedy  
Phone: (02) 4224 9457  
Email: [lisa.kennedy@planning.nsw.gov.au](mailto:lisa.kennedy@planning.nsw.gov.au)  
Our Ref: PP\_2017\_KIAMA\_001 (17/01091)

Attention: Mr Mark Lyndon

Dear Mr Forsyth

**Planning proposal (PP\_2017\_KIAMA\_001\_00) to amend Kiama Local Environmental Plan 2011**

I am writing in response to Council's letter dated 10 January 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* and additional information received on 13 February 2017 in respect of the planning proposal to reclassify Lot 208 DP792192 (9 O'Connell Place, Gerringong) from community to operational land.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In issuing this Gateway determination, I have found that the planning proposal is consistent with s117 Directions 2.2 Coastal Protection, 3.1 Residential Zones and 5.10 Implementation of Regional Plans. No further approval is required in relation to these or other Directions, while the proposal remains in its current form.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the *Environmental Planning and Assessment Act 1979* if the time frames outlined in this determination are not met.

Planning and Environment - Southern Region  
PO Box 5475 Wollongong NSW 2520 | T 02 4224 9450 | F 02 4224 9470 | [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

Should you have any queries in regard to this matter, I have arranged for Lisa Kennedy of the Department's Southern Regional office to assist you. Lisa can be contacted on (02) 4224 9457.

Yours sincerely



24/2/17

Linda Davis  
Acting Director Regions, Southern  
Planning Services  
Department of Planning and Environment

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Delegated Plan Making Reporting Template



**PUBLIC HEARINGS REPORT**

Item 9.6

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

Attachment 2

Held at Kiama Municipal Council Chambers  
on 26<sup>th</sup> June and 3<sup>rd</sup> July 2017

Prepared for  
Kiama Municipal Council

July 2017

**COWMAN STODDART PTY LTD**

## PUBLIC HEARINGS REPORT

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

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Held at Kiama Municipal Council on 26<sup>th</sup> June and 3<sup>rd</sup> July 2017

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Our ref:	17/41
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Person presiding at Hearings:

Stephen Richardson, M. Appl. Sc., BTP (1<sup>st</sup> Class Hons),  
Grad. Dip. Env. Management, CPP, MPIA  
Town Planner and Director  
Cowman Stoddart Pty Ltd

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COWMAN STODDART PTY LTD

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Report on Public Hearings  
Kiama Municipal Council  
Re-classification of Various Sites

## 1.0 INTRODUCTION

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

The Public Hearings were specifically concerned with the following matters:

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

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

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

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

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

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

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

**Item 9.6**

**Attachment 2**

Report on Public Hearings  
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## 2.0 THE PLANNING PROPOSALS THE SUBJECT OF THE PUBLIC HEARINGS

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

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

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

### 2.1 9 O'CONNELL PLACE, GERRINGONG

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

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

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



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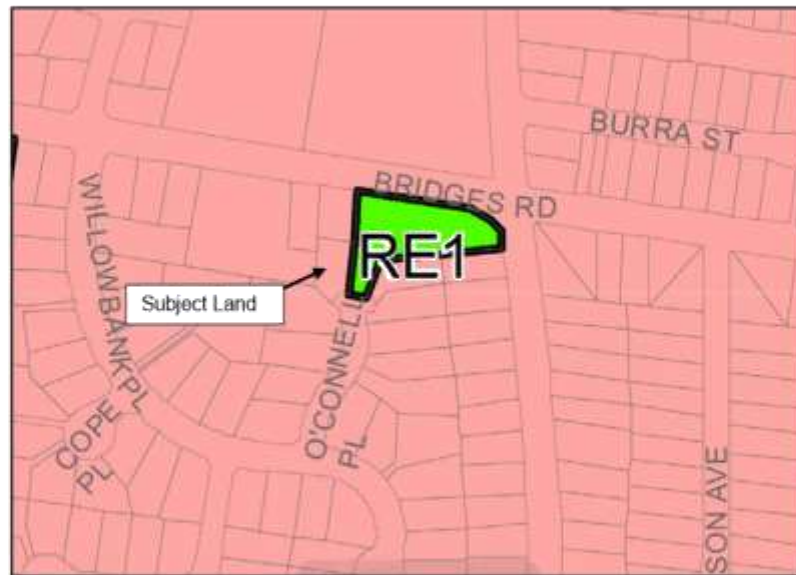


Figure 1: Zoning provisions applying to 9 O'Connell Place, Gerringong under Kiama LEP 2011.

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

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

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

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

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



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

## 2.2 VARIOUS PARCELS, IRVINE STREET, KIAMA

This Planning Proposal concerns:

- Part Lot 12 DP 708075 (177 m<sup>2</sup>);
- Lots 36 (181 m<sup>2</sup>) and 45 (18.77 m<sup>2</sup>) DP 263449; and
- Lot 38 DP 630551 (186.5 m<sup>2</sup>).

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

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

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



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

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

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

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

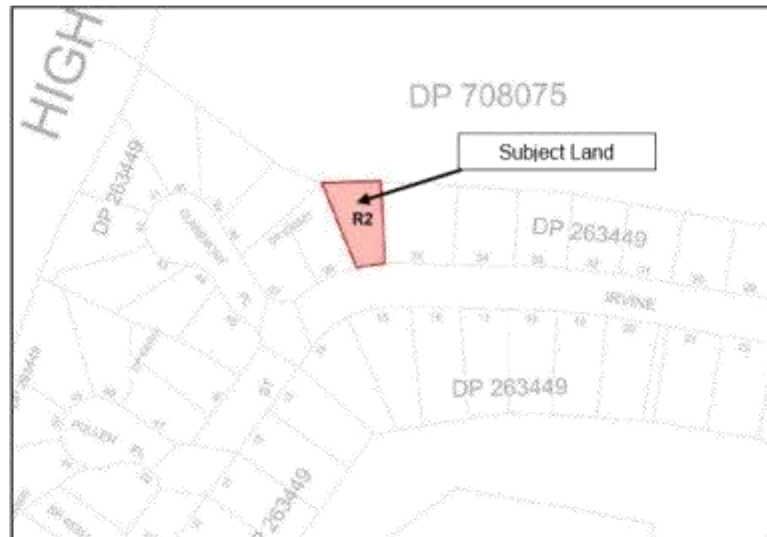


Figure 3: Proposed change in zoning under Planning Proposal.

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

2.3 VARIOUS PARCELS, ILUKA RESERVE KIAMA DOWNS

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



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



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



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

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



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

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

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

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

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

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

**Figure 5** details these proposed zoning changes.

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



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



Figure 4: Existing zoning provision under Kiama LEP 2011.

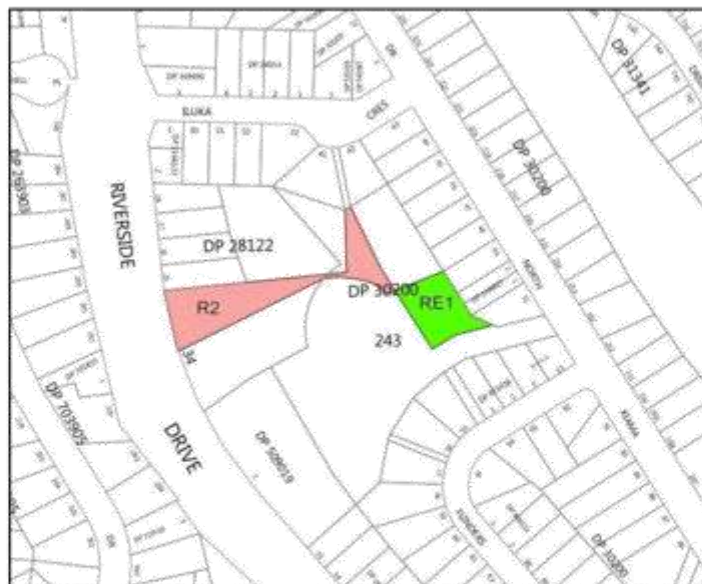


Figure 5: Proposed changes to zones under Planning Proposal.



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### 3.0 PUBLIC EXHIBITION

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

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

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

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

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#### 4.0 PUBLIC HEARINGS

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

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

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

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

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

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

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

This hearing commenced at 2:00 pm and was completed by 3:30 pm.

Nineteen (19) verbal submissions were heard at the hearing. No verbal submissions were made in relation to the Irvine Street Kiama Planning Proposal; three (3) verbal submissions were made in relation to the O'Connell Place, Gerringong Planning Proposal; fourteen (14) verbal submissions concerned the Iluka Reserve Planning Proposal; while two (2) submissions were of a general nature.

The public hearing at Kiama Municipal Council Chambers on the 3<sup>rd</sup> July 2017 was also attended by Mr Richardson (Chairman); Council staff – Kerry McMurray (Deputy General Manager), Phil Costello (Director of Environmental Services), Mark Lyndon (Manager Strategic Planning) and Edward Paterson (Strategic Planning Officer).

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**Report on Public Hearings**  
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A register of people attending this second hearing was kept and shows 20 people in attendance, and is also included in **Annexure 2** to this report. As with the first meeting, it was evident that not everyone who attended the hearing chose to list their attendance, as a 'count of heads' indicated that at least 36 members of the public were in attendance at this second public hearing.

This second public hearing commenced at 7:00 pm and was completed by 8:15 pm.

A total of fourteen (14) verbal submissions were heard at this hearing. Two (2) verbal submissions were made in relation to the Irvine Street Kiama Planning Proposal; four (4) verbal submissions were made in relation to the O'Connell Place Gerringong Planning Proposal; and eight (8) verbal submissions concerned the Iluka Reserve Planning Proposal.

Several submissions (four) were made by the same members of the public at both hearings.

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## 5.0 ISSUES RAISED AT PUBLIC HEARINGS

The following section of the report provides a summary of the issues raised by the individual verbal submissions made to the Public Hearings. Also included are summaries of responses from Council staff made to specific verbal submissions.

### 5.1 PUBLIC HEARING ON 26<sup>TH</sup> JUNE 2017

#### 5.1.1 Irvine Street Kiama Planning Proposal

No verbal submissions were made in relation to this Planning Proposal.

#### 5.1.2 9 O'Connell Place Gerringong Planning Proposal

##### *Public Submissions*

##### 1. Diana Cahill (10 O'Connell Place, Gerringong)

Issues raised:

- Lack of sufficient consultation - was only advised of Planning Proposal on the day of the Public Hearing. Indicated that no-one in the local community was aware of this matter.
- Concerned as to whether the property would be sold on the open market or whether the property would only be made available to The Housing Trust.
- Concerned that the land could be re-developed to provide more than a single dwelling house.

##### 2. Sharon Thistlewaite (9 O'Connell Place, Gerringong)

Issues raised:

- Has resided within the subject premises for 21 years.
- Has not been consulted about the Planning Proposal.
- Concerned that Planning Proposal could result in a change in her circumstances as a long term resident of the dwelling.

##### 3. Cheryl Williams (7 O'Connell Place Gerringong) and her partner, Paul Urqhart

Issues raised:

- Lack of sufficient consultation – only heard about the Planning Proposal on Friday 23<sup>rd</sup> June 2017 (ie. the week before the Public Hearing).
- Indicated that they have been denied an opportunity to properly consider Planning Proposal.

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- Concerned that Council is not being transparent in its dealings in connection with this matter.

In a second separate submission Mr Urquhart raised following issues:

- Raised general comments in relation to:
  - Concerns about the adequacy of Council's community consultation with respect to these planning proposals, which has arisen from public submissions to the hearing.
  - Enquired as to extent of communication between Council and The Housing Trust with respect to the future sale of the subject land and whether such would be by way of a public tender.

**Council Staff Responses**

Mark Lyndon

- The public exhibition included notification of adjoining land owners by letter.
- The ability to re-develop the site will be dictated by the R2 zoning that applies to the site. The Planning Proposal will not alter this situation.
- All information relevant to the Planning Proposal is available on Council's web site.
- The future development and land use of the site will be a future decision for Council.
- Acknowledged that Council may need to review how best to consult with the local community in the future.

Phil Costello

- Written public submissions can still be made in relation to the Planning Proposal. Indicated that an extension of time will be provided.
- Indicated that Council may need however to review how it undertake its notification of Planning Proposals in the future.

**5.1.3 Iluka Reserve Planning Proposal**

**Public Submissions**

1. Gloria Hodgson (4 Iluka Crescent, Kiama Downs)

Issues raised:

- Has been a resident of this area for 51 years.
- Queried why Council was only now deciding to sell this land after all these years.

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- Raised concern about the suitability of the land for development given it contains a large waterlogged area particularly after rainfall.
- Raised concern that the land was not safe enough for development.

2. David Connolly (92 Riverside Drive, Kiama Downs)

Issues raised:

- Council provides insufficient evidence to justify that Iluka Reserve is underutilised. There is no strategic rationale or methodology demonstrating that the reserve is underutilised. There has also been no community consultation to ascertain the usage of the reserve.
- Council's strategic planning to date has been based upon the Kiama Urban Strategy (KUS). Council went through an exhaustive process in formulating the KUS. The KUS however does not identify Iluka Reserve for urban subdivision.
- It cannot be argued that Iluka Reserve was simply missed when the KUS was formulated as other land in the vicinity was identified such as the Railcorp Surplus land identified as "18" in the KUS.
- Rezoning and reclassifying Iluka Reserve will set an undesirable precedent for Council to rezone other public open space reserves within the LGA for development.
- Furthermore such will undermine the KUS which has been used to guide planning proposals within the LGA. Council will be unable to rely upon the KUS to direct future planning proposals as they themselves have undermined the KUS by seeking to rezone land not identified in the KUS.
- Such a proposal will also likely raise issues having regard to the requirements of Council's DCP:
  - Residential amenity.
  - Development could be developed into 18 dual occupancies – if this were to occur how could 36 bins be collected?
  - Little consideration has been given to flooding. The site is at the low end of a drainage catchment and little consideration has been given to flood levels.
  - Are acid sulphate soils present?
  - Concerns raised about future earthworks to be constructed for any subdivision and future development on land that is known to be contaminated.

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- Iluka Reserve has a category 2 watercourse that flows through the site.
- Considerable community opposition to the Planning Proposal.
- Submission recommends:
  - Planning Proposal be refused:
  - An audit be conducted to examine whether lands identified in KUS are "fit for purposes".
  - A comprehensive overhaul of KMC customer engagement policies and the development of a customer contact unit and a focus on engagement with the community.
  - That the quarry redevelopment is imminent and that usage patterns of the reserve will also change.

*(It should be noted that Mr Connolly tabled a written statement that he referred to during his public submission. A copy of that written statement is included as Annexure 3 to this report.)*

3. Brian John Beckwith (10 Iluka Crescent, Kiama Downs)

Issues raised:

- Local residents have not been adequately or properly consulted and therefore questioned the legality of the Planning Proposal. Local residents need to be better informed.
- This park identified as a reserve since 1974, however Council has not made any effort to encourage the public to use the reserve.
- Objects to reclassification of reserve.
- The reserve is not owned by Council. It is land that was paid for by the community of Kiama Downs.
- Council rates should be directed to the upkeep and maintenance of the reserve.
- Council should not be selling off land that is owned by the Kiama Downs community.

4. Ray Smith (149 Charles Avenue, Minnamurra)

Issues raised:

- Has resided in area for 39 years.
- Kiama is a predominantly rural area with unique villages. All development occurs within the villages, with density of development increasing within these villages.



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- Increasing residential densities within established areas will require open space. Existing open space that is owned by the community should be kept as open space.
- Also raised concerned about future development:
  - A 6 m wide street will not provide sufficient width for Council service vehicles.
  - People will be unable to find car parking along the street, particularly visitors to allotments within the future subdivision of the land.

5. Max Reitze (71 Newings Circuit, Kiama Downs)

Issues raised:

- This reserve was set aside many years ago.
- The reserve is used by local children to ride their bikes.
- Council needs to better justify that park is currently not sufficiently utilised.

6. Wendy Smith (53 North Kiama Drive, Kiama Downs)

Issues raised:

- The site has drainage issues and is a quagmire.
- The local community needs green spaces – Council should not be reducing green spaces.
- The public consultation associated with this Planning Proposal has been inadequate.

7. David Murray (47 Flinders Avenue, Kiama Downs)

Issues raised:

- Has resided in the area for 17 years.
- The site was previously an old tip. When part of the site was developed a lot of rubbish was taken out.
- Vehicle access along Riversdale Drive will be dangerous. Vehicles heading south generally exceed the speed limit. He has concerns about safety of future residents wishing to enter and leave the future development due to poor sight distance and speeding vehicles from the south.
- Also raised concerns about the financial viability of the future development. Costs associated with roads, water and sewer, with only 9 residential allotments identified, may not be financially viable.

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- If this rezoning and reclassification proceeds where does it end – other open space reserves will also face possible rezoning with the loss of open space for future generations the result.

8. Leonie Newman (8 Iluka Crescent, Kiama Downs)

Issues raised:

- Originally purchased her land due to the location of the reserve.
- Even though she may not directly use the reserve she still “enjoys” the reserve as her property overlooks the reserve and she gains enjoyment from being able to overlook the reserve.

9. Gareth Ward - Member for Kiama (102 Terralong Street, Kiama)

Issues raised:

- Opposed Council's Planning Proposal to rezone and reclassify open space for residential purposes.
- Need to consider the wishes of the local community.
- He has received many representations from the local community objecting to this Planning Proposal.
- Nine (9) residential allotments will not overcome housing provision with Kiama.
- There are many other opportunities for residential land development such as the re-development of Bombo quarry.
- Has a genuine concern about loss of public open space. Open space is one of the reasons people choose to live in this area.
- Concern about precedent it may set for other future proposals that will result in erosion of public open space with the LGA.

10. Roger Fife (59 Collins Street, Kiama)

Raised the following general issues:

- Kiama comprises villages and the local community is lucky to live in this area. There is an obligations on the community to care for the area.
- Tourists also visit the Kiama and are important for the Kiama economy. There is therefore an obligation to care for the natural beauty of the area.
- Given these circumstances there is great merit in looking after the areas open space and to manage it appropriately.

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11. John Daniel (11 Iluka Crescent Kiama Downs)

Issues raised:

- Raised concerns about the practicality of the proposed future residential development of the reserve:
  - Riversdale Drive is a shortcut for traffic travelling to the Princes Highway. A lot of traffic travel along this road and at high speed. Raised traffic safety concerns for a new road access at this location.
  - The proposed road to serve the future residential subdivision is very narrow and will not provide sufficient room for visitors to park along the road.
- Objects to the Planning Proposal.

12. Coralie Stapleton (Castle Hill)

Raised following question:

- Does Council have a program for re-classifying land?

**Council Response**

Edward Patterson

Mr Paterson responded to this question by advising that Council's Revenue Sub-Committee, which included Councillors and staff, review a range of properties, including a number of reserves, on an on-going basis. Not all lands investigated by the Committee were identified for re-classification.

13. Lyn Hazel (32 Flinders Avenue Kiama Downs)

Issues raised:

- Has resided in area for 40 years and has watched area change over that time.
- Raised concerns about traffic accidents along Riversdale Road with speeding vehicles.
- It is also her understanding that a sewerage easement crosses the land.
- Neighbours enjoy the reserve by sitting on their verandas to enjoy the outlook of the reserve. This enjoyment will be lost by the proposed rezoning and future development.
- Requested that Council leave the reserve as open space.

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14. Julianne Street (96 Riversdale Road, Kiama Downs)

Issues raised:

- Over the years has witnessed near misses along Riversdale Road. Due to crest and bend in road concern that the proposed entrance will be a blind corner that will raise traffic safety concerns.
- Also raised flooding concerns given land is located below a broader drainage catchment.

5.2 PUBLIC HEARING ON THE 3<sup>RD</sup> JULY 2017

5.2.1 Irvine Street Kiama Planning Proposal

1. Terry Gallagher (47 Wilsons Road Kiama)

Issues raised

- Community land has been acquired from donations by developers. Is the revenue obtained from the sale of such land following re-classification required to be used in the acquisition of additional community land; or to be used in the improvement of existing community land; or is revenue placed into general revenue.

**Council Staff Responses**

Edward Patterson

Unable to respond indicated he would take question on notice.

Kerry McMurray

Under the Local Government Act 1993 all Council land must be classified as either "operational" or "community" land. Council has classified land under its ownership on this basis.

"Community" land is not necessarily donated or "gifted", but may be acquired by any number of means. Notwithstanding how land acquired such land must be classified as either "community" or "operational".

2. Carmel Brodie (22 Irvine Street, Kiama)

Issues raised:

- Owns the adjoining property immediately to the south of the subject land. During severe rainfall events stormwater drains cannot cope with stormwater run-off. The stormwater drain to the south of their property overflows preventing runoff from draining away. Last four years they have had to make two insurance claims for stormwater damage. Development of the subject land will intensify

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

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

*(It should be noted that Mrs Brodie tabled a written statement that she referred to during her public submission. A copy of that written statement is included as Annexure 3 to this report.)*

**Council Staff Responses**

Edward Patterson

Under the Planning Proposal the land will be zoned R2 Low Density Residential. Furthermore a building height control of 8.5 m and a FSR limit of 0.45:1 will also apply. Council's existing development controls do make provision for privacy (such as setback limitations), building envelope restrictions as well as provisions for privacy and sunlight protection.

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

**5.2.2 9 O'Connell Place Gerringong Planning Proposal**

1. Diana Cahill (10 O'Connell Place, Gerringong)

Issues raised:

- Is it Council's intention to sell the property?
- If so will the property be sold on the open market? What guarantee will there be that land will be sold on open market?
- Local residents did not receive notice of second public hearing.

2. Darryl Klingon (47 Pacific Beach Road, Werri Beach)

- In the event that the property is sold would the leasee have first chance to acquire the land?

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- The broader community should have been notified of this Planning Proposal. Should not have just been adjoining residents but community wide.
- How was land originally classified as 'community' land?
- Where will revenue from sale be spent?
- Would residents have an opportunity for input into where revenue spent?

3. Don Coppack (1 O'Connell Place, Gerringong)

Issues raised:

- He was not aware of original meeting and was only made aware of the second meeting by letterbox drop last Friday.
- If the property is re-classified would the Housing Trust be able to re-develop the site for multiple dwellings. How many dwellings could be developed in this land?
- Is there a requirement for land to be sold publically or is Council able to deal with leasee solely?

**Council Staff Response**

Mark Lyndon

- Under this Planning Proposal there is no change to the zoning provisions that apply to the land – the zone will remain R2 Low Density Residential. The maximum residential development potential yield under this zoning is dual occupancy development which enables a maximum of two dwellings to be constructed on one residential allotment.
- Council has not yet determined how or to whom the land will be sold.

4. Wayne Farquhar (8 O'Connell Place, Gerringong)

- The majority of the community are unaware of this planning process. Is this normal practice?
- The Planning Proposal documents are very complex and difficult to understand.
- Are there existing covenants or restrictions that apply to the land?
- Once re-classified will this make it easier to re-develop land for higher density development?

**Council Staff Response**

Mark Lyndon

There are no specific restrictions that apply to the land.

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Under the Local Government Act a public hearing is required where a proposal seeks to re-classify community land to operations land. This is normal practice. The development potential of the land is dictated by the zoning provisions that apply to the land. The land is zoned R2 and this Planning Proposal will not alter the zoning provisions that apply to the land. Higher density residential is not permissible under this zoning. To re-zone the subject land to permit higher density development would be an anomaly given the prevailing low density residential zoning that applies to this area and such would not be supported.

### 5.2.3 Iluka Reserve Planning Proposal

#### *Public Submissions*

#### 1. Councillor Mark Way (178 North Kiama Drive, Kiama Downs)

Issues raised:

- Spoke in favour of Planning Proposal.
- Travels past reserve at least 4 times per day and does not observe it being used. The reserve is not used in his view.
- The Planning Proposal will provide opportunity to improve facilities provided at reserve.
- He is a supporter of improving community facilities. He supported retaining and refurbishing the existing tennis courts within the reserve, and retaining the facility as a community facility.
- Only a small portion of the site is proposed for residential – the majority will be retained as reserve.
- He objects to the false information and advertising in the local media that has been undertaken to discredit the Planning Proposal.
- In his view there are many people in Kiama Downs who support the Planning Proposal.
- He estimates that sale of land will recoup \$1.5 million for Council which will be able to spent on local facilities.
- He is in favour of Planning Proposal as it will enable improvements to local facilities with re-investment in the community to benefit the local community.

#### 2. Shon Gallagher (92 Riverside Drive, Kiama Downs)

Issues raised:

- Objects to Planning Proposal



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- Lack of communication about Planning Proposal. Scheduling of public hearing inappropriate – re-scheduling of hearing only occurred after objections were raised about initial meeting scheduled during an afternoon and at a time that was not convenient for many in the community to attend.
- Lower level of reserve is contaminated. Better quality part of reserve is the higher part of the site and it is this better area that is proposed to be developed for residential development. The better land within this reserve will therefore be lost for open spaced use.
- Concerned about environmental impacts associated with proposal – adverse flora and fauna impacts.
- The park has not been designed for small children in mind. No swings or slides. Many dangers within existing park.
- Children do play in the park each day.
- A level 2 watercourse flows through the reserve. The reserve encounters flooding when it rains.
- *"Life is not sustained by bricks and mortar – green spaces are required for children."*

3. Gloria Hodgson (4 Iluka Crescent, Kiama Downs)

Issues raised:

- Has resided in area for 51 years. The existing reserve was developed under the Whitlam Governments "Red Scheme", with trees planted in the park.
- The reserve is affected by flooding within the lower area.
- There are always people within the park. People walking dogs, children kicking footballs.
- The reserve suffers from drainage issues as it can become very boggy following rainfall.
- It would be a shame if reserve developed.

4. David Connelly (92 Riverside Drive, Kiama Downs)

Issues raised:

- Planning Proposal inconsistent with Council's stated Strategic Planning Directions.
- Proposal also inconsistent with the objectives outlined in clause 6.3(b) of the Kiama LEP 2011. Council needs to ensure development is compatible with the

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land's flood hazard, taking into account projected changes as a result of climate change.

- The existing reserve is effected by flooding, particularly lower level area of reserve. But the better elevated area is to be developed for residential development. This better quality land will be lost for open space.
- Planning Proposal is not in the public interest. The Planning Proposal is not infill development as it is seeking to develop existing park land. The land is not residential land.
- The proposed driveway access is situated within the stormwater drain – how is stormwater to be managed?
- Concerned about how bin collection will be undertaken within such a narrow driveway access.
- Concerned about site contamination issues.

5. Barbara Owens (24 North Kiama Drive, Kiama Downs)

Issues raised:

- If Council are of the view that the reserve is not utilised – Council could invest funds to upgrade reserve without the need to sell land off the reserve.
- The sale of the reserve would be a long term loss for only a short term gain.
- The community needs open space; as does local fauna and flora.
- Once the reserve is gone it will be gone forever.

6. Brian Beckwith (10 Iluka Crescent, Kiama Downs)

Issues raised:

- The proposed residential development will be an estate within an estate.
- Any future residential development will require building restrictions. Dual occupancy or duplex developments will not be in keeping with locality.
- "Battleaxe" lots with four separate lots using the same driveway would not be suitable.
- A lot of people use the reserve during mornings, afternoons and on weekends.
- If facilities were improved the reserve would be better used.

7. Don Hazell (32 Flinders Avenue, Kiama Downs)

Issues raised:

- Resides opposite walkway.

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- The reserve was originally a steep ravine, with flora and fauna.
- The park was originally a waste dump which has been covered over. The tennis courts were developed following these works.
- Green spaces make the area beautiful.
- Given the physical constraints associated with the site Council may not achieve the profit that they envisage; however this green space will be lost forever.

8. Glenn Grigg (24 Cathedral Rocks Road, Kiama Downs)

Issues raised:

- What is the primary reason for the sale of the reserve?
- Where will money raised from the sale of the reserve be spent?

**Council Staff Response**

Edward Patterson

- The site was identified through Council's Revenue Sub-Committee. A portion of the reserve was identified as surplus and suitable for re-classification and sale.
- Revenue raised for the sale of land could be re-used to improve facilities within the park – but this would require separate resolution of Council.

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## 6.0 MAIN ISSUES

In summary, the Public Hearings combined heard a total of thirty-three (33) verbal submissions over the two public hearings. Two (2) verbal submissions were made in relation to the Irvine Street, Kiama Planning Proposal; seven (7) verbal submissions were made in relation to the O'Connell Place, Gerringong Planning Proposal; twenty-two (22) verbal submissions concerned the Iluka Reserve Planning Proposal; while two (2) submissions were of a general nature. Several submissions (four) were made by the same members of the public at both hearings.

The following is a summary of the main issues that have arisen from the verbal submissions heard at the Public Hearings.

### 6.1 IRVINE STREET, KIAMA PLANNING PROPOSAL

- Questioned how revenue gains from subsequent land sale following re-classification is used. For instance either in acquiring new community lands; improving existing community land; or is it consolidated into general revenue.
- The future development of the subject land following re-classification and rezoning has the potential to exacerbate existing stormwater drainage problems in street. The existing stormwater drainage issues need to be resolved before further development of the subject land.
- The future development of the subject land following re-classification and rezoning has the potential to adversely impact the amenity of adjoining property to south in terms of privacy and overshadowing. These issues need to be considered with any future development of the subject land.

### 6.2 9 O'CONNELL PLACE, GERRINGONG PLANNING PROPOSAL

- The majority of the submissions raised in relation to this Planning Proposal criticised the extent of community consultation that was undertaken in relation to the notification of both the Planning Proposal as well as the public hearing. The submissions argued that the lack of appropriate consultation denied the community an opportunity to properly consider the Planning Proposal.
- Concerns were raised as to whether following re-classification of land whether land would be sold on open market by public tender or whether the property would only be made available to the Housing Trust. Concern was also raised as to the extent of discussions that had already occurred between Council and the Housing Trust with

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respect to the future sale of the property, and whether Council had given any commitments to sell the land to the Housing Trust.

- Concern was raised that Council had not been open and transparent in its dealings with this matter.
- Concern was raised as to how revenue from any sale would be spent and whether the community or local residents would have say on how this money is spent.
- Concern was raised as to whether following re-classification whether the land could be re-developed into multi-dwelling housing development.
- Concerns raised about the complexity of the Planning Proposal documents and the ability for the wider community to be able to interpret these documents.

### 6.3 ILUKA RESERVE PLANNING PROPOSAL

Of the twenty-two (22) submissions that were made in relation to the Iluka Reserve Planning Proposal, one public submission spoke in favour of the Planning Proposal; while the remaining twenty-one (21) public submissions either opposed or raised concerns in relation to the Planning Proposal.

Reasons given for support of Planning Proposal:

- The existing reserve is underutilised.
- The Planning Proposal will provide a means of obtaining revenue that could be used to improve facilities within the remainder of the reserve that would make it more attractive to the local community.
- Only a small proportion of the reserve has been identified for residential development – the majority of the reserve would remain as open space under the Planning Proposal.
- Concern was raised in relation to the false information and advertising that was being circulated within the local community attacking the Planning Proposal.

Reason given for Objection to the Planning Proposal:

- Concerns about inadequate communication and consultation about Planning Proposal. Local community not provided sufficient opportunity to consider and comment on Planning Proposal.
- Many submissions raised concerns about the suitability of the land for residential development:

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- The reserve is largely flood prone.
- The reserve experiences drainage problems and becomes waterlogged after rainfall.
- The land was previously used for dumping of rubbish and is contaminated.
- The potential presence of acid sulphate soils.
- Category 2 watercourse flows through reserve.
- Council has provided insufficient justification that Iluka Reserve is underutilised. There has been no community consultation to ascertain the usage of the reserve or that would justify the view that the reserve is not sufficiently utilised.
- Iluka Reserve is used by the local community:
  - Children play in the reserve
  - People walk dogs in the reserve
  - Surrounding residents enjoy the reserve as it forms a backdrop from neighbouring properties. Many residents enjoy the view of the reserve from their properties.
- The Planning Proposal is inconsistent with the Kiama Urban Strategy (KUS). The KUS does not identify Iluka Reserve as a potential urban expansion area. There is no strategic planning merit to justify rezoning and re-classifying Iluka Reserve for residential development. The Planning Proposal is not infill development as it involves rezoning open space for residential development. Such will undermine the KUS and set an undesirable precedent for further Planning Proposals in the LGA.
- Rezoning open space for residential purposes will also set an undesirable precedent for other open space within the LGA resulting in the erosion of open space within the LGA.
- The development of the reserve to create nine (9) residential allotments will not overcome housing shortfall in Kiama but will result in loss of valuable open space. There are other opportunities for residential land development within Kiama (such as the redevelopment of Bombo quarry). There is a lack of demonstrated justification for the need for this housing in this location.
- Future residential development would raise difficulties in terms of:

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- Amenity impacts to surrounding properties. Dual occupancy development for instance would be inconsistent with prevailing character of development in the area.
- Servicing, in particular waste collection, with up to 36 bins potentially requiring to be picked. The proposed access road would be inadequate to accommodate such service vehicles.
- Inadequate road width for future residential traffic.
- No provision for visitor parking in proposed street.
- Future location of intersection of proposed access road is in a dangerous position with respect to traffic travelling along Riverside Drive. The road has a difficult alignment at this location with poor sight distance. Furthermore vehicles travel at speed along Riverside Drive. This will create traffic safety issues for future residents.
- Part of the reserve should not be sold off to finance improvements to the reserve. Rather Council's rates should be used to maintain and improve reserve. The sale of the reserve is a long term loss for only short term gain.
- Increasing residential densities within the existing residential areas of the local government area will require adequate supply of open space. Existing open space should therefore be retained as open space for future community.
- Concerns raised about whether Council's anticipated revenue gains from development of site will be realised given the constraints suffered by the site including contamination issue, drainage and associated construction difficulties. If revenue not realised community will have lost valuable open space without any return.
- The local community needs open space. Council should not be reducing the amount of open space available for the local community.



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## 7.0 CONCLUSION

Public Hearings were held in accordance with the provisions of Section 29 of the Local Government Act 1993 with respect to the re-classification of various parcels of land from "Community" land to 'Operational' land within the Kiama Municipal local government area. .

The Public Hearings were specifically concerned with the following matters:

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

This report details the results of the public hearings into these three Planning Proposals.

Two separate public hearings were held in relation to these matters, one on the 26<sup>th</sup> June 2017 attended by 40 people and the other on the 3<sup>rd</sup> July 2017 attended by 36 people.

Combined a total of thirty-three (33) verbal submissions were heard during the two public hearings. Two (2) verbal submissions were made in relation to the Irvine Street, Kiama Planning Proposal; seven (7) verbal submissions were made in relation to the O'Connell Place, Gerringong Planning Proposal; twenty-two (22) verbal submissions concerned the Iluka Reserve Planning Proposal; while two (2) submissions were of a general nature. Several submissions (four) were made by the same members of the public at both hearings.

The two public submissions made in relation to the Irvine Street, Kiama Planning Proposal differed in so far that one was concerned with how revenue obtained from the subsequent sale of the land following re-classification will be used. The other submission raised specific issues of concern in terms of stormwater management, and potential privacy and overshadowing impacts following any future development of the land following its re-classification and rezoning.

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The majority of the seven (7) public submissions made in relation to the O'Connell Street, Gerringong Planning Proposal criticised the extent of community consultation that was undertaken in relation to the notification of both this Planning Proposal as well as the public hearings. According to many public submissions this lack of consultation denied the community an opportunity to properly consider and comment on this Planning Proposal.

Concerns were also raised by many public submissions in relation to this Planning Proposal as to whether the land following re-classification would be sold on open market by public tender or whether the property would only be made available to the Housing Trust. Concerns were also raised as to the potential that the land could be redeveloped for higher density residential development.

By far the Planning Proposal that raised most community interest at the public hearings concerned the proposed rezoning and reclassification of land within Iluka Reserve at Kiama Downs. Twenty-two (22) verbal submissions were made before the public hearing relating to this Planning Proposal. Twenty-one (21) submissions objected or raised concerns in relation to this Planning Proposal; while one (1) submission was in favour of the Planning Proposal.

The submission in support of the Planning Proposal in summary outlined that; the reserve was underutilised; the land affected by the Planning Proposal involved only a small portion of the overall reserve; and the Planning Proposal would provide the opportunity to invest funds obtained from the sale of land back into improvements to the reserve.

The submissions made objecting to this Planning Proposal raised a number of areas of concern and these are summarised in this report. In particular concerns ranged from:

- rejecting the notion that the reserve was underutilised, indicating that the reserve was used by the local community;
- concerns that the Planning Proposal did not sufficiently demonstrate or justify the reserve was presently underutilised;
- The loss of open space for residential development would set an undesirable precedent and would undermine future open space provision for an increasing population;
- there was a lack of strategic planning merit underpinning the Planning Proposal;
- the subject land presented physical constraints for future residential development. Such constraints could undermine the financial viability of any future development scenarios;
- future residential development in this particular location would also potentially create traffic safety and amenity impacts within this locality.

Report on Public Hearings  
Kiama Municipal Council  
Re-classification of Various Sites

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Pursuant to Section 47(G)(3) of the Local Government Act, no later than 4 days after Council has received this report of the results of the Public Hearings held in relation to these Planning Proposals; Council must make a copy of the report available for the inspection by the public within the local government area.



Stephen Richardson  
Director and Town Planner  
COWMAN STODDART PTY LTD

Item 9.6

Attachment 2

# **ANNEXURE 1**

**Item 9.6**

**Public Notice**

**Attachment 2**

**Public Hearings Report  
26<sup>th</sup> June and 3<sup>rd</sup> July 2017**

**COWMAN STODDART PTY LTD**



**Public Hearing**

Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Iluka Reserve, Kiama Downs  
Lot 208 DP 792192, 9 O'Connell Place, Gerringong  
Part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 & Lot 38 DP 630551, Irvine Street Kiama

In accordance with Clause 29(1) of the *Local Government Act 1993* a Public Hearing will be held on Monday 26 June 2017 commencing at 2pm in Council's Administration Building, 11 Manning Street, Kiama to discuss the reclassification of community land to operational land at:

- Iluka Reserve, Kiama Downs.
- 9 O'Connell Place, Gerringong.
- Irvine Street, Kiama.

Members of the public are invited to attend this Public Hearing. Enquiries should be directed to Edward Paterson of Council.

---

Advertised in The Bugle 17/6/17

# **ANNEXURE 2**

**Item 9.6**

**Attachment 2**

## **Register of Attendees to Public Hearings**

**Public Hearings Report  
26<sup>th</sup> June and 3<sup>rd</sup> July 2017**

**COWMAN STODDART PTY LTD**

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# ANNEXURE 3

Item 9.6

Attachment 2

## Written Statements

Public Hearings Report  
26<sup>th</sup> June and 3<sup>rd</sup> July 2017

COWMAN STODDART PTY LTD

Greg and Carmel Brodie



30/6/2017

To General Manager,

Re: SC2676

Rezoning Lot 38, DP 630551

We have two concerns:

- 1) Our block sits immediately south of above land. During severe heavy rain events the street storm water drains already cannot deal with the run off. The storm water drain is situated just south of our block, overflows causing our runoff not to be able to escape and at times causing backflow. Just in the last four years we have had to make two insurance claims for flooding caused by storm water damage. A building on the adjoining block will affect the natural run off and spill more water into storm water drains causing us more frequent damage. Do you intend improving storm water drains?
- 2) The property we purchased was designed and built with all living areas facing north east overlooking the park. This home would never have been designed in this format if the adjoining block was a vacant block that could have been built on. If this is to go ahead will there be restrictions on the building to secure a degree of privacy and retain some sunlight?

Yours sincerely

Greg and Carmel Brodie

Handwritten signatures of Greg and Carmel Brodie in black ink.

Afternoon All,



Well before we really get going in this matter there's a few statistics that I would like to share with you, The first is in relation to planning proposals generally, planning proposals are meant to be the exception to the rule, so to speak - I went to the Sutherland Shire Council website and examined the number and scope of their proposals - it works out to one proposal per 50 thousand people roughly. Kiama's is roughly 2600 people, which indicates at least a reliance on property sales to fund council activities.

Also why Iluka? I have heard the no one uses it argument time and time again, nothing could be further from the truth - Iluka has been a poor cousin to be sure but even yesterday in the cold winter wind here is a couple of people walking a dog watching people play tennis. Also it seems a premature argument with the quarry redevelopment to be undertaken on its doorstep!

So what evidence does council have to support its claims? Well I don't know because they haven't bothered to advise of any, no strategic rationale in the sale, no selection methodology, no business case, no community involvement, no say in anything, nothing. Simply nothing. Now have a think about this, the council has had years to address these issues and they haven't? Why not??

Moving on to the proposal itself I have had a number of concerns in relation to this development and I will go through some briefly as I only have 5 minutes to speak but will deal with that in greater detail in my written submission.

This matter came to my attention through being woken by the metallic sound of heavy machinery working - it would have to be almost 2 years ago, little did I know that it would result in me being here today.

The planning proposal as it stands has shortcomings both legally and morally which render it unsupportable.

The Kiama Urban Strategy which has been the bible for development has been ignored in the preparation of the proposal and to be blunt Iluka is not in the urban strategy along with a number of reserves deliberately - I note that area 18 adjoins Iluka reserve, so what your trying to tell me is that an entire committee missed seeing Iluka whilst observing the turning circle at Barton Drive?

I further note that the mayor has said that a Jamberoo proposal must go ahead because it's in the strategy must be developed because it's in the urban strategy but Iluka is not in the urban strategy and for that reason it must be developed!

You will notice the land to the south of number 92 Riverside Drive has a RE1 Zoning this land is classified as Reserve and public recreation. Any form of approval will set an unwanted precedent and expose areas to development such as Kiama to Jamberoo, Kiama to Gerringong and Gerroa to name just a few. Any number of developers will be queuing up!

As it has basically been the council bible for development and has been used quite successfully as the western boundary line for development.

They were exhaustive in the examination of the LGA for suitable land to develop as you will see in the next email where I will attach a link to the strategy.

The LEP also has a number of significant unresolved

6.1 Acid Sulfate soils have been noted close by - are we aware as to what exactly the soil is since some of the area is fill?

I draw your attention to Part 6.2 Earthworks - specifically 6.1 and 6.3.

This Part of the LEP has been totally ignored in the making of this proposal and will prohibitively expensive to address, even in stage 1 the housing access road and parking are traveling across known contaminated lands which you must deal with under the provisions of SEPP 55. I have already discussed this matter with the EPA NSW and can advise that the current method of leaving asbestos etc in situ is to "cap" it with 2 meters of clean fill, there are alternatives to the clean fill but these are technologically based and still requires a half a meters depth.

It should be noted that any capping will have further environmental consequences and would possibly require the raising of Riverside Drive.

The proposal fails 6.3 Flooding as there has been no examination of the flooding risk to the premises - there are a number of natural springs in the area that would be impacted by hardstand areas, it is also another reason for a refusal of consent that the proposal is being built in a stormwater drain.

6.4 Riparian and watercourse land

Iluka Reserve has a level 2 watercourse within the LEP which again restricts certain types of activities and consents.

Furthermore Indications of community opposition to the proposal have come through a petition opposing the proposal

There is also a number of internal policy issues that will be provided to show that this proposal cannot not be approved. The planning agreement policy and the planning proposal policy are two that come to mind

I would like to offer an alternative, I offer the following compromise with the quarry development within 300 meters, the boardwalk development fully funded by the state that Iluka Reserve be allowed to reach its true potential funded by money raised through the quarry development that the reserve be rebuilt so as to allow the entire community to have access, with the many residents of the quarry only a bridge away the utilisation of the council assets will skyrocket- FACT the assets in the reserve such as the clubhouse the tennis courts can be the nucleus of a sport park with cycle tracks, fitness equipment etc

Recommendations

1. That the planning proposal be refused and
2. An audit be conducted to examine in a strategic sense regarding the lands identified in the KUS to see if they are "fit for the purpose"
3. A comprehensive overhaul of KMC customer engagement policies and the development of a customer contact unit and a focus on engagement with the community.
4. That it be noted that the quarry redevelopment is imminent and that useage patterns of the reserve will also change.

## 10 REPORT OF THE GENERAL MANAGER

### 10.1 Delegation of functions of the Council - review of delegations to the Mayor, General Manager and Other Staff

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.2 Council embraces good governance and better practice strategies

Delivery Program: 4.2.2 Manage an effective workforce in an environment of continuous improvement

#### Summary

This report recommends endorsement of the delegations as listed.

#### Finance

Not applicable.

#### Policy

Council policy has been for delegations to be reviewed from time to time. They are normally reviewed annually each September.

#### Attachments

Nil

#### Enclosures

Nil

### **RECOMMENDATION**

[That Council review and endorse the delegations as detailed in this report.](#)

### **BACKGROUND**

Section 377 of the Act provides that Council may, by resolution, delegate to the General Manager or another person or body (not including another employee of the Council) any of the functions of the Council other than those specifically prohibited in Section 377. There are some delegations to Council from outside bodies which require the approval of both Council and the General Manager under Section 378(3) of the Local Government Act.

Set out below are the statutory roles and functions for both the Mayor and General Manager together with the current delegations which require endorsement by Council.

#### **Role of the Mayor**

Section 226 of the Act provides that the role of the Mayor is as follows:

- to exercise, in case of necessity, the policy making functions of the governing body of the council between meetings of the council

## Report of the General Manager

## 10.1 Delegation of functions of the Council - review of delegations to the Mayor, General Manager and Other Staff (cont)

- 
- to exercise such other functions of the council as the council determines
  - to preside at meetings of the council
  - to carry out the civic and ceremonial functions of the mayoral office.

**Role of the General Manager**

Section 335 of the Act provides as follows:

- (1) The general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.
- (2) The general manager has the following particular functions:
  - to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report
  - the day-to-day management of the council
  - to exercise such of the functions of the council as are delegated by the council to the general manager
  - to appoint staff in accordance with an organisation structure and resources approved by the council
  - to direct and dismiss staff
  - to implement the council's equal employment opportunity management plan.
- (3) The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.

Clause 209 of the Local Government (General) Regulation 2005 provides that the General Manager must also ensure that:

- (a) the provisions of the Act, this Regulation and any other written law relating to councils' financial obligations or the keeping of accounts by councils are complied with, and
- (b) effective measures are taken to secure the effective, efficient and economical management of financial operations within each division of the council's administration, and
- (c) authorising and recording procedures are established to provide effective control over the council's assets, liabilities, revenue and expenditure and secure the accuracy of the accounting records, including a proper division of accounting responsibilities among the council's staff, and
- (d) lines of authority and the responsibilities of members of the council's staff for related tasks are clearly defined.

**Delegations to the Mayor**

In addition to the powers conferred in Section 226 of the Act, the following delegations have been previously approved and are again recommended for the Mayor:

- (a) To supervise and advise the General Manager in the exercise of that officer's

## Report of the General Manager

## 10.1 Delegation of functions of the Council - review of delegations to the Mayor, General Manager and Other Staff (cont)

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powers, duties and functions;

- (b) To review (in conjunction with the Council's review panel) the performance agreement for the General Manager, and report at least annually thereon to Council;
- (c) To authorise any work which in the opinion of the Mayor is urgent at a cost not to exceed \$5,000; and
- (d) To alter the order of business of Council meetings (in conjunction with the General Manager) as required.

**Delegations to the General Manager (Mr Michael Arch Forsyth)**

Subject to the provisions of the Local Government Act 1993 and the Regulations attached thereto, Council should delegate the general power to exercise the functions of the Council to Michael Arch Forsyth (General Manager) except for those functions excluded in Section 377 of the Act.

Council should also approve of the following specific delegations to the General Manager, Michael Arch Forsyth:

- (1) To authorise appropriate Officers of Council to receive and deal with representations regarding proposals for Orders to be issued under Section 133 and 134 of Local Government Act 1993;
- (2) Under Section 378 of the Local Government Act 1993, to delegate powers and functions to Council Officers by way of schedules, such delegations to be in accordance with statutory requirements and Council policies;
- (3) To review the Performance Agreements for Senior Officers, to report to the Council's Review Panel and to report at least annually thereon to Council.

The **general delegation** detailed above includes the following:

- (4) (a) To carry on the regular services, functions and operations of Council in accordance with any resolution or policy of Council, including the exercise of all discretionary powers which Council is capable of delegating and is not prohibited from so doing under Section 377 of the Local Government Act, 1993 but excluding any powers which may, by resolution of Council, be reserved to Council.
- (b) Included in the delegations approved under Clause 4 (a) are the following:
  - Authority to approve of late payment of rate instalments under the Local Government Act;
  - Authority to accept grants to Council under the normal conditions of acceptance;
  - Authority to approve of applications for extensions of time to pay rates, charges or accounts if a substantive case can be made by the debtor;
  - Authority to take action at any time for the recovery of overdue rates and debtor accounts;
  - Authority to approve of disposal and/or destruction of records in

## Report of the General Manager

## 10.1 Delegation of functions of the Council - review of delegations to the Mayor, General Manager and Other Staff (cont)

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accordance with the provisions of the Local Government Act 1993, State Records Act 1998 and the Regulations attached thereto.

- (5) To obtain quotations and authorise the purchase of goods, works and services to the limits authorised by Council or in the estimates adopted by Council.
- (6) In conjunction with the Mayor, to alter the Order of Business at Council Meetings as required.
- (7) To approve, subject to Council's policy (or to refuse) collections from the public by charitable organisations.
- (8) To accept, subject to Governor's approval, loan offers up to the amount approved by the Council (at interest rates not exceeding the indicative interest rate as calculated by the New South Wales Treasury Corporation) for the purpose and amounts adopted by specific resolution of Council when fixing or amending its annual loan budget.
- (9) To make application to the Governor for approval to raise loans as referred to in Clause 8 hereto and to sign and seal such application and loan mortgage documents.
- (10) To authorise action to be taken to comply with any policy of Council or any provision of the Local Government Act or of any other law, statutory or otherwise, affecting the Council.
- (11) To invest surplus cash that is available from time to time.
- (12) In relation to Staff:
  - (a) To make decisions in all office matters in dispute.
  - (b) To re-arrange or re-organise office staff in all departments.
  - (c) To hear appeals by employees against decisions of employees, in regard to industrial disputes, and give rulings thereon.
  - (d) To instruct staff to take necessary action in connection with any complaints or requests received.
  - (e) To hear disputes between members of the staff and give rulings thereon.
- (13) To approve the attendance of employees of Council to Conferences and pay out-of-pocket expenses for attendance at such conferences to Council's approved maximum amount. To approve the attendance of staff to training seminars and the like, subject to such delegation being exercised and being kept within the votes of Council as may be authorised from time to time and further that authority be granted to the General Manager or to his delegate to attend conferences subject to final sanction of the Mayor.
- (14) To write off monies due to Council up to and including the amount of \$2,500 provided such writing off is in accordance with the provisions of the Act.
- (15) To approve contributions towards legal expenses sought by the Local Government NSW providing such payments do not exceed \$1,000.
- (16) To waiver the replacement cost of domestic waste garbage and recycling bins



## Report of the General Manager

## 10.1 Delegation of functions of the Council - review of delegations to the Mayor, General Manager and Other Staff (cont)

- 
- due to extenuating circumstances following investigations being undertaken in relation to a claim.
- (17) Under authorisation pursuant to Section 381(3) of the Local Government Act 1993 to exercise or perform each of the powers, authorities, duties and functions conferred or imposed on the Director General of New South Wales Department of Health under Part 5 of the Food Act 2003, being improvement notices and prohibition orders.
- (18) To declare a dog to be dangerous under Part 5 of the Companion Animals Act 1998.
- (19) The power to concur in the making of a direction under Section 82(3) of the Act when determining an application for approval where the General Manager is satisfied that an objection lodged with the Council under Section 82(1) of the Act to a local approvals policy of Council is well founded.
- (20) The power to determine objections against the imposition of local orders in relation to applications for approval to carry out an activity prescribed under Section 68 of the Local Government Act.
- (21) The power to concur in the making of a direction under Section 82(3) of the Act for the modification of the provisions of Clause 51 or Clause 52 of the Local Government (General) Regulation 2005, when determining an application for approval in the circumstances stated in the Director General's Delegation dated 14 March 1996.
- (22) The power to negotiate prices with prospective purchasers of Council land within parameters set by Council, subject to approval by Council.
- (23) Pursuant to Section 381(3) of the Local Government Act 1993, the authority to authorise Council officers to issue penalty notices under Section 224 of the Protection of the Environment Operations Act 1997 and Regulations.
- (24) Pursuant to Section 381(3) of the Local Government Act 1993, the authority to authorise Council officers under the provisions of the Protection of Environment Operations Act 1997, Food Act 2003, Local Government Act 1993, Companion Animals Act 1998, Roads Act 1993, Impounding Act 1993, Swimming Pools Act 1992, Public Health Act 2010, and the Regulations attached thereto, to exercise and perform each of the powers, authorities, duties and functions conferred on behalf of Council as specified in those Acts and Regulations.
- (25) The authority to approve all forms under the Local Government Act 1993 which are not prescribed by regulation or approved by the Director General.
- (26) Subject to compliance with the requirements of the Local Government Act 1993 and regulations thereunder and subject to any express policy or direction of Council, the authority to exercise and perform on behalf of Council all functions, powers, authorities, duties and in respect of risk and asset management of parks and reserves, recreational facilities, foreshores, boat ramps, disused quarries and cemeteries and other Council assets.
- (27) To approve or refuse applications for market days, street fairs and the like within Council's commercial areas.

## Report of the General Manager

## 10.1 Delegation of functions of the Council - review of delegations to the Mayor, General Manager and Other Staff (cont)

- 
- (28) To exercise and perform the powers, authorities, duties and functions conferred to Council applicable under the Crown Lands Act 1989 and the Crown Lands Regulation 2006 pursuant to Section 381(3) of the Local Government Act 1993.
- (29) The authority to authorise nominated persons to sign documents relating to matters arising from the Aged Care Act 1997 and the Retirement Villages Act 1999.
- (30) The authority to authorise officers and appropriate persons to enter on private lands in actions taken under the Environmental Planning and Assessment Act 1979.
- (31) The authority to delegate to appropriate officers the authority to sign Section 88 Certificates and all other certification in relation to the Waste Levy and requirements of the Protection of the Environment Operations Act 1997.
- (32) The authority to appoint officers to exercise the powers and functions of the Protection of the Environment Operations Act 1997 under Section 187 of that Act.
- (33) The Authority to delegate to authorised officers to exercise the powers and functions as applicable under the Road Transport Act 2013 and Regulation.
- (34) The authority to:
- Approve development applications up to a value of \$2,000,000 where a proposal complies with statutes planning instruments and Council's policies and codes and where no more than 3 objections are received except:
    - a) where developments are for subdivisions of over 30 allotments;
    - b) where a Councillor requests that the matter be put before Council; and
    - c) the development application is very likely to attract significant public interest and community input in relation to the preservation of coastal and scenic landscapes.
  - Approve development applications reliant on the application of SEPP No 1 and clause 4.6 of the Kiama Local Environment Plan 2011 where the variation to the development standard sought is a minor nature or effect.
  - Approve development applications seeking minor variations to Council's Development Control Plans when the variations sought are of a minor nature or effect.
  - Refuse development applications once where approval of such application is prohibited under the Local Government Act or Regulation or Environmental Planning Instrument or where the application is so far outside Council's code or policy requirements that conditions to rectify deficiencies cannot be embodied in an approval.
  - Approve (but not refuse) applications for extensions of time for development applications previously approved by Council or its officers where the planning position remains unchanged.

Report of the General Manager

10.1 Delegation of functions of the Council - review of delegations to the Mayor, General Manager and Other Staff (cont)

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- (35) The authority to take appropriate action and if necessary commence legal proceedings and/or issue a penalty infringement notice in relation to unauthorised development.
- (36) The authority to:
  - a) Delegate “appropriate persons” under Division 1 Part 164 of the Local Government (General) Regulation 2005 (NSW); and
  - b) Appoint “authorised officers” under Section 372 of the Biosecurity Act 2015.

**Item 10.1**

**10.2 Council Committees - appointment of committees and memberships**

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.3 Council and the community working together

Delivery Program: 4.3.1 Foster positive community relationships through open communication, opportunities for participation and sharing information

Item 10.2

**Summary**

This report requests Councillors to determine the Committee structure for 2017/18 and nominate Councillor membership of those committees.

**Finance**

Not applicable.

**Policy**

Not applicable.

**Attachments**

1 Council Committees 2016/17 [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council determine the committee structure for 2017/18 and nominate the Councillor membership of those Committees.

**BACKGROUND**

The list of committees Council has previously established and which are still relevant is included for reassessment by Council. The list includes proposed dates and times at which meetings will be held.

This report gives Council the opportunity to review and examine its committee structure. Several matters should be critically examined – firstly the continuing need for the committees, and secondly, the membership thereof. A copy of the existing membership of committees has been circulated to Councillors.

**LIST OF COUNCIL COMMITTEES – 2016/2017**

<b>Committee</b>	<b>Council Membership</b>	<b>Meeting Times</b>	<b>Membership Nos.</b>
Access	Clr Kathy Rice	1 <sup>st</sup> Friday every 2 <sup>nd</sup> month, 10am	1 Councillor (Chair)
Australia Day	Clr Mark Honey Clr Neil Reilly Clr Mark Westhoff	As required.	Mayor and 2 Councillors (including Chair)
Blue Haven Management Advisory	Clr Mark Honey Clr Don Watson Clr Kathy Rice	1 <sup>st</sup> Wednesday, quarterly, 6pm Blue Haven	Mayor and 2 Councillors
Companion Animals Management Advisory	Clr Mark Way	Every 6 months or as required.	1 Councillor
Economic Development	Clr Warren Steel Clr Don Watson Clr Mark Honey	4 <sup>th</sup> Tuesday every month, 5.30pm Pavilion	3 Councillors (including Chair) and Chair of Tourism Committee
Estuary & Floodplain Management	Clr Andrew Sloan Clr Mark Westhoff	As required	2 Councillors
Hoi An Friendship	Clr Matt Brown Clr Kathy Rice Clr Neil Reilly Clr Mark Way	As required	4 Councillors and General Manager
Holiday Parks Advisory	Clr Mark Honey Clr Matt Brown Clr Mark Westhoff	As required	Mayor, 1 or 2 Councillors and General Manager
Audit, Risk & Improvement	Clr Mark Honey Clr Kathy Rice Clr Andrew Sloan	As required	Mayor, Deputy Mayor, 1 Councillor
Kiama Cultural Board including Art Centre and Grants	Clr Mark Honey Clr Neil Reilly Clr Kathy Rice	Last Thursday every month, 5.30pm	Mayor, 2 Councillors and General Manager
Kiama Health & Sustainability Advisory	Clr Kathy Rice Clr Andrew Sloan	Bi-monthly	2 Councillors
Kiama Walking Tracks/Cycleway	Clr Mark Honey Clr Mark Way	As required	1 Councillor (including Chair) and Mayor ex-officio

Item 10.2

Attachment 1

- 2 -

List of Council Committees Contd

Committee	Council Membership	Meeting Times	Membership Nos.
Long Term Financial Planning and Revenue	Clr Neil Reilly Clr Kathy Rice Clr Andrew Sloan Clr Warren Steel	As required	4 Councillors
Work Health & Safety	Clr Mark Honey	Quarterly	Mayor (ex-officio)
Performance Review	Clr Mark Honey Clr Kathy Rice Clr Andrew Sloan Clr Mark Way	Every 12 months	Mayor, Deputy Mayor and 2 Councillors
Planning Committee	Clr Mark Honey Clr Andrew Sloan Clr Kathy Rice Clr Mark Way Clr Mark Westhoff	As required.	Mayor, Deputy Mayor and 3 Councillors
Seniors' Week	Clr Kathy Rice	As required	1 Councillor (including Chair)
Staff Consultative	Clr Mark Honey	Monthly, no set date, 11.30am	Mayor (ex officio)
Streets & Reserves Naming	Clr Mark Westhoff Clr Andrew Sloan	As required.	1 Councillor and 1 Alternative
Traffic	Clr Mark Honey Clr Mark Way	1 <sup>st</sup> Tuesday every month, 9am	1 Councillor and 1 Alternative
Youth Advisory	Clr Kathy Rice Clr Mark Westhoff	1 <sup>st</sup> Thursday every month, 10.40am at Kiama High	2 Councillors

Item 10.2

Attachment 1

**10.3 Delegates to Other Bodies 2017/2018**

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.2 Council embraces good governance and better practice strategies

Delivery Program: 4.2.4 Develop strategic partnerships with regional and other organisations to advance local community priorities

Item 10.3

**Summary**

This report requests Councillors to determine its representatives to outside organisations.

**Finance**

Not applicable.

**Policy**

Not applicable.

**Attachments**

1 Delegates to other bodies 2016/17 - as at 11/09/17 [↓](#)

**Enclosures**

Nil

***RECOMMENDATION***

That Council determine its representatives to outside organisations.

**BACKGROUND**

Attached to this report is a list of the outside organisations to which Council has appointed delegates or is represented on. A copy of the existing list of delegates has been circulated to Councillors.

## LIST OF DELEGATES TO OTHER BODIES – 2016/2017

Committee/Association	Meetings	Councillors Elected	Nature of Appointment	Delegates
Cleary Bros Community Consultative Committee	As required	Clr Sloan Clr Westhoff	Council	2 Councillors
Friends of Kiama Library	Monthly	Clr Rice Clr Way (Alt)	Council	1 Councillor and 1 Alternate
Healthy Cities Illawarra Management Committee and International Healthy Cities Alliance (including Australian Chapter)	Quarterly and as required	Clr Honey Clr Rice (Alt)	As Mayor	Mayor and 1 Alternate
Illawarra Academy of Sport	Bi-monthly	Clr Way (Alt)	Delegate	Director Community Services and 1 Councillor Alternate
Illawarra Bush Fire Management Committee	Quarterly	Clr Watson	Councillor Delegate, Staff	1 Councillor and Director Engineering and Works
Illawarra Connection		Clr Steel	Council	1 Councillor
Illawarra District Weeds Authority Committee	Quarterly	Clr Rice	Council	1 Councillor & 1 Alternate being Landscape Officer
Illawarra Landcare Co-ordinating Committee	Monthly	Clr Rice	Council	1 Councillor
Illawarra/Shoalhaven Joint Organisation	2 <sup>nd</sup> Friday alternate month	Clr Honey Clr Rice	Council	Mayor, Deputy Mayor and Alternate General Manager
Illawarra Regional Airport Management Advisory Committee	As required	Clr Honey		Mayor
Illawarra Regional Information Service	Quarterly	Clr Steel	Delegate	1 Councillor
Illawarra Rural Fire District Service Agreement Committee	Quarterly	Clr Watson	Councillor Delegate, Staff	1 Councillor and Director Engineering and Works
Joint Regional Planning Panel	As required	Clr Honey Clr Sloan (Alt)	Council delegates	Mayor, General Manager and 1 Alternate



- 2 -

List of Delegates to Other Bodies Contd

Committee/Association	Meetings	Councillors Elected	Nature of Appointment	Delegates
Kiama & District Sports Association	Bi-monthly	Clr Way	Council	1 Councillor and Director Engineering & Works
Kiama Liquor Accord	As required	Clr Watson Clr Brown	Council delegate	2 Councillors and Road Safety Officer
Civic Risk Mutual	Quarterly	Clr Honey	Delegate	1 Councillor and General Manager
South Coast Co-operative Library Service	Bi-monthly	Clr Rice	Council	1 Councillor
Sydney Catchment Authority's Local Government Reference Panel	As required	Clr Sloan Clr Westhoff (Alt)	1 Councillor, 1 Staff	1 Councillor, 1 Alternate and Director Environmental Services

Item 10.3

Attachment 1

**10.4 Kiama Lions Club - Reimbursement of Pavilion hire fee**

CSP Objective: 1.0 A healthy, safe and inclusive community

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

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

Item 10.4

**Summary**

This report seeks the Council's consideration of reimbursement of The Pavilion Kiama hire fee to the Kiama Lions Club.

**Finance**

Council's Community Contributions and Donations fund.

**Policy**

Not applicable.

**Attachments**

1 Request to waive booking fee - Lions Club of Kiama Inc [↓](#)

**Enclosures**

Nil

***RECOMMENDATION***

That Council approve the reimbursement to the Kiama Lions Club of the \$960 booking fee for the hire of The Pavilion Kiama.

**BACKGROUND**

Council has received a request (letter attached) from the Kiama Lions Club seeking to have the \$960 hire fee of The Pavilion Kiama donated back to the Club. The Club hired the Pavilion on 2 June 2017 to celebrate the Lions International 100 years of Service. The event involved all three clubs within the Municipality and various dignitaries.

The Centenary of Lions International was a highly significant event and it was appropriate to recognise the excellent work, some of which has been on public/community land, and services of the three local Lions Clubs at this time. It is proposed that Council donate the hire fee to the Kiama Lions Club.

*Letter to General Manager*



**We Serve**

**Lions Club of Kiama Inc  
PO Box 161  
Kiama NSW 2533  
Lions Club No: 022303  
Inc Assoc No: Y07488-05  
ABN: 25 055 317 008  
CFN: 13578**

8<sup>th</sup> June 2017

Mr Michael Forsyth  
Kiama Council

Dear Michael,

On the 2<sup>nd</sup> June 2017 our Lions Club hired the Pavilion to celebrate Lions International 100years of service.

All three Lions Clubs in the Kiama Municipality, Gerringong, Minnamurra and Kiama participated in the celebration. It was attended by our District Governor, the Mayor of Kiama, Gareth Ward and Ann Sumalis.

Given that we are a Service Club that supports a range of activities within our municipality it would be appreciated if Council would consider donating the \$960 booking fee back to our club.

Yours Faithfully  
Kiama Lions Club

Graham Bradley  
Treasurer

**Date Received**

29 JUN 2017

Kiama Municipal Council

President: David McLeod  
Secretary: John Larkins

Ph (02) 42322771  
Ph: 02 4263 3475

[secretary@kiamalions.com](mailto:secretary@kiamalions.com)

Item 10.4

Attachment 1

**10.5 Local Government NSW Annual Conference 2017**

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.2 Council embraces good governance and better practice strategies

Delivery Program: 4.2.2 Manage an effective workforce in an environment of continuous improvement

Item 10.5

**Summary**

This report seeks endorsement of the registration of interested Councillors to attend the Local Government NSW Annual Conference from Monday 4 December to Wednesday 6 December 2017 at the Hyatt Regency, Sydney.

**Finance**

To be funded from the Travel and Conference budget for Members.

**Policy**

Not applicable

**Attachments**

- 1 Official Notice & Instruction for Registration - Local Government NSW Annual Conference 2017 [↓](#)
- 2 Local Government NSW Annual Conference 2017 - draft program [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council endorse

1. the registration of Councillors interested in attending the Local Government NSW Annual Conference 2017
2. the selection of three Councillors to be registered as voting delegates.

**BACKGROUND**

Council has received correspondence (attached) from the President of LGNSW, Cllr Keith Rhoades, advising details of the LGNSW Annual Conference to be held at the Hyatt Regency, Sydney from Monday 4 December to Wednesday 5 December 2017.

Registration for the Conference is now open and delegates who register prior to 23 October 2017 are eligible for the early bird registration fee of \$899. Registration after that date is \$999 and closes on 27 November 2017. Delegate registration includes all papers, the Opening Reception, Gala dinner, all day sessions including refreshments. A copy of the draft program is attached for Councillors' information.

Report of the General Manager

10.5 Local Government NSW Annual Conference 2017 (cont)

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Councillors who are interested in attending the Conference should advise the General Manager's Executive Assistant as soon as possible.

### Motions

Councillors who wish to submit motions for consideration for the Conference should raise them at the meeting. LGNSW are encouraging councils to submit motions by COB Monday 9 October 2017 to facilitate compilation and printing with the final deadline being Monday 6 November 2017.

Motions must advance the local government policy agenda (enclosed) and will only be included in the Conference Business Paper where they:

1. are consistent with the objects of the Association;
2. relate to Local Government in NSW and/or across Australia;
3. concern or are likely to concern Local Government as a sector;
4. seek to advance the Local Government Policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members.

Additional information on writing motions is available at <http://lgnsw.org.au/events-training/local-government-nsw-annual-conference/submit-motion-conference>.

Motions can also be submitted using the online form on the LGNSW Annual Conference webpage <https://lgsa.wufoo.eu/forms/2017-lgnsw-conference-business-sessions/>.

### Voting

Council is categorised as a Regional/Rural Council and is entitled to three voting delegates. Registration of voting delegates closes Wednesday 1 November 2017.

This year the Conference will involve two types of voting:

1. delegates voting on motions which determine the policies and priorities for LGNSW and the sector
2. eligible delegates voting in elections for the LGNSW Office Bearers and Board.



Our ref: R15/0015 Out-26719

4 August 2017

Mr Michael Forsyth  
General Manager  
Kiama Municipal Council  
PO Box 75  
KIAMA NSW 2533

Dear Mr Forsyth

**Official notice and instructions for registration:  
Local Government NSW Annual Conference 2017**

I write to provide you with official notice of this year's Local Government NSW Annual Conference 2017 (Conference) and to detail important information in addition to the information provided on 2 June 2017.

This year's Conference will be held later than usual – from **Monday 4 December to Wednesday 6 December at the Hyatt Regency, Sydney.**

As previously advised, this year the Conference will involve two types of voting: delegates will vote on motions which determine the policies and priorities for LGNSW and the sector, and eligible delegates will vote in elections for the LGNSW Office Bearers and Board.

This letter contains important information on the Conference, about:

- Registering to attend the Conference (opens late August)
- Registering to vote for (a) motions (b) Board elections
- Submitting motions (open now)
- General Conference information

I very much look forward to coming together in December to share ideas and debate sector-wide issues.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Rhoades'.

Cr Keith Rhoades AFSM  
President

*Attachments:*

1. *Registration – to attend the Conference*
2. *Registration – as a voting delegate*
3. *Submitting motions*
4. *General Conference information*

LOCAL GOVERNMENT NSW  
GPO BOX 7003 SYDNEY NSW 2001  
L8, 28 MARGARET ST SYDNEY NSW 2000  
T 02 9242 4000 F 02 9242 4111  
LGNSW.ORG.AU LGNSW@LGNSW.ORG.AU  
ABN 49 853 913 882

**Attachment 1: Registration – to attend the Conference**

Registrations open in late August on the LGNSW website. We invite councillors, Mayors, General Managers and senior staff to register to attend. You will be able to register an individual or group.

- **Early Bird registration rate is \$899** and applies if you register and pay by 23 October 2017
- **Standard registration rate is \$999** for all registrations from 24 October – 27 November 2017

Members wishing to take advantage of the Early Bird rates but uncertain of councillors' names due to pending Local Government elections can still register the requisite number of attendees and confirm names up to and including Monday 23 October 2017 (advising delegates' names and alterations to delegates' names can be completed online).

**Confirmation, Cancellation Policy and Enquiries**

Should you be unable to attend, once registered, a substitute delegate is welcome to attend in your place at no additional charge. All cancellations and amendments must be advised in writing to the Conference Secretariat, Bradley Hayden, at [Bradley@csem.com.au](mailto:Bradley@csem.com.au).

Cancellations made by 5.00pm Monday 27 November 2017 will be eligible for a full refund less a \$110 administration fee per registration. Cancellations made after 5.00pm Monday 27 November 2017 are not refundable.

**Note:** Voting delegates must be registered to vote on motions and also be registered to attend the Conference.



### **Attachment 2: Registration – as a voting delegate**

Separate from Conference registration, financial members must nominate:

- (a) the names of their voting delegates for voting on motions and,
- (b) where applicable, the names of their voting delegates for voting in the elections for the Association's Office Bearers and Board.

### **Voting entitlements**

The Association's Rules require the development of two rolls of voters, one for voting on policy motions, and a separate roll of voters for voting in the elections for the Association's Office Bearers and Board. A copy of the Rules may be found at [www.fwc.gov.au/registered-organisations/find-registered-organisations/local-government-and-shires-association-new](http://www.fwc.gov.au/registered-organisations/find-registered-organisations/local-government-and-shires-association-new)

Each financial member is entitled to a certain number of voting delegates. The formula for calculating members' voter entitlements is prescribed at Rule 23 of the Association's Rules.

Ordinary members will need to nominate the names of their delegate(s) for both types of voting: voting for the Association's Office Bearers and Board and voting on policy motions.

Associate members will need to nominate the names of their delegate(s) for voting on policy motions only.

### **Voting on Policy Motions**

Ordinary members and associate members of the Association must be financial on Monday 9 October 2017 to vote on policy motions that require consideration by the Conference.

**LGNSW will notify members by Friday 13 October 2017** of the number of voting delegates that they are entitled to send to the Conference to vote on motions.

Forms for nominating the names of each member's delegate(s) will be made available on the Association's website by 13 October 2017. Members are encouraged to give early consideration to nominating the names of voting delegates well before 13 October by internally preparing a draft/reserve voter list of councillors.

**The deadline to provide LGNSW with the names of delegates to vote on policy motions is Wednesday 1 November.** Nominations of voting delegates received after the closing date cannot be accepted. However a member may substitute the name(s) of one voting delegate for another, at any time, in line with Rule 34 of the Association's Rules.

### **Voting for the Association's Office Bearers and Board**

The scheduled election for the Association's Office Bearers and Board is to take place this year. If an office is contested, nominated voting delegates will vote by attendance at the Conference on Tuesday 5 December 2017.

The Australian Electoral Commission (AEC) will conduct the election for the Association's Office Bearers and Board. Once the AEC issues an election notice inviting nominations for Office Bearers and Board, members can be advised, including of when members are required to tell LGNSW the names of their voting delegates for the elections. Members and potential candidates who are interested in the election process and timeline should review the Association's Rules.



**Nominating as a candidate for Election for the Association's Office Bearers and Board**

To nominate for the Board, a person must be a Councillor of a Council which is an Ordinary member of the Association or a member of the Board of the Aboriginal Land Council (ALC) if ALC is an Ordinary member.

Nominations must be made using the prescribed form (which the AEC will make available when it calls for nominations), and must comply with the above requirements. There is no requirement for councils to formally endorse a person's nomination as a candidate at a council meeting.

**Important dates for voting**

Please note the 2017 deadlines for voting.

Deadline	Action
Monday 9 October	Deadline for payment of membership fees (required for your council to be entitled to vote on policy motions and for the Board).
Friday 13 October	Members notified of number of delegates that can vote on policy motions.
At a date to be confirmed by the AEC	AEC to issue an election notice inviting nominations for Office Bearers and the Board.
Wednesday 1 November	Deadline for members to provide names to LGNSW of delegates who will vote on policy motions.

For further information about voting please contact Ms Debra Law, Divisional Coordinator – Member Services, on 02 9242 4142 or [Debra.Law@lgnsw.org.au](mailto:Debra.Law@lgnsw.org.au).

### **Attachment 3: Submitting Motions**

All members can put forward motions to be considered at the Conference.

Members are now invited to submit motions using the online form on the LGNSW Annual Conference webpage <http://lgnsw.org.au/events-training/local-government-nsw-annual-conference>.

The LGNSW Board is working to ensure the motions debate centres on advancing the sector wide policy agenda in new ways. Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. Members are encouraged to review the Action Report of resolutions from the 2016 Conference before submitting motions for the 2017 Conference. The Action Report is available on the LGNSW Annual Conference webpage under 'Past Conference - 2016'.

The Board has resolved that motions will be included in the Business Paper for the Conference only where they:

1. are consistent with the objects of the Association (see Rule 4 of the Association's rules);
2. relate to Local Government in NSW and/or across Australia;
3. concern or are likely to concern Local Government as a sector;
4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members.

For a motion to be included in the Business Paper for the Conference the submitting member needs to provide accompanying evidence of its support. Such evidence may include an extract of the minutes of the meeting at which the member resolved to submit the motion for consideration by the Conference.

### **Deadline for submitting motions**

To allow printing and distribution of the Business Paper before the Conference, members are asked to submit their motions by COB **Monday 9 October 2017**. In line with the LGNSW rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is 12 midnight on Monday 6 November 2016.

For further information on submitting motions please contact Ms Elizabeth Robertson, Policy Officer, on 02 9242 4028 or [Elizabeth.Robertson@lgnsw.org.au](mailto:Elizabeth.Robertson@lgnsw.org.au).

#### **Attachment 4: General Conference information**

##### **Business Papers**

The full Conference Business Paper is expected to be available on the LGNSW website and copies forwarded to members approximately one week prior to the Conference.

LGNSW's financial reports will be available to members at least 21 days before the Conference.

##### **Conference Program Outline**

**Training sessions:** When registering for Conference, attendees can also register for afternoon sessions to be held Monday 4 December. Topics this year are amalgamation case studies, and elected life and good governance.

**President's Opening Reception:** The opening reception will be held in the evening on Monday 4 December.

**First business day of the Conference and the LGNSW Board elections:** Voting delegates will be invited to vote on motions and vote in the Board elections on Tuesday 5 December. The NSW Premier, the Hon. Gladys Berejiklian MP has been invited for the opening address.

**Second business day:** The Australian Local Government Women's Association (ALGWA) Breakfast will be held prior to the business sessions. Day 2 on Wednesday 6 December will include addresses from Ministers, keynote speakers and concurrent information sessions.

**Conference Gala Dinner:** The dinner will be held on Wednesday 6 December and all those registered for the Conference may attend.

A detailed program will be available on the LGNSW Annual Conference webpage.

##### **Accommodation**

December is a busy time in Sydney and LGNSW encourages delegates to book accommodation as early as possible to avoid disappointment.

For Conference delegates wishing to stay at the venue (Hyatt Regency) a reduced accommodation rate is available from Sunday 3 December until Thursday 7 December. For group bookings please contact Ashley Markovic, Group Reservations Coordinator, on 02 9290 4812 or [Ashley.Markovic@hyatt.com](mailto:Ashley.Markovic@hyatt.com).

##### **Outstanding Service Awards**

The Outstanding Service Awards will be presented at the Conference Gala Dinner. For information about the Awards, including where to apply and eligibility, please check the LGNSW website.

##### **Privacy Statement**

LGNSW, which is regulated by the Privacy Act 1988 (Cth), collects private information about registered attendees to the Conference such as names, addresses, telephone numbers, credit card information and email addresses. We use the private information you give us to process your registration and to send you information in relation to the Conference.

If you choose not to provide some or all of the private information that we have sought, LGNSW may be unable to process your registration or it may result in you being unable to vote at the Conference. Further information about how LGNSW collects, holds and uses private information is contained in LGNSW's Privacy Policy which is available on the website at the following web address: <http://www.lgnsw.org.au/privacy>.



## Local Government NSW Annual Conference 2017

Monday 4 – Wednesday 6 December 2017

Main conference venue is Hyatt Regency Sydney, 161 Sussex Street Sydney

This program is correct at the time of publication; speakers and program details may have changed due to unforeseen circumstances.

### DRAFT PROGRAM (as of 11 August 2017)

MONDAY 4 December	
1.00pm – 4.00pm	Bump in sponsors to set up trade exhibition Bump in voting booths into Wharf 4 and 5
2.00pm – 4.45pm	Registration opens in Foyer
3.00pm – 4.00pm	Two optional concurrent councillor training/information sessions. Coming together post-amalgamation: lessons and next steps three case studies <b>Peter Tegart</b> , Interim General Manager, Queanbeyan Palerang Regional Council <b>Ashley Hall</b> , Administrator, Edward River Council <b>Gail Connolly</b> , General Manager, Georges River Council (invited)  or  Elected life and good governance: building your capabilities. A session for new councillors
4.00pm – 5.00pm	Sessions repeated above
5.00pm – 7.00pm	President’s Opening Reception in Maritime Ballroom in the trade exhibition
TUESDAY 5 December – Business Session Day 1 / Grand Ballroom/Maritime Ballroom	
7.30am – 5.00pm	Registration opens on main landing
8.00am – 9.00am	Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors (Voting for all positions at the one time) in Wharf 3, 4 and 5 (rooms)
8.15am – 9.00am	Distribution of voting materials and electronic handsets  Trade exhibition opens in Maritime Ballroom
9.15am – 9.45am	Address from <b>The Hon Gladys Berjicklian MP</b> , Premier of New South Wales (invited)
9.45am – 11.00am	Address from <b>Cr Keith Rhoades AFSM</b> , President, LGNSW  <b>Opening of the Federal Conference</b> , chaired by <b>Cr Keith Rhoades AFSM</b> including demonstration of voting units, adoption of standing orders, presentation of the auditor’s report, general financial report and operating report to members. Business session and consideration of motions.



	<p><b>Opening of the State Conference</b>, chaired by <b>Cr Keith Rhoades AFSM</b> including adoption of standing orders. Presentation of the auditor's report, general financial and operating report to members.</p> <p>Business sessions and consideration of motions.</p>
11.00am – 11.30am	<p>Morning tea in trade exhibition area  Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors</p>
11.30am – 1.00pm	<p>Consideration of Conference business continued, chaired by the President</p>
1.00pm – 2.00pm	<p>Lunch in trade exhibition  Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors</p>
2.00pm – 3.30pm	<p>Consideration of Conference business continued, chaired by the President</p>
3.30pm – 4.00pm	<p>Afternoon tea in trade exhibition area  Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors</p>
4.00pm – 5.30pm	<p>Consideration of Conference business continued, chaired by the President  Collection of all electronic handsets and motions voting cards  Conference business session closes</p>
5.30pm – 6.30pm	<p>Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors  Voting closes</p>
6.00pm – 7.00pm	<p>Delegate networking function in trade exhibition area</p>
7.30pm	<p>Trade exhibition closes. Free night for delegates.</p>
<p><b>Wednesday 6 December– Business Session Day 2 / Grand Ballroom/Maritime Ballroom/Wharf rooms</b></p>	
7.30am – 5.00pm	<p>Registration opens</p>
7.30am – 8.45am	<p><b>Australian Local Government Women's Association (ALGWA NSW) Breakfast</b>  Special Guest Speaker <b>Rhoda Roberts</b>, Head of First Nation Programming, Sydney Opera House, Festival Director Boomerang, will speak on Accessing and Creating Relationships with Your Local Community.</p>
8.00am – 5.30pm	<p>Trade exhibition open in Maritime Ballroom</p>
9.00am – 9.05am	<p>Introduction by <b>Ellen Fanning</b>, Master of Ceremonies</p>
9.05am – 9.20am 9.20am – 9.35am	<p><b>Address</b> from <b>The Hon Gabrielle Upton MP</b>, Minister for Local Government  Facilitated questions from the conference to the Minister</p>
9.35am – 10.05am	<p><b>Keynote: Dr Jonathan Carr-West</b>, Chief Executive, Local Government Information Unit UK presents on Transforming Local Government or the role of councils in economic development (invited)</p>
10.05am – 10.30am	<p>Morning tea in trade exhibition area</p>
10.30am – 10.45am 10.45am – 11.00am	<p>Address from <b>The Hon Peter Primrose MLC</b>, Shadow Minister for Local Government  Facilitated questions from the conference to the Shadow Minister</p>
11.00am – 11.15am	<p><b>Keynote: Short Address</b> from <b>The Hon Melinda Pavey MP</b>, Minister for Roads,</p>

11.15am – 11.30am	Maritime and Freight, <b>Keynote:</b> Short Address from <b>Carolyn McNally</b> , Secretary of the Department of Planning and Environment, on Housing Affordability and Partnerships with Councils.
11.30am – 11.40am	<b>MC</b> to facilitate Q and A to both speakers (10 mins only)
11.40am – 12.10pm	<b>Address</b> from <b>Stuart Reeve</b> , Managing Director, Micromex Research and Consulting on Community Perceptions of Local Government
12.10pm – 12.30pm	<b>Presentation</b> of the AR Bluett Awards (20 mins)
12.30pm - 12.40pm	<b>Address</b> from <b>Cr Keith Rhoades AFSM</b> , LGNSW President on Association Initiatives
12.40pm – 12:50pm	<b>Treasurer's Report</b>
12.50pm – 1.40pm	Lunch in the trade exhibition area General Managers Lunch sponsored by StateCover: a short update from StateCover, Local Government Super and LGP (30 mins)
<b>1.40pm – 3.10pm</b>	<b>MOVE TO CONCURRENT SESSIONS</b>
<b>Environment and Planning</b>  1.40pm – 1.45 intro 1.45pm – 2.05pm 2.05pm – 2.10 intro 2.10pm – 2.30pm 2.30pm – 2.35intro 2.35pm – 2.55pm 2.55pm – 3.10pm Q and A	Stream facilitated by <b>Stephen Beaman PSM</b> , Executive Director Waste and Resource Recovery, Environment Protection Authority (EPA).  <ul style="list-style-type: none"> <li>• <b>Dr Bruce Christie</b>, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries on The biosecurity framework and shared responsibilities</li> <li>• <b>Stephen Beaman PSM</b>, Executive Director Waste and Resource Recovery EPA on Introducing a Container Deposit Scheme</li> <li>• <b>Tom Celebrezze</b>, Director Biodiversity Policy, Office of Environment and Heritage Biodiversity reforms and Local Government</li> </ul>
<b>Infrastructure and Economics</b>  1.40pm – 1.45 intro 1.45pm – 2.05pm 2.05pm – 2.10 intro 2.10pm – 2.30pm 2.30pm – 2.35intro 2.35pm – 2.55pm 2.55pm – 3.10pm Q and A	Stream facilitated by TBC  <ul style="list-style-type: none"> <li>• <b>Greg Dyer</b>, General Manager City of Parramatta, Case study on the Redevelopment of Parramatta Square</li> <li>• <b>Susie Matthews</b>, Director Small Business Engagement, NSW Department of Industry on In Support of night-time economies</li> <li>• <b>Sean Gordon</b>, Chief Executive Officer, Darkinjung Local Aboriginal Land Council on Building local economies and the economic development of aboriginal lands</li> </ul>

Item 10.5

Attachment 2

<p><b>People and Communities</b></p> <p>1.40pm – 1.45 intro                  1.45pm – 2.05pm                  2.05pm – 2.10 intro                  2.10pm – 2.30pm                  2.30pm – 2.35intro                  2.35pm – 2.55pm                  2.55pm – 3.10pm Q and A</p>	<p>Stream facilitated by TBC</p> <ul style="list-style-type: none"> <li>• <b>Jody Broun</b>, Director NSW/ACT, Red Cross on Disaster Preparedness – council’s building resilience with their communities in times of natural disaster or accident</li> <li>• <b>Wendy Waller</b>, Mayor and <b>Shabnam Bhana</b>, Community Development Worker, Liverpool City Council, and <b>Cr Greg Conkey</b>, Mayor, Wagga Wagga City Council on Refugee Resettlement</li> <li>• <b>Mary Barry</b>, Chief Executive Officer, Our Watch on the national framework for preventing violence against families and women,</li> </ul>
<p>3.10pm – 3.20pm                   3.20pm – 4.00pm                   4.00pm – 4.30pm</p>	<p><b>RETURN TO PLENARY SESSION AND CLOSE OF CONFERENCE</b></p> <p><b>Keynote: Annabel Crabb</b>, Walkley Award winning journalist on 'What the community wants and expects from government; what local government can learn from the international, national and state experience; and what it means for local government in the future'.</p> <p>Afternoon tea and delegate networking function in trade exhibition area</p>
<p><b>7.30pm – 11.00pm</b></p>	<p><b>CONFERENCE DINNER, Grand Ballroom Hyatt Regency (in the conference room)</b></p>
<p>7.30pm                  7.45pm                  8.00pm                  8.10pm                  8.35pm                  9.35pm                  11.00pm</p>	<p>Doors open                  Delegates seated and entrée served                  LGNSW President introduces Elite Sponsor, StateCover Mutual Limited                  LGNSW President and Elite Sponsor present the Outstanding Service Awards Presentation of the Heart Foundation Local Government Awards National Winner by CEO Kerry Doyle (invited)                  Main course served                  Entertainment and dancing                  Function finishes</p>
<p><b>CLOSE OF CONFERENCE</b></p>	

Item 10.5

Attachment 2

This program is correct at the time of publication. Speakers and program details may change due to unforeseen circumstances.

**10.6 Kiama Bowling & Recreation Club - President's Open Weekend Bowls Competition**

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.5 Facilitate sport and health related facilities and programs

**Summary**

This report advises of a request for sponsorship of the new President's Open Weekend Bowls Competition to be held at the Kiama Bowling & Recreation Club.

**Finance**

Sponsorship of \$500 is requested.

**Policy**

Not applicable.

**Attachments**

1 President's Open Weekend Flyer [↓](#)

**Enclosures**

Nil

***RECOMMENDATION***

That Council sponsor the President's Open Weekend Bowls Competition to be held at the Kiama Bowling & Recreation Club Limited by providing \$500 to enable provision of perpetual trophies for each event and badges for individual winners.

**BACKGROUND**

Council has received a letter requesting sponsorship by Council of a new President's Open Weekend Bowls competition to be held at the Kiama Bowling & Recreation Club. An extract from the letter is as follows:

'I write as the President of the Kiama Bowling & Recreation Club seeking support of Council in the successful operation of our new President's Open Weekend bowls competition to take place in October this year.

The attached flyer describes the weekend in full and the Club is planning for this to become an annual event.

At the present time it will be funded primarily by the donation of the President's honorarium and we seek the assistance of others to ensure the success of the weekend. In particular, we are looking for sponsorship of \$500 to enable the provision of perpetual trophies for each event and badges for individual winners. Local businesses have indicated their support in the provision of valuable raffle prizes.



Report of the General Manager

10.6 Kiama Bowling & Recreation Club - President's Open Weekend Bowls Competition (cont)

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The game prize money on offer (over \$5000) will attract players and supporters from many parts of NSW and indeed other States as well already have a team from Coolum QLD registered. As always Kiama is promoted as the preferred leisure destination for all.

Whilst the KBRC has an enviable reputation for the best bowling greens south of Sydney (some even included Sydney), as a community based club we struggle to prosper under the weight of industry regulation. Holding an event such as that proposed will enable us to raise much needed funds in our desire to provide the best possible facilities for members and guests. This is a constant for the club and our many volunteers give many hours and resources to that end.

We trust that you are able to give our request sympathetic consideration and we look forward to hearing from you in due course.'

The President's Open Weekend is an initiative of the Kiama Bowling & Recreation Club and deserves support. The event will attract teams from across the State and as advised a team from Queensland is also attending. The event should have a positive impact on the local tourism and economy.

**Item 10.6**



**MENS, LADIES  
OR MIXED TEAMS  
WELCOME**

**\$5,500  
Total Prize Pool**

**OPEN FOURS**

Saturday 7th October

3 Games 15 Ends

1st - \$1200

2nd - \$900

3rd - \$700

Games Prizes \$200 x 3

**OPEN PAIRS**

Sunday 8th October

3 Games 15 Ends

1st - \$800

2nd - \$600

3rd - \$400

Games Prizes \$100 x 3

FOR CONDITIONS OF PLAY  
REFER TO ENTRY FORM

**PRESIDENT'S  
OPEN WEEKEND**

7TH / 8TH OCTOBER 2017

Entry Fee:

\$120 per team in fours and

\$60 per team in pairs

includes lunch both days

(for both events)

Both days:

Lunch after

2nd game

9.15am call cards

Raffle prizes

to be won

Send entries to:

Adam Rodgers (Bowls Coordinator)

Kiama Bowling Club

100 Shoalhaven Street

Kiama 2533

OR message

'Bowls Kiama' on Facebook

OR phone 02 4232 1176

to enter your team

**10.7 Rotary Club of Kiama**

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.3 Council and the community working together

Delivery Program: 4.3.1 Foster positive community relationships through open communication, opportunities for participation and sharing information

Item 10.7

**Summary**

This report advises of a request from the Rotary Club of Kiama to obtain the contents of the kitchen of the former Kiama Hospital, together with the steel cabinets and shelving currently stored in Barroul House. Kiama Rotary wishes to use the fittings and equipment in an upgrade of the Madang Hospital in Papua New Guinea.

**Finance**

The steel shelving and benches of the former kitchen and the steel cabinets and shelving from the former Kiama Hospital site have only scrap metal value.

**Policy**

Not applicable.

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

That Council support the work of the Kiama Rotary Club by providing the disused steel benches, cabinets and shelving from the former Kiama Hospital kitchen and administration buildings to Kiama Rotary to be used in their overseas service work of upgrading the Madang Hospital in Papua New Guinea.

**BACKGROUND**

Council has received a letter of request from Rotary Club of Kiama to obtain the fittings and equipment of the kitchen of the former Kiama hospital together with steel cabinets and shelving of the hospital currently stored in Barroul House. An extract from their letter is below:

'Kiama Rotary have been actively involved over a number of years with projects in Madang Province, Papua New Guinea and have established a 'sister club' relationship with the Rotary Club of Madang.

One of the projects identified where Kiama Rotary can assist Madang is the refurbishment of the kitchen at the Madang Hospital with the added provision of much needed storage facilities throughout the hospital.

Report of the General Manager

10.7 Rotary Club of Kiama (cont)

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The conditions and equipment in the kitchen are not up to today's standards regarding health and safety issues. It is proposed that the fittings and equipment from Kiama Hospital once installed in the Madang Hospital will go a long way to get the Madang Hospital kitchen up to required and acceptable standards. The fittings and equipment includes stainless steel benches and fittings, exhaust fans, air conditioning units, dish washer and cool rooms from the Kiama Hospital.

It would be appreciated if Council would consider making the abovementioned equipment and items available to Kiama Rotary.

If available the Club proposes to pull out the fittings and equipment from Barroul House, store them in a container, then ship them to Madang and then send a volunteer working team to Madang during 2018 to carry out the installation. This team would possibly consist of, as has been in the past, members and associates of Kiama, Gerringong and Berry Rotary Clubs.'

The steel cabinets, shelving and kitchen of the former Kiama Hospital generally have only scrap metal value. The Illawarra Shoalhaven Health District left the steel cabinets, shelving and kitchen benches on the site as they had no value to the Health District. Members of the Rotary Club of Kiama inspected the steel cabinets, shelving and benches and they are of the view that they will assist in improving the Madang Hospital kitchen in Papua New Guinea. It is recommended that Council support the good work of the Rotary Club of Kiama by providing the steel cabinets and shelving as requested.

Item 10.7

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

### 11.1 New Lease - Kiama Community College Lease from Council

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

Kiama Community College ("College") currently leases from Council part of the Library building. That lease expired on 31 July 2017 and the College is now subject to the lease under a monthly holding over. The College has sought to enter into a new lease with Council.

#### Finance

The lease will provide for rental of \$51,400 per annum (plus GST). The rent is subject to annual CPI increases on the anniversary of the lease commencement date.

#### Policy

Local Government Act 1993

#### Attachments

1 Leased and licensed premises of Kiama Community College [↓](#)

#### Enclosures

Nil

### **RECOMMENDATION**

That Council:

1. Consent to grant the lease and licence to the College as detailed in this report; and
2. Give the Mayor and General Manager delegated authority to affix the Seal of Council to the lease and licence and/or sign the lease and licence as required.

### **BACKGROUND**

The Kiama Community College ("College") originally commenced leasing and licensing part of the Kiama library from Council in 2006. The leased premises consist of the ground floor office and computer room (shown as hatched area on attached

Report of the Director Finance, Corporate and Commercial Services

11.1 New Lease - Kiama Community College Lease from Council (cont)

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plan) together with a non-exclusive licence for the use of an adjoining meeting room (shown on the attached plan).

The College has in writing sought to renew the lease and licence to continue occupation of the premises.

### **Leasing Public Land**

Council's records indicate that the land is classified as "operational." As such there is no special restrictions other than those that may normally apply to any piece of land that is privately owned. As such there is no requirement to advertise the lease or seek submissions from the public.

### **Term**

It is proposed to enter into a new lease and licence with the College for an additional three (3) years with a three (3) year option for renewal.

### **Rent**

Walsh & Monaghan Valuers have been engaged by Council, with the College's consent, to assess the market rental for the leased areas. Walsh & Monaghan determined the market rent to be the sum of \$55,900 per annum gross (plus GST) less outgoings payable by the College, which amount to approximately \$4,500.00 per annum: The outgoings consist of the following:

- \$1,500.00 cleaning costs of the ground floor and access areas including toilets, meeting rooms and kitchen.
- 10% water, electricity and gas charges for library building.
- Proportional building insurance being 17% of the total building (based on floor area).
- Payment of Council's reasonable legal costs, stamp duty and registration fees associated with lease preparation, which are also documented in the lease agreement.

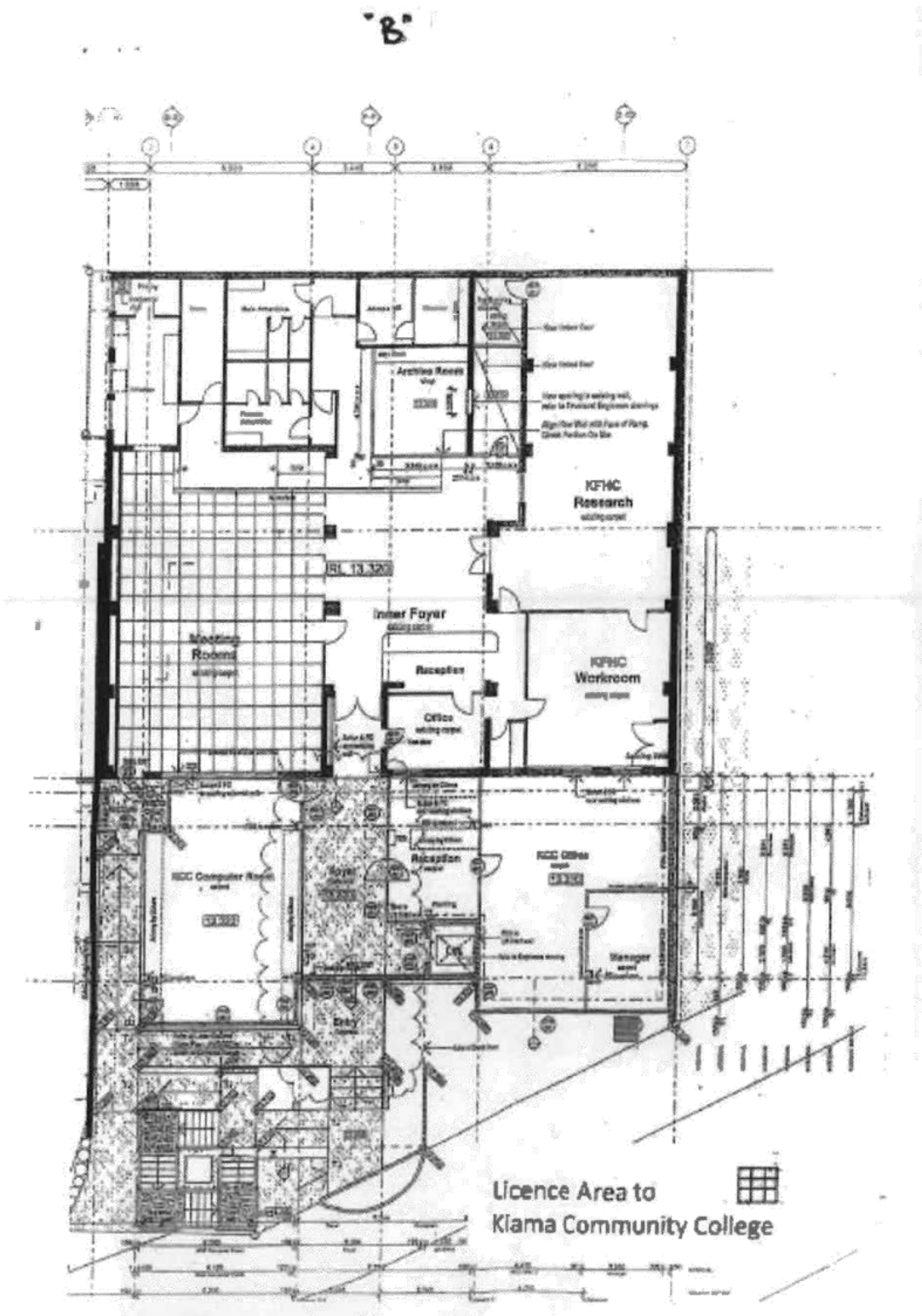
To maintain consistency with previous leasing arrangements with the College, the rental is determined at \$55,900.00 per annum gross (plus GST) less \$4,500.00 (outgoings), which amounts to an annual rental of \$51,400.00 per annum (plus GST) with annual increases as determined by Sydney CPI.

A copy of the valuation has been provided to the College and Council has received written confirmation from the College committing to the rental determination by Walsh & Monaghan.

The licence fee is to remain at \$100.00 (plus GST).







Item 11.1

Attachment 1



**11.2 Cooke Park Fitness Training Activities**

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

CSP Strategy: 2.12 Effectively manage recreation and open space infrastructure to cater for current and future generations

Delivery Program: 2.12.1 Manage recreation and open space infrastructure for the community by the implementation of the Recreation and Open Space Asset Management Plan actions

**Summary**

Fitness training activities at Cooke Park Gerringong

**Finance**

Fees determined by Council's Fees and Charges.

**Policy**

Local Government Act 1993

Council's *Policy for the use of public reserves for commercial fitness activities and personal training*

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

1. That Council allow the continuation of fitness training activities at Cooke Park Gerringong, as currently provided for under Council's *Policy for the use of public reserves for commercial fitness activities and personal training* (Dec 2016).
2. That fitness training activities at Cooke Park be limited to 6.00am to 7.00am (Monday, Thursday and Friday) and 7.00am to 8.00am (Saturday).

**BACKGROUND**

Council initially adopted the *Policy for use of public reserves for commercial fitness activities and personal training* ("policy") on 19 May 2015. At that time, it was considered appropriate for a review of the policy to occur after twelve months of operation. A review of the policy was undertaken including advertising and consultation and subsequently a report was prepared to Council on 20 December 2016 outlining the submissions/issues received.

One of the main issues raised in submissions was the use of Cooke Park Gerringong as a suitable location for fitness training activities. There were 45 submissions which

Report of the Director Finance, Corporate and Commercial Services

11.2 Cooke Park Fitness Training Activities (cont)

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made reference to Cooke Park Gerringong, with 67% in support of the park being used by fitness training groups and 33% against the use of the reserve for this purpose.

Council subsequently adopted the policy on 20 December 2016, with Councillor Westhoff simultaneously requesting a report on the feasibility of permanently removing Cooke Park Gerringong from the list of reserves covered by the policy.

In January 2017, Council officers met with fitness operator and discussed the issues raised in the submissions and it was agreed by the fitness operator and Council that the use of Cooke Park for fitness training activities would be subject to the following restrictions, effective immediately:

- Reduce the use of the reserve to no more than one fitness class per day during 6.00am-7.00am Monday to Friday and 7.00am-8.00am Saturday.
- Ensure participants park in the top car park where possible, away from the lower parking area.
- That class numbers be limited to 11 where possible, which is the lowest number of participants in the approved category.

At Council's 14 February 2017 meeting, the Director of Engineering and Works provided a report for information on the outcomes of that meeting, in conjunction with his response to Councillor Westhoff's question for future meeting. The report advised that the current fitness operator still had approximately eight months remaining on their permit and that it would be difficult to exclude Cooke Park Gerringong from the list of approved sites until that permit expired on 31 August 2017.

Under the policy, Council is to seek expressions of interests (EOI) from fitness operators biennially. The EOI process has recently been conducted, with applications closing in August 2017. Council received one EOI for the use of Cooke Park Gerringong, which was from the same operator.

The timetable submitted with the EOI shows the fitness operator wanting to use the site for a 1-hour period on Monday, Thursday and Friday from 6.00am to 7.00am and Saturday from 7.00am to 8.00am.

As a result, the total use of Cooke Park Gerringong will be only 4 hours per week and it is reasonable to argue that the minor occupation of the reserve would leave it fully accessible for general use the majority of the day.

**11.3 Statement of Investments - August 2017**

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

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.3 Ensure maximum revenue return is achieved

**Summary**

This report recommends receipt and adoption of the Statement of Investments for August 2017.

**Finance**

N/A

**Policy**

Clause 625 of the Local Government Act 1993 (NSW)

Clause 212 of the Local Government (General) Regulation 2005

Kiama Municipal Council – Investment Policy

**Attachments**

1 Statement of Investments August 2017 [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That the information relating to the Statement of Investments for August 2017 be received and adopted.

**BACKGROUND**

Attached is a copy of the Statement of Investments for August 2017.

**Investment Commentary**

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

A decision by the Reserve Bank board meeting in August has seen the cash rate unchanged at 1.50%. "The low level of interest rates is continuing to support the Australian economy". There does not appear to be any likelihood of any change in rates moving upward in the short term and the hold on the cash rate is "consistent

Report of the Director Finance, Corporate and Commercial Services

11.3 Statement of Investments - August 2017 (cont)

with sustainable growth in the economy and achieving the inflation target overtime.” (August 2017 Monetary Policy Decision, Media Release, No. 2017-15).

The Commonwealth Bank is quoting the following rates:

<b>3 Months</b>	<b>6 Months</b>	<b>9 Months</b>	<b>12 Months</b>	<b>18 Months</b>
2.39%	2.50%	2.60%	2.63%	2.69%

**Item 11.3**

**Certification – Responsible Accounting Officer**

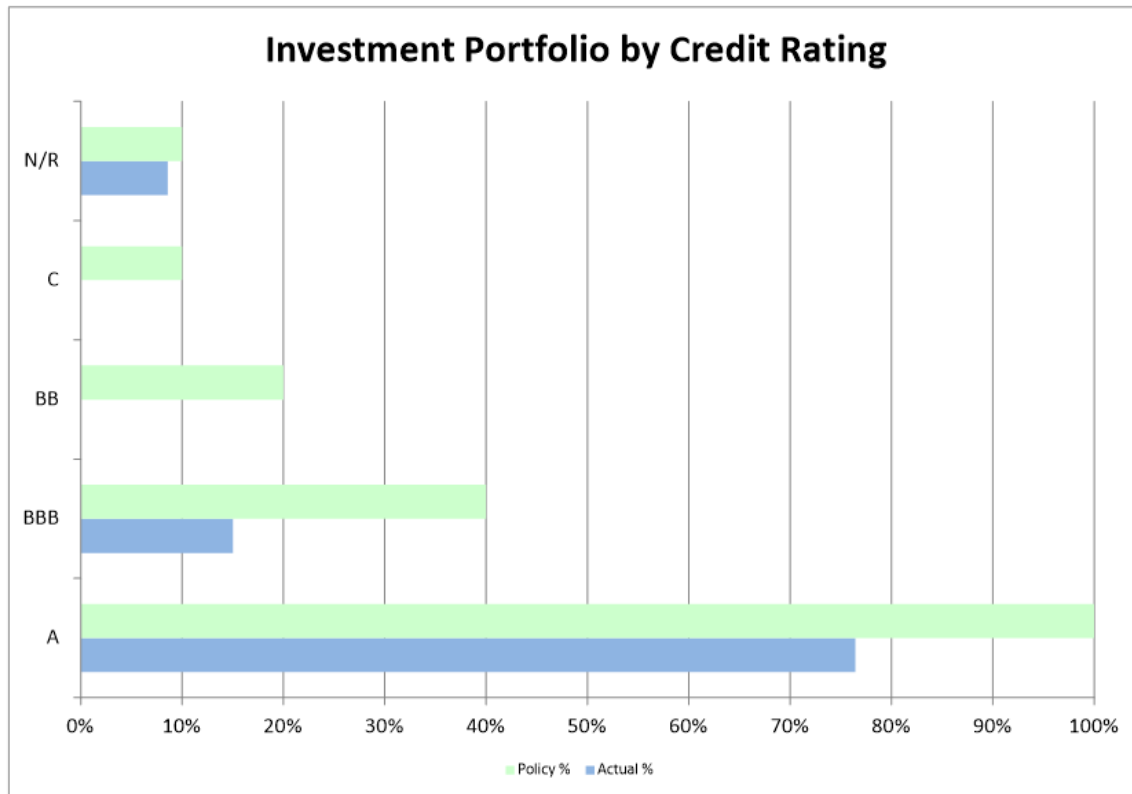
I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council’s Investment Policy.

(b) Council Investments as at 31 August, 2017

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	A+	500,000	Term Deposit	12/09/16	13/09/17	366	2.80
AMP	A+	1,000,000	Term Deposit	30/08/17	30/05/18	273	2.60
AMP	A+	1,000,000	Term Deposit	30/08/17	30/05/18	273	2.60
AMP	A+	1,000,000	Term Deposit	31/05/17	22/11/17	175	2.60
AMP	A+	1,000,000	Term Deposit	08/03/17	06/09/17	182	2.75
AMP	A+	500,000	Term Deposit	22/03/17	18/10/17	210	2.75
Banana Coast Credit Union	N/R	1,000,000	Term Deposit	14/06/17	20/12/17	189	2.82
Beyond Bank	BBB+	1,000,000	Term Deposit	29/03/17	04/10/17	189	2.70
Beyond Bank	BBB+	1,000,000	Term Deposit	05/04/17	11/10/17	189	2.70
Bankwest	AA-	1,000,000	Term Deposit	08/08/17	11/01/18	156	2.40
Bank of Qld	A-	1,000,000	Term Deposit	12/07/17	11/04/18	273	2.65
Bank of Qld	A-	2,000,000	Term Deposit	10/05/17	22/11/17	196	2.65
Bank of Qld	A-	1,500,000	Term Deposit	17/05/17	29/11/17	196	2.65
Bank of Qld	A-	1,000,000	Term Deposit	09/08/17	14/02/18	189	2.60
Bank of Qld	A-	1,500,000	Term Deposit	26/04/17	08/11/17	196	2.65
Bank of Qld	A-	1,000,000	Term Deposit	31/08/17	07/03/18	188	2.55
Bendigo	A-	1,000,000	Term Deposit	02/08/17	02/05/18	273	2.55
Bendigo	A-	1,000,000	Term Deposit	04/01/17	04/10/17	273	2.60
Bendigo	A-	1,000,000	Term Deposit	31/08/17	31/05/18	273	2.50
Community Alliance Credit Union	N/R	1,000,000	Term Deposit	09/09/16	06/09/17	362	2.85
Community Alliance Credit Union	N/R	1,000,000	Term Deposit	09/09/16	13/09/17	369	2.85
Credit Union Australia	BBB+	1,500,000	Term Deposit	30/01/17	29/11/17	303	2.80
ME Bank	BBB+	1,000,000	Term Deposit	15/03/17	13/12/17	273	2.60
ME Bank	BBB+	1,500,000	Term Deposit	23/08/17	24/01/18	154	2.50
ME Bank	BBB+	1,000,000	Term Deposit	20/04/17	18/10/17	181	2.60
NAB	AA-	1,000,000	Term Deposit	04/01/17	03/01/18	364	2.74
NAB	AA-	1,000,000	Term Deposit	14/12/16	13/12/17	364	2.73
NAB	AA-	1,000,000	Term Deposit	28/09/16	27/09/17	364	2.74
NAB	AA-	2,000,000	Term Deposit	07/06/17	25/10/17	140	2.48
NAB	AA-	1,000,000	Term Deposit	12/10/16	11/10/17	364	2.82
SA Police Credit Union	N/R	1,000,000	Term Deposit	14/06/17	20/06/18	371	2.92
Suncorp	A+	1,000,000	Term Deposit	03/05/17	15/11/17	196	2.61
Suncorp	A+	1,000,000	Term Deposit	31/05/17	06/12/17	189	2.60
Suncorp	A+	1,000,000	Term Deposit	05/07/17	10/01/18	189	2.50
Suncorp	A+	1,000,000	Term Deposit	18/01/17	17/01/18	364	2.70
<b>Total Term Deposits</b>		<b>38,000,000</b>					<b>2.66</b>
TcorpIM Cash Fund	AAA	3,019,564	Cash Fund		AT CALL		<b>2.22</b>
Westpac	AA-	5,031,724	Bank Account	-	AT CALL		0.84
Westpac	AA-	581,579	Maxi Account	-	AT CALL		1.30
<b>Total 'At Call' Funds</b>		<b>8,632,867</b>					<b>1.07</b>
<b>TOTAL CASH &amp; INVESTMENTS</b>		<b>44,632,867</b>			Average Rate- Aug 2017		2.57
					Average Rate- Aug 2016		2.84
<b>TOTAL INVESTMENTS Jul 2017</b>		<b>42,529,873</b>	<b>4.71%</b>	Change in total investment over prev 1 month			
<b>TOTAL INVESTMENTS Aug 2016</b>		<b>44,543,989</b>	<b>0.20%</b>	Change in total investment over prev 12 months			

Note: The Westpac Bank Account balance shown above of \$5.03M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented.

Item 11.3 Attachment 1



**(c) Application of Invested Funds**

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions**	4,494,058
	Grants	389,611
	Domestic Waste	2,083,279
	Waste & Sustainability	315,791
	Southern Council's Group	2,586,701
Internally Restricted	Blue Haven ILU	4,146,557
	Blue Haven Care-Residential	8,913,296
	Carer Respite Centre	820,565
	Land Development	2,937,484
	Waste Business Unit (Plant Replacement)	1,042,260
	Plant Replacement - Engineers	1,326,661
	Employee Leave Entitlements	2,000,000
	S94 Recoupments**	2,400,484
	Carry-over works*	2,398,657
	Holiday Parks - Crown Reserves	1,421,581
	Holiday Park - Kendalls Beach	363,657
	Contingencies	779,730
	Computer	679,698
	Property Insurance	120,000
	Community Bus	149,598
CACP	355,563	
Organisational Development	300,000	
Fleet Replacement	50,000	
<b>Unrestricted Funds:</b>	<b>Funds to meet current budgeted expenditure</b>	<b>4,557,635</b>
<b>TOTAL INVESTMENTS</b>		<b>44,632,867</b>

**Note:**

The above Application of Invested Funds reflects audited balances as at 30 June 2016. Actual movement in these balances are recorded at the end of the financial year.

The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

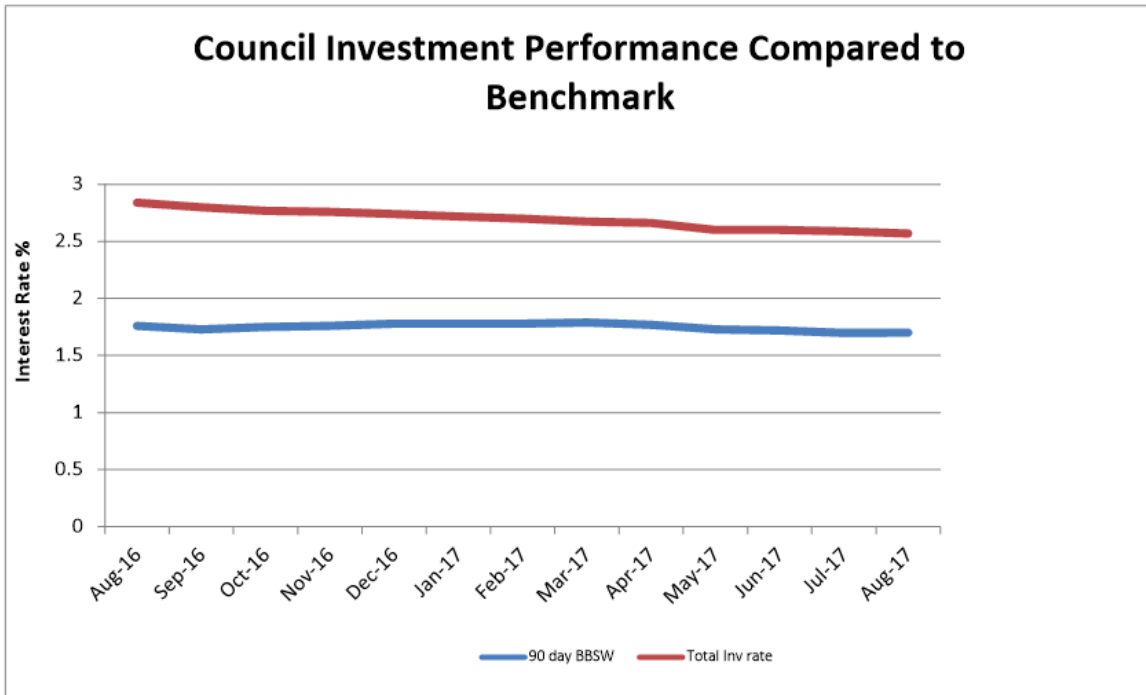
\*Revotes from 2016/17 operations

\*\*draft balance pre-audit as at 30 June 2017

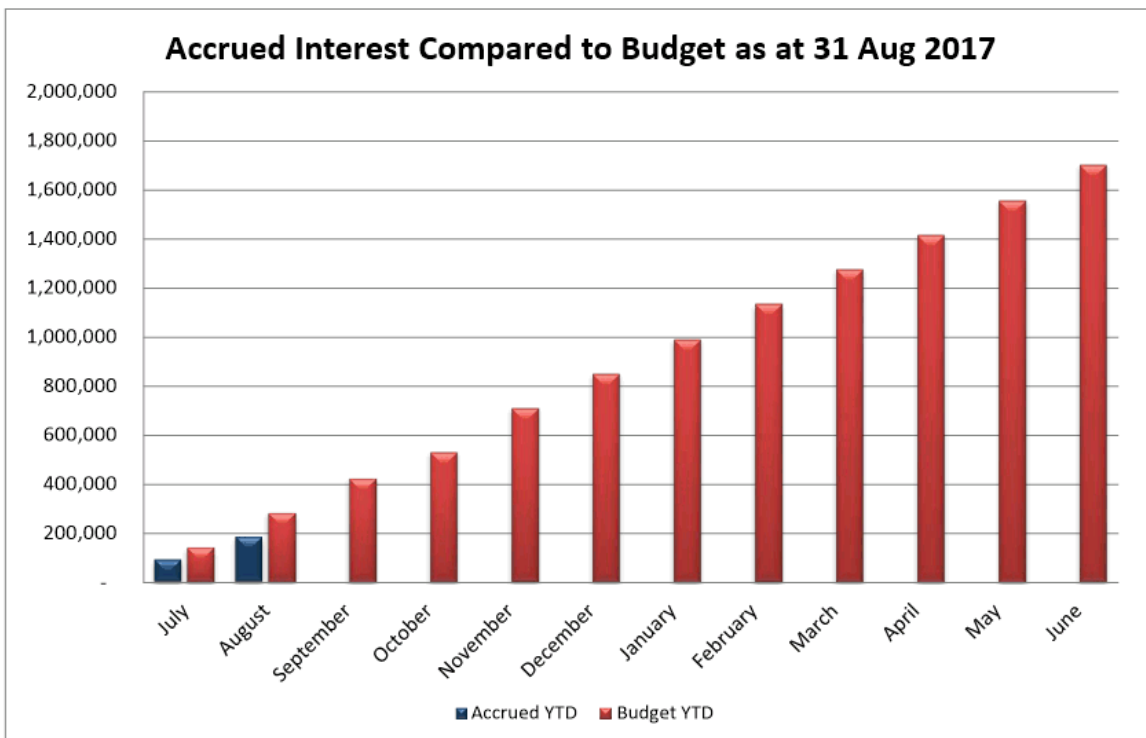
(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	2.57	1.70
3 months	2.59	1.71
6 months	2.62	1.73
12 Months	2.68	1.75



Council has been able to consistently perform above the Reserve Bank 90 day Bank Bill Index.



**11.4 Annual Financial Statements 2016/17**

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

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.1 Ensure all Statutory accounting and reporting is carried out to meet legislation

Item 11.4

**Summary**

This report recommends that Council resolve that the Financial Statements for 2016/2017 be referred for audit in accordance with Local Government Act 1993.

**Finance**

Funds are included in the budget for audit costs.

**Policy**

This is a requirement of the Local Government Act 1993 (as amended) and Local Government (General) Regulation 2005.

**Attachments**

- 1 2016/17 Statement by Councillors & Management - General Purpose Financial Statements [↓](#)
- 2 2016/17 Statement by Councillors and Management - Special Purpose Financial Statements [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That:

1. Council's Draft Financial Statements for 2016/2017 be referred to Council's auditors for audit under sect 413 (1).
2. Council resolves in accordance with sect 413 (2c) that the annual financial report is in accordance with:
  - the Local Government Act 1993 (as amended) and the Regulations made there under;
  - the Australian Accounting Standards and professional pronouncements;
  - the Local Government Code of Accounting Practice and Financial Reporting;
  - presents fairly the Council's operating result and financial position for the year;
  - accords with Council's accounting and other records; and
  - that the Council is not aware of any matter that would render this report false or misleading in any way.
3. Council adopt the Councillors/Management "Statement" and resolve that it be signed and attached to the Financial Statements for 2016/2017.



Report of the Director Finance, Corporate and Commercial Services

11.4 Annual Financial Statements 2016/17 (cont)

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4. That on receipt of the Audited Reports, a copy is forwarded to the Office of Local Government.

## BACKGROUND

Council's Annual General Purpose Financial Statements and Special Purpose Financial Statements for the period ending 30 June, 2017 are in draft form. Under the Local Government Act 1993 (Section 412, 415 and 416) Council must refer the statements to audit.

In accordance with the Local Government 1993 and Regulations, Council and Management are required to prepare statements in the approved form stating their opinion on the General Purpose and Special Purpose Financial Statements (Attachment 1 & 2).

The statements required by the Act must be made by resolution of Council and then be signed by the Mayor and at least one other member of Council, the General Manager and the Responsible Accounting Officer.

Council's auditors, Pitcher Partners and the New South Wales Audit Office, will be examining Council's General Purpose and Special Purpose Annual Financial Statements and on completion will provide to the Council an independent Audit Report.

The Annual Financial Statements summary below in draft form will be examined by Council's auditors and as such may change. Once the audit is complete the Annual Financial Statements for year ended 30 June 2017, with the auditor's report, will be brought to Council for adoption. Either, Council's auditors or the NSW Audit Office will present their report in detail to a Councillor briefing before the November Council Meeting.

	<b>Draft Current Year 2016/2017 \$000</b>	<b>Previous Year 2015/2016 \$000</b>	<b>Item 11.4</b>
<b><u>Income Statement</u></b>			
<b>Total Income from Continuing Operations</b>	73,739	68,513	
<b>Total Expenses from Continuing Operations</b>	56,021	53,177	
<b>Net Operating Resulting for the Year</b>	17,718	15,336	
<b>Net Operating Result for the year before Grants and Contributions provided for Capital Purposes</b>	483	1,002	
<b><u>Statement of Financial Position</u></b>			
<b>Total Current Assets</b>	48,633	43,028	
<b>Total Current Liabilities</b>	78,494	72,072	
<b>Total Non Current Assets</b>	418,560	419,116	
<b>Total Non Current Liabilities</b>	2,946	3,923	
<b>Total Equity</b>	385,753	386,150	
<b>Operating Performance Ratio (%)</b>	0.93%	2.61%	
<b>Own Source Operating Revenue Ratio (%)</b>	59.96%	59.84%	
<b>Unrestricted Current Ratio</b>	4.64:1	4.73:1	
<b>Debt Service Cover Ratio (times)</b>	5.96x	4.85x	
<b>Rates &amp; Annual Charges Outstanding (%)</b>	1.82%	2.17%	
<b>Cash Expense Cover Ratio (months)</b>	10.64	8.66	

Kiama Municipal Council

General Purpose Financial Statements

for the year ended 30 June 2017

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the *Local Government Act 1993 (NSW)* (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993 (NSW)* (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and professional pronouncements, and
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these financial statements:

- present fairly the Council's operating result and financial position for the year, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 19 September 2017.

\_\_\_\_\_  
Mark Honey  
Mayor

\_\_\_\_\_  
Kathy Rice  
Councillor

\_\_\_\_\_  
Michael Forsyth  
General manager

\_\_\_\_\_  
David Mead  
Responsible accounting officer

Kiama Municipal Council

Special Purpose Financial Statements  
for the year ended 30 June 2017

Statement by Councillors and Management  
made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement 'Application of National Competition Policy to Local Government',
- the Division of Local Government Guidelines 'Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality',
- the Local Government Code of Accounting Practice and Financial Reporting,
- the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these financial statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 19 September 2017.

\_\_\_\_\_  
Mark Honey  
Mayor

\_\_\_\_\_  
Kathy Rice  
Councillor

\_\_\_\_\_  
Michael Forsyth  
General manager

\_\_\_\_\_  
David Mead  
Responsible accounting officer

## 12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

### 12.1 Process and request for quotations for the supply and lay of asphaltic concrete

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

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.1 Manage road infrastructure through the Road Asset Management Plan

Item 12.1

#### Summary

This report informs council of the process and outcomes of the request for quotations for the Supply and Lay of approximately 6,000 tonnes of asphaltic concrete as identified in the 2017-18 Works Program.

#### Finance

The capital expenditure will be made available from the Engineering Services Works Program. This expenditure was identified and reported in the 17/18 budget.

#### Policy

The Request for Quote (RFQ) has been undertaken in accordance with the Local Government Tender Regulations 2005.

#### Attachments

Nil

#### Enclosures

Nil

### **RECOMMENDATION**

That Council purchase approximately 6,000 tonnes of asphaltic concrete from Roadworks at an average cost of \$154.45 + GST per tonne.

### **BACKGROUND**

As part of the 2017-18 Works Program, Engineering Services have identified the need to purchase approximately 6,000 tonnes of asphaltic concrete to meet the renewal of roads in the Municipality.

A specification was developed to meet the operational needs of the road renewal program.

A RFQ was then placed with the Local Government Procurement Vendor Panel system. The RFQ was sent to all local panel members under LGP contract LGP213.

The RFQ generated three submissions with a median value of \$161.05 + GST per tonne.

Report of the Director Engineering and Works

12.1 Process and request for quotations for the supply and lay of asphaltic concrete (cont)

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All submissions were evaluated using a combination of different criteria including asphaltic concrete price, 1.0 metre profiler cost and 2.0 metre profiler cost.

The combined scores for each criterion were then inputted into the LGP evaluation matrix. This produced an overall ranking and recommendation for purchase.

**Item 12.1**

## 13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

### 13.1 Health & Sustainability Grants July '17 round & Minutes of Committee

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.5 Facilitate sport and health related facilities and programs

#### Summary

This report provides the minutes of the Health & Sustainability Committee meeting held on August 1, 2017, which contains a recommendation for Council to endorse the Health & Sustainability Committee's recommendation for the 1<sup>st</sup> round of the grants program.

#### Finance

Within existing budgets

#### Policy

Health & Sustainability Grants Program Guidelines

#### Attachments

Nil

#### Enclosures

- 1 Minutes of the Health & Sustainability Committee meeting held 1 Aug 2017 [⇒](#)

### **RECOMMENDATION**

That Council:

- a) Note the minutes of the Committee meeting held 01 August 2017
- b) Approve the following recommended Health & Sustainability Grants funding application:
  - a. Kiama Boomerang Bags - \$1,000

### **BACKGROUND**

The minutes of the Health & Sustainability Committee meeting held 01 August 2017 are enclosed for Councillor's information. Contained with the minutes is a recommendation from the Committee to award Kiama Boomerang Bags as a successful applicant for the first round of the Health & Sustainability Grants Program.

Kiama Council has launched the first round of the Health & Sustainability Grants Program in June 2017, providing \$4,000 every financial year for the community to improve the health and environmental outcomes. This grant supports Kiama

Report of the Director Community Services

13.1 Health & Sustainability Grants July '17 round & Minutes of Committee (cont)

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residents to drive small projects that are in line with the Kiama Health Plan. The funding is distributed across two application rounds per year (July and January), and applicants are able to apply for up to \$1,000 (matched funds).

Applications are initially assessed by Council's Health & Sustainability Grants Program Working Group and then reported to the full Health & Sustainability Committee where applications are considered for recommending to Council for approval.

This round, one application was received from Kiama Boomerang Bags. The application was assessed by the Working Group on July 25, 2017 and was recommended to the Health & Sustainability Committee for funding, provided further information were made available by the applicant. Kiama Boomerang Bags' application and additional feedback is attached for Councillors' information. The Health & Sustainability Committee agreed to recommend the successful applicant for Council's approval via email. The majority of the Health & Sustainability Committee has provided endorsement (enclosed for Councillors' information).

Below is a summary of the application recommended to Council for funding:

*Kiama Boomerang Bags*

Camilla Kerr Ruston  
\$1,000

Kiama Boomerang Bags run sewing bees on a weekly basis with volunteers, making reusable shopping bags from fabric that would otherwise end up in landfill. Kiama Boomerang Bags would like to extend the availability of these bags to other businesses in Kiama and contribute to reducing single use plastic bags that residents and visitors throw away every year. With the requested funds (\$1,000), Kiama Boomerang Bags would like to be able to design and screen print messages on the bags; this will be done through building the capacity of their volunteers in screen printing, purchasing screen printing supplies and servicing sewing machines that are being used on a weekly basis at the sewing bees.



**13.2 Cultural Board Minutes and Recommendations**

CSP Objective: 1.0 A healthy, safe and inclusive community

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

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

Item 13.2

**Summary**

This report advises Council of the August minutes of the Kiama Cultural Board and seeks Council approval of recommendations for the Council Art Collection.

**Finance**

No budget required

**Policy**

Art Acquisition Policy

**Attachments**1 Kiama Cultural Board Minutes August 2017 [↓](#)**Enclosures**

Nil

***RECOMMENDATION***

That Council:

1. Approve the acceptance of the Waugh family's donation of Jack Waugh's self portrait
2. Approve the declining of the offer to purchase the Yves Close Kiama landscape painting
3. Council approve the following recommended Cultural Grant funding applications:
  - Jamberoo Music Festival \$3,000.00
  - Kiama-Jamberoo Community Strings \$2,000.00
  - Stables Mural \$2,000.00
  - Pacific Ave EP and Tour \$3,000.00
  - Youth Arts Scholarship – Lachlan Moss \$1,000.00

**BACKGROUND****Jack Waugh Donation**

## Report of the Director Community Services

## 13.2 Cultural Board Minutes and Recommendations (cont)

Council was approached in April 2017 by John Waugh the son of illustrator and long term Jamberoo resident Jack Waugh (1910 – 1996) offering the donation of a 1946 Archibald Prize finalist self-portrait, painted by his father.

Jack Waugh worked as a freelance artist/illustrator for K. G. Murray Publishing (1938 – 1973) on major publications such as; Man Junior, Man, Adam, Cavalcade, Digest of Digests. Until the 1970s he produced approximately 4 pieces of magazine art a month and did many other commissions including calendars and cards.

He was a finalist in both the 1946 and 1947 Archibald Portrait Prize.

His best known illustration is the 1964 Christmas scene with Santa Claus and a Drover and his dog on the lid of an Arnott's Biscuit tin. This illustration also appeared for several years on the back cover of the Women's Weekly.

The Kiama Cultural Board have considered the request and now recommends to Council the acceptance of the Jack Waugh painting donation from the Waugh family.



Jack Waugh Self Portrait – 1946 Archibald Prize Finalist

### Yves Close Painting

Newcastle resident Deborah Sims approached Council last month offering a Kiama seascape by painter Yves Close for sale of \$900.

Yve Close, Sydney born, commenced studying life drawing at The Julian Ashton Art School while still a teenager, under the guidance of Henry C. Gibbons. In 1968 her life-long fascination with people led her to the Royal Art Society of NSW where, for six years, she studied portraiture with Allan Hansen, Frederick Bates, Garret Kingsley and life painting with Arthur Murch.

In 1975, she entered Joshua Smith's Lane Cove School as a student and eventually became his full time associate, which led to their twenty year painting partnership.

Report of the Director Community Services

13.2 Cultural Board Minutes and Recommendations (cont)

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Yve Close's commissioned portraits include: chancellors, vice-chancellors, army generals, academics, religious leaders, artists, professional and business people as well as men, women and children from many walks of life.

Known primarily for her portraiture work, the seascape, although of Kiama, is not an authoritative representation of her work and her links to the Kiama community are tenuous.

The Kiama Cultural Board have considered the request and now recommends to Council that the offer of the purchase, for \$900, of the Yves Close landscape painting by Deborah Sims be declined.

Item 13.2



Report of the Director Community Services

13.2 Cultural Board Minutes and Recommendations (cont)

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### Winter Cultural Grants Funding Round

Kiama Council provides a total of \$20,000 per annum to support the development and delivery of arts and cultural projects within the Kiama local government area.

This funding is distributed across two application rounds in summer and winter each year, closing in late February and August. Applicants are able to apply for up to \$3,000 per project.

All applications are initially assessed by Council's Cultural Board Cultural Grants Sub-committee, then reported to a full Cultural Board meeting where the applications are considered for recommending to Council for approval. The minutes of the Cultural Board meeting held Thursday 31 August are enclosed for Councillors information.

Applications are assessed against the following objectives and assessment criteria.

Project objectives:

- provides a strong sense of community spirit
- stimulates opportunities for participation and positive community connections
- improves community and individual self-esteem and wellbeing
- encourages participants to explore and pursue positive arts experiences
- acknowledges and promotes cultural diversity
- supports local artists in their development within the arts

Criteria

- financial and practical viability
- geographic and arts genre equity
- value for money
- overall merit of the project, and
- compatibility with Council's BISI Cultural Planning document themes

The Kiama Council Cultural Board Sub-committee met on Thursday 24 August 2017, to assess seven Cultural Grant and one Youth Arts Scholarship applications, totalling to the value of \$21,850.

The Subcommittee recommended to the Cultural Board four (4) Cultural Grants totalling \$10,000 and one Youth Arts Scholarship totalling \$1,000. The full Cultural Board met on Thursday 31 August 2017 and considered the subcommittees recommendations with all recommendations approved for recommendation to Council.

Applications can be made available, however a summary of them is provided below:

**The following applications were submitted for funding:**

Recommended as successful

Report of the Director Community Services

13.2 Cultural Board Minutes and Recommendations (cont)

**Jamberoo Music Festival** **\$3,000.00**

Jamberoo Music Festival is a community based, family friendly music, performing arts and cultural festival to be held under the escarpment in the picturesque town of Jamberoo. Over 40 Acts will include circus and street performers, local and National musicians, top quality markets stalls, busking competition, music related workshops and craftsmen and an open mic competition.

**Kiama-Jamberoo Community Strings** **\$2,000.00**

The Kiama-Jamberoo community string orchestra is for musicians age 12 to 100 who play violin, viola, cello and double bass. The purpose is to play for enjoyment, improvement and participation in community performances. All will be welcome whether participants have been playing music all their life or are at the start of their musical journey this group provides a place to meet other string players and enjoy being part of a bigger musical picture.

**Stables Mural** **\$2,000.00**

A public mural to be painted on the rear of the stables at Kiama Showground overlooking Surf Beach. As per public art proposal previously submitted to Council.

**Pacific Ave EP and Tour** **\$3,000.00**

In the spring of 2017, the Pacific Ave boys are recording a 5 track EP, after their sparky entrance to the South Coast music scene that is planned to be finished late this year and combine a debut tour in the summer.

**Youth Arts Scholarship: Australian Institute of Performing Arts (AIPA) Trip**  
**\$1,000.00**

Towards funding the AIPA trip to perform in Chicago Thanksgiving Parade and Hollywood Christmas Parade. In between which performers are offered masterclasses from industry professionals in voice and dance.

Recommended as unsuccessful**Our Jamberoo -** **\$3,000.00**

Jamberoo Community Preschool's project is about embedding Indigenous Australian perspectives into our program and practices. It is about critically reflecting upon cultural competence and making a solid commitment to supporting each children's sense of belonging within our community.

**Writers Retreat Project Collaboration and Workshop in New Orleans \$3,000.00**

The collaborative writers retreat is a once-in-a-lifetime experience which gives writers the opportunity to collaborate on a shared goal. Participants will travel to the destination city where they will spend time together brainstorming, world building, plotting, developing characters, and beginning to write a draft. The goal of the retreat is to publish a title on Amazon. During the retreat, daily hands-on workshops will be offered on publishing and marketing strategies, and further developing writing skills.

Report of the Director Community Services

13.2 Cultural Board Minutes and Recommendations (cont)

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***Choices Theatre Sports***

**\$2,850.00**

Using Augusto Boal's 'Theatre of the Opressed' style of learning and exploration I will deliver an 8 week theatre education experience for young people. Students will use improvisation and acting techniques to explore emotions and choices in a fun and supportive environment. Students will submit anonymous experiences which will be played out on stage, the audience then have the opportunity to change the outcomes of the experiences. Exploring emotions and choices.

Item 13.2

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**Minutes of the Kiama Cultural Board Committee meeting held on Thursday 31 August 2017 in the Council Chambers Committee Room 1 at 5.30pm.**

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**Present:** Louise Croker, Mayor Mark Honey, Louise Croker, Nick Guggisberg, Tamara Campbell, Mike Lothian, Anthony Body, Paula Gowans, Gregor Cullen, Bruce Ferguson, Gail Morgan, Cr Kathy Rice, Terri Rowe

**Open:** 5.40pm

**1. Apologies**

Cr Neil Reilly, Tamara Campbell, Judy White

**2. Previous Minutes:**

Motion on the art collection decision needs outcome recorded

Minutes of June 2017 meeting accepted

Moved: Gail                      Seconded: Mike                      CARRIED

**3. Community and Cultural Development Officer Report**

**1. Plan to build an arts centre within the Hindmarsh Park precinct  
Art Centre plans finalised**

A further iteration of the draft concept plans has been completed.

**2. Acquire funding to build a multi-function arts centre  
Funding for new arts centre**

Environment and Tourism Capital funding for \$6.3M; waiting to hear how the next step of the application process is to be moved forward. A further application is being submitted for 1.7M to the Regional Cultural Fund, Create NSW

**3. Build a self-supporting arts industry through KCAN  
KCAN Blog and FB Page**

**Facebook - averages:**

- 55ppl per week engaging with the page
- 456ppl per week have seen content from the page
- 44 ppl per week clicking on page content
- 20 ppl per week viewing videos for more than 30 sec

**485 Followers:**

- 154 - Kiama
- 81 Wollongong
- 54 Sydney
- 43 Shellharbour

**Blog Site:**

Will have had an approx 44% drop in visitors and views by the end of 2017  
238 wordpress followers and 117 email subscribers

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**Minutes of the Kiama Cultural Board Committee meeting held on Thursday 31 August 2017 in the Council Chambers Committee Room 1 at 5.30pm.**

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**4. Support professional creative people and their enterprises  
Workshop**

Wollongong Council has approached Wingecarribee, Shellharbour and Kiama Councils to share the cost of getting a workshop facilitator Debby Maziarz up from Melbourne in October this year.

The shared, day long, Kiama/Shellharbour Workshop will be held on Thursday 12 October at The Pavilion, Kiama and cost local artists \$25pp.

**5. Increase the pool of staff (paid and voluntary)  
Time banking**

Timebanking is an online social network that allows members to earn time credits from volunteering in their community and to spend their credits in order to receive services from another volunteer member. Timebanking is a federal government initiative which has been operating for a few years and has been successful in areas such as the Blue Mountains and Central Coast. Kiama Council is currently undertaking the process of taking on the responsibility for establishing Timebanking in Kiama.

With the new Arts Precinct needing a strong volunteer base for its successful operation this community development project now has potential benefit for the arts.

**6. Council's cultural grants and promotion of other funding sources  
Cultural Grants**

Project Report (the new acquittal form) has been reviewed and is now requiring feedback from the Cultural Board

August round of the Kiama Cultural Grants completed, the sub committee recommended applications are now ready for Board approval for recommendation to Council

**7. Invest in engaging public art for community spaces  
Public Art**

**Mural at Gerroa**

Currently investigating possible opportunities for Council to commission an artist to replace the existing mural at Gerroa Seven Mile Beach Caravan Park

**8. Seek opportunities to embed cultural respect and acknowledgement for the traditional owners**

**Sorry Day - May**

As Sorry Day will occur on a Saturday in 2018, Council's annual event will be held on the Friday instead. This is allow the schools to continue to be involved.



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**Minutes of the Kiama Cultural Board Committee meeting held on Thursday 31 August 2017 in the Council Chambers Committee Room 1 at 5.30pm.**

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**9. Sustain ongoing connections and relationships between artists****Artist Gatherings**

The next Artist Gathering has been booked for Thursday 21 Sept at the Little Blowhole Art Bar.

These gatherings have become important opportunities for local artists to meet, connect and share face to face on a regular basis.

The hour before the start of the Sept gathering will be utilised as an opportunity for artists to be briefed on the on Art Centre Plans.

Further Gatherings have been booked at the Art Bar, for Thurs 30 Nov 2017 and 15 Feb 2018

**10. Support and resource sustainable community creative spaces****Gerringong Museum and Library Project**

CACDO attend a meeting with the Gerringong Historical Society and their consultant from Museums & Galleries NSW to discuss the new Gerringong Library & Museum plans.

The Histocial Society are interested in ensuring that public artwork is included in the new building and have already had an external mural restored with this in mind.

The building will also include a space that may also be utilised as an art gallery, the details of how this might operate and be utilised in conjunction with use by the museum and library are still under dicussion. However, the space will contribute a much needed and sort after hanging space for Gerringong artists.

**11. Honour our exceptional Kiama artists through the Arts Honour Roll****Art Honour Roll**

Possible new dates for the Arts Honour Roll presentation, following discussion that the awards presented on Australia Day could be spread out throughout the year.

- World Art Day, 15 April
- Bi monthly Artist Gatherings;
- Bi annual Arts Biz Conference
- Annual Cultural Grants presentation to Councillors

The Kiama Cultural Board recommends to the Australia Day Committee that the Arts Honour Roll presentation be held at the September Artists Gathering each year and scheduled after a public access meeting in the Council Chambers so that Councillors may be in attendance. The first presentation to take place in September 2018.

Moved: Paula Gowans      Carried: Catherine Carr      CARRIED

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**Minutes of the Kiama Cultural Board Committee meeting held on Thursday 31 August 2017 in the Council Chambers Committee Room 1 at 5.30pm.**

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**12. Encourage arts events that drive community participation and engagement**

**Music in the Park**

Survey evaluations will be undertaken at either the 1 October or 5 Nov session of Music in the Park. Volunteers are sought to assist

**13. Support connections for professional and emerging artists to engage with their communities**

**Weave Artist Directory**

There are currently 38 artists listed on the Weave Artist Directory, 23 being Kiama based artists.

In order to help raise awareness of the Weave Directory and encourage artists to join, since mid June listed Kiama artists have been showcased through social media each week. As a result 6 new artists have added their listings to Weave. As this seems to be successful strategy and will continue with the new artists once the current round is complete.

Information about Weave will also be included in Councils next Kimunco newsletter due to go out in mid October.

**4. General Business:**

**a) Kiama Art Centre**

That the plans presented from BHI Architects to the meeting be approved as the final draft plans.

Moved: Mark Honey                      Seconded: Catherine                      CARRIED

Abstained: Anthony

Regional Cultural Fund due to be submitted by 4 September 2017

Environment and Tourism funding now requires a detailed application which is due by the end of October 2017

A Federal Government funding application will also be submitted after September 2017

**b) Cultural Grants**

That applications as advised by the subcommittee be recommended to Council for funding

Seconded: Mark                      Seconded: Anthony                      CARRIED

**c) Jack Waugh painting**

The Kiama Cultural Board recommends to Council the acceptance of the Jack Waugh painting donation from the Waugh family.

Moved: Paula Gowans                      Seconded: Tamara Campbell                      CARRIED

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**Minutes of the Kiama Cultural Board Committee meeting held on Thursday 31 August 2017 in the Council Chambers Committee Room 1 at 5.30pm.**

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**d) Yves Close Painting**

The Kiama Cultural Board recommends to Council that the offer of the purchase for \$900 of a Yves Close painting by Deborah Sims be declined  
Moved: Paula Gowans      Seconded: Gregor Cullen      CARRIED

**e) Peter Knott**

CACDO to advise Nina Knott of:

- the process for booking of the Old Fire Station for exhibition.
- Process for Arts Honour nominations

The Cultural Board is not in favour of naming any facilities after public peoples

**f) Bombo Quarry**

For consideration at next meeting, undertaking of an event at the Old Bombo Quarry

**5. Next Meeting Thursday 12 October**

Apologies for next meeting: Catherine Carr, Gail Morgan, Anthony Body, Nick Guggisberg

**Closed:** 7.00pm

**13.3 NSW Public Libraries Conference 2017**

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.4 Provide a range of library resources and services that support our community in recreational and lifelong learning

**Summary**

This report seeks endorsement for councillor representation to attend the annual SWITCH Conference. Manager Library Services and one library staff member will also be attending the conference in November at Penrith.

**Finance**

Conference Registration \$550.00 + GST or the standard day \$265.00 +GST for one day registration plus accommodation. The Library will pay for staff to attend the conference.

**Policy**

Nil

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

That Council approve the attendance of a councillor to the NSW Public Libraries Conference.

**BACKGROUND**

The annual conference held by NSW Public Libraries will be held at Penrith Wednesday 22 to Friday 24 November 2017. The theme of the conference is SWITCH your thinking! Looking from a different perspective. Key note speakers include Russel Howcroft, Christine Anu and Julie Todaro.

**13.4 Community Safety Committee**

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.3 We live in a safe community

Delivery Program: 1.3.3 Undertake local community safety initiatives

**Summary**

This report requests Council's support to establish a Community Safety Committee with Councillor and community representation.

**Finance**

Nil

**Policy**

CCTV Policy 2015 and Street Surveillance Code of Practice 2015

**Attachments**

1 Draft Community Safety Committee - Terms of Reference [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council:

- 1) Support the creation of a Community Safety Committee and endorse the attached draft Terms of Reference
- 2) Nominate a Councillor to the Committee
- 3) Endorse seeking Expressions of Interest from the community and nominations from identified organisations for membership of the Committee

**BACKGROUND**

Prior to the 2016 Local Government election, Council had a Commercial Centres and Community Safety Committee. This Committee oversaw the planning and implementation of CCTV in the Kiama and Gerringong CBDs, including the development of the policy and procedure documents and MOU with the NSW Police. The need for the CCTV had been identified in Council's Crime Prevention Strategy, which this Committee was also responsible for overseeing.

Following last year's election the functions of the Commercial Centres and Community Safety Committee were to be combined into the newly created Planning Committee. However, this has not occurred. The members of the Planning Committee do not consider that community safety is part of their focus and have indicated that they wish the functions of the Community Safety Committee to be transferred elsewhere.

Report of the Director Community Services

13.4 Community Safety Committee (cont)

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Council has adopted a Code of Practice for the Street Surveillance system, which identifies that there will be a Street Surveillance Sub-Committee:

*The Council will have a Street Surveillance Sub-Committee reporting to the Commercial Centres and Community Safety Committee. The sub-committee shall be responsible for the ongoing monitoring and management of the Kiama Municipal Council's Street Surveillance System to ensure compliance with the Council's policies and procedures.*

*The Street Surveillance Sub-Committee will consist of*

- The Chairman of Community Safety Committee*
- A NSWPF Representative*
- A Councillor*
- A Community representative*
- A Technical Representative*

Rather than create a Sub-Committee, Council is now requested to endorse the creation of a new committee. This committee would undertake the functions of the street surveillance sub-committee but would also monitor and review the Crime Prevention Plan, identify and address safety issues and consider new crime prevention opportunities that may be applicable to the Municipality. The Code of Practice would then be modified accordingly.



**Terms of Reference**

<b>Name of committee</b>	<b>Community Safety Committee:</b>
<b>Status</b>	Council committee <input checked="" type="checkbox"/> <input type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee (specify the end date ..... ) <input type="checkbox"/>
<b>Purpose</b>	To create a safe community
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• To implement strategies that help people feel safe in the community</li> <li>• To achieve low rates of crime throughout the Municipality</li> <li>• To develop, implement and monitor a Community Safety Plan</li> <li>• To monitor and review the operation of the street surveillance system, its policies and procedures</li> <li>• To identify and consider potential crime prevention strategies</li> <li>• To provide a forum for issue identification and discussion</li> <li>• To develop and implement a coordinated and prioritised work program for the Committee</li> </ul>
<b>Committee Meetings</b>	Meetings are to be held quarterly
<b>Venue</b>	Meetings will be held at the Kiama Council Chambers or other suitable venues as required.
<b>Membership</b>	<ul style="list-style-type: none"> <li>• Minimum of one nominated Councillor (plus Councillor alternate)</li> <li>• Up to 2 community representatives</li> <li>• A representative of the NSW Police</li> <li>• A representative of the Southern and Central Precincts, the Jamberoo Residents and Ratepayers Association and the Minamurra Progress Association.</li> <li>• Minimum of one representative from the following Council departments: Department of Corporate, Commercial and Community Services.</li> <li>• Other Council officers as required.</li> </ul>
<b>Meeting Quorum</b>	A Quorum will be deemed to have been met under the following criteria: <ul style="list-style-type: none"> <li>i. Minimum of 50% plus 1</li> <li>ii. Or per statutory requirements (if required).</li> </ul>

Item 13.4

Attachment 1

<p><b>Meeting administration</b></p>	<ul style="list-style-type: none"> <li>• Meetings are to be chaired by a Councillor or as elected by the committee and endorsed by Council.</li> <li>• Minutes will be taken by a representative of Council.</li> <li>• Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the committee meeting.</li> <li>• Minutes and agendas will be circulated no less than seven days prior to next scheduled meeting.</li> </ul>
<p><b>Selection of members</b></p>	<p>When positions become vacant the selection of new committee members will be undertaken:</p> <ul style="list-style-type: none"> <li>i. through a public invitation for EOI by applicants</li> <li>ii. by consideration of applications by Council</li> <li>iii. by Council approval of successful applicants</li> </ul> <p>The following factors will be taken into consideration when determining members:</p> <ul style="list-style-type: none"> <li>i. the persons relevant experience &amp; expertise</li> <li>ii. whether the person is a resident of the Kiama Local Government Area</li> <li>iii. there is a gender balance</li> <li>iv. there is representation from across the full Kiama geographical area</li> <li>v. cultural and age diversity is represented</li> <li>vi. committee members are able to demonstrate that they are "connected and representative" of the community</li> </ul>
<p><b>Responsibility</b></p>	<p>Committee members will:</p> <ul style="list-style-type: none"> <li>i. act in an advisory role to Council staff</li> <li>ii. provide strategic guidance on implementation of safety programs and initiatives</li> <li>iii. provide important links to the communities they represent in promoting and delivering safety programs and initiatives</li> <li>iv. participate in working parties as needed</li> <li>v. at all times comply with Councils Code of Conduct</li> <li>vi. at all times contribute in a positive and respectful manner</li> <li>vii. avoid disruption, contrary conduct or being wasteful of time and resources</li> </ul>
<p><b>Term of membership</b></p>	<p>Non Councillor membership of the Community Safety Committee will be for</p> <p>a) the length of a Council term</p> <p>NB a specified term does not preclude an incumbent from reapplying to serve on consecutive terms.</p>
<p><b>Termination of membership</b></p>	<p>Non Councillor member positions will be declared vacant/terminated when a member:</p> <ul style="list-style-type: none"> <li>i. completes their designated term and retires from the committee</li> <li>ii. completes their term and is not re appointed</li> </ul>



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

TRIM Reference:

Item 13.4

Attachment 1

**13.5 Relocation of Gerringong Museum building and reserve planning**

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.7 Manage recreation and open space infrastructure to cater for current and future generations

**Summary**

Two meetings have been held with representatives of the Gerringong netball club, junior and senior football club, men's shed, Lion's Club and Historical Society to agree on an overall plan for the reserve they share an interest in.

**Finance**

To be determined. For future budget consideration or grant application.

**Policy**

N/A

**Attachments**

1 Gerringong Netball Club comments Gerringong Museum relocation [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council:

- 1) Endorse the relocation of the Gerringong Historical Museum to be beside the Gerringong Men's Shed
- 2) Note the masterplan recommendations for the reserve to meet the needs of the sporting codes.

**BACKGROUND**

At the August Council meeting the following resolution was passed:

*that Council endorse the provision of financial and practical support to the value of \$50,000 for the project, including laying the concrete slab and hiring specialist equipment, subject to an agreed masterplan of the reserve being submitted to the September Council meeting.*

Since then two meetings have been convened with representatives of the various groups. These meetings were attended by the Director Community Services and the Manager Library Services and the Director of Engineering and Works also attended the first meeting.

Initially representatives were given an overview of the plans to relocate the museum building and the need to agree on a coordinated plan for future changes to the

Report of the Director Community Services

13.5 Relocation of Gerringong Museum building and reserve planning (cont)

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reserve was explained to the group. Two ideas that have been in circulation were put forward and discussed, being the moving of the playground equipment and expanding and improving the parking layout.

Following the first meeting, representatives were asked to liaise with their clubs and email the Director of Engineering and Works or the Director of Community Services with the issues or plans that each club are considering. The only group to provide a written response was the netball club (see attachment). Improvements identified that are currently not funded will need to be considered in future budgets or be the subject of grant applications. The main improvements the club would like to see are: resurfacing of the courts; steps down from the higher level to the courts (near the existing light pole); expansion/upgrade of the netball club and replacement of the perimeter fence to the courts.

At the second meeting it was acknowledged that the football club had not provided any further information, however, it was agreed that their main concern was the parking area and that potential solutions have been discussed with the Director of Engineering and Works. The club indicated it may be able to obtain sponsors for the carpark work. The other issue affecting both the netball and football clubs was the relocation of the playground equipment. Both groups support the relocation, as long as the new location is visible to the netball courts for supervision purposes. Members of the two groups had met and discussed the potential location and have agreed on a suitable location. These improvements will be incorporated into a masterplan for the reserve.

All representatives indicated that they have no issue with the relocation of the museum building to the area beside the men's shed.



Claudia Robbins - 0416644011

Sandra Dodd - 0429341226

Email - gerringongnetball@gmail.com

To whom it may concern,

Gerringong Netball Club is a growing Club. We have 14 teams registered in the Kiama 2017 competition, and over 140 members. The Club has doubled in size over the last 5 years.

We currently have 9 Representative players, who play at various Rep levels.

8 out of our 14 teams made it through to the semi-finals in 2017.

We have received an email from Col Rathbone, Kiama Sports Council. Stating we have \$10,000 to spend towards upgrading our court lights. This is a massive bonus to the Club.

We have emails/letter from Kiama Council that states there is \$40,000 allocated in a budget, that GNC can use towards resurfacing of our courts.

The state of our courts are a serious safety concern for our Committee. At the moment we have 14 teams who train weekly throughout winter. We use the 2 courts 5 afternoons/evenings a week.

Our Club has outgrown its facilities.

We are wanting our courts to be resurfaced and an additional 2 courts. Using the grass area on the eastern side of the Clubhouse could be an option. The grass area next to the courts, heading towards the soccer fields also has space.

We do have a problem with the fact that the general public use our courts as a thoroughfare and rubbish bin, even during training sessions. There is often broken glass across the courts, which coaches pick up prior to training sessions. The fence that protects the houses that back on to the courts is in desperate need of replacing.

We would like our Clubhouse to be more user friendly. We currently hold our meetings at Gerringong Bowling Club because the Clubhouse is unsuitable. With the growth in our Club we are desperate for more storage for our equipment.

We are trying to build our Club from the ground up. We currently have 9 junior players who either coach a team, or assist with coaching. Many of these girls umpire as well. Our Representative players are sharing their skills and knowledge with our players.

This is all happening in a Club with no funding.

Something that has been raised as a safety concern by a number of our members. The grassy slope from where cars are parked down to the courts. After rain or dew, it can be very slippery.

Given that netball is a winter sport, it is quite often slippery. Is there a possibility of having steps dug into the slope, to avoid slips/injuries?

Gerringong Netball Club has no objections to where the old museum building is relocated.

Parking is an ongoing issue for both netball and footy.

The current location of the playground is visible from our courts. We have siblings of junior players, and children of senior players using the playground very regularly, and it helps that we can see the equipment. Our only request with the possible relocation of the playground, would be that it is visible from our courts.

Gerringong Netball Club appreciates any assistance with improving our Club facilities. We sell Raffle tickets at Gerringong Bowling Club and the Fishermans Club Gerroa to raise much needed funds for the Club, and we are always open to new fundraising opportunities.

We hope all Clubs involved in this meeting benefit from working together.

Gerringong Netball Club Committee

**13.6 Blue Haven Care**  
**Prudential Standards Policy**

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.2 Planning for and assisting specific needs groups

Delivery Program: 1.2.1 Operate Blue Haven Care

**Summary**

This report recommends the adoption of an Aged Care Prudential Standards Policy

**Finance**

Nil

**Policy**

Requirement of the Aged Care Act 1997, Fees and Payments Principles 2014 (no.2) and Local Government Act 2009.

**Attachments**

- 1 Community Services - Aged Care Prudential Standards 2017 [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council receive and adopt the Aged Care Prudential Standards Policy

**BACKGROUND**

Council is required to comply with the Prudential Standards under section 52M-1 of the Aged Care Act 1997.

The Prudential Standards are made up of:

- **Liquidity Management standard**  
An approved provider that holds one or more refundable deposit balances. Accommodation bond balances or entry contribution balances must implement and maintain a written liquidity management strategy to ensure the provider has sufficient liquidity to refund any of those balances that can be expected to fall due in the following 12 months.
- **Records Standard**  
An approved supplier must establish and maintain a register (refundable deposit register) that contains information in relation to refundable deposits, accommodation bonds and entry contributions.

## Report of the Director Community Services

13.6 Blue Haven Care  
Prudential Standards Policy (cont)

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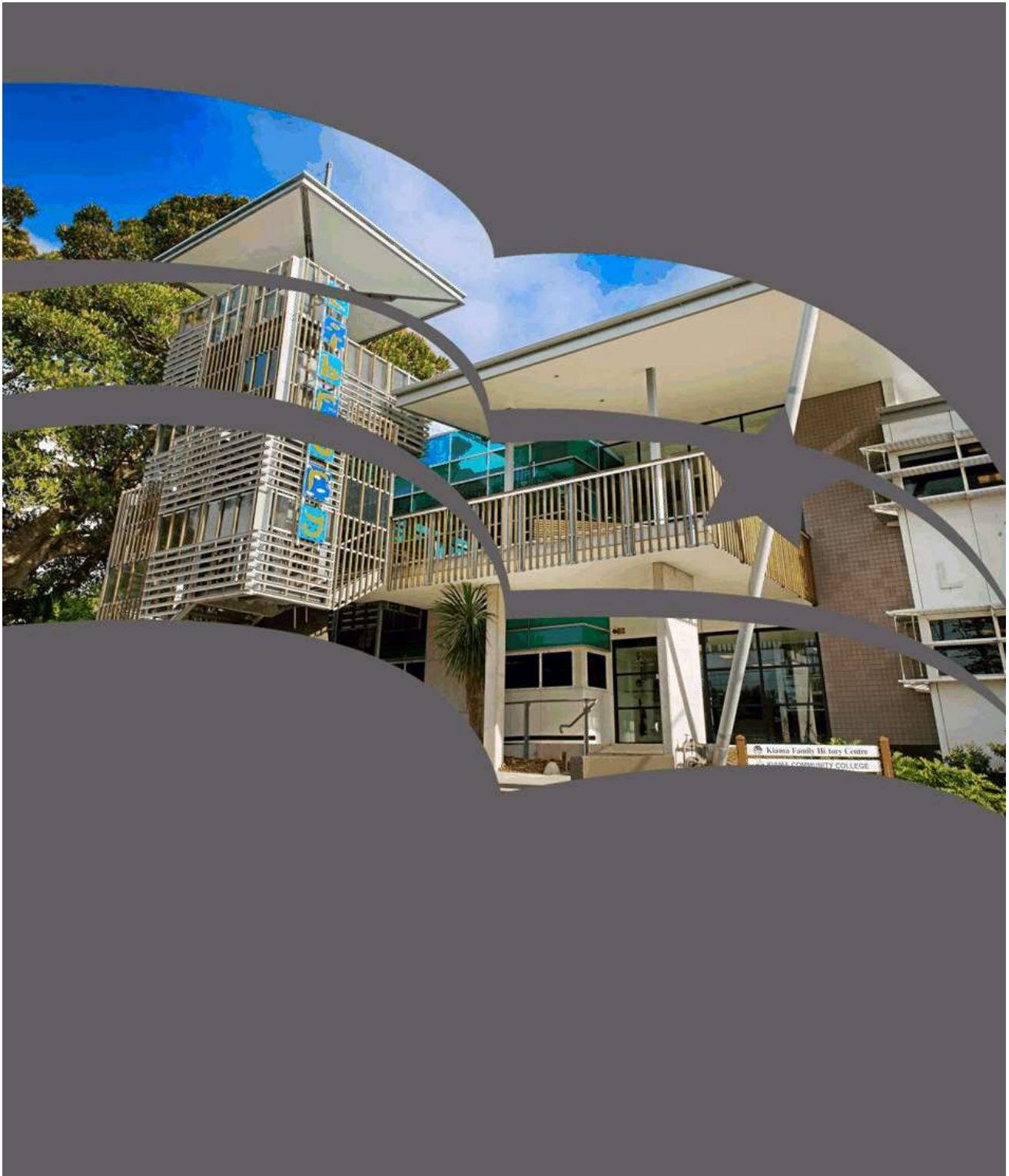
**- Governance Standard**

An approved provider that holds one or more refundable deposit balances or accommodation bond balances must implement and maintain a governance system that ensures those balances are only used for permitted uses and are refunded to care recipients in accordance with S52P-1 of the Aged Care Act 1997. This includes the requirement to implement and maintain a written investment strategy.

**- Disclosure Standard**

Within 4 months after the end of each financial year; an Annual Prudential Compliance statement must be submitted in writing, in a form approved by the Secretary, must not contain false or misleading information and must be signed by a person who is one of the approved providers Key Personnel and who is authorized by the approved provider to sign the statement.

The Aged Care Prudential Standards Policy outlines Council's requirements to comply with the Prudential Standards and how this is achieved.



Item 13.6

Attachment 1

**Aged Care Prudential Standards Policy**  
Draft  
Community Services







## Aged Care Prudential Standards

### 1.0 Purpose

Kiama Municipal Council as an approved aged care provider is required to comply with four (4) prudential standards, which are set out in the Fees and Payments Principles 2014 (No.2) (the Principles).

The standards are:

- The **Liquidity Standard** – An approved provider must maintain sufficient liquidity to ensure the approved provider can refund any refundable deposit balances, accommodation bond balances or entry contribution balances that can be expected to fall due in the following 12 months in accordance with the *Aged Care Act 1997* and the Principles, Part 5 Division 2.
- The **Records Standard** – An approved provider must establish and maintain a register (the refundable deposit register) as required by the Principles Part 5 Division 3.
- The **Disclosure Standard** – An approved provider must disclose information about refundable deposits and accommodation bonds held to the Department of Social Services and to the resident or the resident's representative as required by the Principles Part 5 Division 5.
- The **Governance Standard** – An approved provider that holds one or more refundable deposit balances or accommodation bond balances must implement and maintain a governance system as required by the Principles Part 5 Division 4.

### 2.0 Objectives

This policy outlines Council's process for implementing each component of the required Standards as outlined in the Prudential Standards – Part 5 in the Fees and Payments Principles 2014 (no.2).

The principles objectives of the above prudential standards are to:

- Assist the financial management practices and enhance financial sustainability
- Reduce the risk of default on the refund of refundable deposits and accommodation bond balances
- Ensure refundable deposits and bond balances are only used for permitted uses.

The *Aged Care Act 1997* and the Principles set out the requirements for approved providers holding refundable deposits, accommodation bonds or pre-1997 entry contributions.

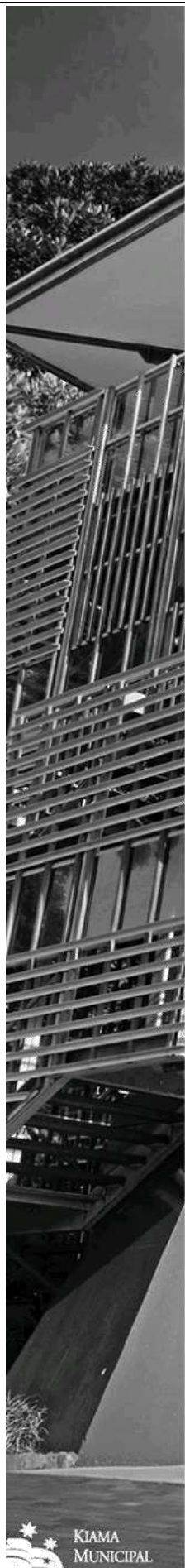
### 3.0 Scope

This policy applies to Kiama Municipal Council's Aged Care Facility, Blue Haven Care

### 4.0 References

This document should be read in conjunction with:

- Aged Care Act 1997
- Local Government Act 2009
- Fees and Payment Principles 2014 (No.2)
- Privacy Act 1988



## 5.0 Definitions

- **Facility**  
Means the Blue Haven Aged Care facility from which care and services are to be provided.
- **Provider**  
Means the approved provider for the Facility, being Kiama Municipal Council
- **Refundable Accommodation Contribution**  
An accommodation contribution that does not accrue daily and is paid as a lump sum
- **Refundable Accommodation Deposit**  
An accommodation payment that does not accrue daily and is paid as a lump sum
- **Refundable Deposit**  
Means a Refundable Accommodation Deposit or a Refundable Accommodation Contribution

## 6.0 Policy

### Liquidity Standard

- **Purpose**  
To apply a systematic approach to determine the level of funding that will be required to meet expected refundable deposits and accommodation bond balance refunds as they fall due. This should include a nominated minimum level of funding that will be maintained in liquid form. The key purpose of the Liquidity Standard is to ensure that Kiama Municipal Council has access to sufficient liquidity to allow Kiama Municipal Council to meet expected refundable deposits and accommodation bond and entry contribution refunds (exclusive of retention amounts and any outstanding interest liabilities) as they fall due over the next 12 months.
- **Requirements for Sufficient Liquidity**  
Maintain sufficient liquidity to ensure that Kiama Municipal Council can refund balances as they fall due over the following 12 months.
- **Kiama Municipal Council Requirements**  
Maintain at all times access to refundable deposits and bond monies required to be refunded. The minimum amount to be held at all times is \$1,000,000.  
To comply with this Standard, Kiama Municipal Council holds all refundable deposits and accommodation bonds in Trust.  
The organization has key personnel responsible for managing refundable deposits and accommodation bonds and staff with delegated responsibilities for managing this.

### Records Standard

- **Purpose**  
The purpose of the Records Standard is to ensure that accurate, comprehensive and up to date information of refundable deposits and accommodation bond holdings (including pre-1997 entry contributions) is collected and maintained. This record will be in the form of a 'Refundable Deposits Register'.  
The Refundable Deposits Register provides a powerful management reporting tool and also provides the basis for compliance based



monitoring and reporting as well as reporting to residents on refundable deposits and accommodation bond balances.

▪ **Requirements**

All providers must establish and maintain a Refundable Deposits Register as outlined in Part 5 Division 3 – the Principles. Council’s Refundable Deposits Register is maintained on site at Council’s administration centre and is available electronically.

**Disclosure Standard**

▪ **Compliance with Disclosure Standard**

Legislative reference: s51-60 the Principles  
Approved providers will be required to confirm that they comply with the Governance Standard as part of the annual reporting to the Department of Social Services through the completion of the Annual Prudential Compliance Statement.  
Council complies with this standard ensuring all disclosures are given to care recipients and the completion of an audited annual compliance statement.

**Governance Standard**

▪ **Purpose**

The Governance Standard requires approved providers who hold refundable deposits and accommodation bonds to have in place a governance system for refundable deposits and accommodation deposits. It does not prescribe the particular type of system, instead it describes the key outcomes that need to be achieved. They are designed to assist approved providers develop sound governance systems to ensure refundable deposits and accommodation bonds are only used for permitted uses and are refunded in accordance with the timeframes required by the *Aged Care Act 1997* and sound business practices.  
The Governance Standard also requires approved providers that invest in particular financial products to implement and maintain an Investment Management Strategy.

▪ **Requirements**

Requirements of the Governance Standard are outlined in Part 5 Division 4 of the Principles

▪ **Organisational Approval Processes and Permitted Uses**

Legislative reference: s49 and s63 and s64 the Principles; s52N-1 of the *Aged Care Act 1997* (the Act):

- Who can negotiate Refundable Deposits and Accommodation Bonds
- Who can sign resident agreements
- Permitted uses for Refundable Deposits and Accommodation Bonds
- Review Process

The officers with delegated Authority are authorized to negotiate Refundable Deposits and Accommodation Bonds and to sign resident agreements will be listed in the Delegations register

Council’s key personnel in relation to Refundable Deposits and Accommodation Bonds are:

- General Manager
- Director Aged and Disability Services
- Residential Facility Manager





- Chief Financial Officer – Blue Haven Care

- **Permitted Uses for Refundable Deposits and Accommodation Bonds**

Kiama Municipal Council holds all refundable deposits and accommodation bonds in Trust.

- **Investment Management Strategy (IMS)**

Legislative reference: s50 of the Principles and s52N-1(3)(b) to (e) of the *Aged Care Act 1997*.

This strategy, if required, identifies key personnel allocated responsibility in relation to development and management of IMS and includes delegated authority required to undertake each action.

Council invests refundable deposits and accommodation bonds solely in Authorised Deposit taking Institutions (ADI), as per Council's Investment Policy, therefore does not require an IMS to be developed.

- **Responsible Personnel Training**

Legislative reference: s49 of the Principles

Existing staff receive refundable deposit and accommodation bond related training when the need is triggered by a change in legislation affecting refundable deposit and accommodation bond management, or a change in position or responsibility for existing staff members occurs. Refresher/reinduction training will also be provided on an ongoing basis.

- **Review of Governance System**

Legislative reference s49 of the Principles

Key compliance (and non compliance) requirements are able to be identified through an effective review process of the provider's governance system. The following governance framework has been implemented by Kiama Municipal Council:

- Policy review process
- Compliance and Governance
- Delegated Authority – monitoring and controlling

### 7.0 Delegations of Authority

- General Manager
- Director Aged and Disability Services
- Residential Facility Manager
- Chief Financial Officer – Blue Haven Care

### 8.0 Review history

This policy will be reviewed annually or as required in the event of legislative changes.

### 9.0 Document control

Directorate:	Community Services
Policy name:	
Date adopted by Council or N/A:	Draft
Date endorsed by MANEX:	
Last revision date:	
Next review date:	July 2018



Trim doc number:	
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DRAFT

Item 13.6

Attachment 1

## 14 REPORTS FOR INFORMATION

### 14.1 Gateway Determination - Lot 2 DP 626183 Golden Valley Road, Jamberoo

Responsible Director: Environmental Services

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Council received a Planning Proposal (PP) on 20 July 2016 for the rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo from RU2 Rural Landscape to R2 Low Density Residential and the amendment of the minimum lot size from 40 hectares to 800m<sup>2</sup>.

This matter was originally reported to Council for endorsement in October 2016. At its October meeting Council resolved to defer consideration of the gateway proposal for one month to allow for community input. The proposal was exhibited and comments were required to be received by Council by 4pm on 5 December 2016. A total of 148 submissions were received, 141 objecting to and 7 supporting the PP.

At its December 2016 Meeting Council resolved to reject the subject PP.

On 21 February 2017 the proponent submitted a request for a Rezoning Review as Council notified the proponent that the original request to prepare a PP had not been supported. Council was notified by the Department of Planning and Environment (DoPE) that the Rezoning Review process had commenced and was invited to provide a response detailing why the original request to Council was not progressed. It was also requested that Council confirm that the proposal submitted for a Rezoning Review is the same proposal that was considered by Council. Council staff reviewed the documentation and were able to confirm that the proposal submitted for a Rezoning Review is the same proposal that was considered by Council at both its October and December meetings.

The Joint Regional Planning Panel (JRPP) met on 11 May 2017 to assess and determine if the proposal should be submitted for a Gateway Determination. The JRPP met with the proponent, Council and the DoPE as part of this process. As part of the rezoning review process the JRPP assessed the strategic merit of the proposal against the strengthened strategic merit test as well as undertaking a site specific merit test. Essentially the JRPP assumed the role of Council in determining if a PP should be forwarded to the DoPE for a Gateway Determination.

On 25 May 2017 Council received correspondence from the JRPP informing that the Panel had determined that the proposal should proceed to Gateway Determination stage. In making this decision, the JRPP considered that the site has both strategic and site specific merit. The JRPP determined that the proposal has strategic merit because of the potential to contribute to strategic objectives for housing supply consistent with the Illawarra-Shoalhaven Regional Plan and the Kiama Urban Strategy.

At their June 2017 meeting Council resolved to accept the role of the Relevant Planning Authority (RPA) for this proposal. The RPA is responsible for consultation with public authorities and the community and the final making of the amendment to the *Kiama Local Environmental Plan (LEP) 2011*.

## Reports for Information

14.1 Gateway Determination - Lot 2 DP 626183 Golden Valley Road, Jamberoo  
(cont)

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On 11 August 2017 Council received a Gateway Determination from the DoPE. The DoPE have determined that this Planning Proposal should proceed. A copy of the Gateway Determination is attached to this report.

The DoPE have determined that:

- The Planning Proposal is to be updated to include:
  - The project timeframe and details on public exhibition, agency consultation and further studies; and
  - A visual analysis to address potential visual impacts of the proposal.
- Community consultation is required for a minimum of 28 days and must be carried out in accordance with Section 5.5.2 of *A guide to preparing local environmental plans*
- Consultation is required with the following public authorities and organisations:
  - NSW Department of Primary Industries – Land;
  - Roads and Maritime Services;
  - Office of Environment and Heritage; and
  - Illawarra local Aboriginal Lands Council

Council staff will be preparing the required project timeframe and details on public exhibition, agency consultation and further studies to attach to the PP prior to it being placed on exhibition.

Council staff have contacted the proponent to request the preparation of the required Visual Analysis and pay Council the fee for the statutory processing of the PP.

Once this information has been supplied Council will consult with public authorities/organisations listed above. Following this Council will carry out the required community consultation.

Council has not received the delegation of the Minister to make this plan as this PP was subject of a rezoning review. This means that following the consultation process the matter will be reported back to Council for information only. However, Council, as the RPA, may request the Minister to determine that the matter not proceed. It will ultimately be up to the Minister to determine to if he/she wishes to agree to this request.

The DoPE will carry out the formal process of consulting with the NSW Parliamentary Counsel and formally making the LEP amendment.

### Attachments

- 1 Gateway Determination - DoPE [↓](#)



Planning &  
Environment

PP\_2017\_KIAMA\_004\_00 (17/09205)

Mr Michael Forsyth  
General Manager  
Kiama Municipal Council  
PO Box 75  
KIAMA NSW 2533

Dear Mr Forsyth

**Planning Proposal Department Ref: PP\_2017\_KIAMA\_004\_00 to amend Kiama Local Environmental Plan 2011**

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 13 July 2017 in respect of the Planning Proposal to rezone land at 123 Golden Valley Road, Jamberoo (Lot 2 DP626183) from rural to residential and change the lot size, floor space ratio and building height controls.

As delegate of the Minister for Planning, I have now determined the Planning Proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistencies with Section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

I have considered Council's request for delegation and determined not to issue an authorisation as the Planning Proposal was subject to a Rezoning Review process.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the Planning Proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.



Should you have any further enquiries about this matter, I have arranged for Ms Lisa Kennedy to assist you. Ms Kennedy can be contacted on 4224 9457.

Yours sincerely



Anthea Sargeant 7/8/17  
Acting Executive Director, Regions  
Planning Services

Encl: Gateway Determination

Item 14.1

Attachment 1



## Planning & Environment

### Gateway Determination

**Planning Proposal (Department Ref: PP\_2017\_KIAMA\_004\_00):** to rezone land at 123 Golden Valley Road, Jamberoo (Lot 2 DP 626183) from rural to residential and change the lot size, floor space ratio and building height controls.

I, the Acting Executive Director, Regions, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under Section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Kiama Local Environmental Plan (LEP) 2011 to rezone land at 123 Golden Valley Road, Jamberoo (Lot 2 DP 626183) from RU2 Rural Landscape to R2 Low Density Residential and change the lot size, floor space ratio and building height controls should proceed subject to the following conditions:

1. Prior to community consultation the Planning Proposal is to be updated to include:
  - the project timeframe and details on public exhibition, agency consultation and further studies; and
  - a visual analysis to address potential visual impacts of the proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the Planning Proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of Planning Proposals and the specifications for material that must be made publicly available along with Planning Proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and organisations under section 56(2)(d) of the Act:
  - NSW Department of Primary Industries – Land;
  - Roads and Maritime Services;
  - Office of Environment and Heritage; and
  - Illawarra local Aboriginal Lands Council

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.



## Planning & Environment

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 7 day of August 2017

A handwritten signature in black ink that reads "Anthea Sargeant".

**Anthea Sargeant**  
Acting Executive Director, Regions  
Planning Services  
Department of Planning and  
Environment

**Delegate of the Minister for Planning**

Reports for Information

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**14.2 Planning Committee Minutes - 10 August 2017**

Responsible Director: Environmental Services

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Enclosed in Councillors' envelopes are the minutes of the Planning Committee Meeting held on 10 August 2017.

**Enclosures**

- 1 Minutes - 10 August 2017 [↗](#)

**Item 14.2**

Reports for Information

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**14.3 Catchment and Flood Risk Management Committee - minutes of meeting  
- 15 August 2017**

Responsible Director: Engineering and Works

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The minutes of the Catchment and Flood Risk Management Committee meeting held on 15 August 2017 are attached for information.

**Attachments**

- 1 Catchment and Flood Risk Management Committee meeting minutes - 15/08/17 [↓](#)

Item 14.3

## Catchment and Flood Risk Management Committee Meeting

Kiama Council RSL Room

Held on Tuesday 15 August 2017 at 3pm

Attendance: Cllr Andrew Sloane, Darren Brady (KMC), Byron Robinson (KMC), John Murtagh (OEH), Barry Mahoney, Graham Pike, Andrew Monk (RMS), Andrew Williams (OEH), Jason Carson (LLS)

Apology: Aimee Beardsmore (OEH), Ben Pinch, Warren Holder, Leonie Walsh, Cllr Mark Westhoff

1. Minutes of previous meeting	Minutes of the previous meeting held on 16 May 2017 were accepted as accurate by the committee  GP asked for minutes to be sent out more quickly in future. DB apologised, as he had been away, therefore missed the subsequent council meeting, which caused the delay.
2. Flood study related issues	DB updated the committee on the progress of the Ooaree Creek / Werri Lagoon flood study which is the only flood study currently underway. The project is proceeding slower than expected as the consultant is having trouble getting back in contact with community members to follow up offers of information and on site flood marks.  GP asked how many submissions had been received?  DB – 240 letters went out to property owners in the catchment, with only 35 submissions received by Council.  AS noted that Council had introduced a new stormwater levy which would provide funding for future stormwater management issues which could be relevant to the implementation of flood study recommendations.
3. Local Land Services introduction, update on programs and potential CZMP related projects	JC introduced himself and gave a brief background on the formation of NSW Local Land Services, which is an amalgamation of the former catchment management authorities, livestock health and pest management authorities, parts of DPI biosecurity and agriculture. The main role of NSW LLS is in biosecurity, agricultural support/advice, emergency management and natural resource management.  JC is the south coast manager of a small team of on-ground practitioners, which includes the Small Farms Network and implementing incentive programs on public and private property. Program focus for the current round of funding will be on revegetation / riparian rehabilitation and habitat enhancement. Not so much erosion control in this project round.  One of the major projects in the area at the moment is the riverbank rehabilitation involving the removal of coral trees, bank stabilisation and revegetation on the Minnamurra River at Jamberoo between Minnamurra Lane and Factory Lane.  GP asked if there was any scope for committee members to have a look at the site, as there was potential for this as a demonstration reach which could be utilised to encourage other landholders to work with LLS to undertake similar projects.



	<p>JC and BR were not sure of the issues around approaching the landholder to have the committee have a look at the project. BR noted that these sites can be promoted in field days which LLS often ran as part of communicating project outcomes. This could be looked at in the future.</p> <p>JC informed the committee that there was around \$220,000 to invest across the Illawarra / Shoalhaven for revegetation / riparian enhancement including fencing and off stream watering. JC was also unsure of the next priority investment areas as this was the last year of the funding round for the current National Landcare fund.</p> <p>JC also informed the committee that the LLS had a meet and greet at the Kiama Pavilion on Monday 21 August from 9:00am with a BBQ. JC would organise for the media release to be sent through to BR.</p>
<p>4. Minnamurra boardwalk / cycleway</p>	<p>AS informed the Committee that Council has been awarded approximately \$4M for the boardwalk to be installed at the Minnamurra Bends.</p> <p>DB advised that conceptual plans are available on Council's website for initial consultation. Following the feedback on the conceptual plans there is more consultation planned when the design details will be known. There are some options proposed for cantilevering, some piered into bank and some piered into the bed of the river. There are also issues to be considered around further erosion of the road in certain areas through the bends along with protection of mangroves and other environmental concerns. The timeframe for completion has been proposed as 12-24 months.</p> <p>GP has a number of concerns about the project, which he believes can be overcome, but require careful consideration and planning to comply with all environmental obligations both legislative and as identified in the CZMP, some of which are:</p> <ul style="list-style-type: none"> <li>- environmental impacts could be considerable and compromises should not be made where environmental impact is concerned</li> <li>- the CZMP identifies a number of values which came from the community consultation including the natural unspoilt environment and scenic values and lack of commercialisation and development. Council needs to be careful to align the boardwalk with these values</li> <li>- there are a number of EECs in the immediate area including SEPP 14 wetland and mangroves</li> <li>- Minnamurra River has the largest population of mangroves between the Georges and Shoalhaven River</li> </ul> <p>AW advised that Council open up discussions with other agencies early in the process eg. Fisheries NSW, OEH to ensure the project develops in line with environmental requirements</p> <p>AS said the project would be required to go through the correct process and rigorous environmental assessment. Once the consultation on the concept had been completed the detailed legislative requirements could be clarified and provided to the committee at its next meeting.</p>

<p>5. Potential funding for project officer for CZMPs</p>	<p>GP noted that it was identified in the CZMP that \$850,000 funding over ten years would be required to fund a full time position for an officer for implementation of both the Crooked and Minnamurra CZMPs. GP recognises that difficulty in accessing funding, but he has offered to work with staff to identify potential funding sources to assist in this.</p> <p>AW suggested that Council talk to Kristi Blackburn, who is the Lake Illawarra officer employed by the Wollongong and Shellharbour Councils to develop and implement the CZMP for the lake.</p> <p>BR also noted that whilst it would definitely be positive to get a specific officer, there were possibly opportunities for an agency like LLS to have an officer to sit in the local council offices periodically to work with the council to engage the community and try to get some of the CZMP actions progressed.</p> <p><i>Action: Committee members to work with Council staff to try to identify sources of funding for an estuary health officer for the Kiama LGA.</i></p> <p>Moved GP, Seconded BM</p>
<p>6. Possible OEH presentation on hydro surveys</p>	<p>The data from the hydrographic surveys was not available for presentation to the Committee. DB asked when the data would be available, as it would be extremely useful for a number of upcoming projects including the boardwalk.</p> <p>AW was unsure of the timeframe for the data availability and would check with the science team where the project was at, as it is a state wide project.</p>
<p>7. Other business</p>	<p>1. <u>Oral history of Minnamurra Project</u></p> <p>BR informed the committee that the library had the equipment available to undertake the project and would archive the results.</p> <p>BM requested that a letter or some other mechanism for introducing the project be provided by Council to ensure that he could approach people to be involved.</p> <p>2. <u>UoW project request</u></p> <p>BR informed the committee of the request for Honours student project ideas and host organisations which close on 1 September, and requested any ideas from the committee be forwarded to him.</p> <p>3. <u>Werri Lagoon Boardwalk</u></p> <p>GP raised concerns over the announcement of the boardwalk to be constructed at Werri Lagoon which had been on the front page of the paper.</p> <p>DB explained the origin of the idea was from the Walking Tracks &amp; Cycleways Committee. That Committee recommended further consultation with the community on the proposal before proceeding with any detailed designs or investigations.</p>
<p>8. Next Meeting</p>	<p>The next meeting was set for Tuesday 21 November, 3:00pm in the RSL Room</p>



**14.4 South Precinct Committee meeting minutes - 17 August 2017**

Responsible Director: Office of the General Manager

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The minutes of the South Precinct Committee meeting held on 17 August 2017 are attached for information.

**Attachments**

- 1 South Precinct Committee meeting minutes 17/08/17 [↓](#)

**Item 14.4**

**MINUTES OF THE SOUTH PRECINCT MEETING**  
held on Thursday 17 August 2017 at Gerringong Town Hall

**Meeting Opened:** 7.30pm with Stephen Brazier in the chair

**Attendance:** 20 people present

**Chair:** Stephen Brazier

**Minutes:** Linda Brazier

**Apologies:** Hedi Stein, Albert Stein

**Mayor Mark Honey and guest speaker Michelle Hudson, Manager Library Services, were both welcomed to the meeting.**

**Minutes of Previous Meeting**

**Moved:** that the minutes of the ordinary meeting of 20 July 2017 be accepted.  
Irene Clingan/Neil Miller **carried**

**Business Arising From Minutes** – items deferred to general business

**Correspondence OUT**

1. General Manager, KMC requesting 98 Fern Street Deed of Agreement
2. General Manager, KMC re. traffic congestion Belinda and Cole Streets
3. General Manager, KMC re. native gardens in vicinity of Town hall and School Park
4. Open Australia Foundation accompanying a donation to “planning alerts”
5. Gerringong Garden Club re congratulations and thanks.

**Correspondence IN**

1. KMC re. Deed of Agreement, 98 Fern Street.
2. Alma Macpherson re. concern about development at 36 Willawa Avenue.
3. Michelle Hudson, KMC Library services re. Street Library for Gerringong.
4. Helen Mc Dermott, Gerringong Historical Society re. letter of support for grant application for Gerringong Museum internal fit-out and displays
5. KMC re. DA for modifications to 128 Belinda Street.
6. KMC re. DA for restoration of Gerringong School of Arts, relocation of Museum and construction of Library.

**Moved:**

That a letter be sent to Gerringong Historical Society in support of their grant application for funds to assist with Museum internal fit-out, displays, technology upgrades, etc. and that copies of same be sent to Gareth Ward, State MP and to Anne Sudmalis, Federal Member.

Rob Cody/Raewyn Thomson

**carried**

**Executive’s Report**

An unfortunate error appeared in recent Kimunico publication with incorrect contact details appearing for South Precinct. Swift apologies were made by KMC General Manager to the family of the late Rick Phillips.

**Treasurer's Report**

Balance at 31/7/17: \$285.97

**Council Papers**

1. DA 10.2017.220.1, for Torrens Title subdivision re. properties 65,69 and 73 Rowllins Road – property is zoned B7 business park.
2. 128 Belinda St, modified DA – for changes to basements, replacing some businesses with serviced apartments, removal of deep planter boxes and other changes.
3. 1 Tasman Dr, modified DA, increase in height.
4. 342 Princes Hwy Willow Vale, addition of secondary dwelling.
5. 8 Blackwood Street Gerringong DA for restoration of Gerringong School of Arts, relocation of Museum and construction of Library and Community facilities
6. Proposal by Councillors Way and Brown for concept plan for boardwalk/footbridge at Werri Lagoon.

**Traffic Committee**

Nothing to report as no meeting was held.

**Guest Speaker:** Michelle Hudson, Manager Library Services, KMC

Michelle spoke about proposal to establish a "Street Library" outside the town hall for free book exchange. This was received favourably.

**General Business**

**1. 98 Fern Street Deed of Agreement between Developer and Council**, concerning integration of lots 52 and 53.

**Moved:**

That SP request from Council:

1. a copy of the final plan details of the construction works of the transition and the landscaped lot 53, including finished levels;
2. a reassurance that Council has the matter in hand, and has liaised with the developer in regard to the details and strategy required for the execution of the works, including any contributory elements that may be required by the developer;
3. an approximate start time for the works on lot 53.

Darrell Clingan/Eric George

**carried**

**2. 36 Willawa Avenue development**

**Moved:**

That a letter be sent to KMC expressing residents' concerns about the placement and pick up of bins at the proposed development at 36 Willawa Avenue; in particular the potential problems caused during periods of high winds. We request that Council reassess the situation in an attempt to seek a better alternative for bin storage and pick up.

Alma Macpherson/Eric George

**carried**

**3. Bridge at Werri Lagoon**

**Moved:**

That KMC should abandon the proposal to build a footbridge at North Werri; we request that Council ensure a method of up-to-date signage be displayed at the Kiama end which details the

variable conditions at Werri Lagoon; further, that the Council website also display the same up-to-date information.

Phillip Trick/Peter Wheeler

**carried**

**4. Plans for Arthur Campbell Reserve** are on display at council and on Council's website.

**5. Cr Neil Reilly's presentation on Planning Reforms and 20/20 Vision**

**Moved:**

That SP invite Cr Reilly back to speak at a meeting to further develop and flesh out his ideas; further, that SP consider inviting senior planning staff to a later meeting for a discussion and Q and A session on local planning matters.

Peter Wheeler/Phillip Trick

**carried**

**6. Track/Boardwalk across 'Omega Flats'**

Cr Mark Honey reported that money had been allocated for the walkway by RMS during the hwy upgrade but was redirected elsewhere. Council are still considering the type of footway/boardwalk but the project is for future consideration.

**7. Highway noise in vicinity of Burnett Ave**

Due to hwy upgrade a sound wall was constructed, height of 2metres not 3 metres as previously planned. Signage to be erected advising trucks to limit braking and reduce noise.

**8. Traffic movements along Fern Street**

Was reported that vehicle numbers through Fern Street have increased approx. 5 fold in last 10 years.

**9. Loss of gun licence** was reported by Michael Hindmarsh after long running issues with neighbours and police.

**Meeting closed: 8.50pm**

**Next Meeting:** Thursday 21 September 2017 at 7.30pm.

Reports for Information

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**14.5 Jamberoo Valley Ratepayers and Residents Association - Annual General Meeting minutes - 1 August 2017**

Responsible Director: Office of the General Manager

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The minutes of the Jamberoo Valley Ratepayers and Residents Association Annual General Meeting held on 1 August 2017 are attached for information.

Item 14.5

**Attachments**

- 1 Jamberoo Valley Ratepayers and Residents Association - Annual General Meeting minutes - 01/08/17 [↓](#)

**JAMBEROO VALLEY RATEPAYERS AND RESIDENTS ASSOCIATION Inc.**

PO Box 146  
JAMBEROO  
NSW 2533

[JVRRASecretary@gmail.com](mailto:JVRRASecretary@gmail.com)

**MINUTES OF THE ANNUAL GENERAL MEETING OF THE JVRRRA HELD AT CLUB  
JAMBEROO AT 7.30PM ON TUESDAY 1 AUGUST 2017**

**Attendees**

John Friedmann, Lesley Friedman, Veronica Baker, Sid Baker, Vivienne Marris, Geoff Reid, Mary Lou Reid, Margaret Stephens, Maria Gardner, Patricia Knight, Rob McKinnon, Robyn Letham, Graham Letham, Geoff Boxsell, Kylie Jullien, Helen Cochrane, Garry Cochrane, Julie Clough, Greg Clough, Glenys Day, John Zimmer, Paul Rogers, Jim Dingle, Reg Curnow, Narelle Day, Glenys Day, Michael Brennan, Barbara Jakeman, Andrew Waugh, Chris Beaven, Bruce Robertson, Roger Lyle, Beth Downes, Cathy Law, Neil Reilly, Max Brennan, Ray Nolan, Susie Nash

**Apologies**

Rhoda Pooley, Ann Pike, John Phelan, Maggie Phelan, Ken Jeffrey, Penny Morris, Paul Morris, Ros McKinnon, Stuart Henry, Sally Rogers, Sandra Dingle, Tony Day, Julie Macdonald

**The Chair opened the meeting at 7.30pm and welcomed members and guests.**

**1. Minutes of the Previous Annual General Meeting held on 2 August 2016.**

Veronica Baker asked that it be noted that she did not move the acceptance of the Minutes of the previous AGM as is recorded in those Minutes.

Moved Roger Lyle; seconded Sid Baker that the Minutes of the previous AGM be accepted.  
Carried.

**2. Chair's Report**

[The Chair's annual report for 2016/17](#) was presented to the meeting.

**3. Treasurer's Report**

[The Treasurer's annual report and auditor's report](#) was presented to the meeting.  
The Treasurer also tabled the NSW Fair Trading Annual Return for the Association.

Moved Vivienne Marris, seconded Narelle Day, that the Treasurer's report be accepted and the NSW Fair Trading Annual Return be signed.

Carried.

4. Election of Office Bearers for the 2017 - 2018.  
(Chair, Vice-Chair, Secretary, Treasurer, Publicity Officer)

As previously announced, at the close of nominations on 25 July, the Secretary had received the following nominations:

**Chair - Robert McKinnon**  
**Vice-Chair - Roger Lyle**  
**Secretary - Graham Pike**  
**Treasurer - Mary Lou Reid**  
**Publicity Officer - Roger Lyle**

As only one nomination was received for each position, no election for office bearers was required. The Chair pointed out that as Roger Lyle had nominated for two positions on the committee and the Association's constitution requires a committee of five, nominations from the floor for the fifth committee member were now open.

John Friedmann nominated Reg Curnow, who accepted, and the nomination was seconded by Maria Gardner.

Moved John Friedmann, seconded Ray Nolan that all nominees be accepted as the committee for 2017 – 2018.

Carried with acclamation.

**Bank Account Changes**

JVRRRA bank account IMB BSB 641-800, Account 004506852  
Official Association address for correspondence is now  
PO 146 Box Jamberoo NSW 2533

Following the election, under the Rules of the Association,  
**JVRRRA bank signatories are now:**

Robert McKinnon  
Roger Lyle  
Graham Pike  
Mary Lou Reid

**Signatories to be deleted**

Ken Jeffrey  
Vivienne Marris

5. **Determination of Annual Fees for the 2017 – 2018 financial year.**

Moved Vivienne Marris, seconded Michael Brennan that the Association's membership fee remains at \$20.00 per annum for each household of two.

Carried.

6. The Chair closed the meeting at 7.55pm.

**Signed as a true record of JVRRRA 2017 AGM**

.....  
Chair – Rob McKinnon

.....  
Date

Reports for Information

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**14.6 Jamberoo Valley Ratepayers and Residents Association - General Meeting minutes - 1 August 2017**

Responsible Director: Office of the General Manager

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The minutes of the Jamberoo Valley Ratepayers and Residents Association General Meeting held on 1 August 2017 are attached for information.

Item 14.6

**Attachments**

- 1 Jamberoo Valley Ratepayers and Residents Association - General meeting minutes - 01/08/17 [↓](#)



**JAMBEROO VALLEY RATEPAYERS AND RESIDENTS ASSOCIATION Inc.**

PO Box 146  
JAMBEROO  
NSW 2533

[JVRRASecretary@gmail.com](mailto:JVRRASecretary@gmail.com)

**MINUTES OF THE GENERAL MEETING OF THE JVRRRA HELD AT CLUB JAMBEROO AT 8PM  
(FOLLOWING THE AGM) ON 1 AUGUST 2017**

**Attendees**

John Friedmann, Lesley Friedman, Veronica Baker, Sid Baker, Vivienne Marris, Geoff Reid, Mary Lou Reid, Margaret Stephens, Maria Gardner, Patricia Knight, Rob McKinnon, Robyn Letham, Graham Letham, Geoff Boxsell, Kylie Jullien, Helen Cochrane, Garry Cochrane, Julie Clough, Greg Clough, Glenys Day, John Zimmer, Paul Rogers, Jim Dingle, Reg Curnow, Narelle Day, Glenys Day, Michael Brennan, Barbara Jakeman, Andrew Waugh, Chris Beaven, Bruce Robertson, Roger Lyle, Beth Downes, Cathy Law, Neil Reilly, Max Brennan, Ray Nolan, Susie Nash

**Apologies**

Rhoda Pooley, Ann Pike, John Phelan, Maggie Phelan, Ken Jeffrey, Penny Morris, Paul Morris, Ros McKinnon, Stuart Henry, Sally Rogers, Sandra Dingle, Tony Day, Julie Macdonald

**The Chair opened the meeting at 8pm and welcomed members and guests including Cr Neil Reilly.**

**1. [Minutes of the Previous General Meeting of 4 July 2017](#)**

Moved Reg Curnow, seconded Veronica Baker that the Minutes of the previous meeting be adopted.

Carried.

**2. Any Matters arising from the previous Minutes not listed elsewhere in the Agenda**

Mr Wes Green from Australian Solar Designs has been invited to give a talk at our 5 September meeting. Wes will address the issue of the costs and benefits of solar panels and the possible addition of battery storage.

(amended 7 Aug following advice from Ken Jeffery subsequent to meeting)

**3. Correspondence [In](#) and [Out](#)**

**4. There were no matters arising from the correspondence not listed elsewhere in the Agenda**

**5. [Treasurer's Report](#) was presented and accepted**

**9. Report by Vivienne Marris on organisational, financial and operational relationships between the Jamberoo Markets and the JVRRA.**

Vivienne Marris presented [her report on the Jamberoo Markets](#) which are held each month in Reid Park.

Moved Graham Pike, seconded Roger Lyle that Vivienne Marris be invited to continue the management of the Jamberoo Markets on behalf of the JVRRA.

Carried.

Ms Marris accepted the invitation at the meeting.

Following questions from the floor and discussion, the former Treasurer confirmed that all funds in accounts shown in the Treasurer's report were those of the JVRRA and could be used by the JVRRA for its purposes.

**10. In accordance with financial procedures approved at the previous meeting, a motion was required for the approval of expenditure for:**

- (i) \$790.00, the annual public liability insurance premium for the Jamberoo Markets, and
- (ii) a total of \$249.14 for reimbursement of personal payments by the Secretary for JVRRA office expenses.

Moved Garry Cochrane, seconded Greg Clough that the items at (i) and (ii) above be authorised for payment.

Carried.

**11. Infrastructure Sub-Committee Report**

The Infrastructure Sub-committee's John Friedmann reported on the absence of and the incomplete and unsafe state of footpaths in a considerable number of streets in Jamberoo.

Cr Neil Reilly said that at Kiama Council's August meeting, he would seek a Council review and report on the state of footpaths throughout Jamberoo village and remedial action required and ask for the resulting report to be presented to the September Council meeting.

The JVRRA's Infrastructure Sub-committee will provide to Cr Reilly a copy of its report on the status of Jamberoo footpaths in time for the August Council meeting.

The meeting accepted Cr Reilly's offer and thanked him for it.

## 12. Living Future Jamberoo Sub-committee report

The LFJ Sub-committee did not have time to hold a formal meeting in July because of work pressures on several of its members imposed by preparing, proposing and presenting a number of policies and cases on behalf of the JVRRA. This work was mainly in relation to Kiama Council's internal drafting of the Jamberoo-specific Development Control Plan (DCP), the first draft of which was tabled at the Council meeting on 18 July. The main proposals were, first, for Council to appoint a qualified professional consultant to undertake the drafting of the DCP and then when that proposal was formally denied by Council, a second proposal was put to have a professional facilitator organise, co-ordinate and implement a program for the meaningful input by the Jamberoo community into finalisation of the DCP. This proposal was also denied by Council.

A report resulting from the Sub-committee chair, Graham Pike, was presented to the meeting. (See agenda item 15.)

For noting.

## 13. Garden Sub-committee report

The sub-committee's report was presented to the meeting by Margaret Stephens.

## 14. Membership and Publicity Sub-committee report

Andrew Waugh said there was nothing to report.

## 15. The Jamberoo Development Control Plan (DCP)

Secretary, Graham Pike, [presented a report to the members](#) on JVRRA Activities to Improve [the draft Jamberoo Development Control Plan \(DCP\)](#) and its public consultation process.

The Secretary also reported on the main outcomes of a meeting he and JVRRA Chair, Rob McKinnon, had had four hours before the JVRRA meeting with the Kiama Mayor, Cr Mark Honey, a Kiama Council planning officer, Edward Paterson, and executive assistant, Narelle Mousdale. The JVRRA had presented the Mayor with the Secretary's report and the items that needed to be discussed and resolved with Council, as listed on pages one and two of the Secretary's report.

The Secretary said it had been a very positive and productive meeting. It had been agreed that Council would add two new sessions to the Jamberoo DCP public consultation and input process, before the community input workshops scheduled for 5 and 7 September. These two new sessions, one during the day and one at night, would focus on giving the Jamberoo community familiarisation and understanding of the context and importance of the Jamberoo DCP, what the draft contained and details of what the community would be asked

to input and comment on at the September workshops. before the Jamberoo DCP familiarisation sessions for the Jamberoo community.

It was also agreed that the JVRRA would use its very best endeavours and the expertise and resources within its membership to assist in every way possible Council's publicity effort in relation to improving the draft JDCP and optimising community input to it.

The meeting with the Mayor also agreed that it was essential for the effectiveness of the finally approved JDCP to have mechanisms in place to minimise the opportunity for developers to bypass it by reverting to the basic housing code of 'complying development'.

The JVRRA later provided to Mr Paterson, notes it had sought and received from urban planning and architectural professionals on the draft Jamberoo DCP generally (contained in the Secretary's report) and in particular, the likely steps necessary to prevent reversion from a JDCP to 'complying development'.

During the meeting, the Secretary informed the Mayor and Mr Paterson that the JVRRA had sought and received formal advice from the NSW Department of Planning and Environment that section 74C of the NSW Environmental Planning and Assessment Act still applied and that, as a result, it was now possible for Council to move to create a separate, stand-alone DCP specifically for Jamberoo instead of the current draft JDCP which was tacked onto the end of the Kiama DCP as Chapter 33 at page 171.

The meeting with the Mayor also agreed that other items put forward by the JVRRA (in the Secretary's report) and not discussed in detail at the meeting, would be considered by Council's Planning Committee (meeting on August 10) and by Council.

**The JVRRA meeting fully endorsed the approach and direction that the Chair and the Secretary were taking on behalf of the JVRRA in relation to the Jamberoo DCP and its public consultation process.**

**16. [Outstanding Jamberoo-related recommendations of the NSW Government's southern Joint Regional Planning Panel \(JRPP\) in the report of its review of the Golden Valley Road planning proposal.](#)**

The Secretary informed the meeting that members should have a look at the last two dot points in the report by the Joint Regional Planning Panel (attached) in preparation for discussion of them at the next general meeting.

**17. Proposal for a formal approval process for JVRRA public documents and representation.**

In moving the motion below, Roger Lyle, with seconder, John Friedmann, stated that when people are making representations on behalf of the JVRRA, it is important that they express views that have the demonstrated support of the majority of JVRRA members.

**Motion:**

That a subcommittee of up to four people, one of whom is the Chair, be tasked with developing an efficient, transparent process to ensure that majority member views are reflected in JVRRA documents and representations. The subcommittee is to present its proposed process to the JVRRA September meeting.

Carried.

**18. General Business**

Michael Brennan proposed and the meeting agreed, that a card on behalf of the JVRRA be sent to Mr John Fry conveying condolences on the passing of his wife, Joan Fry.  
(corrected 7 Aug following advice from Greg Clough)

Moved Rob McKinnon, seconded Sid Baker that the JVRRA request Kiama Council to change the Kiama Local Environment Plan to designate areas in the Municipality where dual occupancy and medium density housing is not permitted, such areas to include Jamberoo.

Carried.

**19. The Chair closed the meeting at 9.25pm.**

Graham Pike  
Secretary JVRRA  
7 August 2017

**14.7 Kiama Central Precinct Committee meeting minutes - 22 August 2017**

Responsible Director: Office of the General Manager

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The minutes of the Kiama Central Precinct Committee meeting held on 22 August 2017 are attached for information.

**Attachments**

- 1 Kiama Central Precinct Committee - meeting 22/8/17 - minutes [↓](#)

**Kiama Central Precinct Meeting, 22/08/2017**

**Joyce Wheatley Centre, Kiama.**

Chair/President Peter O'Neill

Meeting commenced 7:02pm

**Present**

J Kril, K. Renkema - Lang, S. Eggins, N. Reilly, A. Greaves, M. Greaves, B. Breasley, P. O'Neill, H O'Neill, D. Credaro, K Timbs, R. Mills, L. Conder, P. Gowans, S. Stark, S. McGhee, B. Makin, J. Onions, L. Herbert, K. Turner, C. Law, H. Stirling, S. Karschies, E. McLean, J. Douglas, D. Balding, J. Crothers, G. McClure, C. Kerr-Ruston, M. Conner, D. Evans, M. Honey

1. Welcome from the Chair – acknowledging presence of Cr's Honey and Reilly. General welcome to all. For new-comers introduced himself (president) and J. Kril (secretary/treasurer).
2. Welcome to Country – *I would like to acknowledge the traditional owners of the land on which we meet. I would also like to pay my respect to the elders past and present.*
3. Apologies: K. Elder, M. Watson, J & R Cork, A. Levering D Fawlkner, C. Medcalf, L. Eggins, H&G Bell
4. Housekeeping: -
  - ❖ sign in is required to verify attendance. No sign in means you will not be captured in the minutes as present at the meeting.
  - ❖ email addresses are required in order to access minutes within the shared secretarial dropbox folder.
  - ❖ any comments or discussion is to be to/thru the Chair – C's and D's which are not acknowledged by the Chair will not be captured in the minutes.
  - ❖ any time when addressing the meeting or the speaker as a courtesy and for the purpose of taking and writing minutes please state your name - even if you have given it previously. You're not likely to be known by everyone including the Secretary - unidentified speakers will not be included in minutes.
  - ❖ please stand when identifying yourself and when addressing the meeting or the chair –we're all interested in hearing what you've got to say.
  - ❖ We want to keep meetings as short as possible so please keep comments relevant.
5. Confirmation of Minutes  
Motion: That the minutes (as they appear in dropbox as at today's date) be accepted as a true record of the meeting.  
Moved –B. Breasley  
Seconded – S. Eggins  
Carried



6. Business arising from last minutes:

Responses from Council on issues to be followed up and to be

- Pre School at Dido St – additional information requested by Council as well as information sought from Integral Energy re electricity easement affecting the property. Council not likely to look at the proposal until its October meeting.
- [PAMP- Shoalhaven & Bong Bong Streets – Refer attachment regarding background and proposed recommendation.](#)
- 44 Manning Street – P. O’Neill attended and presented at Council’s Public Access 14/07. Council has voted against the proposal at its meeting held 15/07. The matter is now before Land & Environment court. Heritage issues were not addressed by planners, but N. Reilly moved a motion to include this issue as part of the reasons for refusal.
- Grand Hotel development – listed for hearing before the L&E court for 28/09
- B. Flugelman’s ‘Waves’ sculpture – Council has cleaned and applied anti-graffiti and rust preventative treatment and will maintain watch on condition.
- Health & Sustainability committee – motion to separate Health from Sustainability as two separate items. Council views Health and Sustainability as linked and is recognised as an award winning combination in its current form.

Barry Breasley – Question on 22 Manning St and the status of that proposal.

Cr Reilly – some toing and froing with the developer who has been requested to come back with some more sympathetic treatment to his design. P O’Neill asked if group would have opportunity to comment and N. Reilly said he would find out.

7. Correspondence

Letter from M. Forsyth – GM on bins at Sofitel

Jeff Williams – suggested trip hazard identified along Terralong Street

From Council – Public Access re opportunity to speak at Public Access re 44 manning Street

From Westpac Bank – re confirmation of KCP bank account

Email response from Council re matters previously raised at KCP meetings (as was previously referenced by the Chair in his address of agenda item 6).

Questions arising from Correspondence

S. Eggs – Friday through Monday 30 bins remain on the footpath before being removed are an obstruction to pedestrian traffic and that Council response does not address the original inquiry as was put to Council’s GM regarding Sofitel’s Waste Management Plan and how or indeed whether it addressed this situation. She does not consider the response from Council to be adequate in its address of the original concern which was raised.

P. O’Neill on the Jeff Williams correspondence – advises that concerns by individual on discreet matters should in the first instance be directed in writing to Council before requesting that the KCP become involved if a satisfactory outcome has not been forthcoming.



8. General Business

a) Akuna St DA – Any issues,

(<https://da.kiama.nsw.gov.au/Application/ApplicationDetails/010.2016.00000304.001/>)

Note: Objections have to be submitted to Council by the 28<sup>th</sup> August. Everyone is encouraged to write their own objections.

D. Evans –

Concerns re the proposed removal of gum trees - Akuna and Shoalhaven Streets

Can we soften the development impact by at least retaining the line of trees that currently exists in the locale?

C. Kerr -

- Concern that the 11 metres height violation, which if allowed, will set a precedent for all future developments along Terralong Street and throughout the locale.
- Bins – concern re waste management storage and collection – raises question on how this will be managed.
- Parking – how will this be managed?
- Lack of Environmental design initiatives – solar/green roofs/rainwater harvesting – in the design

Cr Reilly – Councils position

The development will go before the Joint Regional Planning Panel; while Council owns the lands it is not the determining authority. Nevertheless its considerations will carry weight within the determination process. Trees, waste management, parking are all matters of relevance and with a strong case put in relation to these and other matters the JRPP will have to take these into consideration.

Cr Honey (Mayor) – Update on process thus far.

Two submissions have been made by the developer. The first being an ambit one where the developer was told to go away and come back with something more suitable. The second one being more acceptable and containing some concessions but still in need of further improvement.

Cr Honey suggests a process for submission by KCP regarding the development would be that it would submit its concerns to Council and the concerns raised from that would be incorporated within Councils own submission and identified as concerns raised by KCP representative of residents.

A. Greaves –

Question on traffic management. Is the developer responsible for developing a traffic management plan?

Cr Reilly – Yes. Responsible for co-ordination of access and egress in accordance with Department of Design Guidelines.

In summary concerns are

- 11 M height exceedance
- Waste management – storage and collection
- Recycling and environmental initiatives
- Parking
- Traffic management
- Clothes lines

- Trees
- Rainwater harvesting
- Timing of construction – will it occur over Xmas?

Chair –

Loss of parking through this development.

- Does Council have plans to restore any of this?
- Are there Council plans for a multi-story on the site of the southern Akuna Street carpark?
- What will happen to existing public parking that is being taken away? How will CBD cope with this loss of parking plus the need to accommodate trucks and trade vehicles when it is being built?

Cr Honey (Mayor) –

Council has plans to develop an arts precinct in the area where the current ambulance station is and it is the intention of Council to develop a multi-story carpark in order to cater for this as well as for future commercial growth development within the town centre.

Action noted from the Chair – “We’ll put something together and send off to Council”.

c) Karen Lang – Discussions from Council Planning Committee

- Jamberoo DCP – refer the Council website.  
Information workshop to be held 29 August  
Planning workshops 5 and 7 September
- Acknowledgement of presentation at last KCP meeting – well received
- The Charrette – acknowledged as a worthwhile undertaking, - (Presidents note - but has never become part of Council LEP)
- Perception that community expectations aren’t being met re consultation
- Pending appointment - Consultant Master Plan Kiama Town centre. Drafting of criteria currently being undertaken
- Kiama DCP amendment tool – ensuring that DA’s take in the various Council policies and plans
- Gerringong DCP – up for renewal.

Invites KCP to use as a conduit her role on the Council Planning Committee to engage with and raise agenda items on behalf of KCP group eg contribution to submission re Kiama Town Centre Plan.

d) DA for 23 Meares Place / 33 Collins

P. Gowans – Concern re the development given what she considers an unsympathetic development which impact its nearest neighbour with regard to views and sunshine exposures. Also notes traffic concerns associated with 60 residents of the proposed development exiting onto Collins Street.  
No motion was put by the speaker regarding the development or the concerns raised, however she will continue discussions with the mayor.

e) Chair - Follow up on previous items put to Council

- Heritage Area – Manning Street Terralong Street. Any development should be considered in the light of the entire heritage streetscape not just adjoining heritage items.  
[Refer Attachment to meeting Agenda and proposal re same.](#)

Cr Honey – suggests giving the proposal to Cr Reilly who will raise it at the next Council meeting. The result of that will be that a report will be generated from within Council on which a question on notice will then be raised with Council for address at the following meeting of Council.

Proposal – Council investigate the inclusion of a nominated area with significant heritage items for inclusion in the Kiama LEP.

Discussion ensued regarding the inclusion of a variety of locales. It was agreed that focus should be on one area to begin with and that this could be added to over time with other areas.

Sue Eggins is asked to come back to KCP with idea's re inclusion of other areas that might be diminished given unsympathetic development.

Moved – P O'Neill

*"The Kiama Central Precinct calls on Kiama Council to investigate the inclusion of the nominated area in the Kiama LCP as an Area of Heritage Significance so that appropriate recognition is given not just to individual buildings, but to the historic nature of the streetscape. A starting point could be a complete inventory of buildings that will identify their historical and cultural significance. The KCP also request copies of Council documents that relate to heritage issues for this area."*

2<sup>nd</sup> – B. Beasley

Carried.

ii. Bombo Quarry – community involvement.

President asked councillors present how the issue of lack of community involvement in the Bombo Task Force could be addressed?

Cr Reilly – has offered support and has already communicated for a meeting with the relevant Director of Planning to include Bombo task force to be engaged in planning and for the community to be involved in that engagement.

Other issues?

K. Lang -

Future meetings item.

Thoughts on having a separate gathering prior to KCP meetings say 6.30 – 7.30. This would be along the lines of a facilitated consultative discussion on the Kiama Development Strategy where input from residents would form a part.

Objections were raised to a 6.30 start. 6.00 was considered more acceptable, with the normal meeting starting at 7pm.

Mesdames Lang and Medcalf will be away for the September KCP meeting so commencement of these would be prior to the October meeting of the KCP, as a facilitated workshop.

September – Matt Browne (Follow-up by President – Matt Browne, along with Karen Ronning, the new Tourism Manager, has agreed to speak on the future of Kiama Tourism on the 26<sup>th</sup> of September)

October – Community Strategic Plan

November - Bombo Quarry

Next meeting scheduled for Tuesday 26<sup>th</sup> September – same venue.

Meeting declared closed at 8.20 pm.

ADDENDUM TO THE MINUTES

MATTERS MINUTED ON WHICH ACTIONS REQUIRED HAVE BEEN NOTED

**Item 14.7**

**Attachment 1**

ATTACHMENTS

**Traffic Management: Shoalhaven & Bong Bong Streets**

**Background – P. Stuckey**

In November 2015, approx. 40 residents of these two streets requested Council to carry out a traffic management study in these two streets.

Council undertook its own traffic monitoring in April 2016 and found that more than 50% of traffic exceeded the speed limit in the streets .( maximum recorded speeds in the streets were approx. 80kmh). In September 2016 Council applied to the RMS for funding of approx. \$8000 to have a Pedestrian Access Mobility Plan (PAMP) prepared by a consultant Traffic Engineer to identify road safety improvements that are required in these two streets. In November 2016, I and another resident sought Gareth Ward's assistance to support Council's application to the RMS which he did by writing to the Minister.

Following a number of follow up contacts with Gareth Ward over this matter. I have now been advised by Gareth Ward that Council's application to the RMS has failed. That being the case, Council at this time will not be proceeding with any action to address this serious safety issue.

The two streets have turned into a "rat run " being used by drivers as an alternative to Manning and Terralong particularly between 6:00to 9:00am and 3:00and 5:00pm . The streets are used by Primary school and High school students and commuters using the Railway station. The intersection at Bong Bong and Shoalhaven is extremely difficult and dangerous for pedestrians, especially primary children and elderly pedestrians to cross.

It is now 21 months since the residents wrote to Council about their concerns. At present there is no funding allocated by Council in its 2017/2018 budget and therefore no plans to address this dangerous situation.

**Recommendation:** That the Kiama Central Precinct request Council to allocate funding in its 2017/2018 budget to engage a consultant to prepare a PAMP and to urgently undertake the recommended works identified in that PAMP this financial year.

#### Kiama Heritage Area

The northern end of Manning St has been attracting attention for several DAs that Kiama Council has determined as an over-development of their sites. However, there has been little acknowledgement by the Council of the importance of the area's historic landscape and the effect of these monolithic buildings will have on the streetscape. This streetscape contains the finest collection of civic, religious and commercial buildings, not just in Kiama, but in the whole of the Illawarra. It encompasses the northern block of Manning St (from Shoalhaven St), plus the eastern end of Terralong St through to Shoalhaven St. Any new construction should be considered part of this iconic streetscape, not as an isolated development.

While the commercial area of Manning St is slowly being reborn, it still fails to attract the level of visits that the rest of the Kiama CBD enjoys. Most of the mid-century commercial buildings are tired and run down and over the next few years will probably be demolished to make way for new buildings. The whole area needs to be re-energised by attracting more businesses that will revitalize the area and attract residents and visitors alike.

New infill buildings need to be sympathetically designed to enhance the existing historic civic, commercial and religious buildings and not detract from this area and there have been several recent developments in Kiama that demonstrate the sensitive re-use of heritage forms in a new physical context.

The 2002 Kiama Town Centre Charrette stated that "It is important that the Precinct's heritage be conserved and protected from inappropriate architecture nearby" and recommended that "Any new development must respect and celebrate the heritage context of this sub-precinct". It is now 15 years later and there is still no significant protection for this area that can be used to evaluate new developments in the context of their historic setting.

Proposal - The Kiama Central Precinct calls on Kiama Council to investigate the inclusion of the nominated area in the Kiama LCP as an Area of Heritage Significance so that appropriate recognition is given not just to individual buildings, but to the historic nature of the streetscape. A starting point could be a complete inventory of buildings that will identify their historical and cultural significance. The KCP also request copies of Council documents that relate to heritage issues for this area.

**14.8 Minutes of the Companion Animals Committee meeting held on 8 August 2017**

Responsible Director: Environmental Services

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Enclosed in Councillors' envelopes are the minutes of the Companion Animals Committee meeting held on 8 August 2017.

**Attachments**

- 1 Minutes - 8 August 2017 [↓](#)

**Minutes of the Companion Animals Advisory Committee Meeting held on 8 August 2017 – Commencing at 14:30pm – Administration Building CR1**

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**Present:** Councillor Mark Way, Tony Mitchell, Kim Elder, Gordon Bell, Kevin Hodgson, Merryn Joske, Paul Czulowski and Dennis Tracey.

**Apology:** Tom Ward Ranger

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**1. Confirmation of Minutes**

Confirmed (Kim Elder/Tony Mitchell).

**2. Matters Arising**

Meeting Administration Election of Chairperson – Councillor Mark Way elected as Chairperson (Paul Czulowski/Kim Elder).

**3. Topics for Discussion**

Review of the Companion Animals Regulation 2008

Invitation from members for feedback. Senior Ranger Dennis Tracey reported on the following discussion focus areas:

IDENTIFICATION

- Are grounds for accrediting a person as an authorised identifier fit for purpose? Support – Yes.
- Should the qualifications or competencies required of an authorised identifier be in the Regulation? Support – Yes.
- Are there sufficient numbers of authorised identifiers to meet demand, particularly in regional and rural areas? Support – Yes.
- What could be done to increase the number of pets in NSW that are microchipped? Comment - require Councils to undertake one Department of Local Government funded microchip day per year, subject to audit. Compulsory microchipping at point of sale. Increase use of TV advertisement and social media.
- Are there any types of microchips or identification that should be considered? No comment.
- Are the grounds for the withdrawal of authorised identifiers accreditation effective in practice? Support – Yes.
- What improvements could be made? Comment - authorised officer link on main menu page of the Register.
- Does the identification information collected on the Register improve the quality of breed information and make identification more accurate? Support –Yes.
- What improvements could be made? Comment - Support common kinds of dog breeds on the breed menu e.g. Bull Arab.



- Does the Register allow authorised users to accurately enter animal breed information? Support - in part.
- What improvements could be made? Comment - Support expanded breed menu for dogs and cats.
- Should humane ear tattooing of animals that are de-sexed be required? Support – Yes.

#### THE COMPANION ANIMALS REGISTER and NSW PET REGISTRY

- Has the introduction of online registration for pet owners via the NSW pet Registry made the registration process simpler? Support - in part.
- What new technology should be planned for the inclusion in the new Companion Animals Register? Comment – no comment.
- Is access to the Register provided to the appropriate people? Support – Yes.
- What improvements could be made? Comment - Support building a new companion animals register to include automates routine search functions and percentage totals of age of animals.
- Should the exemptions from registrations requirements still be applied? Support – Yes.
- What improvements could be made? Comment - support proposal that cl 16(a) relating to a cat born before 1 July 1999, be removed as it is redundant.
- Is the criteria and approval process for becoming a 16(d) organisation set at an appropriate level? Support –Yes.
- What improvements could be made? Comment - Support updated data on Registration menu.
- Does the Regulation allow for the effective monitoring of organisations with the exemption? Support - in part.

#### FEES AND PENALTIES

- Are the registration fees set an appropriate level to balance community expectations and the work of councils and the State Government in delivering companion animal's services? Support – Yes.
- Are there any changes that could be made to improve registration categories? Comment - Consider Companion Dogs and Persons on Welfare discounted fees.
- Are the penalties in Schedule 1 of the Companion Animals Regulation appropriate? Support – Yes.
- Are there any other offences that should be included under the Act or Regulation? Support – No.
- If so, what are they? Comment - No Comment.

#### COMMUNITY SAFETY

- In addition to breeds listed in the Commonwealth Customs Act 1901, what alternate criteria could be used to determine if a dog is restricted? Comment - audit breeds type of dogs from puppy farms at point of sale or impoundment.
- Should owners of restricted dogs be able to update their details on the NSW Pet Registry? Support – No.
- If so, which details specifically? Comment - No Comment.

- When making a Menacing or Dangerous dog determination, is the difference between the classifications clear? Support - in part.
- Do rangers have sufficient powers to declare dogs menacing or dangerous and to take action? Support – in part.
- Does the phrase 'serious injury' needs to be defined in the Regulation? Support – Yes.
- Are the factors taken into account in determining public interest satisfactory? Support – Yes.

#### CAT MANAGEMENT

- Are the powers sufficient for Councils to enforce nuisance cat provisions? Support - In Part.
- From the community perspective, do the provisions enable nuisance cat problems to be addressed? Support – No.
- What could be done to enable the Regulation to remain current and make compliance simpler? Comment - Provide 100 points identification at point of sale.
- What suggestions do you have for reducing red tape? Comment - Support new register.
- Please provide any comments here that do not relate to a listed focus area (max ½ pages. Comments - Online registration for pet owners; Council customer service reports: I have served many customers and asked them if they know about or have tried the online registration process and the same answers are provided each time by customers, they tell me the online system didn't work that's why they are at Council registering their animal.
- Cat Control: Provide definition to word Nuisance in the Regulation.

#### 4. Dog Education Days - Senior Ranger Dennis Tracey

The Ranger Service hosted 4 events in 2017. The education days were held at Jones and Bombo Beach, Gerringong Headland and the Growers and Makers Market. The Ranger Service estimated over 195 people attended the dog education days giving Rangers an opportunity to engage with dog owners recognising their responsibilities in dog ownership. Three residents took advantage of the discounted microchipping vouchers made available. Additionally, 200 information show bags, 200 Kiama Council dog leads and 200 fact sheets were handed out. Community feedback was positive and thanks to CAMAC member Ian Hornsby who assisted. Comment - Merryn Joske requested that rangers provide a number of Council Fact Sheets to her for distribution - **Action Tom Ward**

#### 5. Dog Off Leash Areas New Regulation Signage - Senior Ranger Dennis Tracey

The Ranger Service reported on the continued roll-out of the blue coloured themed dog off-leash areas. Feedback from the community has been well received with the dog off leash areas more clearly defined for users. Additionally, start and finish poles have been erected on Bombo Beach to highlight the off leash area. The Rangers Service has also been working with Council's Senior Lifeguard in the roll out of new regulation signage that incorporates surf safety and prohibited activities on council beaches. The new signs will be implemented throughout Council's Beach and Tourist Park areas.

## GENERAL BUISNESS

1. Kim Elder reported on the introduction of the new 80 litre waste bins installed at various locations adjacent to Bombo Beach. The new bins are problematic and unhygienic having to use sticks to deposit poo bags thru the restricted rubber gusset point. Comment- Paul Czulowski reported that the new bins were introduced following number reports of illegal dumping relating to the previous 240 litre bin size with particular dumping issues related to properties used for holiday rental. Council is seeking to reduce the incidents of illegal dumping with the introduction of the new 80 litre bin size. Councillor Mar Way supported the introduction of the new 80 litre waste bins. **Action- Ranger Service to cut away portion of gusset to enable easier deposits (Completed D Tracey)**
2. Gordon Bell raised the issue of dogs in and around café eating areas requesting clarification. **Action - Ranger Service to post out relevant legislation information (Completed D Tracey)**
3. Gordon Bell requested clarification of the age for a competent person **Action - Advised definition as defined under the Companion Animals Act is 16 years or over (D Tracey)**
4. Tony Mitchell proposed another Dogs Day Out event to be considered – Comment - general support to host another event next year pending available funding.
5. Senior Ranger Dennis Tracey reported Council had received e-mail request for a fenced off area to be built at the Black Head Gerroa dog off leash area. This report is a result of an incident suffered by the complainant by uncontrolled dogs. Comment- The Ranger Service has responded to the complainant in the appropriate manner that Ranger assistance is available 7 days a week. To date Council has received only 1 similar report of uncontrolled dog at this location. Funds are not available at this point of time for enclosed dog fencing at Black Head Reserve, Gerroa.
6. Senior Ranger Dennis Tracey reported Council had received a request to review the nonexistence of a dog off leash area for residents living in Kiama Hts. Comment – Paul Czulowski reported that this area was considered some time ago but unfortunately no area was found to meet the criteria that supports the establishment of a dog off-leash area. The area known as Loves Bay was considered unsuitable however the Kiama Coastal Walking Track was approved for users to take their dogs on lead at this location.
7. Ian Hornsby offered his thanks to the Ranger Service in the way they undertake their role with dog owners – Comment - general agreement.

**Date of Next Meeting: To be advised**

There being no further business the meeting  
closed at 17:00

**14.9 Cleary Bros Gerroa Sand Resource Community Consultative Committee Meeting 27 July 2017 - Minutes**

Responsible Director: Office of the General Manager

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The minutes of the Cleary Bros Gerroa Sand Resource Community Consultative Committee meeting held on 27 July 2017 are attached for Councillors' information.

Item 14.9

**Attachments**

- 1 Cleary Bros Gerroa Sand Resource Community Consultative Committee Meeting 27 July 2017 - minutes [↓](#)

Cleary Bros Gerroa Sand Resource  
Community Consultative Committee

Ordinary Meeting  
27 July 2017

**Minutes of the Ordinary Meeting**  
**Cleary Bros Gerroa Sand Resource Community Consultative Committee**  
**Held at the Gerroa Fishermans Club, Gerroa**  
**Thursday 27 July 2017 at 10:43am**

**Present:**

Chairperson	Brian Weir (BW)
Kiama Municipal Council Representative	Cr. Andrew Sloan (AS)
Community Representative	Kel Sekulic (KS)
Community Representative	Christopher Rowland (CR)
Cleary Bros Representative	Ashley Mathie (AM)
Cleary Bros Environmental Officer	Mark Hammond (MH)

**Record of Minutes**

BW welcomed all members and acknowledged the traditional owners of the land and paid his respects to Elders past and present.

**Item 1: Apologies**

Nil apologies received.

**Item 2: Declaration of pecuniary or other interests**

Brian Weir indicated that he received a small sitting fee to chair the meeting.

Mark Hammond and Ashley Mathie indicated they are employees of Cleary Bros.

**Item 3: Business arising from previous minutes**

Nil matters raised

**Item 4: Correspondence**

**i) Chairperson's report**

The Chairperson verbally reported the following:

New CCC guidelines have been released, which include the following changes:

- Set a preferred meeting structure/agenda
- New process for nominating and approving chairpersons
- Requirements and changes to the responsibilities of the chairperson



**Cleary Bros Gerroa Sand Resource  
Community Consultative Committee**

**Ordinary Meeting  
27 July 2017**

- Broadened to apply to all State Significant Developments

The Department of Planning and Environment are still finalizing how these changes are to be implemented, and so have left some unknowns at this stage as to how certain matters are to be implemented, such as annual reporting from the chairperson.

Other points to note:

- Encourages CCC representatives to discuss matters relating to the CCC with the community they represent.
- Representatives cannot make comments publicly on behalf of the CCC, but can do so as an individual. Only the Chairperson is entitled to speak on behalf of the CCC.
- Applies to all new State Significant Developments, and where applicable to existing projects.

Further information can be found on the website:

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

*General discussion around conflicts between CCC requirements of Development Consent and new Guidelines.*

AS moved that Cleary Bros provide a summary report to clarify any changes that may be required to functioning of current CCC due to new guidelines. CR seconded.

Motion carried.

**Item 5: Cleary Bros reports and overview of activities**

The following report was provided to all members prior to the meeting, and read out by MH.

**i) Progress of the project**

Davidson Dredging contractors returned to site in March 2017 to continue dredging after a 6 month break. Sand production has been maintained at approximately the same rate since the last meeting, with FY17 sand production expected to be 80,005 tonnes, with 15 tonnes of other products sold from site. Cleary Bros have notified the DPE of the exceedance of the 80,000t annual limit.

Currently sourcing additional sand resources to reduce demand on the Gerroa resource. This includes sand sourced from 3rd parties, as well as continuing to introduce manufactured sand, produced by the quarry at Albion Park, into the concrete mixes. Currently using manufactured sand in lower strength concretes, with the plan to progressively include in higher strength concretes next year.

**ii) Issues arising from site visits**

No site visit is planned for this CCC meeting. The previous CCC meeting in December 2016 included a site visit.

**Cleary Bros Gerroa Sand Resource  
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**iii) Monitoring and environmental performance**

AEMR

AEMR has been provided to all members at the CCC as an email or hard copy.

Meteorology

Automatic weather station continues to operate well.

Dust

Dust gauges 1A, 2A, and 3A averaged 4.1, 1.7, and 2.7 g/m<sup>2</sup>/month respectively for the financial year. Dust gauge 1A experienced suspected sabotage during one monitoring period, recording 20.1g/m<sup>2</sup> for the month and comprised mostly of material not consistent with site-generated dust. Excluding this result the average for this gauge was 2.6g/m<sup>2</sup>/month. Dust gauge 3A was affected by excessive insects and vegetative matter on two occasions, skewing the annual result. Excluding these results, the average for the year was 1.5g/m<sup>2</sup>/month.

Dredge Pond

Dredge pond water quality is generally stable and consistent with historical level results. It has shown a close relationship with rainfall patterns in the past 6 months. Total Oxidisable Sulphur of sand extracted remains steady during the past 6 months, ranging between <0.02 and 0.04%.

Boreholes

Borehole water levels have continued to fluctuate following rainfall patterns, while remaining within historical ranges. Water quality of the bores has also remained largely stable with all measurements generally within the historical range or recorded measurements for each bore with the exception of bore MW1, which experienced spikes in various analytes in the December 2016 sampling period due to decaying organic matter, naturally contaminating the sample. Water quality in this bore has since returned to the historical ranges for this bore. Bore MW1 continues to exhibit a saline influence.

Revegetation and Rehabilitation

As previously reported, all revegetation zones are now planted and well established. Quarterly inspections have been carried out with positive results. Infill planting has been undertaken to boost revegetation success and weed control is ongoing when conditions permit. Ongoing management of these areas continues based on the advice provided in the quarterly internal inspections and annual inspections by an ecologist.

Independent Environmental Audit

Cleary Bros engaged ERM Consulting and KMA with the approval of DPE to undertake the three yearly Independent Environmental Audit of the sand mine in November. The audit reports were sent to all CCC members in December 2016 following report finalization. Audit reports have demonstrated general compliance with conditions of Development Consent, with only minor opportunities for improvement. These have now largely been addressed and are included in the following table:

**Cleary Bros Gerroa Sand Resource Community Consultative Committee**

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Description of Condition	Comment	Recommendation	Proposed Action	Completion Date
The Proponent shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, operation and rehabilitation of the development.	A minor leak of diesel fuel was observed adjacent to the diesel above ground storage tank which fuelled the dredged material sorting plant. Staining from the leak extended over <1m <sup>2</sup> and appeared to relate to disconnecting the hose from the tank to the plant (rather than an ongoing leak). It is noted that this represents a contractor management issue (i.e. CB did not cause the leak). ERM notes that the minor spill is not likely to be causing material environmental harm. However, best practice would dictate that the spills should be cleaned up.	Work with contractor to develop procedure to uncouple fuel lines from plant without causing spill. Refresh training regarding spill response with contractor. The diesel impacted sand should be excavated, classified in accordance with the NSW Waste Classification Guidelines, and disposed of using a suitably licenced contractor to an appropriately licenced facility.	Excavate contaminated soil and dispose of as per POEO Act and Regulations.  Review current practices and infrastructure arrangements to reduce likelihood of future spills.	31/1/2017  31/1/2017
The Proponent shall ensure that all truck movements travelling to or originating from areas: (a) south of the site use the Princes Highway, via Beach Road (except as provided for by condition 32 below); and (b) north of the site use the Princes Highway, via Beach Road, Crooked River Road, Fern Street and Belinda Street.	Drivers are inducted when they first visit the site by the Site Manager. The induction materials had recently been updated and did not include details of the correct and legal routes to take for drivers. Instructions are posted in the site office, where trucks are required to sign in, which outline the correct routes for trucks to take.	ERM recommends that the driver induction materials are amended to include details of the correct and legal routes to take for drivers under the conditions of consent.	Update site induction to include approved truck routes	31/1/2017
The Proponent shall ensure that no trucks associated with the project use Gerroa Road, except where the destination lies along or adjacent to that road.	Drivers are inducted when they first visit the site by the Site Manager. The induction materials had recently been updated and did not include details of the correct and legal routes to take for drivers. Instructions are posted in the gatehouse, where trucks are required to sign in, which outline the correct routes for trucks to take.	ERM recommends that the driver induction materials are amended to include details of the correct and legal routes to take for drivers under the conditions of consent.		
The Proponent shall prepare and implement an Environmental Management Plan for the project to the satisfaction of the Director-General.	ERM observed that the number in QEMP 24hr complaints line does not match number on website. CB informed ERM that the website was currently being redesigned, which will include the realignment of relevant contact numbers.	Ensure the complaints hotline number, the contact details on the gate and on the CB website are consistent.	Update website, signage, and QEMP with Cleary Bros switchboard number to ensure call is appropriately directed.	28/2/2017

Item 14.9

Attachment 1





**Cleary Bros Gerroa Sand Resource Community Consultative Committee**

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Description of Condition	Comment	Recommendation	Proposed Action	Completion Date
<p>Within 3 months of submitting a copy of the audit report to the Director-General, the Proponent shall review and if necessary revise:</p> <p>(b) the sum of the Landscape and Rehabilitation Bond (see Schedule 3). This review must consider:</p> <ul style="list-style-type: none"> <li>• the effects of inflation;</li> <li>• any changes to the total area of disturbance; and</li> <li>• the performance of the rehabilitation against the completion criteria of the Landscape and Rehabilitation Management Plan, to the satisfaction of the Director-General</li> </ul>	<p>CB provided the basis of the bond calculations. This appeared to be in compliance with the requirements of the development consent. However, it is noted that correspondence from the DP&amp;E stated the following regarding the bond: "For Gerroa, although the calculation accounts for the entire disturbance area, inflation has not been accounted for since this time. We request that at the time of the Albion Pk bond recalculation in Oct 2017; that a review of the Gerroa bond is also undertaken to account for the effects of inflation."</p>	<p>Ensure Gerroa bond calculation considers inflation when Albion Park bond calculation is undertaken in October 2017</p>	<p>Review Gerroa bond calculation in October 2017 as per DP&amp;E request.</p>	<p>31/10/2017</p>
<p>Within 3 months of the date of this approval, the Proponent shall:</p> <p>(a) enter into a Planning Agreement</p> <p>(b) register the Planning Agreement</p>	<p>CB submitted a copy of the signed Planning Agreement to DoPI on 18 November 2013</p> <p>Awaiting execution by the Minister before registering Agreement</p>	<p>Awaiting execution by the Minister before registering Agreement</p>	<p>Follow up discussions with DP&amp;E to ensure Planning Agreement is signed and registered on the title of the land.</p>	<p>30/6/2017</p>

Item 14.9

Attachment 1

**iv) Community complaints and response to these complaints**

No community complaints have been received since the last CCC meeting.

**v) Information provided to the community and any feedback**

The Cleary Bros website is regularly updated to ensure all required information is current, including approvals, management plans, and environmental monitoring data.

AS moved that Item 5 be received and noted. CR seconded. Motion carried.

**Item 6: Other Agenda Items**

**i) Annual Environmental Management Report**

MH confirmed with all parties that they had received a copy of the 2016-2017 Annual Environmental Management Report.

CR queried response to high readings of algae and certain other analytes. MH explained that the dredge pond was closed to the public and an enclosed pond with no



**Cleary Bros Gerroa Sand Resource  
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*discharges, so risk is minimal. The guidelines are broad, state based guidelines and not based on previous local data from the dredge pond. Nutrients are likely sourced from surrounding agricultural activities, as there is no source of these parameters from dredging and related activities.*

*CR asked about fencing in report. AM explained the 1.8m high fence was installed around the entrance to the property for security. An existing fence runs alongside the Crooked River road which hasn't been changed.*

*CR queried whether the dust gauge which recorded the high, anomalous measurement during the period has been relocated. MH explained that it hasn't at present, as this was a once-off event. In the event of future sabotage, this may be considered.*

*CR queried expected life, and rationale for 2022-2023 lifespan in report. AM explained that this was based on approvals, however expect sand resource to be exhausted in 3-5 years at recent historical production rates, depending on resource, with less confidence in depth of resource in current extraction areas.*

**Item 7: General Business**

Nil matters raised

**Meeting Closed 11:35am**

Next meeting planned for early December 2017 on a Thursday morning.

Item 14.9

Attachment 1

**14.10 Minnamurra Progress Association Minutes - meeting 1 August 2017**

Responsible Director: Office of the General Manager

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The minutes of the Minnamurra Progress Association held on 1 August 2017 are attached for Councillors' information.

**Attachments**

- 1 Minnamurra Progress Association - Minutes - 1 August 2017 [↓](#)

## MINNAMURRA PROGRESS ASSOCIATION

MINUTES MEETING 1<sup>st</sup> AUGUST 2017

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ATTENDANCE : 31 as per signing sheet.

APOLOGIES: Barry Mahoney, Wendy Hooper. Moved/Seconded/Carried.

President Cliff welcomed guests Mark Honey, Mark Way, Gino Belsito.

MINUTES OF LAST MEETING: Moved John LeBas, seconded David Probert. CARRIED.

1. President Cliff introduced Mayor Mark Honey who outlined issues that need consultation with the Estuary Management group [re mangroves, etc] and other Government Agencies. A lot of work needs to be done re approvals from other bodies.
2. Gino Belsito spoke about this week being Local Government Week. He showed displays of things done by Kiama Council

2016/17 ----Black Beach toilet, South Bombo Beach amenities, Jones Beach picnic shelters, Riverside Drive roundabout, Gerringong Boat Harbour fish tables, are some.

2017/18----Kevin Walsh Oval amenities, Kiama Arts precinct, Gerringong Library, Arthur Campbell Reserve, Kiama Ambulance +73 parking spaces, Jamberoo pool.

This year \$41 m work [mainly aged care facility].

FUTURE WORKS: Bombo Headland, possible autonomous vehicle, and MINNAMURRA BOARDWALK.

He then spoke at length about the Boardwalk. Initially \$30,000 then a State Gov grant allocated. It will be at least 2.5 m wide and be a walkway, cycleway combined. Different Concept Development options were shown. Modular building units.

Various questions and responses from attendees.

FUTURE STEPS: Council will discuss with community for ideas, concerns, and issues.

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President Cliff thanked Gino, and Mayor Honey acknowledged work done by Councillor Way.

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Raffle won by David Probert.

3. MOTION: Pay insurance of Public Liability. Pat Phelan/Ray Smith. CARRIED.
4. MOTION: Pay fees for Public Office. David Probert/ Ray Smith. CARRIED.
5. MOTION: To renew lease at public school. David Probert/ Ray Smith. CARRIED.

MEETING CLOSED 8.31 pm.

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**14.11 Parking Statistics - July 2017**Responsible Director: Environmental Services

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**CBD Parking**

Parking patrols conducted – 26 – 31 general area

Infringements issued – 79

Cautions issued - 2

Vehicle spaces inspected – 1910

Terralong Street - 1/2P – 7 patrols

Terralong Street - 2P – 8 patrols

Terralong Street - 1P – 1 patrol

Noble Street - 2P – 3 patrols

Manning Street - 2P – 1 patrol

Fern Street - 1P – 2 patrols

Fern Street - 1/2P – 1 patrol

Minnamurra Street - 2P – 1 patrol

Collins Street - 2P – 1 patrol

Railway Parade - 2P – 1 patrol

**School Zone Patrols**

Kiama High - 3 patrols - 2 penalty notices

Jamberoo Public – 1 patrol – Nil

Gerringong Public – 1 patrol – Nil

Minnamurra Public – 1 patrol – Nil

**Reactive Issues**

No Stopping Continuous Yellow Line – 7 infringements

No Stopping – 5 infringements

Path/Strip Woolworths – 3 infringements

Path/Strip – 6 infringements

Wrong Direction – 1 infringement

Driveway – 1 infringement

Motor Bike – 1 infringement

Total amount of infringements issued = \$13,497

Specific patrols for August will be for locations nominated above.

**14.12 Parking Statistics - August 2017**Responsible Director: Environmental Services

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**CBD Parking**

Parking patrols conducted – 19 specific-31 general area

Infringements issued – 59

Vehicle spaces inspected- 1432

Terralong Street 2P – 3 patrols

Terralong Street 1/2P – 4 patrols

Fern Street 1P – 2 patrols

Fern Street 1/2P – 1 patrol

Noble Street 2P - 3 patrols

Collins Street 2P – 2 patrols

Manning Street 2P – 1 patrol

South Kiama Drive 2p – 1 patrol

Rosebank Place 2p- 1 patrol

**School Zone Patrols**

Kiama High – 2 patrols- 1 penalty notice

Jamberoo Public- 2 patrols - Nil

Minnamurra Public – 1 patrol – 1 penalty notice

Kiama Public – 1 patrol – 1 penalty notice

**Reactive Issues**

No Stopping – 4 penalty notices

Path/Strip Kiama Fair – 7 penalty notices

Driveway – 1 penalty notice

Path/Strip – 1 penalty notice

Mail Zone – 1 penalty notice

Disabled Parking – 2 penalty notices

Total amount of infringements issued = \$11,036

Specific patrols for September will be for locations nominated above.

**14.13 National Climate Change Adaptation Research Facility**Responsible Director: Office of the General Manager

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At the 21 March 2017 Council meeting the following recommendation was made:

*17/077*

**Committee recommendation** that Council adopts the motion and writes to the Minister for the Environment and Energy in support of extending the funding for the National Climate Change Adaptation Research Facility (NCCARF) to enable it to continue to provide much-needed support and guidance to coastal councils in their efforts to respond to the projected impacts of climate change.

(Councillors Reilly and Westhoff)

A letter of support for continued funding to the National Climate Change Adaptation Research Facility (NCCARF) was forwarded on 5 April 2017 to The Hon Josh Frydenberg, Minister for the Environment and Energy.

A response has been received from the Department of the Environment and Energy (attached) in which the Government has announced a new partnership between the Department, NCCARF and CSIRO to build on existing tools and enhance the CoastAdapt initiative.

**Attachments**

- 1 Response - Letter to Minister for Environment & Energy - regarding National Climate Change Adaptation Research Facility - NCCARF - dated 8/08/2017 - Environment & Energy [↓](#)



Australian Government  
Department of the Environment and Energy

PDR: MC17-011082

Mr Michael Forsyth  
General Manager  
Kiama Municipal Council  
PO Box 75  
Kiama NSW 2533

Dear Mr Forsyth

Thank you for your letter to the Minister for the Environment and Energy, the Hon Josh Frydenberg MP, concerning funding for the National Climate Change Adaptation Research Facility (NCCARF). The Minister has asked me to reply to you.

I note the value of NCCARF's work to the Kiama Municipal Council and many coastal communities. I understand NCCARF has undertaken extensive consultation to ensure CoastAdapt is responsive to user needs, and the tool has clearly benefited from this.

Since 2007 the Government has invested \$56 million in NCCARF to expand our knowledge and ability to manage the risks of the changing climate.

The Government has announced a new partnership between NCCARF, CSIRO and the Department of the Environment and Energy to bring together expertise on climate resilience and adaptation.

The partnership will build on existing tools and guidance that support improved climate risk management. Through the Partnership the Government will enhance CoastAdapt and make data and information on climate and adaptation accessible and useable. CoastAdapt is available via <https://coastadapt.com.au/>.

Thank you for writing on this matter.

Yours sincerely

Chris Johnston  
Assistant Secretary  
Climate Change Policy Branch  
8 August 2017



**14.14 Question for Future Meeting: Heritage Building Protection**Responsible Director: Environmental Services

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At Council's Ordinary meeting on 15 August 2017, Councillor Rice requested a report that discusses the mechanisms that Kiama Council could implement to strengthen heritage protection and appropriate infill development throughout central Kiama and its villages, particularly those areas nearby other properties that are already recognized as heritage items in the Kiama LEP 2011.

Under clause 5.10(5) of Kiama LEP 2011, the consent authority (Council) is required to take heritage significance into account if the development is within the vicinity of a heritage item:

**(5) Heritage assessment**

*The consent authority may, before granting consent to any development:*

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

*require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

In addition, Chapter 30 (3.3) of the Kiama DCP states:

*“Council must consider the effect the proposed development will have on heritage items located on the development site or on adjoining lands. To assist Council in assessing impacts, a heritage management document may be required to be submitted with the DA in the form of a Heritage Impact Statement and/or Conservation Management Plan. Developers and their consultants are advised to contact Council’s Development Assessment Officers to confirm what heritage management documents are required to be submitted with a DA.”*

Applications for development of this nature are generally referred to Council's independent heritage advisor for comment to ensure that there is no adverse impact on the significance of the heritage item and the design is compatible with the streetscape.

It has also been suggested to Council that the establishment of a Heritage Conservation Area, encompassing an area of Manning Street from Terralong Street to Bong Bong Street, under Schedule 5 of the Kiama LEP 2011 may be appropriate given the clustering of a number of local and state listed heritage items within the precinct. This may be an option to consider due to the increasing development pressure on this part of the Central Business District which has the potential to negatively impact on these items.

**14.15 Question for Future Meeting: Helium Balloons - Fines and Penalties**

Responsible Director: Environmental Services

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At its meeting held on 15 August 2017, a question for future meeting was asked by Councillor Brown requesting a report on the range of fines and penalties imposed by other Local Government Areas that have supported the banning of helium balloons.

An email was sent to all NSW Councils requesting feedback in relation to any fines that may have been issued for the releasing of helium balloons.

The provisions of the Protection of the Environment Operations Act 1997 Section 146E identifies it as an offence to release twenty (20) or more balloons, filled with any gas likely to cause them to rise in the air, intentionally or with negligence, by anyone.

To date no Council has indicated that they have issued fines for the release of helium balloons.

Item 14.15

**14.16 New SEPP (Vegetation in Non-Rural Areas) 2017**Responsible Director: Environmental Services

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The new SEPP – Vegetation in Non-Rural Areas 2017, commenced on 25 August 2017. The contents of the SEPP were not published for comment prior to commencement, with only an explanation of intended effects released for comment.

The new SEPP applies to all non-rural zoning as described in Part 1 section 5 (1 (a&b)) of the SEPP, which includes the environmental zones E2 – Environmental Conservation, E3 Environmental Management, E4 Environmental Living and Zone W3 Waterways.

The clearing of vegetation in non-rural areas, including E Zones will now be controlled by Council through the issuing of permits. Part 3 – Council permits for clearing of vegetation in non-rural areas describes the vegetation to which the requirement for a permit applies and how Council may issue the permits.

The vegetation is to be described in a development control plan, and may make reference to species, size, location (including reference to any vegetation in an area shown on a map of in any specified zone), and presence of vegetation in an ecological community or in the habitat of a threatened species.

Council cannot grant a permit for clearing in non-rural areas of the state that exceed the biodiversity offsets scheme threshold and in other areas subject to heritage conservation or Aboriginal significance, as described in Part 3 (10) Council may issue permit for clearing of vegetation.

An application for a permit is to be made in a form and manner required by the council and is to be accompanied by an application fee (if any) to be determined by council. The council may request the applicant to provide council with further information about the proposed clearing as the council considers necessary for its proper consideration. The council is to determine the application for a permit within 28 days after the date on which the application was duly made. An application which has not been determined is taken to have been refused after the expiration of that 28 day period.

An applicant for a permit may appeal to the Land and Environment Court against a refusal by a council to grant a permit, within 3 months after the date on which the applicant is notified of the decision, or within 3 months after the council is taken to have refused the application.

The full Vegetation in Non-Rural Areas 2017 SEPP can be viewed at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

The major implications for Council are expected to be as described below:

- Extra staff resources will be required to deal with permit applications for inspection and removal/pruning of trees in E zones.
- Kiama DCP Chapter 3 – Preservation and Management of Trees and Vegetation, will require review, amendment and public exhibition to include the requirements of the SEPP, as well as removing references to repealed legislation and incorrect information.

## Reports for Information

## 14.16 New SEPP (Vegetation in Non-Rural Areas) 2017 (cont)

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- Compliance activities, previously sitting with the Office and Environment and Heritage, will now sit with Council and could have major implications on resources and budget.
  - Being able to communicate the information to the community in a clear succinct manner, to avoid confusion around the new requirements particularly around E zones.

Transitional provisions within the SEPP state that a development control plan that is in force on the commencement of this Policy and that relates to the vegetation for which a permit or development consent is required to clear the vegetation is taken, on that commencement, to be a development control plan for the purposes of this Policy (except to the extent that it is inconsistent with this Policy).

A further report will be submitted to the October Council meeting once more is understood about the implications of the SEPP, seeking a resolution of Council to review Chapter 3 of the Kiama DCP and place on public exhibition.

**14.17 Question for Future Meeting: Wood Fire Heaters**Responsible Director: Environmental Services

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At its meeting held on 15 August 2017 a question for future meeting was asked by Councillor Rice as follows:

*“Councillor Rice requested, following concerns expressed by several local residents, that a report be provided that details the number of wood fired heaters that have been approved in Kiama’s urban areas through the past twelve months and the reasoning behind their approval. Could the report also include a discussion of how and whether the chimney maintenance requirements of all of Kiama’s urban wood fired heaters and fireplaces is monitored. Finally, can Council’s position on other popular types of outdoor fire places also be outlined.”*

Solid fuel heaters and oil heaters require approval as an Activity under Section 68 F (4) of the Local Government Act 1993.

Within the past 12 months 16 applications have been considered for the installation of solid fuel heaters within the Kiama Municipality.

Of those applications:

- Fifteen were for properties within residential zones
- One application was withdrawn following the applicant being advised of an unlikely approval.
- One was formally refused.

Conditions of consent are applied to any solid fuel appliance approval requiring that they be installed, operated and maintained in accordance with AS 2918 and the manufacturers specifications.

When Council receives an application for a solid fuel heater it is notified to adjoining properties and other properties considered to be affected by its applied for location.

Submissions are then considered prior to a determination being given. Staff tend to act on the side of caution in their considerations with distance, height and general wind direction being strong factors for determinations.

Given limited staff resources there is currently no program of monitoring following installation of these devices, and, given that there have not been any recorded complaints for some time regarding unreasonable smoke emissions, there has been no need to establish one.

Other forms of heating such as open fire places and fire pits are not currently regulated by the State Government in terms of approval requirements under the Local Government Act 1993.

**14.18 Hull FC Rugby League Visit to Kiama**Responsible Director: Finance, Corporate and Commercial Services

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In February 2018, The Sebel Harbourside Kiama will host the Hull FC Rugby League team who will be using Kiama as their training base prior to playing the first ever Super League match outside Europe against The Wigan Warriors.

Wollongong's WIN stadium will host the match when reigning champions Wigan take on Hull on Saturday 10 February, 2018.

As part of its strategic direction to promote Club Rugby League on the national and international stage, World Club Champions Wigan Warriors has entered into an official Tourism and Destination Partnership with the New South Wales Government - via tourism agencies Destination NSW and Destination Wollongong - in order to facilitate a three-match tour of Australia in February 2018 by Super League Clubs, Wigan Warriors and Hull FC.

In a major coup for the region, both rugby league clubs will visit schools and engage with the community during their stay. The team will be conducting their training in the Kiama region, visiting local attractions, and taking part in a variety of community events. As well as the 50 strong touring party, the team will also bring with them a large number of passionate supporters, and there will be plenty of opportunities for local businesses to benefit from this event.

Council will be liaising with the business community to provide information on the best ways to capitalise on this event, and a full itinerary for the team is currently being developed in consultation with Hull.

**14.19 Question for future meeting - Emery Reserve, Gerroa**Responsible Director: Finance, Corporate and Commercial Services

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At Council's Ordinary Meeting of 21 March 2017, Councillor Rice requested a report on the suitability of Emery Reserve, Gerroa being included in the "Policy for the use of public reserves for commercial fitness activities and personal training" ("the policy").

**Emery Reserve, Gerroa**

Emery Reserve, Gerroa is currently included within the policy as an approved site for "passive" fitness activities. Under the policy, the definition of passive activities *"...refers to that group of commercial fitness training activities such as Yoga, Tai Chi and Pilates where the range of physical movement is slow and is not based on significant cardiovascular or muscular energy/output"*.

Following an inspection of the site, it is proposed to leave the approved reserve for "passive activities" only, due to the size of the reserve and its frequent use by members of the public.

**14.20 Question for Future Meeting: Paid Parking**Responsible Director: Engineering and Works

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At its meeting held on 21 March 2017, a question for future meeting was asked by Councillor Sloan requesting investigation and report on other tourist towns of similar size and nature as Kiama that have paid parking.

As requested a detailed desktop review has been completed to determine the number of tourist towns similar to the Kiama LGA that have introduced paid parking meters.

The scope of the review included towns that had the following characteristics:

- Located along the NSW's coastline.
- Similar populations and demographic.
- High number of visitors.
- Limited on street parking availability.
- Limited public transport infrastructure.

The investigation concluded:

- There is currently no paid parking along the South Coast Region.
- Batemans Bay (Population 11,334) has previously had paid parking between 2003-2016 however it was removed by a Council decision effective from 23 December 2016 due to the significant impact to local businesses.
- Central/North Coast – Paid Parking has been implemented in
  - Port Stephens – population approximately 26,000.
  - Byron Bay – population 4,959.



**14.21 Question for Future Meeting: BMX Track at Minnamurra Quarry**Responsible Director: Engineering and Works

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At its meeting held on 18 July 2017, a question for future meeting was asked by Councillor Way for a report on the potential use of the Minnamurra quarry site for a BMX track for the local youth.

The Minnamurra Quarry or otherwise known as the Sanctuary Place Quarry Minnamurra Headland has been closed since early 1950's. The Sanctuary Quarry is a disused hard rock quarry located on the Minnamurra Headland area near the mouth of the Minnamurra River. For safety reasons the area is currently fenced off to prevent unauthorised entry.

The disused Quarry is public land owned by the Council and has been classified "community" land under the provision of the Local Government Act 1993.

The Local Government Act requires that Council prepare a plan of management in conjunction with the community to identify the important features of the land, clarify how Council will manage the Land, and how the land may be used or developed.

A plan of management was prepared and adopted in December 2000 which achieved a balanced, responsible, and ecologically sustainable use of the Land and to ensure that it addressed the needs of both local neighbourhood groups and the broader community.

The process that was undertaken in the preparation of the plan of management included:

- Preparation of a draft plan;
- Implementation of formal consultative processes;
- Conducting a public hearing and inviting submissions for consideration;
- Final adoption of the plan of management.

Council's objective for this area was to achieve the provision of active and passive recreation facilities while addressing any impacts of such development on local residents.

The quarry could provide a venue for local youth in particular to engage in sports including a BMX track whilst also providing an area for passive activities including walking, bird watching, etc. At the time of preparing the plan the working group debated the balance of active and passive use and it was agreed to support active areas.

Based on the current adopted management plan, and in response to the question from Councillor Way in principle there is an opportunity to use the area within the Minnamurra Quarry to provide a BMX track for the local youth.

However, to progress this initiative further it is advisable that such a proposal would require further community consultation in particular with the local residents and the youth community to ensure that any issues are identified and considered.

In relation to the construction of a proposed BMX it would be advisable to engage with the youth/BMX group to scope a preliminary concept design for a suitable bike

Reports for Information

14.21 Question for Future Meeting: BMX Track at Minnamurra Quarry (cont)

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track and to encourage the use of the existing fill material on site to shape mounds and jumps to achieve the required outcomes and to contain the costs to a minimum.

In addition, further investigations will be required to identify any safety concerns that will need to be addressed to ensure the safety of the public and minimise the risk to Council.

**Item 14.21**

**14.22 Cemetery Policy Review**Responsible Director: Engineering and Works

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There are 3 operational cemeteries entrusted to the care of Kiama Council with varying levels of capacity and demand.

The most popular site, at Kiama has only 16% of its area left available and much of that is impacted by ground water and grade impediments. The Gerringong site, with 5% availability, has even less capacity to cater for the future. With 78% availability, Jamberoo offers considerable potential but the demand from the community remains low.

In this context and being mindful of the need to balance its community service obligations with appropriately conducting the business of supplying services related to the disposition of bodily remains and related memorialisation, Council engaged a consultant to:

- identify operational areas that Council might beneficially investigate further, including providing macro insights into policy matters;
- review existing fees and charges for the three cemeteries with a focus upon identifying revenue enhancement opportunities for the cemeteries and memorialization;
- identifying ways to appropriately restructure pricing;
- to develop a matrix to facilitate the application of prices to new and existing products, so as to provide a more consistent basis (going forward) for decision making.

The report identified that the procedures and policy approaches underlying the operational practices are not fully recorded. As a result, there is a risk that, should key longstanding personnel cease to be involved with the cemetery operations, it may be difficult to ensure continuity in the approach to cemetery operations.

Management has recognised this issue and are working towards better documentation that is aligned with the requirements and terminology utilised within the Cemeteries and Crematoria Act 2013 No 105.

In addition, the report also draws attention to ways in which the cemetery fees could be modified to

- make the community more aware of the relative value of different bodily and cremated remains interment sites, both within an individual site and across the three cemeteries
- assist in making Jamberoo a more attractive final destination, thus extending the life of the Gerringong and Kiama cemeteries.

Doing so will initially require considerable effort from the staff. In turn the revised approach to fee setting will result in a more detailed fee listing, which will more accurately reflects the attributes of sites and the styles of interment. Inevitably, publication of the fees will transparently highlight the variety of options available to

## Reports for Information

## 14.22 Cemetery Policy Review (cont)

the community. It is also likely to promote more informed decision making amongst client families.

At the moment Council has a relatively flat fee and limited product structure. This is in contrast to the approach at other cemeteries. Offering real choices amongst interment locations and implementing a value added approach to fee setting, will enable client families to tailor their choices and expenditure more closely to their preferences and values. As a consequence, Council revenue is likely to rise.

Currently Council is directly involved in the sale of Interment Rights (Burial Licenses) for both bodily and cremated remains interment positions. For the most part Council is not directly involved in merchandising plaques. This is predominantly handled by a local funeral director.

Given the Australia wide trend towards cremations, it is important for Council to review the range of cremation memorials it offers.

The report outlined in detail 16 recommendations that could be considered to improve this service and better manage the available cemetery sites. These include:

1. That the existing Cemeteries procedure and related forms be reviewed
2. That a 'non-residents' policy and related procedure be developed.
3. That consideration be given to allowing double depth interment at Gerringong and Jamberoo, and charging accordingly.
4. That older reserved grave records be examined to ascertain the likelihood of the plots ever being utilised and that a related procedure be developed to manage the process of seeking to appropriately reclaim the graves.
5. That a policy be developed to explain the basis upon which refunds will be made for unexercised Burial Licenses (Rights of Interment) returned to Council.
6. That a policy be developed limiting the number of years within which a family may exercise a Right of Interment (burial Licence) on a previously unused plot i.e. a Reservation.
7. That consideration be given to utilising an experienced cemetery landscape architect to provide suggestions about development design strategies.
8. That a planned, progressive expansion of the range of cremation memorialisation occurs, so as to provide more choice to the community and to generate revenue for Council.
9. That consultation occurs with key stakeholders, and in particular Stann Crapp Funeral Directors, to gain insight into the memorialisation needs and evolving preferences of client families.
10. That Council implement a different pricing approach to fee determination.
11. That where it is on-selling externally acquired goods or services, Council implements a Cost + approach to fee setting.
12. That Council includes a priority allocation fee, expressed as a percentage of the equivalent product.

## Reports for Information

## 14.22 Cemetery Policy Review (cont)

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13. That Council establishes a higher fee for full monumental graves than lawn graves.
  14. That Council determine its own matrix of location attributes and uses that matrix to assist in differentiating between fees for similar products within a cemetery.
  15. That Council discontinues the allocation of interment spaces, at Kiama and Gerringong cemeteries, to specific religious denominations.
  16. That Council differentiates prices between its cemeteries to slow the rate of utilisation of Gerringong and Kiama and making Jamberoo relatively more attractive.

Given the extensive list above Council will focus on the introduction of Recommendation 3 to allow double depth interment at Gerringong and Jamberoo, and charging for the full cost recovery yet to be determined. This will address an immediate demand for this service and assist with extending the number of available sites into the future whilst Council develops a longer term improvement strategy for the remaining recommendations. The implementation of double depth interments can occur immediately as there are no sub strata issues at Gerringong and Jamberoo, unlike Kiama Cemetery.

**14.23 10.2017.152.1 - Proposed Ambulance Station - Terralong Street, Kiama**Responsible Director: Environmental Services

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This report is to advise Council that the consent and approved plans have been issued for the new ambulance station at 206 Terralong Street Kiama.

As this is a Crown development concurrence is required from the relevant department to the conditions proposed for the consent.

A draft set of conditions were sent to Health Infrastructure (acting for the Crown) on 23 August 2017.

Council received a response advising of the general acceptance of conditions with the exception of conditions relating to:

- The colour of the forecourt concrete.
- The imposition of Section 94A contribution.
- The requirement for the issue of a Subdivision Certificate.

These items were subsequently removed from the consent which was then issued on 8 September 2017.

A copy of the original consent, including highlighted conditions subsequently removed prior to the consent being issued, is enclosed for Councillors information along with the Crown justification for the removal of the conditions.

**Enclosures**

- 1 Crown response to conditions⇒
- 2 Draft original consent with deletions⇒

**14.24 Request from Gerroa Environmental Protection Society (GEPS)**Responsible Director: Office of the General Manager

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Council recently received a letter from the Gerroa Environmental Protection Society requesting that Council appropriately recognise an Aboriginal massacre that occurred near Swamp Road at the Minnamurra River on 1 October 1818. An extract from the letter is as follows:

*'Recently an article appeared in local newspapers informing most of us of an aboriginal massacre that occurred near Swamp Rd at the Minnamurra River on 01/10/1818.*

*University of Newcastle Historian Professor Lyndall Ryan has identified over 150 massacre sites resulting in at least 6000 deaths in the early years of the colony. Her investigation indicates that perhaps more than 30,000 Aboriginal people may have been massacred from 1788 until 1940s.*

*One of the sites she identified is at Minnamurra, where white settlers massacred at least 6 Aborigines camped by the river. It appears there were no repercussions for these murders and until recently it has been brushed over and never appropriately acknowledged.*

*It has been said that denying the truth of the Aboriginal massacres demeans us all and we believe that it would be appropriate for the local community together with Kiama Council in consultation with aboriginal residents to find a way to respond to this sadly forgotten history and acknowledge that it occurred and was perpetuated in our community.*

*As the bicentennial of this massacre will fall on 1 October next year, we ask Council to initiate a process to acknowledge this event on that day and provide some form of permanent recognition of what occurred.*

*A long overdue bicentennial response could acknowledge the lives lost as well as the historical mistreatment and dispossession of local Aboriginal people in Kiama. It could also go some way to redressing the denial of history and ensure that our community has a better understanding of its past. We believe that such an event should not just be a gesture of reconciliation but also one of understanding and correcting our shared history.'*

It is proposed that Council consult the local Aboriginal community on the most appropriate way to recognise the bicentennial of the massacre including providing some form of permanent record of what occurred. This may include placing interpretive signage near the location of the massacre which can be publicly viewed.

The matter has been referred to Council's Aboriginal Liaison Officer for consultation with the local Aboriginal community.

**14.25 Request from Jamberoo Valley Ratepayers and Residents Association Inc.**Responsible Director: Office of the General Manager

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A letter was recently received from the Jamberoo Valley Ratepayers and Residents Association (JVRRA) seeking the support of Councillors for a motion passed at the JVRRA meeting held on 5 September 2017.

The motion is as follows:

*'that the members of the JVRRA express their thanks and satisfaction to Kiama Council for progress so far on the process of obtaining Jamberoo community input on the draft Jamberoo DCP.*

*Further, the JVRRA members ask that to capitalize on the success of the process so far and to ensure the completeness and rigour of the final Jamberoo DCP, Council*

- (i) Actions the JVRRA's four recommendatins submitted so far on additional content for the final DCP, and*
- (ii) Council engages an external, suitably qualified and experienced consultant to consider the final draft JDGP, identify gaps within the draft and address community concerns about overdevelopment, complying development, any inadequacies in the proposed controls and the final draft JDGP's relationship to the Kiama DCP.'*

The JVRRA advise *'that the use of an external expert consultant ..... would mark a very positive and effective conclusion to a process which would have multiple mutual benefits, present and future, for both Kiama Councillors and their constituents, particularly those in Jamberoo village and valley.'*

A copy of the letter of request is attached.

**Attachments**

- 1 Request from JVRRA [↓](#)



**JAMBEROO VALLEY RATEPAYERS AND RESIDENTS ASSOCIATION Inc.**

PO Box 146  
JAMBEROO  
NSW 2533

**By Email**

JVRRASecretary@gmail.com

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

cc. Kiama Mayor and Councillors

Dear Mr Forsyth

The Jamberoo Ratepayers and Residents Association Inc (JVRRRA) is seeking the support of Councillors for the request embodied in a motion (point (ii)), detailed below, passed at the Association's monthly general meeting on Tuesday 5 September 2017.

The JVRRRA's members have asked that the matter be placed on the business papers for discussion and decision at Council's next meeting on 19 September.

The motion carried strongly was *"that the members of the JVRRRA express their thanks and satisfaction to Kiama Council for progress so far on the process of obtaining Jamberoo community input on the draft Jamberoo DCP.*

*"Further, the JVRRRA members ask that to capitalise on the success of the process so far and to ensure the completeness and rigour of the final Jamberoo DCP, Council (i) actions the JVRRRA's four recommendations submitted so far on additional content for the final DCP and,*

***(ii) Council engages an external, suitably qualified and experienced consultant to consider the final draft JDCP, identify gaps within the draft and address community concerns about overdevelopment, complying development, any inadequacies in the proposed controls and the final draft JDCP's relationship to the Kiama DCP.***

The JVRRRA's members are very keen to ensure that Council capitalises on what the Jamberoo community has seen as a productive and positive process with Council staff in receiving residents' comments and contributions on their draft DCP.

To this end, they are supporting the clear recommendation from the JVRRRA's group of expert advisers on the Jamberoo DCP that Council should engage an external qualified consultant to assist Council staff to maximise the completeness, coverage and rigour of the JDCP in the final stages of its public exhibition and drafting, as detailed in the JVRRRA motion above.

The use of an external expert consultant to help Council staff to optimise the effectiveness in the application of and developers' compliance with the final Jamberoo DCP, as the Jamberoo community is clearly communicating to Council in the current community input process, would mark a very positive and effective conclusion to a process which would have multiple mutual benefits, present and future, for both Kiama Councillors and their constituents, particularly those in Jamberoo village and valley.

Yours sincerely,

Graham Pike  
*Secretary*  
JVRRRA

**Item 14.25**

**Attachment 1**

**14.26 Reporting on Council's 2013-2017 Delivery Program (July 2016- June 2017)**Responsible Director: Office of the General Manager

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This report is prepared pursuant to s.404 (5) of the *Local Government Act 1993* and provides the progress on the principal activities detailed in the Delivery Program. The Delivery Program is established to ensure Council actively works towards addressing the issues of most concern for our community, as they are identified in the Community Strategic Plan (CSP).

This report is for the period July 2016 to end of June 2017. This is the fourth year in the four-year Delivery Program (DP) cycle. The Delivery Program has been reviewed and amended by the new Council.

Theoretically the cycle of the Delivery Program is to enable a new Council (the new Council after an election) to operate within the final year of the previous DP. This gives Councillors an opportunity to become familiar with the Integrated Planning and Reporting process which includes the review of the Community Strategic Plan and the Long Term Financial Plan and other resourcing strategies (the Asset Management and Workforce Management Plans) and to be better prepared to set the organisational strategy for the next four years.

The DP report provided to Councillors will be placed on Council's website per Local Government Act requirements.

Major activities and highlights during the period include:

- The carrying out of a four yearly municipal wide community survey to determine community satisfaction with Council services and facilities. Council performed extremely well with 83% of respondents indicating they were satisfied or very satisfied with Council's overall performance. Only 5% were dissatisfied. The mean satisfaction score for Kiama Council of 4.02 (out of 5) is considered to be a 'high' level satisfaction score. The mean score also improved from 3.85 in 2011.
- The holding of Council elections and the election of a new Council.
- The seeking of expressions of interest and the formation of new Council committees.
- The holding of an annual Youth Engagement Council meeting at Kiama High School.
- The undertaking of repairs and recovery works as a result of major storms in July 2016.
- The receipt of the World Health Organisation (WHO) award for the Dementia Friendly Kiama Project.
- The adoption of new Council Code of Meeting Practice.
- The hosting of the World Junior Surfing Competition.
- The adoption of a new Long Term Financial Plan and 'Fit for the Future' Improvement Plan.

## Supplementary Reports

14.26 Reporting on Council's 2013-2017 Delivery Program (July 2016- June 2017)  
(cont)

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- The declaration of Council as being Fit for the Future in May 2017.
  - A review of tourism funding and the adoption of a new tourism structure.
  - The exhibition and adoption of the Surf Beach Catchment Flood Risk Management Study and Plan.
  - The review and adoption of alcohol free zones.
  - The provision of funding support for major events including the Kiama Sevens, Kiama Jazz and Blues Festival and Folk by the Sea.
  - The review of the Community Strategic Plan, adoption of a new Delivery Program and Operational Plan for 2017/2018
  - The preparation of a number of gateway proposals including the Pheasant Point Heritage Conservation Area gateway proposal.
  - The undertaking of works to upgrade and make more functional the Youth Centre.

Matters that have been delayed or not undertaken because of funding availability or resources include:

- The construction of the Kevin Walsh Oval amenities.
- The development of a new policy register.

**Enclosures**

- 1 Delivery Program 2013-17 and Operational Plan 2016-17 [⇒](#)

**14.27 Questions for Future Meetings Register as at 12/09/17**

Responsible Director: Office of the General Manager

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Attached for Councillor information is the Questions for Future Meetings register as at 12 September 2017.

**Attachments**

- 1 QFFM Register 12/09/17 [↓](#)

### Questions for Future Meetings Register

16/73192

No	Details	Actions
<b>21 March 2017</b>		
17.4	<b>Car Parking</b> Councillor Sloan requested an investigation and report on other tourist towns of similar size and nature as Kiama that have paid parking. The Mayor referred the matter to the Director Finance, Corporate and Commercial Services for investigation and report.	Report to September 2017 meeting
<b>22 June 2017</b>		
17.4	<b>Cedar Grove access</b> Councillor Steel requested a report addressing the items raised by Mr Friedlieb, particularly how they relate to Council's adopted policies. The Deputy Mayor referred this matter to the Director Environmental Services for investigation and report.	Report to October 2017 meeting
<b>18 July 2017</b>		
17.1	<b>Bombo walking track – name</b> Councillor Steel requested that a report be provided on suggested names for the walk between Darien Avenue and the Bombo quarry look out, where the new signs will be placed. The Mayor referred this matter to the Director Engineering & Works for investigation and report.	Formal naming process to be commenced and report to Council upon recommendation from Streets and Reserves Naming Committee
17.5	<b>Minnamurra Quarry site - BMX track</b> Councillor Way requested a report on the potential use of the Minnamurra quarry site for a BMX track for the local youth. The Mayor referred this matter to the Director Engineering & Works for investigation and report.	Report to September 2017 meeting
<b>22 August 2017</b>		
17.1	<b>September Budgetary Review</b> Councillor Reilly requested that at the September Budgetary Review, can Council consider both shade and an upgrade to the playground between Tombonda Drive and Whitton Place. The Mayor referred this matter to the Director Engineering and Works for investigation and report.	Report to October 2017 meeting
17.2	<b>Long Term Revenue Committee</b> Councillor Reilly requested that Council convene a meeting of the Long Term Revenue Committee. The Mayor referred this matter to the Director Finance, Corporate and Commercial Services for	Meeting held 4 September 2017

No	Details	Actions
17.3	<p>Investigation and report.</p> <p><b>Conference reporting template</b> Councillor Reilly requested that a template be developed for the purposes of Councillors attending conferences to provide consistent reports. The Mayor referred this matter to the General Manager for investigation and report.</p>	<p>Suggested template circulated to Councillors for comment</p>
17.4	<p><b>Community noticeboard</b> Councillor Rice advised that despite Council's best intentions, it still struggles to reach many in our community with valuable community information. Councillor Rice requested a report that outlines the history of interest in a central Kiama noticeboard and provide an overview of the advantages and disadvantages of providing a strategically located touch screen for Council purposes. The Mayor referred this matter to the General Manager for investigation and report.</p>	<p>Report to October 2017 meeting</p>
17.5	<p><b>Wood fire heaters</b> Councillor Rice requested, following concerns expressed by several local residents, that a report be provided that details the number of wood fired heaters that have been approved in Kiama's urban areas through the past twelve months and the reasoning behind their approval. Could the report also include a discussion of how and whether the chimney maintenance requirements of all of Kiama's urban wood fired heaters and fireplaces is monitored. Finally, can Council's position on other popular types of outdoor fire places also be outlined. The Mayor referred this matter to the Acting Director Environmental Services for investigation and report.</p>	<p>Report to September 2017 meeting</p>
17.6	<p><b>Heritage building protection</b> Councillor Rice requested a report that discusses mechanisms that Kiama Council could implement to strengthen heritage protection and appropriate infill development throughout central Kiama and its villages, particularly those areas nearby other properties that are already recognised as heritage items in the Kiama LEP. The Mayor referred this matter to the Acting Director Environmental Services for investigation and report.</p>	<p>Report to September 2017 meeting</p>
17.7	<p><b>Helium balloons</b> Councillor Brown requested a report on the range of fines and penalties imposed by other Local Government Areas that have supported the banning of helium balloons. The Mayor referred this matter to the Acting Director Environmental Services for investigation and report.</p>	<p>Report to September 2017 meeting</p>

**14.28 Short Term Holiday Lettings - Options Paper**Responsible Director: Office of the General Manager

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The NSW Government has released an Options Paper in relation to Short Term Holiday Letting.

The Options Paper states that there has been a rapid growth in Short Term Holiday Letting (STHL) both nationally and in NSW over recent years particularly since the emergence of online booking services and the development of the sharing economy.

The NSW Government's response to the Parliamentary enquiry in to the regulation of STHL supported putting in place a regulatory framework for STHL. The Options Paper seeks feedback on the approaches to enable economic benefits while managing the social and environmental impact of STHL.

The Options Paper built on the work of the Parliamentary enquiry and existing practice and considers different options to deliver an effective approach to short term holiday letting. The options outlined in the paper are summarized in the attached Figure 1.

The NSW Government is inviting people to respond to the ideas raised in the Options Paper by writing to the Department of Planning & Environment by 31 October 2017.

A copy of the Options Paper has been circulated to Councillors. Council's Tourism Advisory Committee has been made aware of the Options Paper.

Council's Local Environmental Plan permits the use of residential accommodation for the purpose of tourist and visitor accommodation (except bed and breakfast accommodation) if the use is only short term and does not interfere generally with the amenity of the neighbourhood in any way including by noise or traffic generation. Short term means for a maximum period of 60 consecutive days in any 12-month period.

The use of residential premises for short term holiday letting has been increasing at a significant rate over recent years. Most short term rental accommodation do not attract complaints. However, there are some properties that due to poor management do generate complaints. The complaints often relate to noise, the use of the premises as a party house, traffic and parking problems and waste concerns. Of the options presented in the Options Paper, the registration of premises to manage safety and amenity issues may be preferable subject to the administration of the registration being streamlined.

As submissions are not due until the end of October 2017, a further report will be submitted to the October Council meeting to enable Council the opportunity to further consider the Options Paper.



**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 September 2017

**PROCEDURE**

- Recommendation to go into Closed Committee.
- Mayoral call for Public Representations.
- Consideration of Representations and issues to be removed from Closed Committee.
- Recommendation to exclude Press and Public if required.
- Closed Committee discussions if required.

**18.1 Exclusion Of Press And Public:*****RECOMMENDATION***

That in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public on the grounds detailed under the report headings as detailed below.

**19.1 JAMBEROO POOL REFURBISHMENTS - TENDER FOR REFURBISHMENT OF AMENITIES AND POOL SURROUNDS**

**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 Jamberoo Pool Refurbishments - Tender for refurbishment of amenities and pool surrounds

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.5 Facilitate sport and health related facilities and programs

#### **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