



# ORDINARY MEETING OF COUNCIL

To be held at 5pm on

## Tuesday 20 August 2019

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 Declarations of Interest
- 6 Tabling of petitions and other documents
- 7 Public Access Summary
- 8 Mayoral Minute
- 9 Minutes of Committees
- 10 Public Access Reports
- 11 Report of the General Manager
- 12 Report of the Director Environmental Services
- 13 Report of the Director Corporate and Commercial Services
- 14 Report of the Director Engineering and Works
- 15 Report of the Director Blue Haven
- 16 Reports for Information
- 17 Addendum To Reports
- 18 Notice of Motion
- 19 Questions for future meetings
- 20 Confidential Summary
- 21 Confidential Reports
- 22 Closure

### Members

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

## COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers  
11 Manning Street  
KIAMA NSW 2533

14 August 2019

To the Chairman and Councillors:

### NOTICE OF ORDINARY MEETING

You are respectfully requested to attend an **Ordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers, 11 Manning Street, KIAMA NSW 2533** on **Tuesday 20 August 2019** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully



Kerry McMurray  
**General Manager**

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	<b>APOLOGIES</b> .....	7
2	<b>ACKNOWLEDGEMENT OF TRADITIONAL OWNERS</b> .....	7
3	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b> .....	8
	3.1 Ordinary Council meeting on 16 July 2019 .....	8
	3.2 Extraordinary Council meeting on 30 July 2019 .....	30
4	<b>BUSINESS ARISING FROM THE MINUTES</b> .....	36
5	<b>DECLARATIONS OF INTEREST</b> .....	36
6	<b>TABLING OF PETITIONS AND OTHER DOCUMENTS</b> .....	36
7	<b>PUBLIC ACCESS SUMMARY</b> .....	36
8	<b>MAYORAL MINUTE</b> .....	37
	8.1 Donation to local schools - Music Program .....	37
	8.2 NAIDOC Male Young Achiever of the Year - Baluun Simon .....	38
	8.3 Regional Tourism Award Winner Fern Street Gallery .....	39
	8.4 Community Achievement Awards 2019 - Invitation to nominate .....	40
9	<b>MINUTES OF COMMITTEES</b> .....	41
	9.1 Minutes: Destination Kiama Tourism Advisory Committee - 8 July 2019.....	41
	9.2 Minutes: Kiama Cultural Board - 25 July 2019 .....	50
	9.3 Minutes: Economic Development Committee - 24 July 2019 .....	53
	9.4 Minutes: Audit, Risk and Improvement Committee - 6 August 2019.....	57
	Committee Of The Whole .....	66
10	<b>PUBLIC ACCESS REPORTS</b> .....	66
11	<b>REPORT OF THE GENERAL MANAGER</b> .....	67
	11.1 Independent Pricing and Regulatory Tribunal - Review of local government election costs .....	67
	11.2 Delivery Program/Operational Plan Report April to June 2019 ..	71

11.3	Draft Councillor Access to Information, Staff and Premises Policy for public exhibition.....	80
11.4	Draft Internal Reporting Policy (NSW Public Interest Disclosures Act 1994) for public exhibition.....	94
11.5	Audit, Risk and Improvement Committee and Internal Audit Annual Performance Report to Council Year Ended 30 June 2019.....	128
11.6	Kiama and District Business Chamber - Seaside Markets - market stall fee waiver request .....	141
11.7	Request for donation: Rotary Clubs of Kiama and Gerringong 2019 Kiama Auto Expo .....	144
11.8	Request for donation: Gerringong Lions Club - Motor Fest / Car Show - February 2020.....	148
11.9	Request for donation: Jamberoo Rural Fire Brigade .....	152
11.10	Request for donation: Kiama Parkinson's Support Group .....	154
11.11	Request for donation: community meeting - Gerringong Town Hall .....	156
<b>12</b>	<b>REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES.....</b>	<b>159</b>
12.1	Age Friendly Australian National Forum.....	159
12.2	NSW Public Libraries Conference 2019.....	161
12.3	Endorsement of Draft Community Participation Plan .....	162
12.4	Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama.....	215
12.5	10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot.....	265
12.6	10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy .....	330
12.7	10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions .....	415
<b>13</b>	<b>REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES .....</b>	<b>451</b>
13.1	Statement of Investments - July 2019.....	451
13.2	Revotes of Expenditure into 2018/19.....	457



<b>14</b>	<b>REPORT OF THE DIRECTOR ENGINEERING AND WORKS .....</b>	<b>461</b>
	14.1 Standard content for Illawarra District Weeds Authority updated Agreement.....	461
<b>15</b>	<b>REPORT OF THE DIRECTOR BLUE HAVEN.....</b>	<b>480</b>
	Nil	
<b>16</b>	<b>REPORTS FOR INFORMATION .....</b>	<b>481</b>
	16.1 Financial Assistance Grant program 2019–20 .....	481
	16.2 Reserves and Street Naming .....	483
	16.3 Kiama Arts Honour Roll.....	484
	16.4 Question for Future Meeting: local job growth.....	485
	16.5 Question for Future Meeting: Council Committee for Business Unit .....	489
	16.6 Feral Rabbit Control Program – Release of K5 strain Calicivirus.....	490
	16.7 Parking Statistics - July 2019 .....	491
	16.8 Question for future meeting: Crooked River Winery events - traffic impacts.....	492
	16.9 Question for Future Meeting: Local Housing Strategy and the Local Strategic Planning Statement .....	493
	16.10 Question for future meeting: Sculptures by the Sea hosting ....	497
	16.11 Alcohol and Other Drugs Procedure for Councillors - administrative amendment.....	498
	16.12 Minutes: Central Precinct meeting - 25 June 2019 and 23 July 2019.....	524
	16.13 Minutes: South Precinct meeting - 18 July 2019 .....	535
	16.14 Minutes: Jamberoo Valley Ratepayers and Residents Association - 6 August 2019 .....	539
	16.15 Minutes: Minnamurra Progress Association - 6 August 2019..	548
	16.16 Minutes: Country Mayors' Association meeting held on 2 August 2019.....	552
	16.17 Appreciation letters: Kiama Red Cross   Kiama District Sports Association .....	559
	16.18 Questions for Future Meeting Register as at 13 August 2019..	562
<b>17</b>	<b>ADDENDUM TO REPORTS .....</b>	<b>565</b>
<b>18</b>	<b>NOTICE OF MOTION.....</b>	<b>565</b>
	Nil	
<b>19</b>	<b>QUESTIONS FOR FUTURE MEETINGS.....</b>	<b>565</b>

**20 CONFIDENTIAL SUMMARY .....565**  
20.1 Exclusion Of Press And Public:.....565

**21 CONFIDENTIAL REPORTS.....566**  
21.1 Kevin Walsh Oval Amenities Building Renwal, Jamberoo.....566  
21.2 Lions Club of Kiama Incorporated - lease of 105-109  
Shoalhaven Street Kiama .....566  
21.3 Surf Beach Holiday Park - civil construction contract works.....566

**22 CLOSURE .....567**

**AGENDA FOR THE  
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL  
TUESDAY 20 AUGUST 2019**

**1 APOLOGIES**

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

#### **3.1 Ordinary Council meeting on 16 July 2019**

##### **Attachments**

- 1 Minutes - Ordinary Council - 16/07/19 [↓](#)

##### **Enclosures**

Nil

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

That the Minutes of the Ordinary Council Meeting held on 16 July 2019 be received and accepted.



# MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

## TUESDAY 16 JULY 2019

Council Chambers  
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

**MINUTES OF THE ORDINARY MEETING OF  
THE COUNCIL OF THE MUNICIPALITY OF KIAMA  
HELD IN THE COUNCIL CHAMBERS, KIAMA  
ON TUESDAY 16 JULY 2019 AT 5PM**

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

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

**1 APOLOGIES**

Nil

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

*"I would like to acknowledge the traditional owners of the Land on which we meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to Elders past and present."*

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**3.1 Ordinary Council meeting on 25 June 2019**

**19/2500C**

**Resolved** that the Minutes of the Ordinary Council Meeting held on 25 June 2019 be received and accepted.

(Councillors Way and Sloan)

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

Against: Nil

**4 BUSINESS ARISING FROM THE MINUTES**

Nil

**MINUTES OF THE ORDINARY MEETING**

16 JULY 2019

**5 DECLARATIONS OF INTEREST****Disclosure of Interest - Councillor Honey**

Councillor Honey declared a non- significant non-pecuniary interest in item 11.1 10.2016.317.1 – Lot 14 DP3923, Princes Highway, Rose Valley - dwelling as the property is owned by a relation.

**6 PUBLIC ACCESS SUMMARY**

Name	Item No.	Subject
Lyndsay Wiseman	11.1	10.2016.317.1 – Lot 14 DP 3923, Princes Highway, Rose Valley - Dwelling
Jamie Warren Kathryn O'Brien	10.1	Tourism and events management within the Kiama Municipality

**7 MAYORAL MINUTE****7.1 IMB Community Grants recipients****19/251OC**

**Resolved** that Council formally congratulate the following IMB Community Grants recipients:

- Rotary Club of Kiama – Kiama High Mental Health Intervention
- Rotary Club of Gerringong Sunrise – Dancing for People with Dementia
- Illawarra Flame Tree Project – The Flame Tree Project
- Community Heroes – Trevor Phillis, Rotary Club of Kiama

(Councillors Honey and Way)

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

Against: Nil

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

**8 MINUTES OF COMMITTEES**

**8.1 Minutes: Planning Committee Meeting - 30 May 2019**

**19/252OC**

**Resolved** that the Minutes of the Planning Committee Meeting held on 30 May 2019 be received and accepted.

(Councillors Watson and Steel)

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

Against: Nil

**8.2 Minutes: Long Term Financial Planning and Revenue Committee - 1 July 2019**

**19/253OC**

**Resolved** that the Minutes of the Long Term Financial Planning and Revenue Committee Meeting held on 1 July 2019 be received and accepted.

(Councillors Reilly and Westhoff)

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

Against: Nil

**8.3 Minutes: Blue Haven Board - 24 June 2019**

**19/254OC**

**Resolved** that the Minutes of the Blue Haven Board meeting held on 24 June 2019 be received and accepted.

(Councillors Brown and Rice)

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

Against: Nil



---

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

---

**8.4 Minutes: Kiama Local Traffic Committee - 2 July 2019**

**19/255OC**

**Resolved** that the Minutes of the Kiama Local Traffic Committee meeting held on 2 July 2019 be received and accepted with the amendment that Councillor Way was present at the meeting.

(Councillors Way and Westhoff)

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

Against: Nil

**8.5 Minutes: Health and Sustainability Committee - 11 June 2019**

**19/256OC**

**Resolved** that Council:

1. receive and accept the Minutes of the Health and Sustainability Committee Meeting held on 11 June 2019
2. endorse the Committee's decision to reduce the Health and Sustainability Grant Program funding to one round per year from 2019/20.

(Councillors Rice and Sloan)

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

Against: Nil

**8.6 Minutes: Kiama Cultural Board - 27 June 2019**

**19/257OC**

**Resolved** that Council endorse:

- the MPS Walls Mural application as unsuccessful.
- the Donald Begbie painting as ineligible for the Art Collection and decline the gifted donation.
- the Cultural Grants to go to an annual funding round in the 2020/21 financial year.

Further, the Council note that the Board intends to request consideration of the inclusion of a \$10,000 budget allocation per annum to the Cultural Arts budget

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

starting from the 2020/21 financial year, for an Acquisitive Sculpture Prize, to be cumulative from year to year.

(Councillors Watson and Reilly)

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

Against: Nil

**COMMITTEE OF THE WHOLE**

**19/258OC**

**Resolved** that at this time, 5.05pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

- Report of the General Manager
- Report of the Director Environmental Services
- Report of the Director Corporate and Commercial Services
- Report of the Director Engineering and Works
- Report of the Director Blue Haven
- Addendum to Reports

(Councillors Rice and Westhoff)

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

Against: Nil

**9 PUBLIC ACCESS REPORTS**

**19/259OC**

**Committee recommendation** that at this time, 5.05pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Watson and Way)

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

Against: Nil

---

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

---

**10.1 Tourism and events management within the Kiama Municipality**

**19/260OC**

**Committee recommendation** that Council:

1. continue to manage tourism and events in-house under the Destination Kiama banner
2. be provided with a further review in July 2022.

(Councillors Brown and Way)

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

Against: Nil

At this time, 5.14pm, a presentation was made to Karen Ronning acknowledging her work with Destination Kiama

**11.1 10.2016.317.1 – Lot 14 DP 3923, Princes Highway, Rose Valley - Dwelling**

**19/261OC**

**Committee recommendation** that Council approve Development Application 10.2016.317.1 under Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to “deferred commencement” and “operational” conditions at the end of this report.

(Councillors Sloan and Way)

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

Against: Nil

**10 REPORT OF THE GENERAL MANAGER**

**10.2 Independent Pricing and Regulatory Tribunal report - Review of the Local Government rating system**

**19/262OC**

**Committee recommendation** that Council note the recommendations and formally respond to the Office of Local Government on the IPART recommendations.

(Councillors Westhoff and Rice)

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

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

Against: Nil

**10.3 Local Government NSW annual conference 2019 - Councillor attendance, and call for motions and voting delegations**

**19/263OC**

**Committee recommendation** that Council:

1. endorses the attendance of Councillors Honey, Westhoff and Rice at the Local Government NSW conference at Warwick Farm on 14-16 October 2019.
2. submits any motions for the conference to Local Government NSW prior to 19 August 2019.
3. endorses Councillors Honey, Westhoff and Rice to be registered as voting delegates for motions and the election of the LGNSW Board.

(Councillors Brown and Way)

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

Against: Nil

**10.4 Councillor attendance: Alliance for Healthy Cities Steering Committee - Korea**

**19/264OC**

**Committee recommendation** that Council endorse Councillor Rice's attendance at the Alliance for Healthy Cities Steering Committee meeting being held in Seoul, Korea in September 2019.

(Councillors Brown and Way)

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

Against: Nil

**10.5 Reimbursement: Development application 10.2018.279.1**

**19/265OC**

**Committee recommendation** that Council reimburse the development application fees of \$2,769.40 for DA 10.2018.279.1 to the member of the Kiama Power Australian Football Club who paid these lodgement fees.

(Councillors Way and Watson)

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

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

Against: Nil

**10.6 Sponsorship Request: Kiama Show Society - Kiama Show 2020**

**19/266OC**

**Committee recommendation** that Council provide in-kind sponsorship of the 2020 Kiama Show through:

1. Donating the Pavilion hire fee for the 2019 Kiama Show Trivia Night, booked for Friday 20 September 2019.
2. Donating the Pavilion hire fee for the 2019 Kiama Show Ball, booked for Saturday 12 November 2019.
3. The provision of waste services for the 2019 Kiama Show Ball on Saturday 12 November 2019.
4. The provision of waste services for the 2020 Kiama Show, on Friday 24 January 2020 and Saturday 25 January 2020.
5. Waiving the road closure and footpath occupation fee for the 2020 Kiama Show.

in return for recognition of Kiama Council and The Pavilion as major supporters of these events.

(Councillors Westhoff and Rice)

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

Against: Nil

**11 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**

**11.2 10.2017.330.1 - Lot 1 DP 719290, Lot 26 DP 773571 - 53 Bong Bong Street and 8 Akuna Street, Kiama - 2 Lot Torrens Title Subdivision and Dwelling on Newly Created Lot to be Constructed in 2 Stages**

**19/267OC**

**Committee recommendation** that Council approve Development Application No 10.2017.330.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Steel and Way)

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

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

Against: Councillor Rice

**11.3 Proposed Licence with Sydney Trains for "The Village" underpass mural**

**19/268OC**

**Committee recommendation** that Council:

1. Subject to a peppercorn lease arrangement being negotiated, enter into a Licence with Sydney Trains for the works and ongoing maintenance of the mural at "The Village" underpass Minnamurra at a nominal rental.
2. Give the General Manager and Mayor delegated authority to sign under Seal or on behalf of Council any documentation in relation to the mural.

(Councillors Way and Reilly)

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

Against: Nil

**12 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES**

**12.1 The Gerringong Association**

**19/269OC**

**Committee recommendation** that Council does not acknowledge nor endorse the Gerringong Association as a key representative body for ongoing communication and collaboration for matters relating to business and a sustainable economy of Gerringong and Gerroa.

(Councillors Reilly and Rice)

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

Against: Councillor Way

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

**12.2 Statement of Investments - June 2019**

**19/2700C**

**Committee recommendation** that Council receive and adopt the information relating to the Statement of Investments for June 2019.

(Councillors Brown and Westhoff)

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

Against: Nil

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

**13.1 2019-20 Plant Replacement Program purchases**

**19/2710C**

**Committee recommendation** that Council purchase:

1. one (1) Volvo FE chassis with Bucher Municipal Compaction Body from Southern Truck Centre Wollongong with a capital value of \$390,985 + GST.
2. two (2) Bucher Municipal VT651 Sweeper on Hino FG 1628 chassis from Bucher Municipal with a capital value of \$343,920 + GST each.
3. one (1) Garwood 15m<sup>3</sup> rear loader garbage compactor on Hino GH 1828 chassis from Garwood International with a capital value of \$234,605 + GST.

(Councillors Brown and Way)

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

Against: Nil

**13.2 2019-20 Works Program - supply and lay of asphaltic concrete**

**19/2720C**

**Committee recommendation** that Council purchase approximately 6,000t of asphaltic concrete from Roadworks at an average cost of \$164.30 + GST per tonne.

(Councillors Way and Watson)

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

Against: Nil



---

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

---

**14 REPORT OF THE DIRECTOR BLUE HAVEN**

**14.1 Interstate Conference Attendance - Councillor Nomination and staff approval**

**19/273OC**

**Committee recommendation** that Council endorse:

1. a maximum of 3 staff members to attend the Aged and Community Services Australia National Summit, to be held 8-10 October 2019 in Melbourne
2. the attendance of Councillor Reilly at the Aged and Community Services Australia conference
3. a staff member to attend the Leading Aged Services Australia conference to be held 1-2 August 2019 on the Gold Coast.

(Councillors Rice and Sloan)

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

Against: Nil

**15 REPORTS FOR INFORMATION**

**19/274OC**

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

- 15.1 Sorry Day 2019
- 15.2 Conference report: National General Assembly Conference 16-19 June 2019
- 15.3 Kiama Urban Strategy - Dwelling Approval Update
- 15.4 Clause 4.6 Variations to LEP Development Standards - 1 April 2019 to 30 June 2019
- 15.5 Destination Kiama - Post-event reports and Surfing NSW partnership update
- 15.6 Illegal Dumping Compliance Officer's Quarterly Report - 1 April 2019 to 30 June 2019
- 15.7 Illegal Dumping Compliance Officer's Annual Report - 1 July 2018 – 30 June 2019
- 15.8 Parking Statistics - June 2019
- 15.9 Question for future meeting: Landowner Privacy Rights
- 15.11 Question for future meeting: Footpath installation to Track 6 Seven Mile Beach



**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

- 15.12 Question for future meeting: Track Identification - Seven Mile Beach, Gerroa
- 15.13 Question for future meeting: Girrawheen Avenue Parking
- 15.14 Question for future meeting: Kiama Medical Practice Parking
- 15.15 Question for future meeting: Carpark at Figtree Lane, Gerringong
- 15.16 Questions for Future Meeting Register as at 8 July 2019
- 15.17 Minutes: South Precinct - 20 June 2019
- 15.18 Minutes: Jamberoo Valley Ratepayers and Residents Association - 2 July 2019
- 15.19 Minutes: Minnamurra Progress Association - Annual General Meeting and General Meeting - 2 July 2019.

(Councillors Brown and Way)

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

Against: Nil

**15.10 Question for future meeting: Significant Tree Register**

**19/275OC**

**Committee recommendation** that Council develop an informal significant tree register from those trees identified as significant trees through the normal course of assessing development applications and tree management applications.

(Councillors Rice and Reilly)

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

Against: Nil

**RESUMPTION OF ORDINARY BUSINESS**

**19/276OC**

**Committee recommendation** that at this time, 5.46pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Sloan and Steel)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

16 JULY 2019

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

**19/277OC**

**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 19/259OC to 19/277OC above.

(Councillors Reilly and Sloan)

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

Against: Nil

**16 ADDENDUM TO REPORTS**

**19/278OC**

**Resolved** that at this time, 5.47pm, Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Reilly and Brown)

**16.1 Planning Proposal - South Kiama Drive - Planning Proposal Authority**

It was **moved** by Councillor Reilly and seconded by Councillor Rice that Council:

1. Notes the recommendation of the Southern Planning Panel (SPP).
2. Advises the SPP that the Council strongly objects to the recommendation of the Panel to proceed to Gateway Determination for the Planning Proposal and that Council will be actively opposing the Planning Proposal in the next stage of its progress in line with the decision of 19 March 2019.
3. Refuses to accept the role of the Planning Proposal Authority (PPA) and responds to the SPP requesting;
  - a. more detailed information about the background to the Strategic Merit and Site Specific Merit assessments done by the SPP and reported in the "Rezoning Review Record of Decision" as reported in the business papers.
  - b. that the Department of Planning, Industry and Environment (DPIE) require an amended Planning Proposal that addresses the recommendations of the SPP prior to a Gateway Determination being issued; and
  - c. the DPIE, in preparing a Gateway Determination for the Planning Proposal, to consider:
    - i) the need for additional studies to address traffic impacts from the proposal on Kiama streets, including in the Kiama Town Centre;

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

- ii) liaise with Sydney Water regarding servicing and system augmentation requirements; and
  - iii) liaise with councillors and staff of Kiama Municipal Council in relation to the planning proposal.
- 4 Establishes an accurate database of dwelling numbers and future dwelling options which relate to the timelines in the Kiama Urban Strategy and the Illawarra Shoalhaven Regional Plan.

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

For: Councillors Reilly, Rice, Sloan and Westhoff

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

**19/2790C**

**Committee recommendation** that Council:

1. Notes the recommendation of the Southern Planning Panel (SPP).
2. Advises the SPP that the Council strongly objects to the recommendation of the Panel to proceed to Gateway Determination for the Planning Proposal.
3. Notwithstanding its objection to the recommendation of the Panel, accepts the role of the Planning Proposal Authority (PPA) and respond to the SPP accordingly. In accepting the role of PPA, Council acknowledges its responsibility to represent the views of the community in relation to the Planning Proposal.
4. Notifies the proponent that the Planning Proposal is to be updated in accordance with the recommendations of the SPP prior to being submitted to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.
5. Requests the DPIE, in preparing a Gateway Determination for the Planning Proposal, to consider:
  - a) the need for additional studies to address traffic impacts from the proposal on Kiama streets including in the Kiama Town Centre; and
  - b) liaise with Sydney Water regarding servicing and system augmentation requirements
6. Notes that the delegation of the Minister to make the Local Environmental Plan amendment will not be granted to Council as this Proposal was subject to a Rezoning Review.

(Councillors Brown and Way)

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

Against: Councillors Reilly, Rice, Sloan and Westhoff

---

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

---

**17 NOTICE OF MOTION**

Nil

**18 QUESTIONS FOR FUTURE MEETINGS**

**18.1 Riverside Drive - installed posts**

Councillor Steel requested investigation on the posts that have recently been installed along Riverside Drive. The matter was referred to the Acting Director Engineering & Works for investigation and report.

**18.2 Crooked River Winery events - traffic impacts**

Councillor Sloan requested a report on how traffic can better be managed for large events being held at the Crooked River Winery, given that delays to local residents of up to 45 minutes were reported at the time of the last Festival. The matter was referred to the Director Environmental Services for investigation and report.

**18.3 Overview of rental housing market**

Councillor Rice requested a report that provides an overview of the rental housing market in Kiama that includes data such as number of properties being rented long term, characteristic length of tenure, the overall long term rental vacancy rate and commentary on how well the need for rental housing availability is being met. The matter was referred to the General Manager for investigation and report.

**18.4 Local housing strategy and the Local Strategic Planning Statement**

Councillor Rice requested a report on the role played by a local housing strategy in future strategic planning, and identifies how necessary a local housing strategy is towards ensuring that the housing vision of the Local Strategic Planning Statement has been comprehensively generated. The matter was referred to the Director Environmental Services for investigation and report.

**18.5 Local job growth**

Councillor Rice requested a report that specifies the types of local jobs that are increasing in Kiama through growth in our tourism sector and also provides details of those jobs that are increasing or likely to increase through expansion in the priority growth sectors of the Illawarra Shoalhaven Regional Plan. The matter was referred to the Director Corporate and Commercial Services for investigation and report.

**18.6 Sculptures by the Sea hosting**

Councillor Way requested a report on the possibility of Kiama hosting "Sculptures by the Sea" in conjunction with Destination Kiama in light of recent media publicity that has indicated a potential move out of Sydney for this event. The matter was referred to the General Manager for investigation and report.

---

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

---

**19 CONFIDENTIAL SUMMARY**

**19/280OC**

**Resolved** that at this time, 6.15pm, 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 Watson and Steel)

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

**Against:** Nil

**Public Representations:**

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

**19.1 Exclusion Of Press And Public:**

**19/281OC**

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

**20.1 LAND AND ENVIRONMENT COURT APPEALS - LEGAL STATUS REPORT - 1 APRIL 2019 TO 30 JUNE 2019**

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

**20.2 MANAGED PRINT SERVICES TENDER 2019**

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

**20.3 BLUE HAVEN BONAIRA - PURCHASE OF BEDS**

**Reason for Confidentiality:** This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

person who supplied it as per Section 10A(2)(di) of the Local Government Act.

**20.4 PROPOSED LEASE RENTAL - DIGGIES BLOWHOLE POINT KIOSK**

**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.

**20.5 EXECUTIVE OFFICERS' PERFORMANCE AGREEMENTS - REVIEW FOR THE PERIOD 1 APRIL 2018 TO 31 MARCH 2019**

**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. General Manager performance review including remuneration.

**20.6 CODE OF CONDUCT REPORT**

**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 and alleged contraventions of any code of conduct requirements applicable under section 440 as per Section 10A(2)(i) of the Local Government Act.

(Councillors Reilly and Watson)

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

Against: Nil

**20 CONFIDENTIAL REPORTS**

**20.1 Land and Environment Court Appeals - Legal Status Report - 1 April 2019 to 30 June 2019**

Information report only.

**20.2 Managed Print Services Tender 2019**

**19/282OC**

**Committee recommendation that Council:**

1. accept the tender from Business Machine Specialists Pty Ltd (BMS) in the amount of \$450,000 (excl. GST) for the provision of print managed services for Kiama Municipal Council.
2. authorise the Mayor and General Manager to sign and seal documentation relating to the tender.

(Councillors Reilly and Sloan)



---

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

---

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

Against: Nil

**20.3 Blue Haven Bonaira - purchase of beds**

**19/283OC**

**Committee recommendation** that Council

1. endorse the purchase of 134 beds from Alphacare for the new Blue Haven aged care facility at a cost of \$380,024
2. acknowledge the procurement process undertaken and the reasons for it
3. confirm that inviting tenders would not have achieved as satisfactory an outcome as the method used.

(Councillors Westhoff and Steel)

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

Against: Nil

**20.4 Proposed lease rental - Diggies Blowhole Point kiosk**

**19/284OC**

**Committee recommendation** that Council note the information in this report.

(Councillors Westhoff and Watson)

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

Against: Nil

**19/285OC**

**Committee recommendation** that at this time, 6.20pm, Council bring forward and deal with item 20.6 *Code of Conduct Report*.

(Councillors Steel and Brown)

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

Against: Nil

---

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

---

**20.6 Code of Conduct Report**

Information report only.

**20.5 Executive Officers' Performance Agreements - Review for the period 1 April 2018 to 31 March 2019**

**19/286OC**

**Committee recommendation** that Council endorse and adopt the report of the Performance Review Committee.

(Councillors Steel and Brown)

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

Against: Nil

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

**19/287OC**

**Committee recommendation** that at this time, 6.40pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Brown)

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

Against: Nil

**19/288OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 19/281OC to 19/287OC be confirmed and adopted.

(Councillors Steel and Brown)

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

Against: Nil



---

**MINUTES OF THE ORDINARY MEETING**

**16 JULY 2019**

---

**21 CLOSURE**

There being no further business the meeting closed at 6.40pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 20 August 2019

.....  
Mayor

**Item 3.1**

**Attachment 1**

**3.2 Extraordinary Council meeting on 30 July 2019**

**Attachments**

- 1 Minutes - Extraordinary Council - 30/07/19 [↓](#)

**Enclosures**

Nil

***RECOMMENDED***

That the Minutes of the Extraordinary Council Meeting held on 30 July 2019 be received and accepted.

Item 3.2



# MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

commencing at 5pm on

## TUESDAY 30 JULY 2019

Council Chambers  
11 Manning Street, KIAMA NSW 2533

Item 3.2

Attachment 1

MINUTES OF THE EXTRAORDINARY MEETING

30 JULY 2019

MINUTES OF THE EXTRAORDINARY MEETING OF  
THE COUNCIL OF THE MUNICIPALITY OF KIAMA  
HELD IN THE COUNCIL CHAMBERS,  
KIAMA, ON TUESDAY 30 JULY 2019 AT 5PM

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

**IN ATTENDANCE:** General Manager, Director Environmental Services, Acting  
Director Engineering and Works and Director Blue Haven

**1 APOLOGIES**

Apologies were received from Councillors Brown and Way.

*19/289OC*

**Resolved** that the apologies tendered from Councillors Way and Brown be accepted and leaves of absence be granted.

(Councillors Steel and Watson)

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

Against: Nil

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

*“I would like to acknowledge the traditional owners of the Land on which we meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to Elders past and present.”*

The Mayor acknowledged and paid respects to Laddie Timbery, a highly respected local aboriginal elder who died on 23 July 2019.

**DECLARATIONS OF INTEREST**

Nil.

---

**MINUTES OF THE EXTRAORDINARY MEETING**

**30 JULY 2019**

---

**Suspension of Standing Orders**

**19/290OC**

**Resolved** that at this time, 5.01pm, Standing Orders be suspended in order for the Manager Library Services to make a presentation on the Gerringong Library and Museum development.

(Councillors Reilly and Sloan)

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

Against: Nil

**Resumption of Standing Orders**

**19/291OC**

**Resolved** that at this time, 5.08pm, Standing Orders be resumed.

(Councillors Reilly and Steel)

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

Against: Nil

**3 CONFIDENTIAL SUMMARY**

**19/292OC**

**Resolved** that at this time, 5.08pm, 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 Rice)

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

Against: Nil

**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.

---

**MINUTES OF THE EXTRAORDINARY MEETING**

**30 JULY 2019**

---

**3.1 Exclusion Of Press And Public:**

*19/293OC*

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

**4.1 TENDER EVALUATION FOR THE GERRINGONG LIBRARY AND MUSEUM PROJECT HEAD CONTRACTOR**

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

(Councillors Steel and Reilly)

**4 CONFIDENTIAL REPORTS**

**4.1 Tender Evaluation for the Gerringong Library and Museum Project Head Contractor**

*19/294OC*

**Committee recommendation** that Council:

1. award the tender for Head Contractor as per the recommendation of the report.
2. authorise the General Manager and Mayor to sign the tender documentation under delegation.
3. increase the project budget by the amount detailed in the report.
4. apply for loan funding up to the total amount of the project, less the grant funds provided.
5. confirm the name of the new facility as Gerringong Library and Museum.
6. agree that the Gerringong & District Historical Society may include engraved bricks in the paving to the forecourt of the building as a fund raising activity within the scope and scheduling parameters of the project.

(Councillors Steel and Rice)

**MINUTES OF THE EXTRAORDINARY MEETING**

**30 JULY 2019**

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

**19/295OC**

**Committee recommendation** that at this time, 5.10pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Rice)

**Adoption of Report**

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

**19/296OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 19/293OC to 19/295OC be confirmed and adopted.

(Councillors Steel and Rice)

**5 CLOSURE**

There being no further business the meeting closed at 5.11pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 20 August 2019

.....  
Mayor

- 4 BUSINESS ARISING FROM THE MINUTES**
- 5 DECLARATIONS OF INTEREST**
- 6 TABLING OF PETITIONS AND OTHER DOCUMENTS**
- 7 PUBLIC ACCESS SUMMARY**



## 8 MAYORAL MINUTE

### 8.1 Donation to local schools - Music Program

#### Attachments

Nil

#### Enclosures

Nil

#### REPORT

Each year the Kiama Coastal Holiday Parks and Kiama Municipal Council make a donation of \$1,000 to the schools within the Municipality for their music programs.

It is with great pleasure that I am able to present each local school with a cheque and the performances that I have seen at local community events, ceremonies and at the Schools are a testament that this donation is being put to good use.

Representing the local schools are the following:

- Minnamurra Public School – Kate Whitworth
- Kiama Public School – Natalie Marshall
- Ss Peter and Paul Catholic School – Peter Michael
- Kiama High School – Louise Luke
- Jamberoo Public School – Justine Doorn-McCormack
- Gerringong Public School – Lisa Morris

**8.2 NAIDOC Male Young Achiever of the Year - Baluun Simon****Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDED**

That Council formally congratulate Baluun Simon on being awarded Male Young Achiever of the Year 2019.

The Male Young Achiever of the Year award recognises achievements by Aboriginal Young People aged 12 to 25 years; who live, work or study locally and are actively involved within their communities.

This year's Young Achiever is a strong ambassador and advocate for Aboriginal people in his community. He is described as a young leader whose achievements reflect excellence in sporting, education and leadership. He supports his community through participation in cultural events such as the Kiama Council Sorry Day Walk and NAIDOC week celebrations. He is one of two Indigenous referees to officiate at the inaugural Group 7 'All Stars' ladies league tag and under 23's for the men's competition, he is currently ranked number one junior referee in NSW across all codes and represents the NRL High Performance Referee Squad.

After successfully being awarded the only Indigenous Scholarship in 2017 at Edmond Rice College, his commitment to cultural recognition and reconciliation at school has seen him play an instrumental role in the research, design and development of the Yaldeen Garden and achieve Indigenous Ambassadorship. He was awarded the Principal Medal for continued commitment throughout the 2018 school year.

Needless to say Baluun is a positive role model and an inspiration to his peers and the wider community.

**8.3 Regional Tourism Award Winner Fern Street Gallery****Attachments**

Nil

**Enclosures**

Nil

***RECOMMENDED***

That Council formally congratulate Fern Street Gallery, Gerringong for winning the Destination Southern NSW “New Tourism Business” award at the 2019 Regional Tourism Awards.

**REPORT**

Winners in 10 categories were announced at the Regional Tourism Awards presentation ceremony from finalists including tourism businesses, events, restaurants, wineries and accommodation providers.

Fern Street Gallery will gain finalist status upon entering the NSW Tourism Awards to be held in Sydney in November, and if successful, go onto the Australian Tourism Awards.

I would like to extend Council’s congratulations to Fern Street Gallery on this prestigious award.

**8.4 Community Achievement Awards 2019 - Invitation to nominate****Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDED**

That Council encourage the Community to nominate their local unsung heroes.

**REPORT**

During Local Government Week, Council held its official launch of the 2019 Community Achievement Awards. These awards recognise the efforts of people and groups that contribute to our Municipality. They are presented to individuals and groups for outstanding achievement or effort in areas such as the arts, sport, community service or the environment.

This year the awards also include the Robert East Award which is presented to an individual who serves our community volunteering at one of Council's facilities or through our services such as Blue Haven Care, the Visitor Information Centre, Kiama Library and the Family History Centre.

The Megan Dalley Award which recognises the achievements and efforts of Council's trainees and apprentices will also be awarded at the ceremony.

Nominations close on 31 August 2019 and awards will be presented at a ceremony at The Pavilion on 26 September 2019.

I encourage you to nominate your friends, family, neighbours, club/committee members or anyone else that lives within the Municipality that are the selfless heroes of the community and worthy of special recognition.

**Communication/Community Engagement**

The invitation for community nominations has involved promotion through social media, Council's website and The Bugle.

## 9 MINUTES OF COMMITTEES

### 9.1 Minutes: Destination Kiama Tourism Advisory Committee - 8 July 2019

Responsible Director: Office of the General Manager

---

#### Attachments

- 1 Minutes: Destination Kiama Tourism Advisory Committee - 08/07/19 [↓](#)

#### Enclosures

Nil

#### **RECOMMENDED**

That the Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 8 July 2019 be received and the recommendations therein accepted.

#### **BACKGROUND**

Attached for Councillors' information are the minutes of the Destination Kiama Tourism Advisory Committee meeting held on 8 July 2019.



**Minutes of the  
Destination Kiama Tourism Advisory Committee meeting  
Held on Monday 8 July 2019 at 4pm  
RSL Room – Kiama Municipal Council**

Item 9.1

**Present:** Councillor Matt Brown, Councillor Warren Steel, Perrie Croshaw, Cameron McDonald, Marcus Testoni, Kerry McMurray (General Manager), Karen Ronning (Manager Tourism and Events)

**1. Acknowledgment of Country**

Councillor Brown provided the Acknowledgment of Country and Chaired the meeting.

**2. Apologies**

Rob Sciacchitano

**3. Business arising from the Minutes**

Nil.

**4. Destination Kiama Membership / Partnership 2019/20**

The Destination Kiama Partnership Prospectus for 2019/20 has been distributed.

An update on the Destination Kiama memberships/partnerships for 2018/19 was provided. The increase in the number of partners/members Year on Year was noted and commended.

**Recommendation:**

That online payments be made available for 2020/21 Partnerships.

*Moved:* Cameron McDonald /Marcus Testoni

**5. Guest: Peter O'Neil – Kiama Epicentre Project**

Peter spoke on behalf of the Kiama Central Precinct Committee after consultation of the joint executives of all Kiama Municipal Precinct committees as well as JVRRA and Minnamurra Progress Association. He stated he has had discussions with the two land owners. His vision is to have the relevant land acquired, rezoned and developed with appropriate event infrastructure. Destination Kiama could see merit in the vision but has no formal position at this time. A similar presentation is to be made to the next Economic Development Committee.

Attachment 1

**6. Kiama Tourism and Events Strategy / Priority Projects**

**6.1 Kiama Tourism Opportunity Plan – implementation**

Beach and foreshore activation - next steps	Lead	Action / update / outcome
Council to approach Surf Club Committees with overview of the market opportunity to assess interest.	Destination Kiama / KMC	<p>Following on from the recent meetings with the Gerringong SLSC, the Warri Beach Boardriders and Surfing NSW, a brief was prepared on the re-development of the Gerringong SLSC. The brief is seeking \$9m in funding for a total re-build, incorporating a Surfing High Performance Centre as well as other amenities and features. This brief has been provided to stakeholders and elected and nominated representatives.</p> <p>To follow on from the preliminary meeting with all three Surf Clubs, a meeting was held on Monday 20 May 2019 the notes from which are below:</p> <ul style="list-style-type: none"> <li>• Kiama Downs SLSC                             <ul style="list-style-type: none"> <li>○ Recently received a grant which is being used for new doors</li> <li>○ Keen to upgrade the kitchen so that it can be considered and used as a commercial kitchen</li> <li>○ Keen to see the car park re-surfaced</li> </ul> </li> <li>• Gerringong SLSC                             <ul style="list-style-type: none"> <li>○ Have been working with Council, the Warri Board Riders and Surfing NSW on a knock down and rebuild, incorporating club amenities, storage, potential commercial activities and a surfing high performance centre</li> <li>○ A brief including concept plans was developed and distributed to stakeholders prior to the last election</li> <li>○ What now?</li> <li>○ Land use zonings/ LEP changes need to be made - Council staff to discuss and progress this internally</li> <li>○ Gerringong SLSC to concurrently discuss and progress their ideas, community consultations and plans</li> </ul> </li> <li>• Kiama SLSC – not in attendance</li> </ul>
Council to support Surf Clubs in developing concepts and investigating regulatory /management approvals with Crown Land and other relevant agencies.	Destination Kiama / KMC / Surf Clubs	As above.

Headland, harbour and foreshore activation – next steps	Lead	Action / update / outcome
Firming up concepts to a level of detail sufficient to engage Crown Lands in consultation.	Economic Development / KMC	The Economic Development Manager has recently facilitated a discussion between key stakeholders. Funding is being sought for appropriate Master Planning.

Item 9.1

Attachment 1

Activating walking and trail experiences - next step	Lead	Action / update / outcome
<p>Formal engagement with key stakeholders to investigate the feasibility of progressing with the identified walks (incl. relevant landowners, NPWS, Roads and Maritime service, neighbouring councils, private landowners and Crown Lands).</p>	<p>Director of Engineering and Works</p>	<p><b>The Illawarra Escarpment Walking Trail</b>                      Destination Sydney Surrounds South (DSSS) recently convened a meeting of stakeholders including Destination Kiama, Department of Premier and Cabinet and National Parks and Wildlife Services. A feasibility study commissioned by DSSS is underway.</p> <p><b>The extension of the Coastal Walk to Gerroa</b>                      These priority projects are being discussed by the Walking Tracks and Cycleways Committee and the Engineering team.</p> <p>In regards to the coastal walk to Gerroa the Engineering Team have been compiling aerial survey and boundary information to commence preliminary assessment on possible alignments through the area.</p>

Jerrara Dam activation options - next steps	Lead	Action / update / outcome
<p>Conduct a site audit to clarify development potential and identify constraints.</p>	<p>Economic Development / KMC</p>	<p>A site visit is being planned for the Economic Development Committee and the Destination Kiama Tourism Advisory Committee. Planning staff will be invited to begin the discussion around the potential uses of this space given the zoning and environmental constraints.</p>
<p>Prepare a site prospectus outlining the principal investment opportunities as a means of testing the market, consisting of:</p> <ul style="list-style-type: none"> <li>- Eco-accommodation</li> <li>- Nature-based recreation opportunities</li> <li>- Health and wellness</li> <li>- Events</li> </ul>	<p>Economic Development / KMC</p>	<p>To be discussed and actioned by the Economic Development Committee / Manager.</p>

Visitor accommodation - next steps	Lead	Action / update / outcome
<p>Consideration of visitor accommodation policy within the Local Environment Plan review.</p>	<p>Director of Environmental Services</p>	<p><b>Local Environmental Plan (LEP) and tourism zoning</b></p> <ul style="list-style-type: none"> <li>• When Council made the Kiama LEP, it did not include a specific tourist zone and apply that to tourist accommodation sites</li> </ul>



Visitor accommodation - next steps	Lead	Action / update / outcome
		<ul style="list-style-type: none"> <li>An amendment to the LEP would need to provide the evidence base to support a rezoning and identify appropriate sites</li> <li>Rezoning properties to a tourist zone would need to be discussed with affected owners and the reduced land use may affect development plans and values</li> <li>the LEP amendment process would need to be strategic and would be progressed if it was agreed it was an organisational priority</li> </ul>
Development of prospectus /guide to accommodation development opportunities as a means of promoting region-wide opportunities.	Economic Development / KMC	The development of a prospectus will be delayed until the Kiama Town Centre Study has been completed as additional information from this study will inform the process.

**Recommendation:**

That the Council Planning Department be asked to prepare a LEP variation that could allow approval to be granted to a development such as the preliminary concept plans that have been presented to date by Gerringong Surf Club on the land in question at the next available opportunity which the Director of Planning determines is appropriate.

*Moved: Clr Matt Brown / Cameron McDonald*

**6.2 Develop and promote a year round events calendar**

**6.2.1 Destination and Major Events seeking support:**

*Seaside and Valley Veterans Golf Tournament / 25 – 29 November 2019*

**Recommendation:**

That we provide support to the value of \$500 (in total) for this event, dependant on the appropriate milestone payments, deliverables and post event reporting is agreed to and supplied.

*Kiama Sevens Tournament | 29 February 2020*

**Recommendation:**

That we proceed with providing support to the all inclusive value of \$10,000 for items such as hire of The Pavilion Kiama, marketing support, use of the Showground and Chittick Oval, waste management, amenities cleaning and ground maintenance, dependant on the appropriate milestone payments, deliverables and post event reporting is agreed to and supplied.

*Audiopaxx | TBC*

**Recommendation:**

That the Destination Event funding for Audiopaxx be extended should their event be held between July and October 2019 OR between March and June 2020.

*Moved: Perrie Croshaw / Marcus Testoni*

### 6.2.2 Post Event Reports

The following post event reports from Destination and Major Events that were funded/supported, were tabled at the meeting:

- Kiss Arts Festival | 28 – 29 May 2019
- SurfLife Surf and Music Festival | 3 – 4 March 2019
- HIF NSW Bodyboard State Titles 2019 | 3 – 5 May 2019

Copies of all post event reports are to be provided to the July Council meeting.

#### **Recommendation:**

That the Post Event Reports be accepted.

*Moved: Cameron McDonald / Perrie Croshaw*

### 6.2.3 The Pavilion Kiama

#### *Staffing update*

Rachael Synott has commenced as an Events Co-ordinator for six months while Hope Prosser is on secondment to the Leisure Centre.

#### *Marketing Plan development*

The 2019/20 Marketing Plan for The Pavilion Kiama is in development and will be completed shortly. A refreshed The Pavilion Kiama website is now live.

#### *Bar re-development*

The bar redevelopment is now due for completion in 2019/20.

### 6.2.4 Other

- Our second annual Event Boot Camp and Mentoring was held on 28 & 29 May 2019. A post event report inclusive of recommendations was tabled.
- NYTRIX 2019 – This new tow-in night time Surfing event proposed to be held at Surf Beach Kiama in September is in discussion. A development application has been lodged.
- 2019 Kiama Skatefest is being held 12 - 14 July 2019.
- New Year's Eve – working group meetings to commence shortly.

## **6.3 Market and Promote the Kiama area**

### 6.3.1 2019 UNSPOILT Marketing Campaign

The 2019 UNSPOILT Destination Marketing Campaign is 'in market' from 29 April to 30 August 2019, focussing on growing winter visitation. Interim campaign results have been very positive.

### 6.3.2 New Destination Kiama website

Work is progressing on the development of the new website. This is a major project for our team and the site is anticipated to be live in Spring 2019.

### 6.3.3 Strategic Destination Marketing

The new Highline Destination Marketing Strategy was tabled. Key discussion points include future marketing campaigns, industry development priorities and prioritised promotional materials.

**Recommendation:**

That the Manager of Tourism and Events and the General Manager continue discussions with Destination NSW and our South Coast Local Government partners with regards to the 2020 UNSPOILT Campaign and an additional Kiama area Campaign.

*Moved:* Marcus Testoni / Cameron McDonald

**6.3.4 Meet the Locals**

The latest of our Meet the Locals clips featuring Rachel Morgans has been completed and distributed and very well received. The next clip will feature Jamie Warren from the Jamberoo Pub.

**6.3.5 Trademark**

The documentation for trademarking the Kiama 'splash' logo is progressing. This has been executed by Simpson Signs to Destination Kiama, on behalf of Kiama Council for the benefit of the whole Kiama community.

Destination Kiama extends an enormous thank you to Eric Davies, the owner of Simpson Signs, for his generosity and community spirit and nominate him for an Above and Beyond Award.

This transfer will now be lodged.

**6.3.6 Highway bypass signs**

The recent meeting to discuss the highway bypass signs clarified the preferred image type and symbols.

*For Kiama:*

- Brown historic town sign type
- Service symbols
  - Accredited Visitor Information Centre
  - Fuel
  - Accommodation
  - Accessible toilets
  - Refreshments
- Image – Blowhole point / Harbour view to Saddleback Mountain from an ocean perspective

Richard Payne from the RMS, the Kiama and District Business Chamber and in particular Greg Langford, were thanked for their assistance.

*For Gerringong:*

- Blue bypassed town sign
- Service symbols
  - Fuel
  - Toilets
  - Accommodation
  - Refreshments
- Town name - Gerringong
- Image/s – in discussion

The meeting discussed the feedback to date on the Gerringong signs.

**Recommendation:**

That the Gerringong Association be invited to forward its top three preferred image types to the Manager Tourism and Events, for a final recommendation to be made by the Destination Kiama Tourism Advisory Committee to Roads and Maritime Services.

*Moved: Marcus Testoni / Perrie Croshaw*

**6.3.7 2020 Kiama area Visitor Guide**

Work is underway on the 2020 Kiama area Visitor Guide with the advertising prospectus due for distribution in early August.

**6.4 Community and Industry Engagement**

**6.4.1 Tourism After Hours**

The Winter Tourism After Hours event will be held at the Fern Street Gallery on Thursday 18 July 2019.

Local businesses will be invited to host future events.

These functions are open to all, registrations are essential. Destination Kiama partners (members) receive free entry.

**6.4.2 Above and Beyond Award**

Several nominations for the Winter 'Above and Beyond' Award were tabled and considered.

Recipients were selected which will be announced at the next Tourism After Hours event.

**6.5 Industry development priorities**

**6.5.1 Tourism Australia – Social /Digital**

The Tourism Australia Digital team have been confirmed for a Kiama area workshop on Monday 9 September 2019 – venue TBC.

**6.5.2 Other opportunities**

A photography workshop for local tourism businesses was suggested.

**6.6 Tourism development and strategic partnerships**

**6.6.1 Destination Sydney Surrounds South (DSSS)**

A meeting of DSSS tourism stakeholders was held recently in Wollongong.

The Regional Tourism Awards will be held on Wednesday 24 July 2019 in Ulladulla and Fern Street Gallery are finalists.

Leanne Taylor from Illawarra Shoalhaven Joint Organisation was also in attendance.

**6.6.2 Department of Premier and Cabinet - Marine Tourism Strategy**

The Marine Tourism Strategy implementation has commenced and discussions have been held with key stakeholders.

**6.6.3 Regional Economic Development Plan**

The Kiama Regional Economic Development Plan is being implemented, aligning to the Kiama area Tourism Opportunity Plan priorities.

## **6.7 Visitor servicing**

Our visitor servicing staff and volunteers continue to be busy.

### **6.7.1 Visitor Centre display system**

A small hanging system to display local art has been purchased.

### **6.7.2 Visitors Centre mural**

Responses to the brief for a mural to be applied to the external walls of the Visitor Information Centre by local artists have been received and were discussed.

#### **Recommendation:**

That the Chair and the Manager of Tourism and Events be delegated responsibility to progress this project.

*Moved: Cameron McDonald/ Marcus Testoni*

### **6.7.3 Volunteer / Ambassador Program**

To be further discussed.

## **7.0 General Business**

### **7.1 Destination Kiama – two year report to Council**

As it has been two years since Council decided to bring tourism 'in house' a report has been prepared on the achievements to date. This report and recommendation that Council continue to manage tourism will be considered at the July Council meeting.

### **7.2 Kiama Monopoly**

The concept of a Kiama branded Monopoly game was proposed and discussed. Monopoly is a popular family board game that is now available to be customised to promote destinations such as Adelaide, the Gold Coast, Pyrmont and Central Australia.

A customised Kiama version could feature the key attractions of our destination including Gerringong, Gerroa and Jamberoo.

#### **Recommendation:**

That a sub-committee of the Destination Kiama Tourism Advisory Committee of Perrie Croshaw and Cameron McDonald be formed to:

- a. Prepare a business case to have a Kiama branded Monopoly game ready for sale at the Visitors Centre and selected Destination Kiama member outlets by October.
- b. Consult with relevant bodies such as the Kiama and District Business Chamber and Destination Kiama partners.
- c. Seek pledges of commitments from local businesses and attractions for 'board places' and references in Community Chest or Chance cards.
- d. Present the draft business case in an executive style report to a special meeting of the Destination Kiama Tourism Advisory Committee in mid-August.

*Moved: Cameron McDonald / Perrie Croshaw*

## **8.0 Next meeting**

Special August meeting - TBC  
Monday September 30, 2019

Meeting closed at 6.25pm

**9.2 Minutes: Kiama Cultural Board - 25 July 2019**

Responsible Director: Environmental Services

---

**Attachments**

- 1 Kiama Cultural Board - Minutes - 25 July 2019 [↓](#)

**Enclosures**

Nil

***RECOMMENDED***

That the Minutes of the Kiama Cultural Board Meeting held on 25 July 2019 be received and accepted.

**BACKGROUND**

The minutes of the Kiama Cultural Board held 25 July 2019 are attached for Councillors' information.

**Minutes of the Kiama Cultural Board Committee meeting held on Thursday 25 July 2019 in RSL Room, Old Council Chambers at 5.30pm.**

**Present:** Catherine Carr, Helen Pain, Nick Guggisberg, Cr Don Watson, Mayor Mark Honey, Peter McAra, Zeynep Testoni, Gail Morgan, Cr Neil Reilly, Louise Croker, Terri Rowe

Acknowledgement to Country said by Mayor Mark Honey

**Apologies:** Gregor Cullen, Rhonda Murray

**2. Minutes of previous meeting**

Previous minutes were accepted

Moved: Don Watson

Seconded: Neil Reilly

CARRIED

**3. Business Arising**

The concept design for the Cultural Grant funded Minnamurra mural project was sited and supported by Board



**4. Community and Cultural Development Officer Report**

**4.1 Artist Gathering**

The next Artist Gathering meeting is due to be held on Thursday 29 August 2019 at Silica Restaurant.

**4.2 Music in the Park**

Cr Reilly noted that the new MC for the July Music in the Park was well received and did well acknowledging Council's involvement.

**4.3 Old Fire Station**

The new digital key system for the Old Fire Station is working well with exhibitors being able to access the key on collection day during a specified time slot with a unique pin code. The key is also returned on site to a locked key return box.

**4.4 Cultural Board Promotion**

The Board discussed the idea of promoting the work and membership of the Cultural Board to better raise awareness and increase engagement and input from community into the work being undertaken.

Council's Community and Cultural Development Officer, Louise Croker to send interview questions to Board members to be used in member profiles and gather information regarding projects and achievements.

Report noted and accepted

## 5. General Business

### 5.1 *Sculpture by the Sea*

Mayor Mark Honey noted that there has been some discussion regarding the Sydney Sculpture by the Sea being relocated to Kiama. Destination Kiama Manager Karen Ronning has been in conversation with the organisation regarding this.

The Cultural Board expressed support for Sculpture by the Sea to come to Kiama.

### 5.2 *Arts Honour Roll*

It was noted that no nominations were received for the 2019 Arts Honour Roll.

### 5.3 *Cultural Grants Subcommittee membership*

Board members Catherine Carr, Gail Morgan and Helen Pain were confirmed as the Cultural Grants Sub Committee members. Cr Reilly noted that Councillors were also available to attend.

### 5.4 *Arts and Business Package Questions*

Feedback was sought from the Board to further inform the development of the Arts and Business Package currently being undertaken by University of Wollongong student Kasima Carroll. Feedback included artist experiences working with businesses and expectations from both artists and businesses and this has been passed onto Kasima.

### 5.5 *Martine Emdur painting*

Council has been approached regarding the possible donation of two paintings by Martine Emdur. Board members and Council's Community and Cultural Development Officer are currently researching the details of this offer and will report back to the August meeting for review.

### 5.6 *Chairing of the Board*

It was noted that the Cultural Board Terms of Reference require the election of a chairperson every twelve months. Board members will consider potential nominations for consideration at the August meeting.

## 6. Next meeting

Thursday 22 August 2019, 5.30pm

**There being no further business the meeting closed at 6.30pm**



**9.3 Minutes: Economic Development Committee - 24 July 2019**

Responsible Director: Corporate & Commercial Services

---

**Attachments**

- 1 Minutes of Economic Development Committee Meeting 24 July 2019 [↓](#)

**Enclosures**

Nil

***RECOMMENDED***

That the minutes of the Economic Development Committee meeting held on 24 July 2019 be received and accepted.

**BACKGROUND**

The minutes of the Economic Development Committee meeting held on the 24 July 2014 are attached for Councillors' information.



**Simms Road** – There has been no further clarification provided to the Committee around this parcel of land which is currently owned by the RMS. To be followed up for the next meeting.

**Bypassed Town Highway Signage Initiative** – This project is an initiative of the NSW Government and is designed to encourage travellers to stop and visit bypassed towns in rural and regional NSW. The pilot program was initially trialled in Berry, Macksville and Holbrook. Following the success of the pilot, the program has now been rolled out and Kiama and Gerringong have now been included in this program.

The RMS recently gave a presentation to the Kiama and Gerringong Community and business representatives to outline the process and to request assistance to identify the desired photographic themes and sign inclusions.

These themes have now been submitted to the RMS and once the designs have been approved, it would be anticipated that the signs will be erected prior to Christmas.

Councillor Watson has also requested that Council consider relocation the Gerringong rock wall entry which is located too close to the Nowra turn off and is creating confusion with motorists. As the new RMS signage will be effective in directing traffic from the highway it is recommended that the "Welcome to Gerringong" rock wall sign be located further south closer to Gerringong perhaps just prior to the Mercure on the eastern side of Fern Street.

It was agreed to refer this matter to the Acting Director of Engineering for comment.

#### **5 Kiama Harbour Precinct Revitalisation**

Following the distribution of 2014 The Kiama Harbour Master Plan at a previous meeting, the Committee were advised that initial discussions have been held with the Department of Crown Lands and The Department of Premier and Cabinet to identify the process to be undertake to update the 2014 Plan and to provide guidance to further investigate:-

- Areas previously identified that may be suitable for commercial opportunities which would activate the Harbour precinct and;
- To identify additional areas of asset renewal that maybe necessary to maximise the benefits to the community from recreational and commercial operators in the maritime sectors

The Committee expressed concern the Harbour crib wall which was previously damaged in the 2013 storms has yet to be repaired and has requested that Council write to Crown Lands to request that this be rectified without further delay.

It was also agreed to ascertain the current length of tenure applicable to the Kiama Harbour Cabins.

#### **6 Jerrara Dam**

Following a scoping study that was undertaken by Council in 2016, a brief power point presentation was provided to the Committee which has identified a number of options that were identified for the future of Jerrara Dam.

It was agreed to distribute these options to the Committee and to again arrange a site visit so that the Committee can experience the site first hand and to then revisit these options.

**7 Gerringong Association**

It was agreed to provide the Committee with written updates on the events and projects that the Gerringong Association will be undertaking so that they can be kept informed.

It was also agreed to distribute a recent presentation that the Association gave to Councillors outlining their goals and priorities for the next 12 months.

**8 General Business**

Nil.

**Meeting closed at 7.25pm**

**Next meeting will be at 5.30pm on 25 August 2019 in the RSL Room.**

**9.4 Minutes: Audit, Risk and Improvement Committee - 6 August 2019**Responsible Director: Office of the General Manager

---

**Attachments**1 Minutes - Audit Risk and Improvement Committee - 06/08/19 [↓](#)**Enclosures**

Nil

***RECOMMENDED***

That the Minutes of the Audit, Risk and Improvement Committee Meeting held on 6 August 2019 be received and accepted.

**Meeting held 6 August 2019**

Matters considered by the committee included:

- Update on progress towards completion of the 2019 external audit of the financial statements and associated management letter issues which are currently being discussed with the external auditors.
- Internal audit activities including delivery of the scheduled review of the Policy framework in accordance with the approved annual work plan, monitoring of implementation of prior audit recommendations, and ad hoc projects on Fraud control improvements and CCTV arrangements,
- Provision of information on council's Operational plan, and Blue Haven's Governance improvement plan.
- The draft Annual Performance report for Internal Audit and the Audit, Risk & Improvement Committee for the year ended 30 June 2019.



**MINUTES OF THE  
MEETING OF THE AUDIT, RISK AND  
IMPROVEMENT COMMITTEE**

commencing at 4pm on

**TUESDAY 6 AUGUST 2019**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

**Item 9.4**

**Attachment 1**

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE  
6 AUGUST 2019

---

MINUTES OF THE  
AUDIT, RISK AND IMPROVEMENT COMMITTEE  
HELD IN THE COUNCIL CHAMBERS, KIAMA,  
ON TUESDAY 6 AUGUST 2019 AT 4PM

**PRESENT:** Dr P Ross,  
Mr B MacDonald, Mr B Robertson, Councillor N Reilly and  
Mr K McMurray, Mr R Owens, Mrs D Goodyer

**IN ATTENDANCE:** Mayor, Councillor M Honey

**1 APOLOGIES**

Councillor A Sloan

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

The Chair 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 DECLARATIONS OF INTEREST**

It was noted that Mr B MacDonald is undertaking a review for the Illawarra Shoalhaven Joint Organisation, of its corruption and fraud risk assessment of the Regional Illegal Dumping program, and Kiama Municipal Council is a member of this program.

**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**4.1 Audit, Risk and Improvement Committee meeting on 7 May 2019**

**19/008ARIC**

**Resolved** that the Minutes of the Audit, Risk and Improvement Committee meeting held on 7 May 2019 be received and accepted.

(Councillor Reilly and Mr Robertson)

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

6 AUGUST 2019

---

**5 ACTIONS ARISING FROM PREVIOUS MEETINGS**

**5.1 Update on actions arising from previous meetings of ARIC**

*19/009ARIC*

**Resolved** that the Committee receive the report and note the information.

(Councillor Reilly and Mr McDonald)

Further information was provided:

- 30/07/19 Item 3 – A comprehensive Risk Management report will be provided at the November meeting. Investigating the best way to consolidate current registers.
- 27/11/18 Item 12 – Remove
- 27/11/18 Item 16 – change responsibility to Director Corporate and Commercial Services. The interim audit has been completed and recommendations were not received until 22 July 2019. There are 14 items to be reviewed and a meeting with Deloitte is scheduled for 9 August 2019. A final draft, with management responses will then be available. The final audit will commence on 2 September 2019

**6 ARIC STANDARD REPORTS**

**6.1 External Audit Activities**

External audit matters considered in the report included:

1. Impacts of changes in accounting standards – there are four applicable standards to be applied across the 2019 and 2020 financial years with considerable work to undertake to apply the changes in AASB 16 'Leases.'
2. Progress on implementation of recommendations from the 2018 final management letter from the NSW Audit Office
3. Progress on Financial Statement Audit for the year ended 30 June 2019.

*19/010ARIC*

**Resolved** that the Committee receive the report and note the information.

(Mr Robertson and Mr McDonald)

**6.2 Fraud and Corruption Control Activities**

In addition to monitoring implementation of recommendations for improvement made in the Internal Audit report submitted to the May 2019 meeting, a progress report



## MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

6 AUGUST 2019

was prepared for CivicRisk Mutual on fraud and corruption prevention improvements since the 2018 Fraud Control Survey.

This is an information report only.

### 6.3 Operational Plan 2019-20 and Delivery Program 2017-21

At the Council meeting on 25 June 2019, the Operational Plan 2019-20 and Delivery Program 2017-21, including the 2019-20 Budget and 2019-20 Fees and Charges were adopted by Council. The adopted Plan and associated documents are available on Council's website in accordance with legislation.

This is an information report only.

### 6.4 Internal Audit Activities

Internal Audit activity undertaken for the quarter included:

- progress on implementation of the Internal Audit annual work plan including completion of the review of council's Policy Framework,
- progress in implementing recommendations for improvement in Fraud Control made in the report submitted to the committee at the May 2019 meeting,
- ongoing development of the internal audit framework, and
- ad hoc audit work and advice such as the CivicRisk progress report and assistance in review of CCTV arrangements.

In relation to the report on implementation of fraud control improvements, there was one request for extension in target completion date for update of Council's IT strategy for improved fraud control.

#### 19/011ARIC

Resolved that the Committee:

1. receive the report and note the information
2. note the request and agree to the extension of 6 months only, of the target date for completion of the revised IT strategy.

(Mr McDonald and Councillor Reilly)

### 6.5 Internal Audit report on Review of Policy Framework

The audit considered whether Policy management is in accordance with associated Council Policies and best practice guidance and specifically assessed:

- development, and maintaining key policy documents, including; coordination, consistency, consultation, and coverage of all legislative and other corporate areas

**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE**

**6 AUGUST 2019**

- 
- roles and responsibilities including approval delegations
  - accessibility, training and awareness programs
  - record management and document control.

The review indicated that the following aspects of policy management require improvement:

- the framework for managing policies, protocols and other documents has not been formalised or documented,
- accessibility and record keeping is not adequate, and
- policies for Blue Haven and other services outside of the Administration Centre are not visible or accessible to all council officers.

The overall rating given to this audit is that there is **Significant (High)** exposure. There are five recommendations made, which place Council in a higher than acceptable area of exposure. An action plan for implementing all recommendations has been developed and agreed by the relevant officers.

Further information was provided:

- there are 120 functional areas/processes that should have a form of direction/position from Council or ManEx
- clarification was provided - policies are documents with a Council resolution attached while internal documents, not requiring Council resolution are called protocols
- using PULSE will enable policies/protocols to be added to a position and included in the position description
- in the next 6-9 months the focus will be on ensuring Council meets legislative compliance and has every policy required by legislation

**19/012ARIC**

**Resolved that the committee receive and note the information report.**

(Councillor Reilly and Mr Robertson)

**6.6 Annual Performance report on Internal Audit and Audit, Risk and Improvement Committee - year ended 30 June 2019**

The annual report on the performance and activities of Internal Audit and the Audit, Risk and Improvement Committee was prepared in accordance with the charters and the standards for Professional Practice of Internal Auditing.

The Audit, Risk and Improvement Committee was established in 2017 and has been refined since that time. The in-house Internal Audit function was established in January 2018 and has operated for less than six months at 30 June 2019.

This is the first annual report on the internal audit and the committee's performance.

The performance of the committee has been assessed in terms of coverage of key areas of oversight per the charter, and is intended to be expanded to address the committee's effectiveness going forward.

Internal Audit performance has been measured in terms of progress against planned

**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE**

**6 AUGUST 2019**

work and other time spent on ad hoc projects and QA and development work.

Further information was provided:

- KPIs will gradually be developed with the aim of assessing the effectiveness and measuring robustness of the ARIC
- utilise the relevant Audit office reviews for the Internal Auditor and departments to work on improvement and provide ideas.

**19/013ARIC**

**Resolved that the Committee:**

1. approve the draft Audit, Risk and Improvement Committee and Internal Audit Annual Performance Report to Council Year Ended 30 June 2019 with the amendment of including the names of the independent members at section 2.2
2. approve the Annual Performance Report be provided to Council for adoption
3. provide a briefing to the Councillors by the ARIC Chair.

(Councillor Reilly and Mr McDonald)

**6.7 Recommendations from investigation into allegations of misconduct by Kiama Municipal Council Staff Member**

In late 2018 allegations of misconduct were made against a Kiama Council staff member and were subsequently investigated by an internal investigator, Ms Harriet Witchell of Witchell consulting. Following completion of the investigation, Ms Witchell compiled a report for Council which highlights areas for improvement for Council regarding current policies, processes and practices. This report includes a summary of the report Ms Witchell compiled so that the Audit, Risk and Improvement Committee can review the recommendations and determine a program for any improvements it deems necessary.

A formal investigation was conducted by Witchell Consulting between February and May 2019. The final investigation report advised that a total of 23 matters were investigated, resulting in 4 matters unsubstantiated, 2 matters discontinued and 17 matters substantiated. The final report was provided to ICAC as they required.

Further information was provided:

- Council is already taking steps to address identified issues
- Interim measures introduced to credit card control with expenses requiring counter signing at the end of the reconciliation process. A new credit card software system is undergoing final testing before implementation
- Council was unable to report on this incident until the proceedings had concluded.

---

**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE**

**6 AUGUST 2019**

---

**19/014ARIC**

**Resolved** that the committee receive and note the report.

(Mr McDonald and Councillor Reilly)

**6.8 Blue Haven Governance and Improvement Plan**

Blue Haven has been working on the implementation of the new Aged Care Quality Standards throughout 2018/19. This was allocated as a transitional year for all providers to align their systems and processes to the new standards, with accreditation against the new standards commencing on 1 July 2019.

As part of the implementation process Blue Haven engaged a consultant, Critical Success Solutions (CSS), to undertake an independent assessment of compliance with the Aged Care Quality Standards (Standards). CSS previously worked with Blue Haven to prepare for the reaccreditation audit in June 2018. The current review examined Blue Haven's ability to meet the consumer and organisational outcomes which are requirements of the new Standards. These outcomes include:

- assess the effectiveness of the facility's: consumer rights; assessment and
- planning; care and clinical care; lifestyle and support services, environmental,
- complaints and feedback, human resource and governance systems
- prioritise efforts to address any shortcomings within the systems
- improve the clinical and care outcomes of consumers, and
- improve the working environment of staff

Further information was provided:

- Council is in a unique position with a new facility, a new model of care and new standards. Forty-four standards were met 12 months ago but none of them are transferable to the new facility
- Strengthening the governance to meet these standards, allocating standards to positions to draft documents, introduce processes and embed this in staff.
- The Board of Blue Haven is made up of the nine councillors, none with experience in the aged care sector. Reports to the Board are first received by the Blue Haven Advisory Committee (which consists of a number of community, industry representatives and subject matter experts) for comment and advice to the Board.

**19/015ARIC**

**Resolved** that the Committee notes the Report on Blue Haven Aged Care Quality Standard Compliance and Improvement Action Plan – Standard 8.

(Mr Robertson and Councillor Reilly)

---

**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE  
6 AUGUST 2019**

---

**7 BUSINESS ARISING**

Nil.

**8 CLOSURE**

There being no further business the meeting closed at 5.25pm

These Minutes were confirmed at the Ordinary Meeting of Council  
held on 20 August 2019

.....  
Chair

**Item 9.4**

**Attachment 1**

**Committee Of The Whole*****RECOMMENDATION***

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

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

**10 PUBLIC ACCESS REPORTS**

## 11 REPORT OF THE GENERAL MANAGER

### 11.1 Independent Pricing and Regulatory Tribunal - Review of local government election costs

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.1 Meeting and reporting against IPART/Fit for the Future benchmarks

Item 11.1

#### Summary

The NSW Government have released the 2016 Independent Pricing and Regulatory Tribunal (IPART) report – Review of local government election costs and is inviting councils' feedback

#### Finance

The IPART report in essence is proposing an increase in the fee of 50%.

#### Policy

N/A

#### Consultation (Internal)

Finance are aware of the report

#### Communication/Community Engagement

N/A

#### Attachments

Nil

#### Enclosures

Nil

### **RECOMMENDATION**

That Council note the recommendations and formally respond to the Office of Local Government on the IPART recommendations.

## BACKGROUND

### Executive summary

The NSW Premier requested that IPART recommend a robust methodology for allocating the costs incurred by the NSW Electoral Commission (the NSWEC) in administering local government elections. The costing methodology is required to minimise the financial burden on councils and ratepayers, while also encouraging the NSWEC to provide its election services in an efficient and cost-effective way.



## Report of the General Manager

## 11.1 Independent Pricing and Regulatory Tribunal - Review of local government election costs (cont)

---

In undertaking this review IPART were also required to have regard to a range of other factors, including the market for electoral services in which the NSWEC operates.

IPART achieved this by first identifying the efficient costs of the NSWEC providing local government election services and then using an impactor-pays funding hierarchy to allocate these costs between the NSW Government and councils, and amongst councils.

The funding hierarchy promotes cost-reflective pricing, so that councils pay for the efficient cost of the election services received from the NSWEC.

**Price regulation is required for the 2020 local government elections**

Since 2011, councils have had the option of contracting the NSWEC or a private provider to administer elections. Councils can also choose to administer their own election without entering into a contract with an election service provider.

IPART assessed the state of the market for local government election services to understand the current level of competition in the market, and the possible development of competition over the next few years. It was found that while the provision of local government election services is at present a near-monopoly, most local government election services are likely to be contestable.

The finding that the market is a near-monopoly highlights the need to review the efficiency of the NSWEC's proposed costs and to regulate prices, at least in the short-term.

The finding that most local government election services are likely to be contestable has affected the way IPART considered that efficient costs should be allocated between the NSW Government and councils, and amongst councils. In particular, costs have been allocated in a way that means the NSWEC competes on a level playing field with private providers of local government election services.

In the longer term, if impediments to competition are removed and competitive pressures are increased, then the degree of regulatory oversight could be reduced. Therefore, IPART has examined the barriers to participating in the market that have been identified by stakeholders and propose measures to better facilitate competition post 2020. These measures would increase councils' range of choices and enhance cost certainty.

**Identified cost-efficiency savings**

They recommend a reduction in the total amount of funding for the NSWEC to provide 2020 local government election services, compared to what the NSWEC proposed. The total amount proposed more closely reflects the efficient costs of providing election services.

The impact of the draft recommendation for only those items included in the NSWEC's proposal would be a reduction of \$8.8 million (or 15.6%). That is, they consider the efficient costs of the items in the NSWEC's proposal to be \$47.7 million, compared to \$56.5 million proposed by NSWEC.



## Report of the General Manager

## 11.1 Independent Pricing and Regulatory Tribunal - Review of local government election costs (cont)

---

IPART's draft recommendation on the NSWEC's total notional revenue requirement (NRR) for the 2020 local government elections includes the cost of items that the NSWEC did not include in its cost proposal submitted to IPART. As a result, the notional revenue requirement IPART recommend is only \$2.6 million (or 4.5%) lower than the cost for the 2020 local government elections proposed by the NSWEC.

In determining the efficient costs of the NSWEC providing local government election services, IPART found that some of the NSWEC's costs are incurred solely to supply local government election services whereas others are common to both local government election services and the NSWEC's other functions (eg, State Government election services). They allocated 28% of the costs common to both local government election services and the NSWEC's other functions to our estimate of the total efficient cost of local government elections in 2020.

**Councils should pay a larger share of efficient costs**

Once IPART determined the efficient level of the NSWEC's costs of providing local government election services, it then determined what share of these costs should be allocated to councils.

Consistent with the impactor-pays principle, it is recommended councils, in aggregate, pay **a larger share of the efficient costs** of providing local government elections compared to what they have in the past and what the NSWEC proposed for 2020.

Other costs of local council elections relate to services which the NSWEC also provides to both client and non-client councils, but which IPART consider should be allocated to the NSW Government for practical reasons. These costs comprise: maintaining the electoral roll; statewide advertising and community education materials; and funding disclosure.

Under their approach, councils would pay for 96.5% of the NSWEC's cost of local government elections. In contrast:

- Under the NSWEC's existing allocation of costs, councils would pay for 88.6% of the cost of local government elections.
- Under the NSWEC's proposed allocation of costs, councils would pay for 62.2% of the cost of local government elections.

This means that while total costs are lower overall under IPART's draft approach, councils would pay more than what they have done in the past and more than what the NSWEC proposed. On average, **the increase in council bills would be 62% compared to 2016-17** and around 24% compared to what the NSWEC proposed.

## Report of the General Manager

## 11.1 Independent Pricing and Regulatory Tribunal - Review of local government election costs (cont)

## Indicative average bills by council type compared to 2016-17 (nominal)

Council type	2016-17 bills		IPART draft recommendation		Difference			
	Bill (\$'000)	\$ per elector	Bill (\$'000)	\$ per elector	Bill (\$'000)	Bill %	\$ per elector	% per elector
Metropolitan – Large	944	6.42	1,516	9.54	572	61%	3.12	49%
Metropolitan – Small	325	7.15	513	10.44	188	58%	3.29	46%
Regional – Large	425	7.06	684	10.53	260	61%	3.47	49%
Regional – Small	177	8.02	281	11.80	104	59%	3.79	47%
Rural – Large	76	8.65	123	12.88	46	61%	4.23	49%
Rural – Small	29	9.03	50	14.37	21	72%	5.34	59%

**Note:** This table does not include data for the six councils that conducted their own elections in 2016 and 2017, and Central Darling Shire Council which did not hold an election in 2016 or 2017. 2016-17 bills have not been adjusted for inflation.

**Source:** IPART analysis.

Table B.1 below sets out the indicative bills for councils under our draft recommendations. It also compares these to the actual bills councils received for the 2016-17 elections and the indicative bills councils would receive under the NSWEC's proposal for the 2020 elections.

**Table B.1 Comparison of indicative bills with 2016-17 actual bills (\$'000)**

Council	2016-17 bill	NSWEC proposed	IPART recommended	Difference – IPART vs 2016-17		Difference – IPART vs NSWEC proposed	
				(\$'000)	%	(\$'000)	%
Kiama Municipal Council	171	228	255	84	49%	28	12%

**11.2 Delivery Program/Operational Plan Report April to June 2019**

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 11.2

**Summary**

This report provides an update on progress of the 2017-2021 Delivery Program and 2018-19 Operational Plan for the April to June 2019 quarter.

**Finance**

As per the 2018-19 approved budget

**Policy**

Local Government Act 1993

**Consultation (Internal)**

All Council departments contributed to this report

**Communication/Community Engagement**

The Delivery Program 2017-21 and Operational Plan 2018-19 were developed following engagement with the community and were adopted after being placed on public exhibition for 28 days.

**Attachments**

Nil

**Enclosures**

Nil

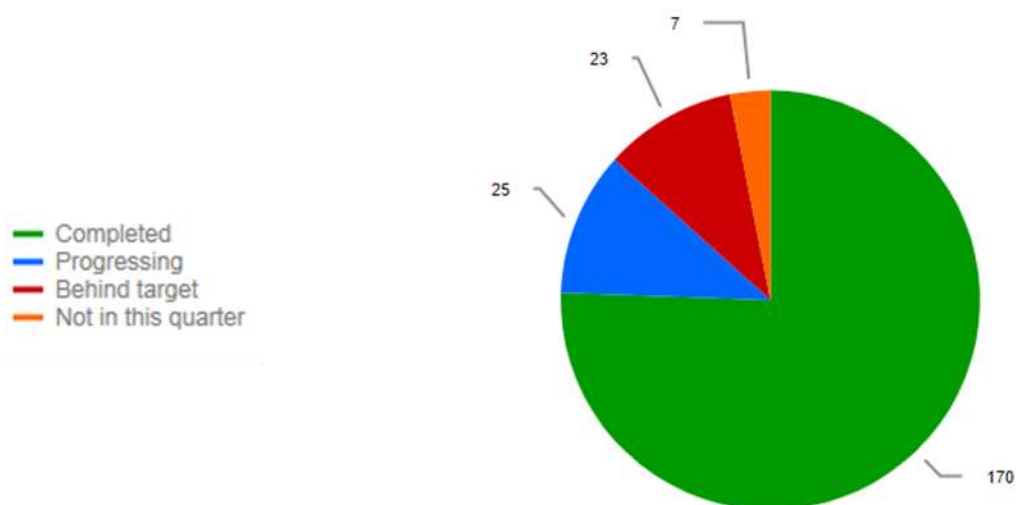
**RECOMMENDATION**

That Council receives the Delivery Program 2017-21 and Operational Plan 2018-19 progress report for the period April to June 2019.

**BACKGROUND**

In accordance with the *Local Government Act 1993*, this Delivery Program and Operational Plan Progress Report provides Councillors and the Community with a tool for measuring progress towards the adopted strategies of Council's four-year Delivery Program and ten-year Community Strategic Plan.

This report provides the status of the Delivery Program/Operational Plan actions for the second half of the 2018-19 financial year. The Operational Plan contains 225 actions and activities, and as at end of June 2019 the status of these are:



Item 11.2

The following Operational Plan activities are currently behind target:

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
1.1.1.2	Encourage, develop and acknowledge volunteers	Timebanking program set up and promoted	20% increase in membership pa	10% in membership	50%	Without the staff or volunteer resources to promote and engage with the Timebanking project and community on a weekly basis this project has stalled in its growth and development as a community resource.	Community & Cultural Development Officer
1.1.2.6	Develop a targeted Employment Strategy to attract and retain Aboriginal staff to grow a talented and diverse workforce in local government	Aboriginal Employment Strategy developed and adopted	100% completed by 30/06/2019		10%	Given other priorities and complex matters this project did not progress further in this financial year.	Human Resources Officer
1.1.3.2	Undertake activities that support the 'Build' strategy identified in Council's BISI cultural planning document as funding allows	Plans are developed and progressed to be Development Application (DA) ready	100% completed by 30/06/2019		50%	The plans for the Kiama Arts Centre have continued to develop as expert and consultant advice provide information for adaption and reworking of the plans to meet both DA and community requirements. With the inclusion of	Community & Cultural Development Officer

Report of the General Manager

11.2 Delivery Program/Operational Plan Report April to June 2019 (cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
						required funds into the 2019-20 budget the plans are on track for completion by the end of 2019.	
1.1.5.11	Undertake capital improvements and renewal to ensure the Leisure Centre and Jamberoo pool facilities are maintained to required standards	Planned program of capital works and renewal completed on time and within budget	100% completed	Maintenance has been completed on time and within budget	90%	Upgrade of first aid room is almost complete with flooring work to be finished. A new pool toy has been purchased for the centre due to significant wear and tear and high costs to repair.	Leisure Centre Manager
1.1.6.2	Manage new footpath and cycleway asset creation	Percentage of Council approved new asset program completed on time, within approved scope, within budget and to agreed standard.	100% completed		40%	The Minnamurra Boardwalk is the major project within this measure and continues to progress.	Works Coordinator
		Percentage of new asset budget expended	100% expended				
1.1.7.1	Manage recreation and open space renewals	Percentage of renewal budget expended	100% expended	30%	75%	Program behind target due to other conflicting work priorities including successful grant applications. Renewal Program to be reviewed. Gerringong Library, Dog Pound and other projects will roll over to next year.	Manager Operations & Maintenance
		Percentage of Council approved renewal program completed on time, within approved scope, within budget and to agreed standard.	100% completed	75%			
1.1.7.2	Manage new recreation and open space asset creation	Percentage of Council approved new asset program completed on time, within approved scope, within budget and to agreed standard.	100% completed	62%	65%	With the exclusion of the Minnamurra Boardwalk project the Capital New measure is 89% complete.	Manager Operations & Maintenance
		Percentage of new asset budget expended	100% expended	45%			
1.2.1.2	Provide residential care at Blue Haven	Household rosters implemented and working effectively	100% completed by 31/12/2018	80	80%	Occupancy rates have improved significantly this quarter, as have ACFI (Aged Care Financial Instrument) levels.	Director of Nursing/Facility Manager
		Manage service delivery within budget	<100% of budget	80			

Report of the General Manager

11.2 Delivery Program/Operational Plan Report April to June 2019 (cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
		Compliance with aged care accreditation standards	100% compliant	100%		Work continues to monitor expenses to improve the financial position against budget.	
1.2.1.4	Provide programs to enhance the culture of Blue Haven Care	FISH Philosophy program implemented across Blue Haven Care	100% completed by 30/06/2019	70%	70%	This program has not been prioritised for completion due to the competing needs of implementing the new aged care standards and planning for the new facility.	Director of Nursing/Facility Manager
1.2.1.6	Create a positive volunteer culture within Blue Haven Care	Targeted volunteer recruitment strategy developed and implemented	100% completed by 30/09/2018	90%	90%	Volunteers continue to be actively engaged with multiple programs within the Home.	Director of Nursing/Facility Manager
		Volunteer satisfaction levels	>90% satisfaction rating				
2.1.1.2	Prepare flood study funding applications	Lodgement of applications for external grant funding for flood studies - dependent on budget allocation	100% completed	0%. Current flood study is still to be completed. No budget allocation for further studies.	0%	No new applications lodged.	Manager Design & Development
2.1.2.2	Protect and maintain heritage items through Local Environmental Plan (LEP) and Development Control Plan (DCP) controls	Identification and introduction of controls for the Terralong Heritage Precinct into the Kiama LEP	100% completed by 30/06/2019		50%	Amendments to Chapter 30, including site specific controls for Pheasant Point Heritage Conservation Area, came into effect 15 June 2019.  Manning Street Heritage Conservation area brief being reviewed in line with new funding opportunities.	Manager Strategic Planning
2.1.3.1	Protect and maintain productive agricultural lands through ensuring Council's statutory and policy documents contain	Council to liaise with NSW DPI-Lands to determine a timeframe for agricultural classification mapping project	100% completed by 31/12/2018	50%	0%	Mapping project has not yet commenced for the Kiama LGA. Staff continuing to liaise with State government to progress mapping project according to the timeframes set down in the	Manager Strategic Planning

## Report of the General Manager

## 11.2 Delivery Program/Operational Plan Report April to June 2019 (cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
	necessary framework					Illawarra-Shoalhaven Regional Plan implementation plan schedule.	
2.3.1.11	Process road occupation permits	Road Occupation permits processed within 5 days	90% processed within 5 days	68%	65%	Council in its role as the Roads Authority received 25 road occupancy applications in the quarter. 8 of these applications took in excess of 5 days. This equates to only 68% of permits being issued within 5 days.	Subdivision & Development Engineer
2.5.2.1	Implement drainage asset renewals	Percentage of Council approved renewal program completed on time, within approved scope, within budget and to agreed standard	100% completed		75%	Cannot progress until the process of development of an easement within private property is finalised to renew stormwater infrastructure	Asset Systems Officer
		Percentage renewal budget expended	100% expended				
2.5.4.1	Implement other assets and infrastructure asset renewals	Percentage Council approval renewal program completed on time, within approved scope, within budget and to agreed standard.	100% completed		30%	With the exclusion of the Kevin Walsh Oval Amenities, Dog Pound Office and Gerringong Library Projects the completion status is 46% for the Capital Renewal program.	Asset Systems Officer
		Percentage of renewal budget expended	100% expended				
2.5.4.2	Implement new other assets and infrastructure asset creation	Percentage Council approved new asset program completed on time, within approved scope, within budget and to agreed standard	100% completed		45%	Additional quarterly review approved projects have increased the budget which has decreased the completion status. With the exclusion of the Minnamurra Boardwalk the completion status is 51% for the Capital New/ Upgrade program.	Asset Systems Officer
		Percentage of new asset budget expended	100% expended				
3.3.1.5	Implement	Cabin occupancy	>49%	59.8% for	75%	Project Managers	Holiday Parks

Report of the General Manager

11.2 Delivery Program/Operational Plan Report April to June 2019 (cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
	strategies identified in the Kiama Coast Holiday Parks Masterplan	rates are maintained at NSW average during Master Plan Implementation period	occupancy pa	the quarter		appointed for the Civil Works and also the cabin refurb for Surf Beach Holiday Park.	Coordinator
		Powered site occupancy rates are maintained at NSW average during Master Plan implementation period	>27% occupancy pa	37.75% for the quarter		Civil works commenced with the demolition of cabins, pool, internal roads and landscaping and installation of services.	
		Complete planned maintenance program for Holiday Parks on time and within budget	100% completed	Behind schedule due to the lack of resources		Four ensuite units at Surf Beach Holiday Park relocated (with redevelopment) and installed at Seven Mile Beach Holiday Park avoiding new capital expenditure.	
		Complete capital works and renewals program for Holiday Parks on time and within budget	100% completed by 30/06/2019	Behind schedule due to the lack of resources		Design undertaken for new carpark at Kiama Harbour Cabins. Partial replacement of two decks, full refurbishments of two bathrooms, internal painting and replacement of flooring to one cabin, gutters and gutter guard replaced on four cabins. Kangaroo Jumper skin on trampoline replaced at Werri Beach Holiday Park, as well as the relocation of the water main and upgrade of the northern meter box. Extraction fans installed at Kendall's Beach Holiday Park. Average cabin occupancy for the Holiday Parks was 59.8%, which is a good result entering low season with Surf	



Report of the General Manager

11.2 Delivery Program/Operational Plan Report April to June 2019 (cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
						Beach Holiday Park being closed for two months.  Average site occupancy was 37.75%, a 5.3% increase compared to the same quarter last year.	
3.3.2.10	Develop and implement Managed Service Agreement for the Visitor Information Centre	Managed Service Agreement developed and approved	100% completed by 31/10/2018	85%	85%	The Managed Service Agreement for the Visitor Information Centre is under discussion.	Manager Information Technology
4.2.1.12	Develop and implement an Information Technology Disaster Recovery (DR) Plan	Develop Disaster Recovery Plan and publish in TRIM and ProMapp	100% completed by 01/03/2019	50%	50%	The Disaster Recovery (DR) Plan still requires further updates.	Manager Information Technology
4.2.1.14	Develop and implement an Information Technology Backup Plan	Develop Backup Plan and publish in TRIM and ProMapp	100% completed by 01/03/2019		60%	The Information Technology Backup Plan needs to be updated to include new information relating to the upgraded environment.	Manager Information Technology
4.2.2.4	Develop and promote supported employment placements for people with a disability to develop work skills in Council operations and services	Supported employment placement protocol for people with a disability is endorsed by MANEX	100% completed by 30/06/2019		0%	Did not occur in this financial year.	Human Resources Officer
4.3.1.5	Facilitate effective engagement with the community on Council activities and policies	Review of Community Engagement Strategy includes a range of accessible participation options	100% completed		50%	On Exhibition and Community Consultation items published as needed on Council's website, via dedicated page. Interactive Community Engagement Strategy scheduled for completion in 2019-20 following	Communication s Officer 01
		Community Engagement Strategy is reviewed and implemented	100% completed by 31/12/2018				

## Report of the General Manager

## 11.2 Delivery Program/Operational Plan Report April to June 2019 (cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
		Interactive Community Engagement Strategy available on Intranet by March 2019	100% completed by 31/03/2019			revamp of Council's Intranet	

ite

There were a number of highlights during the final half of the 2018-19 financial year, including:

- A very successful Sorry Day was held in May 2019.
- Both the August and February rounds of the Kiama Cultural Grants were undertaken and fully expended, with seven projects being awarded funding between \$1,800 and \$3,000 each.
- The Weave Artist Directory has had a 38% increase in listings over the past year, 27% of these being Kiama based artists.
- 1,180 people attending a variety of sessions held at the Library from children's through to adult programs. A total of 255 programs were held.
- 22 literacy programs were held in the library this quarter with 670 community members attending.
- 564 enquiries were made at the Family History Centre and 5,100 enquiries at the libraries.
- 12 Health and Wellbeing programs were held at SENTRAL with over 200 people in attendance.
- 21 participants had the opportunity to learn about what it takes to grow nutritionally happy food with positive feedback from all involved.
- 26 participants completed the 'I'm Alert' online food education training this quarter.
- 48 food shop inspections and four re-inspections were undertaken. 93.75% of primary inspections had a 3 to 5 star rating.
- 61 dogs were collected by Council Rangers and returned to their owners.
- 140 patrols were conducted this quarter (including site specific) with a total number of 97 infringements issued.
- A Birds of the Illawarra walk and talk was held in June at Spring Creek as part of World Environment Day with 24 residents in attendance.
- Ambulant toilet facilities have been provided in the recently refurbished amenities building at Jones Beach, Kiama Downs.
- 5,903 tonnes of organic waste was processed during the quarter and 3,081 tonnes of recyclable materials.

## Report of the General Manager

## 11.2 Delivery Program/Operational Plan Report April to June 2019 (cont)

- 
- 39 illegal dumping incidents were reported, with 94.9% closed and a total waste amount of 6.18 tonnes.
  - 53 events were held at the Pavilion compared to 44 events for the same quarter in 2018.
  - A new Code of Conduct and new Code of Meeting Practice were adopted following a 28-day submission period. All Councillors have received training in the new Codes.
  - 90% of Council's areas have had their risk registers reviewed, which has also included new areas being created in Tourism and Events, Youth Services, Blue Haven Transition and Blue Haven Independent Living Units.

**11.3 Draft Councillor Access to Information, Staff and Premises Policy for public exhibition**

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: 4.2.1 Manage effective risk framework across council

**Summary**

Kiama Municipal Council is committed to cooperation and collaboration between Council staff and elected Councillors. This policy contains a framework for Councillors to access Council information, staff and premises in order to exercise the functions of civic office and to facilitate informed decision making.

**Finance**

No finance considerations

**Policy**

*Local Government Act 1993*

*Kiama Municipal Council - Code of Conduct for Councillors*

*Kiama Municipal Council – Procedures for Administration of the Code of Conduct*

**Consultation (Internal)**

No internal consultation undertaken.

**Communication/Community Engagement**

This draft policy will be placed on public exhibition for 28 days and the community will be invited to make public submissions on its contents. All public submissions will be considered prior to the policy being presented to Council for adoption.

**Attachments**

- 1 DRAFT Councillor Access to Information, Staff and Premises Policy [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council:

1. places the draft *Councillor Access to Information, Staff and Premises Policy* on public exhibition for 28 days
2. invites the community to make public submissions on the content of the draft policy
3. receives a further report giving consideration of any public submissions received during the exhibition period and putting forward a final *Councillor Access to Information, Staff and Premises Policy* for adoption.

Report of the General Manager

11.3 Draft Councillor Access to Information, Staff and Premises Policy for public exhibition (cont)

---

## BACKGROUND

*Council's Code of Conduct* provides that Councillors, including the Mayor, have a right to access information held by Council that is reasonably necessary for them to exercise their civic functions. This policy seeks to provide a clear and consistent framework, by incorporating the provisions from the Code that relates to the appropriate level of access to information and staff.

The objectives of this policy are to:

- provide a documented process for Councillors to access Council information
- ensure that Councillors receive advice in an orderly manner to assist them in carrying out their duties of civic office and inform decisions
- provide clarity on Councillors' rights of access to staff and to Council buildings
- provide a clear and consistent framework, by reference to the Code of Conduct for Councillors and the Procedures for the Administration of the Code of Conduct, for managing and reporting of breaches of this policy.

Item 11.3





# DRAFT Councillor Access to Council Information, Staff and Premises Policy



Item 11.3

Attachment 1

Date adopted	TBA
Resolution number	TBA
Date effective	TBA
Date last amended	New Policy
New review date	1 August 2021
Reference number	N/A
Custodian	N/A
Custodian Position	General Manager
Department	General Manager
Author	Public Officer
TRIM Reference	TBA

Item 11.3

Attachment 1



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Table of contents

PART 1	INTRODUCTION .....	4
PART 2	OBJECTIVES .....	4
PART 3	SCOPE .....	4
PART 4	REFERENCES .....	4
PART 5	DEFINITIONS .....	4
PART 6	OVERVIEW .....	6
PART 7	OBLIGATIONS OF COUNCILLORS AND ADMINISTRATORS .....	6
PART 8	OBLIGATIONS OF STAFF .....	6
PART 9	INAPPROPRIATE INTERACTIONS .....	7
PART 10	ACCESS TO INFORMATION AND COUNCIL RESOURCES .....	8
PART 11	USE AND DISCLOSURE OF COUNCIL INFORMATION .....	9
PART 12	ACCESS TO COUNCIL BUILDINGS .....	10
	Document control .....	11

Item 11.3

Attachment 1



## PART 1 INTRODUCTION

Kiama Council is committed to cooperation and collaboration between Council staff and elected Councillors. This policy provides a framework for Councillors to access Council information, staff and premises in order to exercise the functions of civic office and to facilitate informed decision making.

## PART 2 OBJECTIVES

The objectives of this policy are to:

- provide a documented process for Councillors to access Council information
- ensure that Councillors receive advice in an orderly manner to assist them in carrying out their duties of civic office and inform decisions
- provide clarity on Councillors' rights of access to staff and to Council buildings
- provide a clear and consistent framework, by reference to the relevant *Code of Conduct* and *Procedures for the Administration of the Code of Conduct*, for the reporting of, and appropriate management of breaches of this policy.

## PART 3 SCOPE

This policy applies to the Mayor, Councillors and all employees of Council, including contractors and volunteers working for, and on behalf of, Council.

## PART 4 REFERENCES

This document should be read in conjunction with:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *KMC Code of Conduct and the Procedures for the Administration of the Code of Conduct*
- OLG Circular to Councils 10-30 – *Councillors' Access to Information*
- *KMC Code of Meeting Practice*

## PART 5 DEFINITIONS

In this policy, the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
council	Kiama Municipal Council
council committee	a committee established by council comprising of councillors, staff or other persons that council has delegated functions to

council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council, council advisers, contractors and volunteers
councillor	any person elected or appointed to civic office, including the mayor
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
GIPA	<i>Government Information (Public Access) Act</i>
GM	General Manager of council
the Act	the <i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
Manex	Council senior management team comprising the General Manager and Directors
OLG	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
Public Interest Disclosure	under the <i>Public Interest Disclosures Act 1994</i> , council officials may make a <i>Public Interest Disclosure</i> to report serious wrongdoing without fear of being sued for defamation or breach of confidence. Council's public officer is also the disclosure officer for the purpose of this Act
Public Officer	Council is required to appoint a public officer under Section 343 of the <i>Local Government Act</i> . The public officer may deal with requests from the public concerning council's affairs and has responsibility for assisting people to gain access to council's public documents
the Regulation	the <i>Local Government (General) Regulation 2005</i>

## PART 6 OVERVIEW

The Act defines the roles and responsibilities of the Mayor and Councillors, and specifies that the GM is responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation of the decisions of Council without delay. The GM is also responsible to the Council for performance and direction of all staff and day-to-day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff outside the forum of a Council or committee meeting, will be directed to the GM, or person/s nominated by the GM.

In accordance with Council's Code of Conduct, Councillors, Administrators, staff, contractors and volunteers are expected to conduct their interactions with integrity, honesty and respect and to a high standard of ethical behaviour.

## PART 7 OBLIGATIONS OF COUNCILLORS AND ADMINISTRATORS

- 7.1 Each council is a body politic. The Councillors or Administrator/s are the governing body of the Council. Under section 223 of the LGA, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the Council under review.
- 7.2 Councillors or Administrators **must not**:
- a) direct Council staff other than by giving appropriate direction to the General Manager by way of Council or committee resolution, or by the Mayor or Administrator exercising their functions under section 226 of the Act
  - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate
  - c) contact a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager
  - d) contact or issue instructions to any of the Council's contractors, including the Council's legal advisers, unless by the Mayor or Administrator exercising their functions under section 226 of the Act
- 7.3 Despite clause 7.2, Councillors may contact the Council's external auditor or the chair of the Council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

## PART 8 OBLIGATIONS OF STAFF

- 8.1 Under section 335 of the LGA, the role of the General Manager includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

Employees **must**:

- a) give their attention to the business of Council while on duty
  - b) ensure their work is carried out efficiently, economically and effectively
  - c) carry out reasonable and lawful directions given by any person having authority to give such directions
  - d) give effect to the lawful decisions, policies, and procedures of Council, whether or not the staff member agrees with, or approves of them
  - e) ensure that any participation in political activities outside the service of the Council does not conflict with the performance of their official duties.
- 8.2 In circumstances where staff are unsure whether or not they should provide information to, or respond to a request from a Councillor or Administrator/s, they should refer the matter to their relevant Director or to the General Manager, or request that the Councillor or Administrator/s make the request through the General Manager.
- 8.3 Non-compliance with this Policy may be considered a breach of Council's Code of Conduct and will be dealt with in accordance with the Code.

#### **PART 9 INAPPROPRIATE INTERACTIONS**

- 9.1 You must not engage in any of the following inappropriate interactions:
- a) Councillors and Administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - b) Council staff approaching Councillors and Administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - c) subject to clause 7.3, Council staff refusing to give information that is available to other Councillors to a particular Councillor
  - d) Councillors and Administrators who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council
  - e) Councillors and Administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the Councillor has a right to be heard by the panel at the meeting
  - f) Councillors and Administrators being overbearing or threatening to Council staff
  - g) Council staff being overbearing or threatening to Councillors or Administrators
  - h) Councillors and Administrators making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct, in public forums including social media

- i) Councillors and Administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make
- j) Council staff providing ad hoc advice to Councillors and Administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the Council associated with current or proposed legal proceedings unless permitted to do so by the Council's General Manager or, in the case of the Mayor or Administrator, unless they are exercising their functions under section 226 of the Act.

#### **PART 10 ACCESS TO INFORMATION AND COUNCIL RESOURCES**

- 10.1 The General Manager is responsible for ensuring that Councillors and Administrators can access information necessary for the performance of their official functions. The General Manager and Public Officer are also responsible for ensuring that members of the public can access publicly available Council information under the Government Information (Public Access) Act 2009 (the GIPA Act).
- 10.2 The General Manager must provide Councillors and Administrators with the information necessary to effectively discharge their official functions.
- 10.3 Members of staff of Council must provide full and timely information to Councillors and Administrators sufficient to enable them to exercise their official functions and in accordance with Council procedures.
- 10.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 10.5 Councillors and Administrators who have a private interest only in Council information have the same rights of access as any member of the public.
- 10.6 Despite clause 10.4, Councillors and Administrators who are precluded from participating in the consideration of a matter under this policy because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.
- 10.7 Councillors and Administrators must only access Council information needed for Council business and must not use that Council information for private purposes.
- 10.8 Open Access Information
  - a) The *Government Information (Public Access) Act 2009* provides a list documents prescribed as 'open access information', which are required to be made available on Council's website and to be made available for public access, free of charge. These documents include *Council's Code of Conduct*, *Annual Report*, *Register of Delegations*, development applications and leases of public land classified as community land.
  - b) The GIPA Act however provides that there may be consideration against public disclosure of documents under the general broad headings of: *Responsible and effective government*, *Law enforcement and security*, *Individual rights*, *judicial*



processes and natural justice, Business interests of agencies and other persons, Environment, culture, economy and general matters and Secrecy provisions.

- c) The General Manager and Public Officer are responsible for ensuring that members of the public, Councillors and Administrators can gain access to information available under the GIPA Act.
- d) The NSW Office of the Information and Privacy Commissioner has advised the Office of Local Government that it is expected that General Managers (and Public Officers) will act in accordance with relevant laws when providing information to Councillors and Administrators.

#### 10.9 Other Information

Information not publicly available and not required for Councillors to carry out their civic office functions may be applied for through the GIPA application process. Forms are available on Council's website or by contacting the Public Officer.

Access to staff personnel records will not be provided to Councillors or Administrators under any circumstances.

#### 10.10 Refusal of access to documents

- a) Where the General Manager or Public Officer determine to refuse access to a document sought by a Councillor, they must act reasonably. In reaching this decision, they must take into account whether or not the document sought is required for the Councillor to perform their civic duty. The General Manager or Public Officer must state the reasons for the decision if access is refused.
- b) If a request for information has been refused the Councillor or Administrator may:
  - Raise the matter with the General Manager and refer to the Code of Conduct which states that the General Manager must ensure Councillors/Administrators are provided with information sufficient to enable them to carry out their civic office functions
  - Make a formal application under the GIPA Act, which will be processed in accordance with that Act
  - If there is a refusal of access under the GIPA Act, or if the Councillor wishes to report a GIPA contravention, a Councillor may ask for an internal review or an external review by the NSW Information Commissioner.

### **PART 11 USE AND DISCLOSURE OF COUNCIL INFORMATION**

11.1 With regard to information obtained in the capacity of Councillor or Administrator you **must**:

- a) only access Council information needed for Council business
- b) not use that information for private purposes
- c) not seek to obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with Council

- d) only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation
- e) maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible

11.2 In addition to your general obligations relating to the use of Council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the Council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a Council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

### 11.3 Personal Information

When dealing with personal information you must comply with:

- the *Privacy and Personal Information Protection Act 1998*
- the *Health Records and Information Privacy Act 2002*
- the Information Protection Principles and Health Privacy Principles
- the council's privacy management plan
- the Privacy Code of Practice for Local Government

## **PART 12 ACCESS TO COUNCIL BUILDINGS**

- 12.1 Councillors and Administrators are entitled to have access to the Council chamber, Mayor's office (subject to availability) and public areas of Council's buildings during normal business hours and for meetings. Councillors and Administrators needing access to these facilities at other times must obtain authority from the General Manager.
- 12.2 Councillors and Administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or their delegate).
- 12.3 Councillors and Administrators must ensure that when they are within staff only areas they refrain from conduct that could be perceived to improperly influence Council staff decisions.

**Document control**

<b>Version Control</b>	<b>Date reviewed</b>	<b>Date adopted</b>	<b>Amendment</b>
V1	August 2021	TBA	New document

DRAFT

**Item 11.3**

**Attachment 1**



**How to contact Council**

**Post**

General Manager  
Kiama Municipal Council  
PO Box 75  
Kiama NSW 2533

**Telephone**

+61 (02) 4232 0444

**Facsimile**

+61 (02) 4232 0555

**Online**

Email: [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au)  
Website: [www.kiama.nsw.gov.au](http://www.kiama.nsw.gov.au)

**Office hours**

Our Administration Building located at  
11 Manning Street Kiama is open 8.45 am to 4.15 pm  
Monday to Friday (excluding public holidays)



**KIAMA MUNICIPAL COUNCIL**  
your council, your community

**11.4 Draft Internal Reporting Policy (NSW Public Interest Disclosures Act 1994) for public exhibition**

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: 4.2.1 Manage effective risk framework across council

**Summary**

Kiama Council is committed to supporting and protecting staff if they report wrongdoing and the purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal.

**Finance**

Nil

**Policy**

*NSW Public Interest Disclosures Act 1994*

**Consultation (Internal)**

Office of the General Manager

Human Resources

Risk Management

**Communication/Community Engagement**

This draft policy will be placed on public exhibition for a period of 28 days and the community will be invited to make public submissions on its contents. All public submissions will be considered prior to the policy being presented to Council for adoption.

**Attachments**

- 1 Draft PID Internal Reporting Policy [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council:

1. places the draft *Internal Reporting Policy (NSW Public Disclosures Act 1994)* on public exhibition for 28 days
2. invites the community to make public submissions on the content of the draft policy
3. receives a further report giving consideration to any public submissions received during the exhibition period and putting forward a final *Internal Reporting Policy (NSW Public Interest Disclosures Act 1994)* for adoption

Report of the General Manager

11.4 Draft Internal Reporting Policy (NSW Public Interest Disclosures Act 1994)  
for public exhibition (cont)

---

## BACKGROUND

The object of the *NSW Public Interest Disclosures Act 1994* (PID Act) is to encourage and facilitate the disclosure, in the public interest, of any corrupt conduct, maladministration, serious and substantial waste, government information contravention or local government pecuniary interest contravention in the public sector. The PID Act establishes procedures for making disclosures concerning such matters, protects persons from reprisals that might otherwise be inflicted on them because of those disclosures and provides for those disclosures to be properly investigated and dealt with. The PID Act further requires that detrimental action is not to be taken against a person if to do so would be in contravention of the Act and that beneficial treatment is not to be given in favour of a person if the purpose (or one of the purposes) for doing so is to influence the person to make, to refrain from making, or to withdraw a disclosure.

Councils are required to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do.

This Policy establishes a clear framework for the reporting and investigation of allegations of wrongdoing. Council is also required to report on its obligations under the PID Act in its annual report each year, and also to the NSW Ombudsman every six months.

This Policy defines what activities or incidents can be reported under the PID Act, and clearly articulates how and to whom a report can be made at Kiama Council, and the procedures for investigating the allegations.

Council is also tasked with ensuring that when a staff member or Councillor reports wrongdoing, a risk assessment to identify the risk of detrimental action in reprisal for reporting, is assessed and mitigated. Kiama Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing. The PID Act provides protection for staff and Councillors who have made a public interest disclosure by imposing penalties on anyone who take detrimental action against another person substantially in reprisal for that person making a public interest disclosure.

It is important that staff and Councillors understand the nature and limitations of the protections provided by the PID Act and that Council ensures that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to professional support as required.

The clear framework provided by this draft policy will ensure that staff and Councillors are confident in the process and their individual rights when making a disclosure of wrongdoing.



# DRAFT Internal Reporting Policy (NSW Public Interest Disclosures Act 1994)



Item 11.4

Attachment 1



**RESPECT**



**INNOVATION**



**INTEGRITY**



**TEAMWORK**



**EXCELLENCE**

<b>Date approved/adopted</b>	TBA
<b>Resolution No</b>	TBA
<b>Date effective</b>	TBA
<b>Date last reviewed</b>	1 August 2014
<b>Next review date</b>	1 August 2021
<b>Department</b>	Office of the General Manager
<b>Author</b>	Public Officer
<b>TRIM reference</b>	TBA
<b>Supporting documents</b>	<ul style="list-style-type: none"> <li>• The NSW Public Interest Disclosures Act 1994</li> <li>• Public Interest Disclosure – Internal Reporting Form (internal doc)</li> <li>• Public Interest Disclosure – Internal Reporting – Risk Assessment</li> </ul>

**Item 11.4**

**Attachment 1**

DRAFT

**Table of contents**

1.0 Organisational commitment to Internal Reporting at Kiama Council ----- 4

2.0 Purpose ----- 5

3.0 Scope ----- 5

4.0 Definitions ----- 6

5.0 Roles and responsibilities ----- 6

6.0 What should be reported? ----- 9

7.0 Assessment of reports ----- 10

8.0 When will a report be treated as a public interest disclosure? ----- 11

9.0 Who can receive a report within Kiama Council? ----- 11

10.0 Who can receive a report outside of Kiama Council? ----- 11

11.0 How to make a report ----- 13

12.0 Can a report be anonymous? ----- 13

13.0 Feedback to staff who report wrongdoing ----- 13

14.0 Maintaining confidentiality ----- 14

15.0 Managing the risk of reprisal and workplace conflict ----- 14

16.0 Protection against reprisals ----- 14

17.0 Support for those reporting wrongdoing ----- 16

18.0 Sanctions for making false or misleading statements ----- 16

19.0 The rights of persons the subject of a report ----- 16

20.0 More information ----- 16

21.0 Flow chart of internal reporting process ----- 17

22.0 Document control ----- 18

Attachment 1 – Disclosure Officers ----- 19

Attachment 2 – External Investigating Authorities ----- 20

Attachment 3 – PID Internal Reporting Form ----- 21

Attachment 4 – KMC PID/Complaint Internal Reporting Risk Assessment Form ----- 24

Attachment 5 – NSW Ombudsman Guideline B2 – What should be reported? ----- 25

Attachment 6 – Employee Assistance Program (EAP) ----- 31



## 1.0 Organisational commitment to Internal Reporting at Kiama Council

Kiama Council is strongly committed to the aims and objectives of the NSW Public Disclosures Act. The PID Act promotes Council's core values of Respect and Integrity and reinforces the obligations of staff and councillors as prescribed in the Kiama Council Code of Conduct to:

- Ensure that work is carried out ethically, efficiently, economically and effectively.

Kiama Council is strongly committed to:

- maintaining a climate of trust and integrity so that staff, Councillors and other Council Officers are comfortable about reporting wrongdoing
- encouraging staff to come forward if they are aware of wrongdoing within Council
- keeping the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate
- protecting the person who makes a disclosure from any adverse action resulting from their report
- addressing public interest disclosure reports fairly and promptly, and where wrongdoing is found, taking prompt action to rectify the matter
- keeping staff who make reports informed of their progress and outcome
- encouraging internal reporting of wrongdoing, but also ensuring that staff know they may also report to the relevant external agency such as the Independent Commission About Crime (ICAC) or the NSW Ombudsman, if they wish
- ensuring managers and supervisors at all levels in Council understand the benefits of internal reporting of wrongdoing and are familiar with this policy and the needs of those who report wrongdoing
- ensuring that staff and Councillors are aware of the contents of the policy and the protection under the PID Act for people who make public interest disclosures
- ensuring that Council complies with this policy and the Council's obligations under the PID Act
- ensuring that at least one staff member is delegated as being responsible for receiving public interest disclosures and that that person is also the Complaints Coordinator, as required under the Model Code of Conduct
- providing adequate resources, both financial and human, to:
  - encourage reports of wrongdoing
  - protect and support those who make them
  - provide training about how to make reports and the benefits of internal reports to the Council and the public interest generally
  - properly assess and investigate or otherwise deal with allegations
  - properly manage any workplace issues that the allegations identify or that result from a report
  - appropriately address any identified problems.

---

Clr Mark Honey  
Mayor

---

Mr Kerry McMurray  
General Manager

## Internal Reporting Policy (NSW Public Disclosures Act 1994)

### 2.0 Purpose

Kiama Council is committed to supporting and protecting staff if they report wrongdoing and the purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. This policy sets out who you can report wrongdoing to in Kiama Council, what can be reported and how reports of wrongdoing will be dealt with.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest disclosure in accordance with this policy and the *NSW Public Interest Disclosures Act 1994* (PID Act).

The object of the *NSW Public Interest Disclosures Act* is to encourage and facilitate the disclosure, in the public interest, of any corrupt conduct, maladministration, serious and substantial waste, government information contravention or local government pecuniary interest contravention in the public sector. The PID Act establishes procedures for making disclosures concerning such matters, protects persons from reprisals that might otherwise be inflicted on them because of those disclosures and provides for those disclosures to be properly investigated and dealt with. The PID Act further requires that detrimental action is not to be taken against a person if to do so would be in contravention of this Act and that beneficial treatment is not to be given in favour of a person if the purpose (or one of the purposes) for doing so is to influence the person to make, to refrain from making, or to withdraw a disclosure.

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the KMC *Grievance Handling Procedure*. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with the procedure.

### 3.0 Scope

This policy will apply to:

- both Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Kiama Council
- employees of contractors providing services to Kiama Council
- other people who perform Council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers
- the policy also applies to public officials of another council or public authority who report wrongdoing relating to Kiama Council.



#### 4.0 Definitions

For the purpose of this document the following definitions apply:

Term	Definition
Code of Conduct procedures	Kiama Council – Code of Conduct – Procedures for the Administration of the Code
Code of Conduct; or Code	Kiama Council Code of Conduct for Councillors Kiama Council Code of Conduct for Staff, Contractors and Volunteers Kiama Council Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors
Council	Kiama Municipal Council
Council staff	Means Council staff, contractors, volunteers, delegates of Council, Council advisors, Committee members
GM	General Manager
HR	Human Resources
ICAC	Independent Commission Against Crime
Kiama Council	Kiama Municipal Council
KMC	Kiama Municipal Council
PID	Public Interest Disclosure
PID Act	NSW Public Interest Disclosure Act 1994

#### 5.0 Roles and responsibilities

##### a) The role of Council staff and Councillors

Staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All council staff and Councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Staff and councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report

Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to Kiama Council's *Code of Conduct*. A breach of the Code could result in disciplinary action.

b) The role of Kiama Municipal Council

Kiama Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

Kiama Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, Kiama Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Kiama Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

Kiama Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure that Kiama Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

c) Roles of key positions

**General Manager**

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring that Kiama Council complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a Public Interest Disclosure, and to decide how the report will be dealt with
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

**Disclosures Coordinator**

The Disclosures Coordinator has a central role in Kiama Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of

contact in Kiama Council for the reporter. The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a Public Interest Disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager)
- deal with reports made under Council's Code of Conduct in accordance with Council's adopted Code of Conduct procedures
- coordinate Kiama Council's response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure that Kiama Council complies with the PID Act
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act

#### **Disclosures Officers**

The Disclosures officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

Disclosures Officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

#### **Mayor**

The Mayor can receive reports from staff and councillors about the general manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- refer reports to an investigating authority, where appropriate
- liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

### **Supervisors and line managers**

Supervisors and line managers play an important role in managing the immediate workplace of those involved in, or affected by, the internal reporting process. Supervisors and line managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do
- identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
- implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

## **6.0 What should be reported?**

You should report any suspected wrongdoing within Kiama Council, or any activities or incidents you see within the Kiama Council that you believe are wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's Guideline B2: *What should be reported?* which is attached to this policy.

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, Kiama Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

### **a) Corrupt conduct**

Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

### **b) Maladministration**

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application.

c) Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

For example, this could include:

- not following a competitive tendering process for a large scale contract
- having bad or no processes in place for a system involving large amounts of public funds.

d) Breach of the GIPA Act

A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

e) Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at Council and Council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a councillor participating in consideration of a DA for a property they or their family have an interest in.

## 7.0 Assessment of reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The Disclosures Coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report, the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.



## 8.0 When will a report be treated as a public interest disclosure?

Kiama Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of serious wrongdoing:
  - corrupt conduct
  - maladministration
  - serious and substantial waste of public money
  - breach of the GIPA Act
  - Local Government pecuniary interest contravention
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
- the report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this policy (see section 9 of this Policy), an investigating authority or in limited circumstances to an MP or journalist (see section 10 of this Policy).

Reports by staff are not public interest disclosures if they:

- mostly question the merits of government policy (see section 17 of the PID Act)
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 18 of the PID Act).

## 9.0 Who can receive a report within Kiama Council?

Staff are encouraged to report general wrongdoing to their supervisor. However, the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or supporting procedures.

The following positions are the only people within Kiama Council who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 5 of this Policy).

If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

General Manager

Mayor

Disclosure Coordinator (Public Officer)

Alternate Disclosure Coordinator (Senior HR Officer)

Disclosure Officers - details are provided as an attachment to this Policy and on the staff intranet.

## 10.0 Who can receive a report outside of Kiama Council?

Staff and Councillors are encouraged to report wrongdoing within Kiama Council, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below:

a) Investigating Authorities

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the general manager or the Mayor.

The relevant investigating authorities for Kiama Council are:

- the Independent Commission Against Corruption (ICAC) — for reports about corrupt conduct
- the NSW Ombudsman — for reports about maladministration
- the NSW Information Commissioner — for disclosures about a breach of the GIPA Act
- the Office of Local Government— for disclosures about local Council.

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that the investigating authority may well discuss any such reports with Kiama Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

b) Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or journalist must have made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy, including the Mayor for reports about the General Manager
- an investigating authority

Also, Kiama Council or the investigating authority that received your initial report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter, but no recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 19 of PID Act).

c) Other external reporting

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or *our* code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside of Kiama Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

### 11.0 How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. Kiama Council's Internal Reporting Form is also available for staff or Councillors to use to make a report. A copy of this form is included as an attachment to this policy.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

### 12.0 Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Kiama Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

### 13.0 Feedback to staff who report wrongdoing

Staff and Councillors who report wrongdoing will be told what is happening in response to their report.

#### a) Acknowledgement

When you make a report, Kiama Council will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, Kiama Council will send you an acknowledgment letter, providing:

- information about the action that will be taken in response to your report
- the likely timeframes for any investigation or other action
- information about the internal and external resources or services available that you can access for support.

We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

#### b) Progress updates

While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- information about the progress of the investigation or other enquiries and reasons for any delay
- advice of any decision by Kiama Council not to proceed with the matter
- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

#### c) Feedback

Once the matter has been finalised you will be given:



- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

#### 14.0 Maintaining confidentiality

Kiama Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate, we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

#### 15.0 Managing the risk of reprisal and workplace conflict

When a staff member or Councillor reports wrongdoing, Kiama Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, Kiama Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter. A copy of the Kiama Council PID/Complaint Internal Reporting Risk Assessment is attached to this policy.

#### 16.0 Protection against reprisals

Kiama Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff and Councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Kiama Council has reasonable grounds to take such action.

a) Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Mayor.

All supervisors must notify the Disclosures Coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.

If Kiama Council becomes aware of, or suspects that reprisal is being or has been taken against a person who has made a disclosure, Kiama Council will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 9 of the Councillors Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government.
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the NSW Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

b) Protection against legal action

If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

### 17.0 Support for those reporting wrongdoing

Kiama Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.

Details of Kiama Council's Employee Assistance Program (EAP) are provided as an attachment to this policy, or you can contact your supervisor, HR or the Disclosures Coordinator for more information.

### 18.0 Sanctions for making false or misleading statements

It is important all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Kiama Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

### 19.0 The rights of persons the subject of a report

Kiama Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time, you will be:

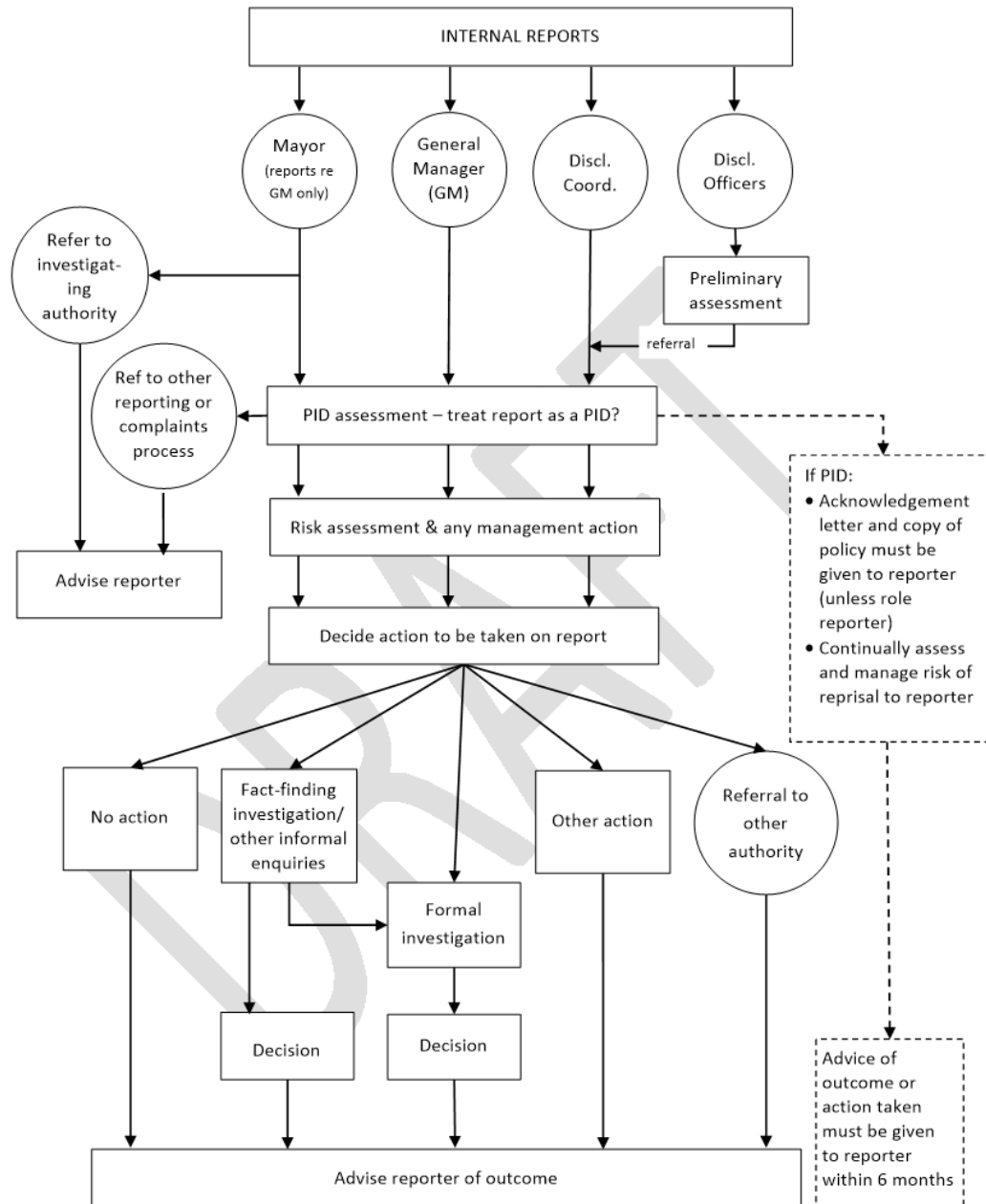
- advised of the details of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Kiama Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

### 20.0 More information

More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

21.0 Flow chart of internal reporting process



Item 11.4

Attachment 1

22.0 Document control

Date reviewed	Date adopted	Amendment
August 2019	TBA	Whole Policy updated

DRAFT

Item 11.4

Attachment 1

**Attachment 1 – Disclosure Officers**

- General Manager
- Mayor
- Public Officer – Disclosures Coordinator
- Senior HR Officer – Alternate Disclosures Coordinator
- Other Disclosure Officers to be advised

**Item 11.4**

**Attachment 1**

DRAFT

## Attachment 2 – External Investigating Authorities

### To report corrupt conduct:

Independent Commission Against Corruption (ICAC)  
Phone: 02 8281 5999  
Toll free: 1800 463 909  
Tel. typewriter (TTY): 02 8281 5773  
Facsimile: 02 9264 5364  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
Level 7, 255 Elizabeth Street, Sydney NSW 2000

### To report maladministration:

NSW Ombudsman  
Phone: 02 9286 1000  
Toll free (outside Sydney metro): 1800 451 524  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Level 24, 580 George Street, Sydney NSW 2000

### To report serious and substantial waste:

Auditor-General of the NSW Audit Office  
Phone: 02 9275 7100  
Email: [mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)  
Web: [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au)  
Level 15, 1 Margaret Street, Sydney NSW 2000

### To report police misconduct:

Law Enforcement Conduct Commission  
Phone: 02 9321 6700  
Toll free: 1800 657 079  
Facsimile: 02 9321 6799  
Email: [contactus@lecc.nsw.gov.au](mailto:contactus@lecc.nsw.gov.au)  
Web: [www.lecc.nsw.gov.au](http://www.lecc.nsw.gov.au)  
Level 3, 111 Elizabeth Street, Sydney NSW 2000

### To report wrongdoing in local government:

The Chief Executive Officer, Office of Local Government  
Phone: 02 4428 4100  
Tel. typewriter (TTY): 02 4428 4209  
Facsimile: 02 4428 4199  
Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
Web: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)  
5 O'Keefe Avenue, Nowra NSW 2541

### To report breaches of the GIPA Act:

Information Commissioner  
Information and Privacy Commission  
Toll free: 1800 472 679  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
Level 17, 201 Elizabeth Street, Sydney 2000



Attachment 3 – PID Internal Reporting Form



**PUBLIC INTEREST DISCLOSURE  
INTERNAL REPORTING FORM**

*Public Interest Disclosure Act 1994*

**The best protection is confidentiality – discretion is essential**

OFFICE USE ONLY	
Complaint received by:	Date:

If you become aware that something is seriously wrong in the way a public official has acted, or is acting, or a NSW public sector authority has acted or is functioning, it is in the public interest and the council's interest that you tell someone who can do something about it. The *Public Interest Disclosures Act 1994* (PID Act) sets up a framework for people who work in the NSW public sector (e.g. in a council or councillors) to come forward with important information.

*Seek advice from the NSW Ombudsman or from Council's Disclosures Coordinator, or Disclosure Officers. Be discreet when you are doing so.*

*Be careful in deciding who you report to and how. To be protected under the PID Act your report must be made to specific people or authorities. Refer to the KMC Internal Reporting Policy.*

*Keep records of all relevant conversations and all written communications received and sent that are related to your report.*

*Don't make known your intention to report in the workplace. For example, threatening to report may backfire. If you provide information discreetly, Council will be better able to focus on the issues that than on you.*

*Don't tell anyone you are thinking about reporting.*

PERSONAL DETAILS	
Family name:	
Given name:	
Title:	<input type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other
Address:	
Work phone:	
Mobile:	
Email:	
<input type="checkbox"/>	I wish to make an anonymous Public Interest Disclosure. I understand that: <ul style="list-style-type: none"> <li>• I will not receive any information about what happens to this disclosure</li> <li>• it may be more difficult for the proper authority to look into the matter(s) as they cannot come back to me for further information</li> <li>• it may be more difficult for the proper authority/public authority to protect me</li> <li>• this anonymous disclosure may not prevent me from being identified during any investigation or when action is being taken.</li> </ul>

**All correspondence** General Manager PO Box 75 Kiama NSW 2533 11 Manning Street Kiama NSW 2533  
**Contacts** P (02) 4232 0444 E council@kiama.nsw.gov.au W www.kiama.nsw.gov.au ABN 22 379 679 108



RESPECT · INNOVATION · INTEGRITY · TEAMWORK · EXCELLENCE

Your council, your community



CATEGORIES OF PUBLIC INTEREST INFORMATION	
Corrupt conduct	<input type="checkbox"/>
Serious maladministration	<input type="checkbox"/>
Serious and substantial waste of public money	<input type="checkbox"/>
Failure to exercise functions properly in accordance with the Government Information (Public Access) Act 2009 (also known as the GIPA Act)	<input type="checkbox"/>
Breach of an obligation imposed by the Local Government Act 1993 in connection with a pecuniary interest	<input type="checkbox"/>

DISCLOSURE DETAILS	
Name of the public authority(ies) the disclosure relates to	
Do you work for a public authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, which public authority and what is your position title?
Does the disclosure relate to one or more individuals?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide name(s) and position(s) held by the person(s) in the public authority
When did the alleged events occur?	
Summary of the matters to disclose	

ADDITIONAL INFORMATION	
Description of any documents provided or names of witnesses	
Have you reported this information to any other person or agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, did you report this information as a Public Interest Disclosure matter?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details

You should read the following information and sign this form prior to lodgement.

**ACKNOWLEDGEMENT**

I acknowledge that I believe on reasonable grounds that the information contained in this disclosure is or may be true.

I have been informed and I am aware that:

- I will commit an offence under section 24 of the PID Act, if I know that the information contained in this disclosure is false or misleading in a material particular, or I am reckless as to whether it is false or misleading.  
**Financial penalties and/or imprisonment apply**
- I will forfeit the protection provided by section 13 of the PID Act, if I fail, without reasonable excuse, to assist a person investigating the matter by supplying requested information (s17).
- I will forfeit the protection provided by section 13 of the PID Act, if I subsequently disclose this information to any person other than a proper authority under the PID Act (s17).
- I will commit an offence, if I subsequently make a disclosure of information that might identify or tend to identify anyone as a person in respect of whom this disclosure has been made under the PID Act, except in accordance with section 16(3) of the PID Act.  
**Financial penalties and/or imprisonment apply**
- I cannot withdraw my disclosure after I have made it.

AUTHORISATION	
Discloser's signature:	Date:

On completion, this form should be given to Council's Disclosures Coordinator, or an authorised person as listed under section 9 of the *KMC Internal Reporting Policy*.

**Remember - the best protection is confidentiality – discretion is essential.**

**PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE**

**Purpose of collection:** We are collecting your personal information in order to enable Council to complete a Public Interest Disclosure Lodgement.  
**Intended recipients:** The intended recipient of the information is Kiama Municipal Council.  
**Supply:** While the supply of this information is voluntary under Public Interest Disclosure Act 1994, the personal information you provide will enable Council to assess your application.  
**Access/Correction:** You can access your personal information and it may be available to third parties as required by any law. You may make an application for access or amendment to personal information held by Council. We will consider any such application in accordance with the *Privacy and Personal Information Protection Act 1998*.  
**Storage:** Kiama Council is the agency that holds the personal information. Council may be contacted on (02) 4232 0444, or by email to [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au) or at 11 Manning Street, Kiama NSW 2533. Kiama Council's Privacy Policy can be viewed at [www.kiama.nsw.gov.au/your-council/policies](http://www.kiama.nsw.gov.au/your-council/policies)

**Attachment 4 – KMC PID/Complaint Internal Reporting Risk Assessment**

To be completed by the Disclosure Coordinator, to mitigate risk(s) to discloser, subject officer and the person investigating the matter. To mitigate risk of:

- identity of the discloser being discovered
- any potential for reprisal action, or threats
- negative mental health response for the discloser or alleged wrongdoer
- reputational damage to Council
- statutory fines or other penalties
- interruption to council services due to investigation (e.g. key staff absences)

Risk Assessment currently under development

DRAFT

Attachment 5 – NSW Ombudsman Guideline B2 – What should be reported?



## What should be reported?

### 1. Objectives

- To provide guidance about the types of wrongdoing that are included within the scope of the *Public Interest Disclosures Act 1994* (PID Act).
- To provide information about what sort of conduct these types of wrongdoing can include.

### 2. Why is this important?

The reporting of suspected wrongdoing by staff is vital to the integrity of the public sector. Reporting is in the public interest, and should be encouraged and seen as a normal part of working for a public authority. While some types of reports will attract the protections of the PID Act, authorities should encourage staff to report all wrongdoing that they observe. It should not be seen as something out of the ordinary.

This guideline outlines what types of reports will attract the protections of the PID Act.

### 3. Legal and management obligations

#### 3.1 PID Act

##### a) Subject of the report

The PID Act covers public interest disclosures (PIDs) about public officials or public authorities that come under the Act. Public officials include the following people:

- a Public Service employee
- a Member of Parliament (although they cannot make a disclosure)
- a person employed by either or both of the President of the Legislative Council or the Speaker of the Legislative Assembly
- any other individual having public official functions or acting in a public official capacity whose conduct and activities may be investigated by an investigating authority
- an individual in the service of the Crown
- an individual who is engaged by a public authority under a contract to provide services to or on behalf of the public authority
- an employee or officer of a corporation engaged by a public authority under a contract to provide services to or on behalf of the public authority who provides or is to provide the contracted services or any part of those services.

The PID may also be about any public authority whose conduct or activities may be investigated by an investigating authority. This includes:

- a Public Service agency
- a local government authority
- a state owned corporation or any subsidiary of a state owned corporation
- the Police Force, Police Integrity Commission (PIC) and PIC Inspector
- the Crime Commission and Crime Commission Inspector
- the Department of Parliamentary Services, the Department of the Legislative Assembly and the Department of the Legislative Council.

##### b) Categories of wrongdoing

A report of wrongdoing under the PID Act can concern one of five specific categories of wrongdoing outlined in that Act. These are:

- corrupt conduct
- maladministration
- serious and substantial waste of public money
- government information contravention
- local government pecuniary interest contravention.

##### c) Belief of the reporter

To be covered by the PID Act, the public official making the report has to honestly believe on reasonable grounds that the information shows or tends to show at least one of these five categories of wrongdoing. See further section 4.2 below.

### 4. What does this mean for public authorities?

The content of a report by a staff member has to meet three criteria to be considered a PID under the PID Act:

- the reporter has an honest belief based on reasonable grounds that the information they have shows or tends to show the alleged wrongdoing.
- the report is about the conduct of a public official or the activities of a public authority
- the report is about corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention or local government pecuniary interest contravention

The following sections explain each aspect of these three criteria in more detail.

03/2015

Public interest disclosures  
Guideline **B2**



## What should be reported?

### 4.1 Potential subject of report

The subject of the report of wrongdoing must be a public authority or public official. Members of Parliament are considered public officials if the report is about them, but they cannot make a PID. *Guideline B1: Who can report wrongdoing?* provides more information about the definition of a public official.

### 4.2 Honest belief on reasonable grounds that information shows or tends to show

#### a) Honest belief

An honest belief is a belief that is genuinely held. It is more than suspicion, speculation or rumour.

Section 9A of the PID Act states that if a public official asserts their belief in connection with the disclosure, in the absence of evidence to the contrary, it should be presumed that the belief is honest. This applies even if the assertion is inferred rather than expressed.

#### b) Reasonable grounds

The test applied here is whether, from an objective viewpoint, the basis for the person's belief is reasonable. That is, would a reasonable person in the circumstances believe that wrongdoing had occurred? The belief cannot be based on personal favouritism, animosity or prejudice.

When assessing the report, the disclosures coordinator can consider what information the reporter knew at the time and whether the person is being rational. For example, consideration may be given to what information is available to the reporter. However, information known only to the disclosures coordinator (and not the reporter) should not be relied on in making such an assessment. For example, the alleged conduct the subject of the report may have already been found to be unsubstantiated, but this was not known to the reporter who at the time had a reasonable belief it had occurred.

#### c) Shows or tends to show

There must be sufficient information to show or tend to show that the wrongdoing has happened or is happening. This may include:

- direct observation of the wrongdoing by the reporter
- corroborative observation by others
- evidence such as unbalanced accounts, missing items of value or contradictory records.

There should be no alternative innocent explanations that reasonably explain the conduct or activities observed that are likely to be applicable.

Taken together, an 'honest belief on reasonable grounds that information shows or tends to show' means that a PID cannot be based on a mere allegation or suspicion that is unsupported by any facts, circumstances or evidence.

However, it is not necessary for the reporter to provide sufficient information to conclusively establish or prove that the wrongdoing occurred to any investigative standard of proof. The following example could be the content of a PID.

A local council worker is drinking at a pub in a country town. He sees a police sergeant drinking and laughing with the publican. The worker knows the sergeant is the licensing officer for the region. Over the next few months, there are a number of incidents at the pub relating to extremely intoxicated patrons and complaints are made to the police in relation to those. Despite this, no action appears to be being taken against the publican. The worker continues to see the sergeant drinking with the publican, and overhears them talking about playing golf together on the weekend. The worker has an honest belief on reasonable grounds that he has information that tends to show wrongdoing and should report the matter to the council, the police or the Police Integrity Commission.

### 4.3 Categories of wrongdoing

#### a) Corrupt conduct

Corrupt conduct is defined in sections 8 and 9 of the *Independent Commission Against Corruption Act 1988*. The definition provided in these sections is intentionally broad.

Corrupt conduct includes the dishonest or partial exercise of official functions by a public official.

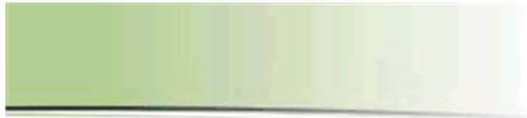
Some examples are:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust.

#### b) Maladministration

Maladministration<sup>1</sup> is defined in s.11 of the PID Act as conduct that involves action or inaction of a serious nature that is either:

- contrary to law (other than a legal technicality)
- unreasonable, unjust, oppressive or improperly discriminatory
- based wholly or partly on improper motives.



What should be reported?

When considering whether a matter is of a serious nature, consider the severity, frequency and impact on the community and the public sector generally. The following factors or indicators may suggest a matter is serious:

Systemic	<ul style="list-style-type: none"> <li>• Systemic failures leading to serious consequences</li> <li>• Potential or actual systemic ramifications for public administration across jurisdictions or the state</li> <li>• Duration and frequency - how long the conduct has been occurring for (e.g. one-off event or part of a wider pattern or scheme)</li> </ul>
Legal	<ul style="list-style-type: none"> <li>• Contrary to law (other than on a legal technicality)</li> <li>• Deliberate offences over a number of years</li> <li>• Systemic violation of human rights (e.g. right to an education)</li> </ul>
Scope	<ul style="list-style-type: none"> <li>• Extensive scope (e.g. across jurisdictions or state-wide)</li> <li>• Involves a large number of public officials or external stakeholders</li> <li>• Activities could affect wider aspects of public administration</li> </ul>
Public interest	<ul style="list-style-type: none"> <li>• In the public interest generally</li> <li>• Conflicts of interest</li> <li>• Politically sensitive matters</li> <li>• Serious abuse of power</li> <li>• Breach of public trust in public administration</li> <li>• Loss of public confidence in the government/public sector</li> <li>• Integrity of the government/public sector is seriously compromised</li> <li>• Transparency and accountability in public administration is severely compromised</li> </ul>
Material impact	<ul style="list-style-type: none"> <li>• Significant or potential monetary or property loss</li> <li>• Substantial / serious impost on an individual</li> <li>• Substantial waste of public money or resources</li> <li>• Substantial mismanagement of public money or resources</li> <li>• Irregular or unauthorised use of a substantial amount of public money or resources</li> </ul>
Service delivery	<ul style="list-style-type: none"> <li>• Serious service failure</li> <li>• Any delay involved is substantial</li> <li>• Significant operational or legal consequences</li> <li>• Access to services or service delivery impaired by prejudice or discrimination</li> <li>• Results in termination of employment or cancellation of a contract</li> <li>• Complete cessation of service or output / or significant disruption to service or output</li> <li>• Very unsatisfactory record keeping that substantially breaches the <i>State Records Act 1998</i></li> </ul>
Safety	<ul style="list-style-type: none"> <li>• Serious safety risks that place people at an unacceptable risk of injury or death</li> <li>• Avoidable death, serious assault, serious injury or irregular or unauthorised use of a substantial amount of public money or resources</li> <li>• Adversely affects a large number of people</li> <li>• Potential or actual harm to the community</li> </ul>
Professional expectations	<ul style="list-style-type: none"> <li>• Seniority of the person/s the subject of the allegations (e.g. senior management)</li> <li>• Prior allegations about the conduct of the person/s the subject of the allegations</li> <li>• Failure to meet professional and/or industry standards</li> <li>• Substantial departure from the standards reasonably expected of a public official / professional</li> </ul>

## What should be reported?

Some examples are:

- awarding contracts and tenders to private parties that are related by family, friendship or association
- failing to make a decision in accordance with official policy for no appropriate reason
- refusing to grant a person a licence for reasons that do not relate to the merits of their application
- issuing an order against a person without giving them procedural fairness.

More information and examples can be found in our *Public Sector agencies fact sheet 13: Maladministration*.

### c) Serious and substantial waste of public money

A serious and substantial waste of public money is any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss of public funds or resources.

Serious and substantial waste can be:

- Absolute – where the waste is regarded as significant.
- Systemic – where the waste indicates a pattern that results from a weakness within an organisation's systems.
- Material – where the waste is about the authority's expenditure or a particular item of expenditure, or is to such an extent that it affects an authority's capacity to perform its primary functions.

Some examples are:

- misappropriation or misuse of public property
- the purchase of unnecessary or inadequate goods and services
- overstaffing in particular areas
- staff being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment
- programs not achieving their objectives and therefore the program's costs being clearly ineffective and inefficient.

Waste can result from such things as:

- insufficient safeguards to prevent the theft or misuse of public property
- purchasing practices that do not ensure goods and services are necessary and adequate for their intended purpose
- poor recruiting practices.

### d) Government information contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

Some examples are:

- intentionally overlooking documents that are clearly covered by an access application
- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the GIPA Act
- directing another person to make a decision that is contrary to the GIPA Act.

### e) Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the *Local Government Act 1993* relating to the management of pecuniary interests.

This Act places specific obligations on councillors, council delegates, council staff and other people involved in making decisions or giving advice on council matters to act honestly and responsibly in carrying out their functions. Generally, those obligations are to lodge disclosure of interests returns, lodge written declarations and the disclosure of pecuniary interests at council and council committee meetings.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. This extends to whether there are chances or possibilities, and probabilities of a financial gain or loss in the matter. The onus is on councillors, council delegates, council staff and other people to determine whether they are affected by the pecuniary interest provisions in relation to a matter under consideration by the council.

Allegations or complaints concerning possible breaches of the pecuniary interest provisions of the *Local Government Act 1993* are to be made to the Office of Local Government (OLG) for assessment and any necessary action. Potentially, the OLG may be required to formally investigate the matter and then refer a report of the investigation to the Pecuniary Interest and Disciplinary Tribunal.

Some examples are:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a general manager holding an undisclosed shareholding in a company competing for a council contract.

The above information and further advice in relation to complaints about councils and pecuniary interest matters can be found in the OLG's *Pecuniary interest guidelines* and on their website.



What should be reported?

## 5. Your questions answered

### Why do the protections only apply to reports about these categories of wrongdoing?

The five categories of wrongdoing covered by the PID Act can have a serious impact on the people of NSW as well as the authority where they are taking place. They can impact on public trust in government as well as trust within the authority.

It is important to remember that while reports about these categories of wrongdoing attract the protections of the PID Act, staff should be encouraged to report all wrongdoing. Employees need to understand there are multiple avenues within an authority for reporting different types of concerns and that they may need to be dealt with differently.

The difference with matters under the PID Act is that the public official who made the report is provided with certain statutory protections.

### How do staff report other wrongdoing?

Staff make many different types of reports. These can include workplace disputes, harassment or bullying complaints, or health and safety concerns.

If staff suspect something wrong is happening they should report it. Authorities will have policies and guidance about what should be reported and how it should be reported.

Staff should approach a supervisor or senior staff member with their concerns. Disclosures officers and other staff who receive reports of wrongdoing under an internal reporting policy should be trained and know to refer reporters to other appropriate policies if they raise concerns that are not PIDs under the PID Act.

For example, if staff:

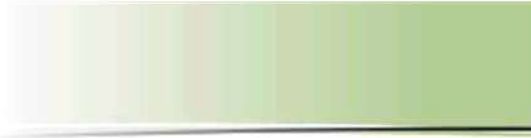
- believe there is a risk in the workplace, they should be referred to the work health and safety policy
- believe they are being discriminated against, they should be referred to the equal opportunity policy
- wish to lodge a grievance, they should be referred to the grievance policy.

## 6. Additional resources

- *Guideline B1: Who can report wrongdoing?*
- *Public Sector agencies fact sheet 13: Maladministration*
- *Pecuniary interest guidelines and website [www.oig.nsw.gov.au](http://www.oig.nsw.gov.au)*
- *Government Information (Public Access) Act 2009*
- *Independent Commission Against Corruption Act 1988*
- *Local Government Act 1993*
- *Ombudsman Act 1974*
- *Public Interest Disclosures Act 1994*



What should be reported?



### Contact details for investigating authorities

**To report corrupt conduct:**

Independent Commission Against Corruption (ICAC)  
Phone: 02 8281 5999  
Toll free: 1800 463 909  
Tel. typewriter (TTY): 02 8281 5773  
Facsimile: 02 9264 5364  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
Level 7, 255 Elizabeth Street  
Sydney NSW 2000

**To report serious and substantial waste:**

Auditor-General of the NSW Audit Office  
Phone: 02 9275 7100  
Facsimile: 02 9275 7200  
Email: [mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)  
Web: [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au)  
Level 15, 1 Margaret Street  
Sydney NSW 2000

**To report police misconduct:**

The Commissioner  
Police Integrity Commission (PIC)  
Phone: 02 9321 6700  
Toll free: 1800 657 079  
Facsimile: 02 9321 6799  
Email: [contactus@pic.nsw.gov.au](mailto:contactus@pic.nsw.gov.au)  
Web: [www.pic.nsw.gov.au](http://www.pic.nsw.gov.au)  
Level 3, 111 Elizabeth Street  
Sydney NSW 2000

**To report maladministration:**

NSW Ombudsman  
Phone: 02 9286 1000  
Toll free (outside Sydney metro): 1800 451 524  
Tel. typewriter (TTY): 02 9264 8050  
Facsimile: 02 9283 2911  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Level 24, 580 George Street  
Sydney NSW 2000

**To report wrongdoing in local government:**

The Chief Executive Officer,  
Office of Local Government  
Phone: 02 4428 4100  
Tel. typewriter (TTY): 02 4428 4209  
Facsimile: 02 4428 4199  
Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
Web: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)  
5 O'Keefe Avenue  
Nowra NSW 2541

**To report breaches of the GIPA Act:**

Information Commissioner  
Information and Privacy Commission  
Toll free: 1800 472 679  
Facsimile: 02 8114 3756  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
Level 11, 1 Castlereagh Street  
Sydney NSW 2000

### Endnote

1. An authority does not need to consider section 12 of the *Ombudsman Act 1974* in its assessment of whether conduct is maladministration. That section applies to the NSW Ombudsman only.

### Contact us for more information

Our business hours are: Monday to Friday, 9am–5pm (*Inquiries section closes at 4pm*)

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.

Level 24, 580 George Street  
Sydney NSW 2000

Email [pid@ombo.nsw.gov.au](mailto:pid@ombo.nsw.gov.au)  
Web [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

General inquiries 02 9286 1000  
Facsimile 02 9283 2911


Toll free (outside Sydney metro) 1800 451 524  
Tel. typewriter (TTY) 02 9264 8050

Telephone Interpreter Service (TIS): 131 450  
We can arrange an interpreter through TIS or you can contact TIS yourself before speaking to us.


© Crown Copyright, NSW Ombudsman, March 2015 update

ISBN: 978-1-921131-38-7 03/2015

*This work is copyright, however material from this publication may be copied and published by State or Federal Government Agencies without permission of the Ombudsman on the condition that the meaning of the material is not altered and the NSW Ombudsman is acknowledged as the source of the material. Any other persons or bodies wishing to use material must seek permission.*

 This guideline is one of a series produced by the NSW Ombudsman. Feedback is welcome.

Attachment 6 – Employee Assistance Program (EAP)



# Your Employee Assistance Program


**What is the KMC Employee Assistance Program?**  
The KMC Employee Assistance Program (EAP) provides assistance and advice to you at times when you face problems of a work or personal nature. Access to the EAP is voluntary, free and offers confidential and professional assistance to you and your immediate family. We all face times in our lives when difficulties arise - at work, in relationships, within families and with our health. EAP can help identify and resolve problems that may be affecting your work or personal life. It also offers you the opportunity to talk with a professional who is trained to assist you.

**Is EAP a confidential service?**  
Yes, absolutely! At all stages your privacy will be assured. Your decision to seek assistance will not be discussed with anyone and your privacy will be respected at all times. EAP psychologists cannot talk to anyone else about you or your problems without your written permission.




**How much will it cost?**  
The service is provided by KMC through Mentor Services *free of charge* to you and your family members. The service is available for up to four sessions of counselling per annum per employee. These sessions may be in your work time with your supervisor's approval.

**About Mentor Services**  
Mentor Services are the Illawarra's largest provider of EAP services to public and private organisations. They have been providing these services since 1987 to most of the leading organisations in the Illawarra, Shoalhaven, Southern Highlands Macarthur and Monaro regions. They have on staff both male and female clinical and counselling psychologists, who have extensive experience in assisting employees to deal with personal and work related problems.

**Areas of Assistance**  
Your EAP offers support to you, the employee, in a wide range of areas. Some of the issues that your Mentor psychologists are trained to assist you with includes anxiety, depression, stress (work-related or personal), family problems, relationship difficulties, grief, trauma, etc.



EAP is available to employees of Kiama Municipal Council and their immediate family, this includes:



**Contact Details**  
P: (02) 4226 1099  
A: 50 Church Street  
Wollongong, NSW  
E: [admin@mentorservices.com.au](mailto:admin@mentorservices.com.au)  
W: [www.mentorservices.com.au](http://www.mentorservices.com.au)

Item 11.4

Attachment 1

**How to contact Council**

**Post**

General Manager  
Kiama Municipal Council  
PO Box 75  
Kiama NSW 2533

**Telephone**

+61 (02) 4232 0444

**Facsimile**

+61 (02) 4232 0555

**Online**

Email: [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au)

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



**11.5 Audit, Risk and Improvement Committee and Internal Audit Annual Performance Report to Council Year Ended 30 June 2019**

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: 4.2.1 Manage effective risk framework across council

**Summary**

At the 6 August 2019 meeting of the Audit, Risk and Improvement Committee (ARIC) a recommendation was made to provide the *Audit, Risk and Improvement Committee and Internal Audit Annual Performance Report to Council Year Ended 30 June 2019* to Council for adoption.

**Finance**

N/A

**Policy**

Internal Audit Strategic Plan 2019 – 2022

**Consultation (Internal)**

The Internal Auditor continually interacts with all departments.

**Communication/Community Engagement**

N/A

**Attachments**

- 1 Audit, Risk and Improvement Committee and Internal Audit Annual Performance Report to Council Year Ended 30 June 2019 [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council adopt the *Audit, Risk and Improvement Committee and Internal Audit Annual Performance Report to Council Year Ended 30 June 2019*.

**BACKGROUND**

On 16 May 2017 Council established the Audit, Risk and Improvement Committee (ARIC) in response to changes to governance arrangements to be introduced from 2021.

The in-house Internal Audit function was established in January this year, with approval of revised Internal Audit and ARIC charters at the February 2019 meeting.

Report of the General Manager

11.5 Audit, Risk and Improvement Committee and Internal Audit Annual Performance Report to Council Year Ended 30 June 2019 (cont)

---

The Internal Audit Strategic Plan 2019 – 2022 has been prepared on the basis of the new arrangements and was approved at the May 2019 meeting to cover the three-year period commencing 1 July 2019.

The committee will report and consider matters including:

- internal and external audit activities
- risk management, governance and internal control
- financial and corporate reporting
- business improvement
- organisational performance.

**Annual Performance Report on Internal Audit and the Audit, Risk and Improvement Committee 2018/19**

The Committee has operated over the full financial year, however the position of Internal Auditor was only filled mid-January this year.

Internal audit activities are reported for just under six months of the year, and include completion of two internal audit reports relating to Fraud and Corruption Control.

Other activities included advice and assistance, Internal Audit and committee framework development, committee support and strategic planning.

The committee was assessed on attendance at meetings for the members, and coverage of key areas of oversight by the matters considered by the committee across the four meetings held during the year.

The agenda structure and contents have been progressively refined over the past six months and are proposed to be further developed over the next twelve months, including development of a comprehensive Quality Assurance and Improvement Program for the conduct of Internal Audit.

The Annual Report was approved by the committee and it was recommended that the report be presented to Council by the ARIC Chair for adoption by Council. A copy of the Report is attached.



**Audit, Risk and Improvement Committee  
and Internal Audit Annual Performance  
Report to Council  
Year Ended 30 June 2019**

*July 2019*

**Item 11.5**

**Attachment 1**

**Table of Contents**

1 Background.....3

2 Audit, Risk and Improvement Committee.....3

    2.1 Membership.....3

    2.2 Attendance .....3

    2.3 Evaluation of Audit, Risk and Improvement Committee Performance ....4

3 Internal Audit Activities.....9

    3.1 Performance to financial budget.....9

    3.2 Performance against Internal Audit Plan 2018-2019.....9

    3.3 Other Internal Audit Projects and Activities.....9

    3.4 Strategic Planning .....10

    3.5 Quality Assurance and Improvement Program.....10

4 Acknowledgments and Appreciation .....11

**Item 11.5**

**Attachment 1**



## **1 Background**

The Division of Local Government issued *Internal Audit Guidelines* under Section 23A of the *Local Government Act 1993* in September 2010. In accordance with these guidelines, Council approved the establishment of an Audit Committee which was renamed the Audit, Risk and Improvement Committee in . The committee's principle function is to provide independent advice and assistance to Council on matters related to risk management, control, governance and statutory compliance.

In accordance with proposed amendments to Governance in Local Government, the Committee has been re-established as the Audit, Risk and Improvement Committee and has evolved with responsibilities to monitor:

- a) compliance,
- b) risk management,
- c) fraud control,
- d) financial management,
- e) governance,
- f) implementation of the strategic plan, delivery program and strategies,
- g) service reviews,
- h) collection of performance measurement data by the council,
- i) any other matters prescribed by the regulations.

The Committee's long-term strategy is to assist with improving corporate governance by monitoring the development of the governance frameworks including the internal audit framework and quality assurance and improvement program.

## **2 Audit, Risk and Improvement Committee**

### **2.1 Membership**

The Audit, Risk and Improvement Committee currently consists of five voting and three non-voting members. The voting members are three independent members (including the Chairperson), and two councilors.

Non-voting attendees are the General Manager, Mayor, Director corporate and commercial services and the Internal Auditor.

The current membership and structure optimizes its ability to provide good governance and independently review Council activities, and aligns to best practice comprising a majority of independent members.

### **2.2 Attendance**

In accordance with the Audit, Risk and Improvement Committee Charter, the Committee met four times including to consider the outcomes of the financial audit for the year ended 30 June 2019.

Attendance at the four meetings held during the year was as follows:

<b>Meeting Participants</b>	<b>No. of Meetings attended</b>
Independent Chairperson	4



Independent member 1	4
Independent member 2	4
Councillor 1	4
Councillor 2	3
General Manager	4
Director corporate & commercial services	4
Internal Auditor	2
External Auditor	2

### 2.3 Evaluation of Audit, Risk and Improvement Committee Performance

Audit, Risk and Improvement Committee performance for the 2018-19 year has been assessed against the roles and responsibilities outlined in the previous Committee Charter with respect to key areas of risk management, governance, internal controls and external accountability. Results of this evaluation are provided in the following table.

ARIC Responsibilities		Jul 18	Nov 18	Feb 19	May 19	Evaluation comments
<b>4.1 Risk Management (including Fraud &amp; Corruption)</b>						
1.	Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud and corruption;				✓	Through preparation of the Internal Audit strategic plan and review of the fraud and corruption control framework, assessed the risk management framework and made recommendations for improvement.
2.	Review whether a sound and effective approach has been followed in developing strategic risk management plans for: <ul style="list-style-type: none"> <li>Key services/operational areas</li> <li>major projects or undertakings;</li> </ul>	✓	✓	✓	✓	Reports on risk management activity including progress on review and update of council's risk register across all business areas and major projects. Specifically risk assessment relating to the KACCOE project and transition have been reported and reviewed.
3.	Review whether a sound and effective approach has been followed in establishing business recovery and continuity planning arrangements, including whether plans have been tested periodically.	✓	✓	✓	✓	An internal audit review of business continuity has been undertaken and reported to the committee throughout the year including progress on implementation of recommendations for improvement.
<b>4.2 Governance and Control Framework</b>						

	ARIC Responsibilities	Jul 18	Nov 18	Feb 19	May 19	Evaluation comments
1.	Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors				✓	Considered and reported to the Committee as part of risk-based strategic planning and audit project planning. Specifically considered during the year with respect to Fraud and Corruption control.
2.	Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated				✓	Commenced as part of the review of fraud and corruption control.
3.	Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with	✓	✓	✓	✓	Undertaken as part of scheduled and unplanned reviews by internal audit (externally provided and in house) and business improvement (LEAN) throughout the year
4.	Review whether appropriate responsibility structures, policies and procedures are in place for the management and exercise of delegations				✓	Commenced as part of the review of fraud and corruption control. A project officer has commenced a review of council's delegations.
5.	Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.				✓	The review of fraud and corruption control identified the need to establish a framework for guiding ethical behavior and enhancing council's culture. Further internal audit activities are planned to consolidate improvements in this area..
<b>4.3</b>	<b>External Accountability</b>					
1.	Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management sign-off on the statements attesting the adequacy of internal controls				✓	Through ongoing external audit update reports by Director Corporate and Commercial Services and attendance at meeting by representatives of external audit.
2.	Review the external audit opinion, including whether appropriate action				✓	Through ongoing external audit update reports by

	ARIC Responsibilities	Jul 18	Nov 18	Feb 19	May 19	Evaluation comments
	has been taken by Council in response to audit recommendations and adjustments					Director Corporate and Commercial Services and attendance at meeting by representatives of external audit.
3.	To consider contentious financial reporting matters in conjunction with Council's management and external auditors				✓	Through ongoing external audit update reports by Director Corporate and Commercial Services and attendance at meeting by representatives of external audit.
4.	Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements			✓		Through ongoing external audit update reports by Director Corporate and Commercial Services and attendance at meeting by representatives of external audit.
5.	Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations	✓	✓	✓	✓	General Manager, Internal Audit, Governance and Corporate Services provided relevant information and reports to the committee throughout the year.
<b>4.4 Legislative Compliance</b>						
1.	Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements	✓	✓	✓	✓	Committee has considered and discussed matters relating to legislative compliance, risk assessment and monitoring through various reports throughout the year.
2.	Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.	✓	✓	✓	✓	As above.
<b>4.5 Internal Audit</b>						
1.	Act as a forum for communication between the Council, General Manager, senior management and internal audit			✓	✓	The committee and its members have interacted regularly in an appropriate manner throughout the year. Minutes of the meetings have

	ARIC Responsibilities	Jul 18	Nov 18	Feb 19	May 19	Evaluation comments
						been provided to Council.
2.	Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and approve the plan				✓	The three year strategic plan was submitted and approved by the committee at the meeting held 7 May 2019.
3.	Consider the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved Internal Audit Plan	✓	✓		✓	The committee liaised with the General Manager to recruit to the Internal Audit position during the year. Additionally, the strategic plan approved by the committee includes resourcing considerations, as do the progress reports, and this annual performance report.
4.	Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices	✓			✓	Reports were received and discussed at the July 2018 and May 2019 meetings of the committee.
5.	Monitor the implementation of internal audit recommendations by management	✓	✓	✓	✓	The risk management coordinator provided reports on progress towards implementation of recommendations for improvement.
6.	Annually review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place			✓		Revision completed and approved at the February 2019 committee meeting.
7.	Annually review the performance of Internal Audit (including the QAIP), and ensure an independent external assessment is undertaken every five years.				N/A	Internal Audit established January 2019 and QAIP to be developed from 1 July 2019.
4.6	<b>External Audit</b>					
1.	Act as a forum for communication between the Council, General Manager, senior management and external audit;	✓	✓	✓	✓	External audit updates provided and discussed at each committee meeting held throughout the year.

	ARIC Responsibilities	Jul 18	Nov 18	Feb 19	May 19	Evaluation comments
2.	Provide input and feedback on the financial statements and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided	✓	✓	✓	✓	Financial audit matters discussed and considered relevant to stage of audit and changes in audit provider.
3.	Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management	✓	✓	✓	✓	As above. Draft client engagement plan provided to May 2019 meeting of the committee.
4.	Consider significant issues raised in relevant external audit reports and better practice guides, recommend actions that should be implemented and ensure appropriate action is taken.	✓	✓	✓	✓	Considered as part of external audit updates at each meeting.
4.7	Business Process Improvement and Performance Management					
1.	Review business improvement and corporate planning and reporting activities as a means to support Council in achieving strategic objectives and meet the needs of the community more effectively and efficiently.	✓	✓	✓		Organisational development section provided reports to the committee at three meetings held between July 2018 and February 2019.
2.	Satisfy itself that the Council's program for improvement of service or operational processes is appropriately managed.	✓	✓	✓	✓	Service improvement programs have been outlined to the committee throughout the year.

As discussed at the May 29, 2019 Committee meeting, future annual performance reporting will provide an expanded assessment against the review functions outlined in the revised Audit Risk and Improvement Committee Charter, being:

- compliance,
- risk management,
- fraud control,
- financial management,
- governance,
- implementation of the strategic plan, delivery program and strategies,
- service reviews,
- collection of performance measurement data by the council,

It is further proposed that an annual review of the Committee's *effectiveness* be undertaken, and that the content and presentation of the annual report be refined through consultation between Internal Audit, the Chair of the Committee and the General Manager.

### 3 Internal Audit Activities

#### 3.1 Performance to financial budget

The following provides a comparison of the cost of internal audit related activities for the current and prior financial year.

Description	budget	Actual
Internal Audit		
- Salary		31,500
- Other operating expenses		500
ARIC		3,600
<b>Total</b>	<b>56,000</b>	<b>35,600</b>

Expenditure on Internal Audit services and the Committee were well within budget due to delays in recruitment of the Internal Auditor until the latter half of the financial year.

#### 3.2 Performance against Internal Audit Plan 2018-2019

At the time of reporting, there were no scheduled reviews for the 2018-19 year due to difficulties in recruiting to the Internal Audit position until the latter half of the financial year.

One review was requested and completed by 7 May 2019, and planning of the first review for the 2019/20 commenced during the year ended 30 June 2019.

#### 3.3 Other Internal Audit Projects and Activities

On commencement of the Internal Auditor in January 2019, the General Manager requested a review of Fraud and Corruption Control as recommended by the OLG subsequent to NSW Audit Office performance audit of Fraud Control in NSW Local Government.

Internal Audit plan – Scheduled reviews (18/19 & 19/20)	Budgeted days	Audit days.
Fraud and Corruption Control	10	15
Policy Framework	10	11
<b>Total</b>		<b>26</b>

Description of Other Audit Projects		Audit days.
Draft Fraud Control Framework documents		3
Progress report on Fraud Control Survey		2
<b>Total</b>		<b>5</b>



The following **Other Activities** have also been performed or undertaken by Internal Audit:

Other Internal Audit Activities	Audit Days
Strategic Planning	13
Follow up of Implementation of recommendations	1
Ad hoc advice – Intranet re-design, TechOne enterprise software solution, youth centre recruitment.	6
Performance reporting & Audit Committee	12
Training, Professional Development & networking	7
Quality Assurance & Improvement Program and Development	10
Administration & internal meetings	3
<b>Total</b>	<b>52</b>
<b>Grand Total Audit time – year ended 30 June 2019</b>	<b>83</b>

### 3.4 Strategic Planning

The 2019-2022 Strategic Internal Audit Plan was prepared using a risk and assurance mapping process with the Council Executive team, managers and other key personnel. Reference was made to insights by the Risk Management Coordinator and consideration was also given to industry risks, Council delivery program objectives, and issues raised by NSW Audit Office in the Annual Report on Local Government.

The Plan was approved at the Audit, Risk and Improvement Committee meeting in May 2019 for commencement in July 2019.

The fluidity and adaptability of the plan is designed to allow Internal Audit to provide scrutiny and value-add where required, and is proposed as an effective approach to allocating internal audit resources.

### 3.5 Quality Assurance and Improvement Program

In order to ensure compliance with the *Internal Audit Guidelines* (OLG) September 2010, and the requirements of the *International standards for the Professional Practice of Internal Audit*, a Quality Assurance and Improvement Program (QAIP) is being established.

To facilitate development of a best practice internal audit function within Council the program for 2018 – 19 included commencement of work to:

- **Drafting of the QAIP** – including identification of appropriate ongoing, periodic internal self-assessment and external independent review.
- **Establish the internal audit framework** including internal audit procedures and tools to provide assurance that audit projects are conducted effectively and deliver quality outcomes in accordance with the IIA standards on an audit-by-audit basis.



#### **4 Acknowledgments and Appreciation**

The Committee looks forward to the opportunity to continue to provide input to Council's governance and audit processes over the coming year.



**Dr. Phil Ross**

**Independent Chair, Audit Risk and Improvement Committee**

**Item 11.5**

**Attachment 1**

**11.6 Kiama and District Business Chamber - Seaside Markets - market stall fee waiver request**

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 11.6

**Summary**

Council has received a request from the Kiama and District Business Chamber for consideration of the exemption of fees for market stalls at the Kiama Seaside Markets.

**Finance**

Council's Fees and Charges Schedule

**Policy**

N/A

**Consultation (Internal)**

Property Team

Manager Economic Development was informed

**Communication/Community Engagement**

Council's Fees and Charges Schedule was placed on public exhibition for a period of 28 days between 22 May 2019 and 18 June 2019 and the Schedule was approved at the 25 June 2019 Council meeting.

**Attachments**

- 1 Letter re market stall fees - Kiama and District Business Chamber - Seaside Markets [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council responds to the Kiama and District Business Chamber advising that market stall fees will remain at the rate included in the 2019/2020 Fees and Charges (\$10 per stall).

**BACKGROUND**

The 2019/2020 Fees and Charges Schedule which was approved by the Council at its 25 June 2019 Council meeting increased the fee for market stalls from \$9 to \$10 per stall.

Report of the General Manager

11.6 Kiama and District Business Chamber - Seaside Markets - market stall fee waiver request (cont)

---

All market organisers were notified of this change on 5 July 2019.

Council has received the attached request from the Kiama and District Business Chamber to consider an exemption of the market stall fees of \$10 per stall, or at the very least, a small concession. The reasons are as outlined in the letter from the Chamber.

All other markets in the Municipality are charged \$10 per market stall.

**Item 11.6**



Monday 8<sup>th</sup> July 2019

Kiama Council  
Attn: Kerry McMurray  
General Manager  
Cc: Samantha Bell

Re: Markets Stall Fees

Dear Kerry,

We refer to an email received from Samantha Bell on 05.07.19 to advise of an increase of market stall fees to \$10, effective from July 1<sup>st</sup>.

The Kiama & District Business Chamber would like you to consider an exemption of these fees or at the very least, a small concession.

The Kiama Seaside Markets are the only true not for profit market in the area and all of the money raised from the Markets goes directly back into the Business and general community.

Operation of the Kiama Seaside Markets allows the Chamber to offer regular Business networking events and initiatives such as the Buy Local campaign and Drought Relief Appeal. The Chamber has supported the local community (and continue to do so) by way of purchasing a Difribulator at the Visitors Centre, fairy lights for Collins Street, Christmas Trees for the streets, gifts for the Mayors Giving Tree, Music in the Park and NYE event in Hindmarsh Park to name a few. Community Groups and Service Clubs are also supported on a monthly basis at our Markets.

The Seaside Markets also allow the Chamber to financially support many local events such as the Jazz & Blues Festival, KISS Arts Festival, Red Cross Fun Run, Jamberoo Music Festival, Art Society Annual Exhibition and the list goes on.

Without the Kiama Seaside Markets, none of the above would be possible and we kindly ask that you take this into consideration and waive or reduce the stall fees so the Chamber can continue to put the money back into the Kiama community.

Yours Sincerley,

Kiama & District Business Chamber

**11.7 Request for donation: Rotary Clubs of Kiama and Gerringong 2019 Kiama Auto Expo**

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

Delivery Program: 1.2.4 Implement and support community, cultural and artistic activities and development programs

Item 11.7

**Summary**

This report recommends that Council provide in-kind donations to the Rotary Clubs of Kiama and Gerringong for their Kiama Auto Expo to be held 24 November 2019 at the Kiama Showground Precinct and The Pavilion, Kiama.

**Finance**

The organisers of the Auto Expo / Car Show are seeking in-kind donations of Pavilion hire fees and waste removal fees and charges.

**Policy**

Not applicable

**Consultation (Internal)**

The Pavilion events team

Waste Services

**Communication/Community Engagement**

Kiama Council will be acknowledged as a supporter of the event and will assist in promotion of the event via social media.

**Attachments**

- 1 Kiama Auto Expo request to waive fees Rotary Club of Kiama and Gerringong 24 November 2019 [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council provide support for the Rotary Clubs of Kiama and Gerringong Auto Expo / Car Show by waiving:

1. the hire fees of The Pavilion, Kiama; and
2. waste removal and additional cleaning fees and charges.

Report of the General Manager

11.7 Request for donation: Rotary Clubs of Kiama and Gerringong 2019 Kiama Auto Expo (cont)

---

**BACKGROUND**

As a not-for-profit service organisation, the Rotary Clubs of Kiama and Gerringong are holding the Auto Expo / Car Show to raise funds for the local Parkinson's Support Group and other local Rotary initiatives.

The total for hire of The Pavilion including the cleaning fee amounts to \$905. Additional bins and an extra cleaning service (if required) will be approximately \$300.

**Item 11.7**



**The Rotary Club of Kiama Inc**

ABN 86 961 648 773  
PO Box 226, Kiama, NSW, 2533  
Email: [kiamarotary@gmail.com](mailto:kiamarotary@gmail.com)  
Web: <http://rotarykiama.org.au>



**President**

Barry Wilson  
Phone: 0415 421 431  
Email: [bj1420@me.com](mailto:bj1420@me.com)



**Secretary**

Marilyn Jarrett  
Phone: 4237-5180  
Email: [kiamarotary@gmail.com](mailto:kiamarotary@gmail.com)

22 July 2019

The General Manager  
Kiama Municipal Council  
PO Box 75  
KIAMA NSW 2533

Dear Kerry

The 2019 Kiama Auto Expo (KAE) will be held once again at the Kiama Showground Precinct on Sunday 24 November 2019. The Expo is an event jointly organised by the Rotary Clubs of Kiama and Gerringong. In the past any proceeds from the event have gone towards causes such as Ronald McDonald House and Melanoma Prevention. This year proceeds will assist the local Parkinson's Support Group and other local Rotary initiatives.

Now in its ninth year the KAE has been growing consistently over that time and it is now anticipated to attract up to 3,500 people to the Expo in 2019 to be involved in the great suite of family entertainment.

The Expo provides an opportunity for car lovers to not only display their vehicles, but also to inspect over 200 other vehicles as well as witness a number of demonstrations.

Sponsors over the years have supported the Expo which has allowed Rotary to bring this event to Kiama over the past years. However as is the case with all events of this nature financial viability is always a significant concern for the organisers.

As sponsorship is vital to the success of the Expo, Rotary is requesting Council's financial assistance through "in kind" sponsorship for the 2019 KAE. As such we request the waiving of the following fees:

- Pavilion hire fee for the 2019 Kiama Auto Expo on 24 November 2019
- Waste removal fees and charges for the 2019 Kiama Auto Expo

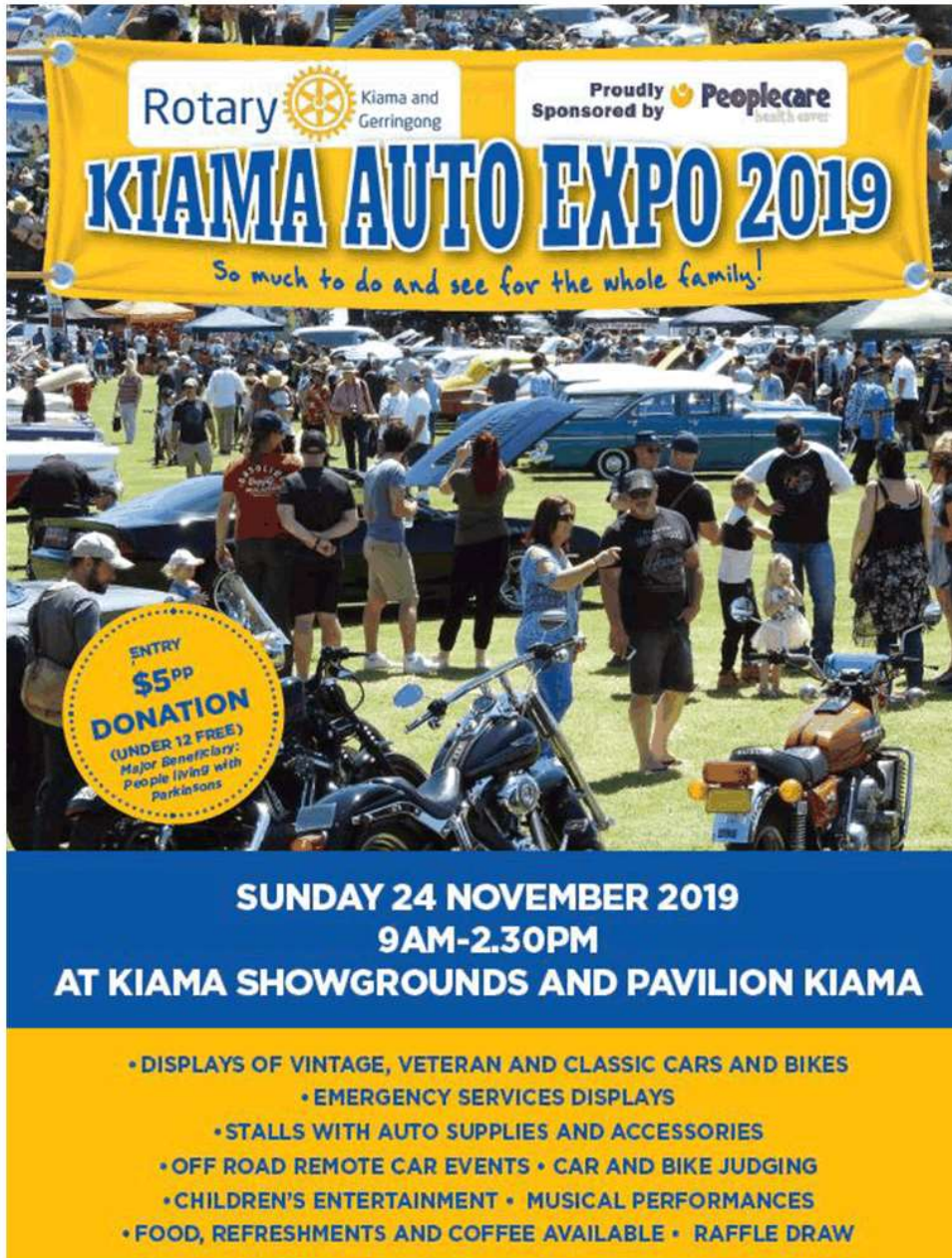
Rotary and Kiama Council have had a long and strong working relationship for many years and Rotary appreciates the support Council gives us.

Your consideration of this request is appreciated.

Yours faithfully

Trevor Phillis  
Committee Member  
2019 Kiama Auto Expo  
m: 0408 388 287  
e: [phillist@bigpond.net.au](mailto:phillist@bigpond.net.au)





The image shows a promotional banner for the Kiama Auto Expo 2019. The banner is yellow and blue, featuring the Rotary Kiama and Gerringong logo and the Peoplecare logo. The main text reads "KIAMA AUTO EXPO 2019" in large blue letters, with the tagline "So much to do and see for the whole family!" below it. A circular badge in the foreground states "ENTRY \$5PP DONATION (UNDER 12 FREE) Major Beneficiary: People living with Parkinsons". The background of the banner shows a large crowd of people gathered around vintage cars and motorcycles at an outdoor event.

**SUNDAY 24 NOVEMBER 2019  
9AM-2.30PM  
AT KIAMA SHOWGROUNDS AND PAVILION KIAMA**

- DISPLAYS OF VINTAGE, VETERAN AND CLASSIC CARS AND BIKES
- EMERGENCY SERVICES DISPLAYS
- STALLS WITH AUTO SUPPLIES AND ACCESSORIES
- OFF ROAD REMOTE CAR EVENTS • CAR AND BIKE JUDGING
- CHILDREN'S ENTERTAINMENT • MUSICAL PERFORMANCES
- FOOD, REFRESHMENTS AND COFFEE AVAILABLE • RAFFLE DRAW

Car and Bike Clubs... book early to secure a site for your club! No fee for display cars. Anyone wishing to have a stall site or display site also needs to book. Contact Bob on 4234 1336 or email [kiamaautoexpo@gmail.com](mailto:kiamaautoexpo@gmail.com)

**11.8 Request for donation: Gerringong Lions Club - Motor Fest / Car Show - February 2020**

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 11.8

**Summary**

This report seeks Council's consideration of a request for support from the Lions Club of Gerringong for their annual Car Show in February 2020.

**Finance**

As a not-for-profit organisation the Gerringong Lions Club are not required to pay any hire fees for Michael Cronin or Dorothy Bailey ovals however the cost of waste services associated with the event will be approximately \$675. Fees are to be funded from Council's Community Contributions & Donations (Events/Festivals) fund.

**Policy**

Not applicable.

**Communication/Community Engagement**

Kiama Council will be acknowledged as a supporter of the event and will assist in promotion of the event via social media.

**Attachments**

- 1 Request for Support - Motorfest/Car Show Gerringong - 15/02/20 - Lions Club of Gerringong [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council donate the provision of waste services for Michael Cronin Oval and Dorothy Bailey Oval for the Lions Club of Gerringong's Car Show in February 2020. Further, that the Lions Club of Gerringong be requested to provide appropriate recognition of Council's support of the event on behalf of the community.

**BACKGROUND**

Council has recently received a request from the Lions Club of Gerringong for an in-kind donation of the associated waste service charges for their Car Show to be held in February 2020. The Car Show is a major fundraising event for the Gerringong Lions Club.

Report of the General Manager

11.8 Request for donation: Gerringong Lions Club - Motor Fest / Car Show -  
February 2020 (cont)

---

The event has continued to grow in popularity and the funds raised have increased year on year - \$4,000 in 2017, \$6,000 in 2018 and \$9,500 in 2019. All proceeds are donated to the Lions Prostate Cancer Research and Treatment Project.

The car show will be held in conjunction with the Gerringong Market Day and a selection of collectable, performance and exotic cars will attract additional visitors to the area, therefore benefiting the local economy also. It is intended to increase the number of participating vehicles to 350. Details of the event are provided in the attached letter.

It is recommended that Council donate the provision of waste services for the Gerringong Lions Club's Car Show in February 2020. It is also deemed appropriate that Council request the Lions Club to provide appropriate recognition of Council's support of the event on behalf of the community.

**Item 11.8**

*The Lions Club of Gerringong Inc.*

District 201N2

President Steve Moore 0408209149  
Secretary Mark Westhoff 0421403662  
Treasurer Karl Kunz 0409469254

PO Box 257  
Gerringong  
NSW 2534



ABN: 45 908 406 652

Kerry McMurray  
General Manager  
Kiama Municipal Council  
PO Box 75  
Kiama NSW 2533

Motorfest/Car Show

Gerringong Lions Club is proposing to hold a *Motorfest/Car Show* on Saturday 15<sup>th</sup> February 2020 on Michael Cronin Oval & Dorothy Bailey Reserve in Blackwood Street Gerringong.

The purpose of this letter is to seek Kiama Council approval and support for the proposed event on Saturday 15<sup>th</sup> February 2020. We have specifically chosen this date to compliment the Gerringong Markets run by Rotary; which is held in the Town Hall and Old School Park in town on the same date. We believe that this can provide the township an increased opportunity to attract tourism to the area while also providing local members of the public an enjoyable day out in the township. We have taken the opportunity to speak with Col Rathbone [by phone] of the Kiama District Sports Association to that our proposed event does not clash with any known sporting event on the same day at the venue. Col Rathbone has confirmed to us that our request has been granted, with no events clashing; subject to weather conditions.

*About the Event*

We propose to increase the numbers of participating vehicles, thought to be around 350. That is why we have asked if Dorothy Bailey Reserve could also be used in 2020. We will have specific sites for each motor club group and some special invited guests and their vehicles. This event is structured to be a little different than just another car display day. We intend to invite some very specific and unorthodox vehicles along with specifically Collectable, Performance and Exotic vehicles both old and new. We have allocated lots of room around each vehicle to ensure those participating can feel safe in knowing that their vehicle is safe whilst parked; while also ensuring that the public attending have easy access and safety. Marshalling of vehicles onto the site to the

specific parking positions will be carried out by Lions Club members as will the overall co-ordination of the event on the day.

As you are aware the Lions operates as a not for profit organisation. For that reason we have chosen to have all proceeds raised by the event to be donated to The Lions Prostate Cancer Research and Treatment Project.

We again ask support from the Council in waivering the costs of ground hire and waste costs on the day. All money raised goes directly to the above Foundation; no administration costs are taken or used.

We have had a healthy interest in this event over the three years, which we have held it; raising \$4,000 in 2017 [even with inclement weather], \$6,000 in 2018 and \$9,500 in 2019. With Kiama Council approval for the event we also propose to make further contact with yourself or appointed contact, the Mayor and local member Gareth Ward to assist us with promoting the event with a tourism perspective.

We look forward to your continued support and receiving your written approval for this proposed *Motorfest/Car Show* on Saturday 15<sup>th</sup> February 2020.

We invite you, Kerry and all Council staff to join us on the day in glorious Gerringong.

Kind regards,



Mark Westhoff

Secretary Lions Club of Gerringong

m. 0421 403 662

e. mark.westhoff56@hotmail.com

**11.9 Request for donation: Jamberoo Rural Fire Brigade**

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 seeks Council's consideration of a request to support the Jamberoo Rural Fire Brigade in celebrating 80 years of protecting the community at an event on 23 May 2020 and in-kind support for the "Get Ready" event on 22 September 2019.

**Finance**

The Brigade are seeking a waiver of hall hire fee for the Jamberoo School of Arts. Hire is \$119 per hour (minimum of 4 hours) plus a \$51 cleaning charge for the 80 year celebration. They are also seeking in-kind support of waste/cleaning services and Ranger Services attendance at the "Get Ready" event. This would be funded from Council's Community Contributions and Donations fund.

**Policy**

N/A

**Consultation (Internal)**

Customer Services were consulted on the availability and cost of hire of the Jamberoo School of Arts.

Waste Services were consulted on the cost of additional bins and extra cleaning.

**Communication/Community Engagement**

A request will be made for Kiama Council to be acknowledged as a supporter of the event.

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

That Council:

1. waive the Jamberoo School of Arts hall hire fee and cleaning/waste charges for the Jamberoo Rural Fire Brigade's 80<sup>th</sup> year celebrations on 23 May 2020.
2. provide in-kind support of waste/cleaning services and Ranger attendance at the "Get Ready" event on 22 September 2019.



Report of the General Manager

11.9 Request for donation: Jamberoo Rural Fire Brigade (cont)

---

## **BACKGROUND**

### **80<sup>th</sup> birthday celebrations**

Council has recently received a request from the Jamberoo Rural Fire Brigade for Council to waive the hire and cleaning fees for the Jamberoo School of Arts. The hall hire is \$119 per hour (minimum of 4 hours) plus a \$51 cleaning charge.

In 2020 the Jamberoo Rural Fire Brigade will be celebrating 80 years of protecting the community. This is a great achievement for the Jamberoo Brigade, as well as for the local community. The Jamberoo Brigade is the first to achieve this milestone in the Local Government Area and is one of the oldest brigades in the Illawarra district.

To celebrate this special occasion the Brigade will be hosting a formal dinner on 23 May 2020. The event will provide the opportunity for past and present members to celebrate this milestone. It will also recognise the service of current members with the presentation of a number of Long Service and National Medals.

It is proposed that the event organisers will bump in on Friday 22 May 2020 to make preparations for the formal dinner on the 23<sup>rd</sup> and bump out on the Sunday at midday.

### **“Get Ready” event**

Council has recently received a request from the Jamberoo Rural Fire Brigade for Council to waive the waste/cleaning fees and Ranger Service attendance at the “Get Ready” event being held at Kevin Walsh Oval on 22 September 2019.

Council has previously provided support for this event by way of providing Ranger Services resources. The cost of delivery and servicing of additional bins is \$61 which includes one red lid and one yellow lid bin. An additional cleaning of the Kevin Walsh Oval Amenities (if required) is \$108. Ranger Services will attend as required to speak to the community about the requirements of obtaining fire permits.

### **Conclusion**

It is recommended that Council waive the fees for the Jamberoo School of Arts for the 80<sup>th</sup> year celebrations and provide the in-kind donation of additional bins and cleaning at the “Get Ready” event.

It is also deemed appropriate that Council request the Jamberoo Rural Fire Brigade to provide appropriate recognition of Council’s support of the events on behalf of the community.



**11.10 Request for donation: Kiama Parkinson's Support Group**

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 seeks to endorse the in-kind donation of council waste services for the Kiama Unity Walk in the Park event taking place on 25 August 2019.

**Finance**

The cost of the hire and waste charges for the event are \$61.20 (covers 1 x red lid and 1 x yellow lid bin plus servicing) which can be funded from Council's Donations Budget.

**Policy**

This event complies with Council's Donations Policy.

**Consultation (Internal)**

Waste Services

**Communication/Community Engagement**

Not applicable

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

That Council endorse the in-kind donation of fees for waste services for the fundraising and awareness event organised by the Kiama Parkinson's Support Group.

**BACKGROUND**

Parkinson's NSW have contacted Council with a request to waive waste service fees for a fundraising and awareness event they are holding. The event is a 2km walk starting at Black Beach. The aim is to raise funds for Parkinson's NSW services that improve quality of life for the Parkinson's community and create awareness of Parkinson's and the Support Group in Kiama.

Report of the General Manager

11.10 Request for donation: Kiama Parkinson's Support Group (cont)

---

The cost of waste service for this event has been quoted as \$61.20 by Kiama Municipal Council Waste Services. Council has sufficient funds in the Donations budget to cover this cost and as the request does comply with “direct benefit to the local community requirement” of Council’s Donations Policy, it is recommended that Council endorse the in-kind donation of the waste service fee to Parkinson’s NSW.

**Item 11.10**

**11.11 Request for donation: community meeting - Gerringong Town Hall**

CSP Objective: 3.0 A diverse, thriving economy

CSP Strategy: 3.1 Promote and encourage business development and economic prosperity in the local area

Delivery Program: 3.1.3 Encourage business innovation, creativity and diversification opportunities

**Summary**

This report seeks Council's consideration for a request from the Steering Committee to establish a community bank for Gerringong and Gerroa to waive hall hire fees for a community meeting to be held at Gerringong Town Hall.

**Finance**

The fee for the hire of Gerringong Town Hall is \$91 per hour plus a \$51 waste and cleaning charge. This would be funded from Council's Community Contributions and Donations fund.

**Policy**

This request meets the criteria of Council's Donations Policy.

**Consultation (Internal)**

Customer Services were consulted on the availability and cost of hire of the Gerringong Town Hall.

**Communication/Community Engagement**

A request will be made for Kiama Council to be acknowledged as a supporter of the event.

**Attachments**

- 1 Steering Committee request - waive hall hire fee - Gerringong Town Hall - community meeting - 04/09/19 [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council waive the Gerringong Town Hall hire fee and cleaning/waste charges for the community meeting to be held on 4 September 2019.

**BACKGROUND**

Council has recently received a request from the Steering Committee working to establish a community bank for Gerringong and Gerroa to waive the hire and cleaning fees for the Gerringong Town Hall for a community meeting. The hall hire is \$119 per hour plus a \$51 waste and cleaning charge.

Report of the General Manager

11.11 Request for donation: community meeting - Gerringong Town Hall (cont)

---

The Committee is scheduling a community meeting to be held on 4 September 2019 to update the community on the opening of the Community Bank branch and its location in the Town Hall. The meeting will also provide further information on the Bendigo Bank and garner more community representation.

A copy of the request is attached.

Council has previously supported the waiver of Gerringong Town Hall hire fees requested by the Steering Committee.

**Item 11.11**

Kerry McMurray  
General Manager  
Kiama Municipal Council  
PO Box 75  
Kiama NSW 2533

Hire of Gerringong Town Hall  
Wednesday 4<sup>th</sup> September  
Gerringong Community Bank

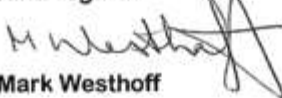
Dear Kerry

On behalf of the Steering Committee of the Gerringong Community Bank we are asking if we could use the Gerringong Town Hall on Wednesday 4<sup>th</sup> September for a community meeting to share information concerning the impending opening of a sub-branch of the Bendigo Oak Flats.

We are asking if fees for the hire of the hall could be waived due to us being a committee that does not have any financial standing. We are volunteers who all have a vision of a bank coming back into the Gerringong township.

We also invite yourself, the mayor, councillors and any Council officers interested in finding out about the Sub-branch layout in the Baby Health Centre and the road ahead in the opening of our Community Bank.

Kind regards

  
Mark Westhoff

[On behalf of the Steering Committee]

## 12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

### 12.1 Age Friendly Australian National Forum

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.1 Improving the liveability of Kiama for those with diverse backgrounds and abilities

#### Summary

This report informs Council of the 2019 Age Friendly National Forum in Fremantle and recommends a Councillor is nominated to attend, and that Council's Manager Community & Cultural Development is endorsed to attend.

#### Finance

Flights and accommodation and meals. In the past registration has ranged between \$100 & \$500, but registration information is not available at the time of writing this report. The costs for the Manager Community & Cultural Development can be accommodated within his operational budget.

#### Policy

N/A

#### Consultation (Internal)

N/A

#### Communication/Community Engagement

A post-conference report will be provided to Council should any Councillor attend.

#### Attachments

Nil

#### Enclosures

Nil

### **RECOMMENDATION**

That Council:

1. nominate a Councillor to attend the forum
2. endorse the Manager Community & Cultural Development to attend the forum.

Report of the Director Environmental Services

12.1 Age Friendly Australian National Forum (cont)

---

## BACKGROUND

In 2015 Kiama Council became a member of the World Health Organisation (WHO) Global Network of Age Friendly Cities and Communities. There are no membership fees, but participation in the network requires a commitment to ongoing development of age-friendly environments, and to share learning and achievements with fellow network members.

Since 2017 Council has endorsed a Councillor and the Manager Community & Cultural Development to attend the national forum.



Taking place on Wednesday 20 November to Thursday 21 November 2019 at Esplanade Hotel, Fremantle, this national forum aims to inspire delegates by showcasing best practice examples of innovative, age friendly initiatives. The forum will facilitate the exchange of information, knowledge and experience and explore the role of local and state government in achieving age friendly communities.

The forum theme *“Joining the dots: inspire. connect. exchange. Innovate”* succinctly summarises the purpose of this event which is to provide an inspiring and educational shared learning experience around age friendly concepts.

The event will feature inspirational speakers from a range of organisations, who will highlight successful age friendly strategies and initiatives that have contributed to the success of age friendly communities around the world.

Council’s Manager Community & Cultural Development has submitted an abstract to present on the Dementia-friendly Kiama Project at the forum.



**12.2 NSW Public Libraries Conference 2019**

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 12.2

**Summary**

This report seeks endorsement for Councillor representation at the annual SWITCH Conference to be held on 19-22 November 2019 in Penrith. As Chair of the South East Zone, Councillor Rice will be required to attend. Manager Library Services will also be attending the conference.

**Finance**

Conference Registration (Early Bird rate until 30 August) \$700.00 + GST plus accommodation. The Library budget will be used for library staff attendance.

**Policy**

N/A

**Consultation (Internal)**

N/A

**Communication/Community Engagement**

N/A

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

That Council approve the attendance of Councillor Rice along with another Councillor to the NSW Public Libraries Conference to be held on 19-22 November 2019 in Penrith.

**BACKGROUND**

The annual conference held by NSW Public Libraries will at Penrith Panthers from Tuesday 19 to Friday 22 November 2019 which includes the AGM. The focus of the conference will be on engaging and building resilience within communities. Speakers include Benjamin Law, Author and Journalist, Aat Vos, Architect and Damien Webb, Manager of Indigenous Engagement.

**12.3 Endorsement of Draft Community Participation Plan**

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 12.3

**Summary**

Community Participation Plans (CPPs) are a new requirement under the *Environmental Planning and Assessment Act 1979* (the EP&A Act). A CPP will outline how and when planning authorities engage the community across their planning functions.

All applicable NSW planning authorities (including councils) are required to have the final version of their first CPP published on the NSW Planning Portal by 1 December 2019.

**Finance**

N/A

**Policy**

Once endorsed, the CPP will be Council policy for community engagement for its planning function. This will replace the current DCP content relating to notification.

**Consultation (Internal)**

Internal consultation was carried out with Council's Development Assessment, Communications, Community and Cultural Development teams and the Public Officer.

**Communication/Community Engagement**

It is a requirement of the *Environmental Planning and Assessment Act 1979* for Council to publicly exhibit draft CPPs for a minimum of 28 days.

The community will be invited to make public submissions during the exhibition period. The community will be made aware of the exhibition of the draft CPP via:

- Community News in The Bugle.
- Kimunico article.
- Social Media posts.
- Briefing to Precinct Committees.
- Notice at the customer service counter in Council's Administration Building.

Report of the Director Environmental Services

12.3 Endorsement of Draft Community Participation Plan (cont)

---

### Attachments

- 1 Draft Community Participation Plan [↓](#)
- 2 Draft DCP Chapter 2 - Overall Controls - Repeal of Notification Requirements [↓](#)

### Enclosures

Nil

### RECOMMENDATION

That Council endorse the attached draft Community Participation Plan and draft Chapter 2 of the Kiama Development Control Plan 2012 for public exhibition.

### BACKGROUND

Currently, Councils outline community participation requirements in multiple documents including a notification development control plan and community engagement plan or strategy prepared under section 402 of the *Local Government Act 1993*. This includes information setting out specific exhibition timeframes (sometimes referred to as notification periods) for types for development applications. Currently, Chapter 2 of the Kiama Development Control Plan contains Council's notification policy for applications for development consent. As part of the process of endorsing the CPP Council will also need to repeal the provisions of Chapter 2 of the DCP that relate to notification.

The purpose of the CPP is to provide a single document the community can access that sets out all of council's community participation requirements under the planning legislation, including all minimum mandatory exhibition timeframes.

As such, the expectation is Councils will transfer all community participation requirements (sometimes referred to as notification, advertising or submission periods) from development control plans to their CPP or a community engagement strategy prepared to meet the CPP requirement.

Section 2.23(4) of the EP&A Act gives councils the option to prepare a standalone CPP or include the requirements in a community engagement plan/strategy prepared under section 402 of the *Local Government Act 1993*. Including the CPP requirements into a broader community engagement plan/strategy is considered desirable. As an interim measure, a standalone CPP has been prepared in order for Council to meet the legislative timeframe.

Council's current community engagement strategy would benefit from a review to ensure it remains current and contemporary in meeting the needs and expectations of our community. It may be appropriate to have a single community engagement strategy that covers all of Council's activities, including the CPP. This will be further considered in 2020.

Schedule 1 of the EP&A Act contains the mandatory requirements for CPPs, including the minimum public exhibition periods for the different planning functions.

## Report of the Director Environmental Services

## 12.3 Endorsement of Draft Community Participation Plan (cont)

---

These requirements have been included in the draft CPP. The draft CPP provides clear explanation about what is meant by public exhibition, including:

- What type of applications will be notified;
- Who will be notified;
- How notice will be given;
- How long will the exhibition period be;
- How submissions can be made; and
- What documents will be made publicly available.

The draft CPP notes that Council will commit to share information about planning matters through a range of mediums as appropriate, including:

- Notification letters;
- Public notices;
- DA Tracker;
- Kimunico;
- Media releases;
- Mayoral Column;
- Social media;
- Brochures;
- Business reports;
- Surveys;
- Public meetings;
- Workshops;
- Precinct committees;
- Planning Committee.

The draft CPP largely carries over the existing notification requirements from the DCP. Some changes to the existing requirements are proposed, including:

- a) Notification of individual Strata owners.

To ensure landowners, whose enjoyment of that land may be detrimentally affected by a development proposal, are appropriately notified the draft CPP outlines that Council will now notify individual Strata owners rather than just the registered Body Corporate.

- b) The Development Applications will no longer be notified:

- Single storey dwellings & outbuildings (including single storey additions and alterations) that comply with the relevant height, floor space ratio, setback and cut & fill requirements

## Report of the Director Environmental Services

## 12.3 Endorsement of Draft Community Participation Plan (cont)

- 
- Subdivision of existing buildings (i.e. the subdivision of an existing dual occupancy etc.)
  - Changes of the type of commercial use, excluding licensed premises.
  - Modification fixing minor error (i.e. wrong plan numbers, error in approval etc.) – no notification
  - Minor error – no notification
  - Modification involving minor environmental impact– only where a submission/s was received to the original development application
  - Review of planning decision only where no submissions were received to the original development application.
- c) Information about community participation in the broader range of planning functions is included as required by the legislation

If endorsed, the draft CPP and draft Chapter 2 of the DCP will be placed on public exhibition for a minimum of 28 days in accordance with legislative requirements. This will involve advertising in local print media as well as on Council's website. Following public exhibition of the draft CPP and draft Chapter 2 and consideration of submissions, the final CPP and Chapter 2 will be reported to Council for consideration and endorsement prior to December 2019.



# draft Community Participation Plan



Item 12.3

Attachment 1



**RESPECT**



**INNOVATION**



**INTEGRITY**



**TEAMWORK**



**EXCELLENCE**

<b>Date approved/adopted</b>	Click to enter date adopted/approved.
<b>Resolution No</b>	Click to enter Minute No or N/A if an approved document.
<b>Date effective</b>	Click to enter date effective.
<b>Date last reviewed</b>	Click to enter a date last reviewed
<b>Next review date</b>	Click to enter next review date
<b>Department</b>	Click to enter custodian's department
<b>Author</b>	Click to enter author's position
<b>TRIM reference</b>	Click to enter TRIM reference.
<b>Supporting documents</b>	Click to enter links

**Item 12.3**

**Attachment 1**



**Table of contents**

1.0 General Manager Message ----- 4  
2.0 Community participation in local planning ----- 4  
3.0 Planning functions that community participation applies to ----- 5  
4.0 Community participation objectives and approaches ----- 6  
5.0 How the community can participate in strategic planning functions -----10  
6.0 How the community can participate in plan making functions-----13  
7.0 How the community can participate in contributions functions-----15  
8.0 How the community can participate in planning assessment functions-----16  
9.0 Public Submissions -----17  
10.0 Can extensions of time be granted to make submission? -----18  
11.0 How will people be notified of the outcome of a planning decision?-----18  
12.0 Document control-----19  
13.0 Signature -----19

**Item 12.3**

**Attachment 1**

## Kiama Municipal Council's Community Participation Plan

### 1.0 General Manager Message

Kiama Council is committed to creating great places to live, work and enjoy for the local community.

A driving principle behind this commitment is that the best planning outcomes are reached when communities are engaged in the planning process at the earliest possible opportunity.

Our draft Community Participation Plan (CPP) outlines how we will ensure that residents and property owners are given the chance to have their say on development assessments, plan making, policies and other important strategic planning projects.

It is designed to be an easy-to-use guide for community members to know when and how they can raise their voice on planning decisions that could affect their future.

The Community Participation Plan will be regularly reviewed and we look forward to receiving your thoughts and suggestions on how we can make further improvements to the way we engage with our community in local planning processes and decisions.

### 2.0 Community participation in local planning

Council has a responsibility to undertake local planning processes consistent with the requirements of the Environmental Planning and Assessment Act 1979 (the Act). The objectives of the Act include:

- properly managing natural resources;
- integrating economic, environmental and social considerations in decisions;
- promoting the orderly and economic use and development of land;
- delivering affordable housing;
- protecting the environment;
- managing heritage;
- promoting good design and amenity;
- ensuring safe and proper construction of buildings;
- working with other levels of government; and
- **providing opportunities for community participation.**

The Act includes many legal requirements that ensure planning processes and outcomes support these objectives, including specific requirements for community participation as appropriate to the planning matter being considered. The sections of the Act that specifically apply to this CPP and community participation in planning processes are division 2.6 and Schedule 1.

Community participation is an overarching term covering how we engage the community in our work under the Act. The level and extent of community participation will vary depending on the type and nature of the proposal under consideration and the potential impact of the decision.

The community includes anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies representing a range of interests, businesses, local government, and State and Commonwealth government agencies.

2.1 What is the Community Participation Plan and who does it apply to?

Our Community Participation Plan is designed to make participation in local planning clearer for the Kiama community. It does this by setting out in one place how and when you can get involved in the full range of Council planning functions.

This CPP also references Council's broader community participation objectives which guide the right approach to community engagement for different Council activities.

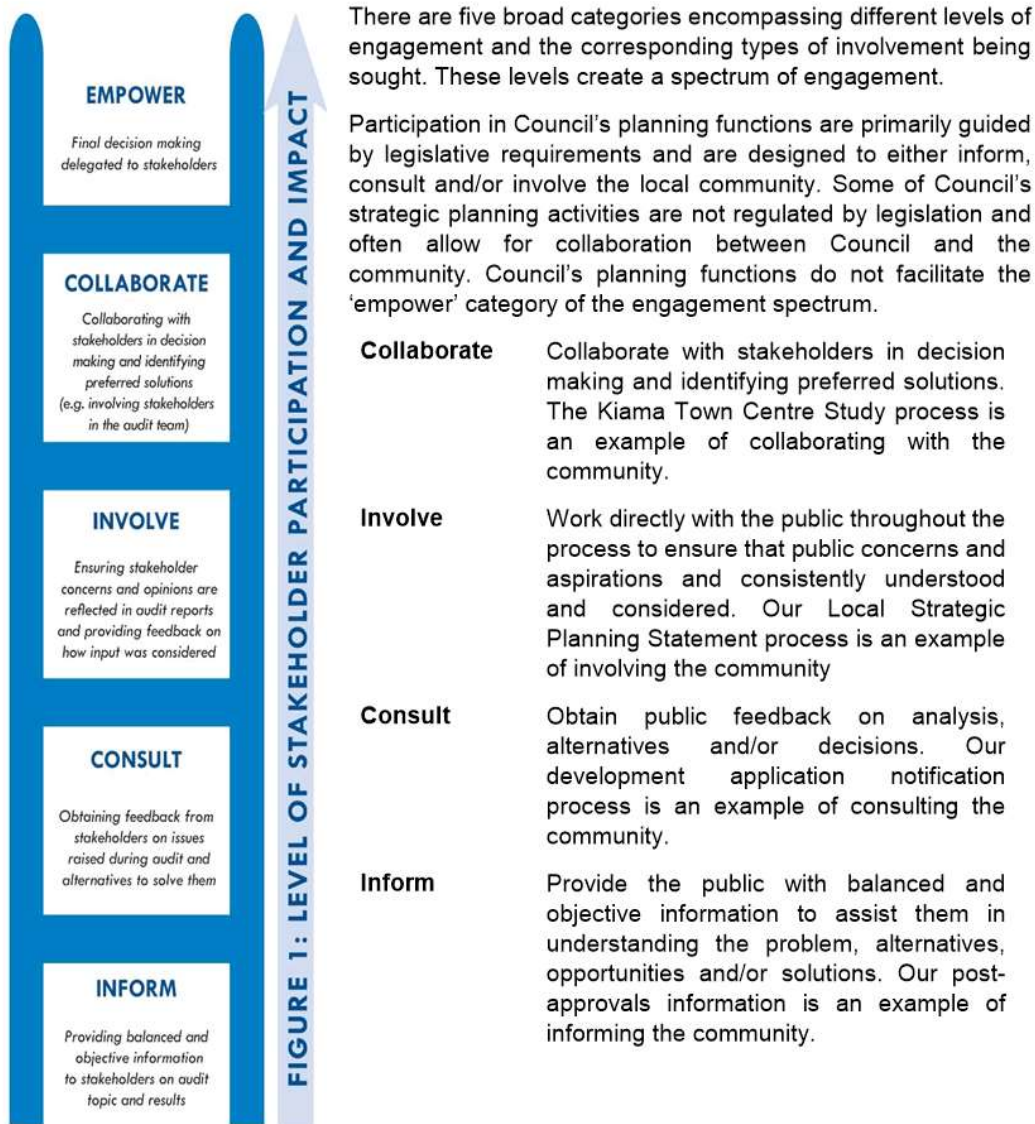
The CPP applies to all land within the Kiama Local Government Area and provides opportunities for members of the community to participate in planning decision as, how and when appropriate.

Our CPP will be reviewed on a periodic basis.

3.0 Planning functions that community participation applies to

- Strategic Planning** Council undertakes strategic planning that is not regulated by legislation from time to time. Examples of this include the Kiama Town Centre Study, Kiama Urban Strategy, Kiama Town Centre Charrette and the Gerringong Charrette. Strategic projects guide plan making, assessments and program areas of Council. The Local Strategic Planning Statement (LSPS) is Council's primary strategic planning instrument. Uniquely, the LSPS is a strategic planning function that is regulated by legislation.
- Plan Making** Plan making is an essential aspect of our work which integrates social, environmental and economic factors within the local planning system. This work includes planning proposals to change the Kiama local environmental plan and the development control plan which provides detailed requirements for development proposals.
- Contributions** Council levies contributions for public amenities and services required to support growth. Council's contribution plans outline when contributions are levied, the amount of the levy and what public amenities and services the contributions are levied for.
- Assessments** Council makes planning decisions on a range of developments. When making decisions on these developments, consideration is given to whether land use proposals are in accordance with strategic priorities, public interest and applicable policies and guidelines.

4.0 Community participation objectives and approaches



Item 12.3

Attachment 1

Section 2.23 of the Environmental Planning and Assessment Act, 1979 required Council to consider the following when preparing this Community Participation Plan:

4.1 The community has a right to be informed about planning matters that affect it.

Council shares information about planning matters through a range of mediums including:

- Notification letters written communication addressed directly to affected parties outlining the matter/issue, inviting comment and stating where how submissions can be made.

- **Public notices** where required, Council advertises planning matters in the public notices and community news sections of local newspapers.
- **DA Tracker** Council's Development Application (DA) Tracker allows the community to view details of development applications, activity applications and complying development applications which have been lodged with or received by Council since 1 January 2015.
- **Kimunico** Council's main community newsletter which contains articles about events, policies, issues, programs and services and is used to keep the community up-to-date with community engagement projects.
- **Media releases** A traditional way of informing the community of important matters through print and broadcast media.
- **Mayoral Column** Along with other editorial features, provides down to earth opinion pieces and interviews about current issues relating to Council business and the community.
- **Social media** Council uses its website, Facebook page and other platforms to keep the community up to date with important information.
- **Marketing materials** for larger community engagements, Council may produce brochures, posters, postcards, flyers and the like to distribute to the community.
- **Business reports** Official reports to Council on particular matters that contain recommendations for the elected Council to adopt. Reports for Information included at the end of Council's Business Papers provide the opportunity to educate, update and promote information to the Councillors and community.
- **Surveys** Can be undertaken for larger projects to discover a range relevant attitudes, beliefs or information. Council conducts a significant community satisfaction survey every two years which provides information about the community's priorities.
- **Public meetings** Provide a forum to present and discuss larger planning initiatives directly with the community.
- **Workshops** Focus group and/or community workshops are able to be used to exchange information and discuss larger strategic planning initiatives directly with targeted stakeholders.
- **Precinct committees** A number of precinct committees operate across the local government area which support a process of two way information exchange between staff and the precinct communities about important planning matters.
- **Planning Committee** A formal committee that brings together a range of expertise and viewpoints, including community members, which will benefit sound strategic planning. Minutes of the Planning Committee are reported to Council.



4.2 Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.

Council is the local planning authority and has on-going partnerships with Precinct Committees that operate across the Municipality and the Planning Committee.

The Precinct Committees operate as a forum for residents to advise Council of issues of community concern, through formal and informal means. The Precinct Committees also provide a platform for residents and ratepayers to be informed about significant development applications and projects that may affect their community.

Council values the understandings it gains of local community needs and concerns through its precinct system and encourages community members to be involved in their local precincts.

Council's Planning Committee brings together a range of expertise and viewpoints that benefit sound strategic planning. The Planning Committee provides a forum for communication between Council officers, Councillor representatives and community representatives about strategic programs that will influence planning, economic, and community outcomes for the Municipality. The membership of the Planning Committee includes the Mayor, Deputy Mayor and three (3) Councillors, four (4) representatives from the community, and appropriate members of staff.

4.3 Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.

Council's Disability Inclusion Action Plan provides disability access support as part of enabling the community to participate in planning processes. Council is committed to making sure all of our consultations are accessible to all residents. If you have any support requirements to participate, e.g. Auslan interpreters, then please contact Council to let us know and we will make arrangements to support your participation.

The different mediums Council uses to share information about planning matters will determine the type of language used. Some public notices need to comply with legislative requirements. Whereas social media enables Council to share information about planning matters in plain, easily accessible language.

4.4 The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.

Recent amendments to the Act have provided greater emphasis on strategic planning. Strategic planning, including the Local Strategic Planning Statement and significant strategic projects, will often be supported by a specific engagement plan that uses staged engagement, community events, surveys, information on our website etc. to encourage community involvement.

Good strategic planning sets out a vision for the area, town or place which can be achieved by having the right Local Environmental Plan, development control plan and infrastructure plans in place to manage growth and change.

A strategic led, outcomes focused planning system is better able to respond to change and make sure that the local vision continues to guide planning outcomes. Early engagement in the strategic planning process enables the community and Council to begin to work towards a shared vision and make it a reality.

Council has committed to provide responsible civic leadership that is transparent, innovative and accessible as part of the Community Strategic Plan (CSP) 2017-2027. This commitment is reinforced by the CPP.

4.5 Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.

Council's ongoing partnership with the Precinct Committees and the Planning Committee ensures that views that are representative of the community are actively being sought.

Council has committed to the Social Justice Principles, established in the NSW Division of Local Government Social Justice Framework 2008-2012, of:

1. Equity: There should be fairness in decision making, prioritising and allocation of resources, particularly for those in need. Everyone should have a fair opportunity to participate in the future of the community. The planning process should take particular care to involve and protect the interest of people in vulnerable circumstances.
2. Access: All people should have fair access to services, resources and opportunities to improve their quality of life.
3. Participation: Everyone should have the maximum opportunity to genuinely participate in decisions which affect their lives.
4. Rights: Equal rights should be established and promoted, with opportunities provided for people from diverse linguistic, cultural and religious backgrounds to participate in community life.

The notification and engagement, which forms the core of this plan, reinforces these principles.

4.6 Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.

Council will be responsible for statutory notifications and exhibition's as required.

To complement Council's statutory notifications, proponents of major developments are encouraged to engage early in concept development so that community outcomes can be considered and incorporated into development plans.

4.7 Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).

Planning assessments and decisions are undertaken within the requirements and expectations of the legislative framework including due diligence and procedural fairness. As outlined in this plan, early engagement with the community is highly desirable. Planning decisions will be made in an open and transparent way.

The way Council will notify the community of a planning decision will vary between the four (4) types of planning functions. Decisions associated with the Strategic Planning, Plan Making and Contribution planning functions will be made by the elected Council at the monthly Council meetings. These meetings are generally open to the public and are streamed live online, with the recordings made available after the meetings.

Decisions associated with the Assessment planning functions are advertised on Council's DA Tracker. Copies of the assessment reports, including how the views of the community, as identified in public submissions, were taken into account, will be available on Council's DA Tracker.

4.8 Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

This Plan contains different participation methods for Council's four (4) planning functions.



## 5.0 How the community can participate in strategic planning functions

Early engagement in the strategic planning process enables the community and Council to begin to work towards a shared vision and make it a reality. Good strategic planning should clearly outline how the agreed vision will be achieved. Council's strategic planning functions enable Council to **collaborate**, **involve**, **consult** and **inform** the community.

As most strategic planning projects are not regulated by legislation, individual engagement plans will be prepared for significant strategic planning projects. Uniquely, the LSPS is a strategic planning function that is regulated by legislation. The LSPS has both non-statutory and statutory components to its engagement approach, for this reason it has also been referred to in Section 6 of this Plan. The two (2) case studies below provide examples of how the community have participated in strategic planning functions.

### 5.1.1 CASE STUDY 1 - Local Strategic Planning Statement

Kiama Council has started the process of developing a local strategic planning statement (LSPS) that will set out:

- a 20 year vision for land use in the local area
- the special characteristics which contribute to local identity
- shared community values to be maintained and enhanced
- how growth and change will be managed into the future.

Engaging with the community and stakeholders about their values and priorities for Kiama will be a key input into the development of the LSPS.

#### Phase One – Community Scoping & Vision

The purpose of Phase One was to **collaborate** with the community to ensure we have a clear understanding of the key community issues and values for land-use in the area and the special character that should be preserved and how the community wants these issues to be managed into the future.

Engagement events:

- Councillor & Planning Committee workshop
- Three (3) community workshops
- Development industry workshop
- Economic & Tourism industry workshop
- High School workshop
- Primary Schools workshop

#### Phase Two – Community Testing

Council will again **involve** and **consult** with the community to talk about the options to address themes such as housing, employment, environment and agriculture. Technical papers will be prepared to guide the discussions with the community around the identified themes.

During this phase of the process, Council will go out to Gerringong, Jamberoo, Kiama and North Kiama/Minnamurra to talk about local character and local priorities.

Engagement events:

- Online surveys
- community information sessions
- targeted information sessions
- Engagement with State agencies and peak groups, coordinated across the four local government areas by the Illawarra Shoalhaven Joint Organisation

Phase Three – Finalising Draft

The formal adoption process of the LSPS will involve Council endorsement of a draft. Council will **inform** the community by the draft LSPS in the Council business paper.

Phase Four – Statutory Exhibition

The statutory exhibition of the draft LSPS will occur after Council has resolved to adopt the draft. Council will again **consult** with the community by placing the draft LSPS on public exhibition in accordance with the legislative requirements of the CPP.

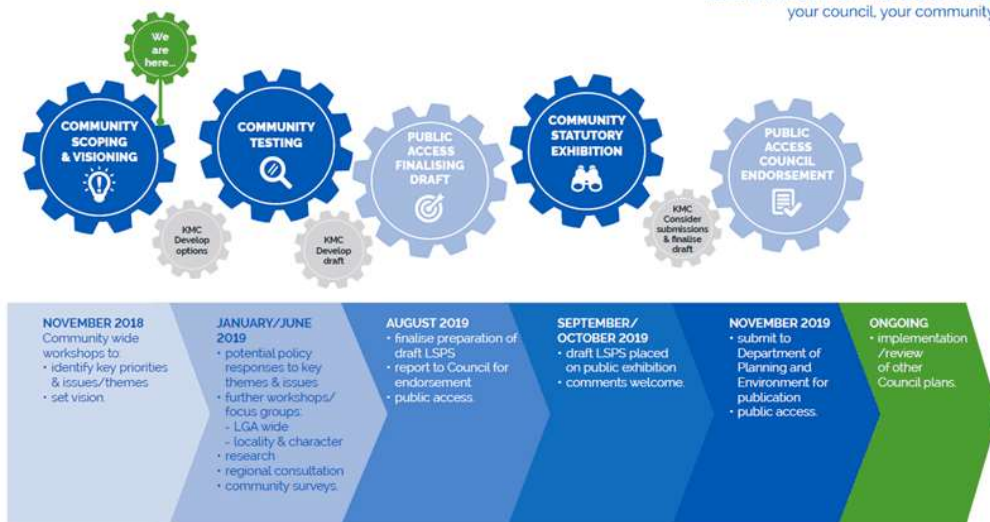
Phase Five – Submit to NSW Government

Following the statutory exhibition of the draft LSPS and final adoption by Council the LSPS will be submitted to the NSW Government as part of statutory requirements.

Communication methods utilised in case study

- Specific LSPS page on Council's website
- Media release
- Newspaper editorial
- Online registration portal for community workshops
- Social media posts
- Notice at the customer service counter in Council's Administration Building
- Direct approach to student council and school principals
- Direct approach to relevant Precinct committees
- Direct approach to Councillors and Planning Committee
- Targeted direct contact via Council's Economic Development Committee & Tourism Advisory Committee
- Targeted direct contact local industry groups
- Postcards and flyers distributed to Council facilities and local businesses.
- Workshops
- Online surveys
- Statutory exhibition/notification in newspaper
- Council Business papers

Local strategic planning statement | ways to get involved  
Shaping our planning vision for the next 20 years, together.



Last updated 30 October 2018

Item 12.3

Attachment 1

5.1.2 CASE STUDY 2 – Kiama Town Centre Study

Kiama Council sought to **collaborate** with the community regarding the future of Kiama's town centre. The Kiama Town Centre Study will provide a clear understanding of the community's ideas and needs for the town centre.

The engagement for the preparation of the draft Kiama Town Centre Study included workshops, a drop-in session and online engagement.

The following community engagement events were held:

- Councillor, Council staff & Planning Committee workshop
- Local businesses workshop
- Community & stakeholders workshop
- Community drop-in session at Kiama Farmers Market
- Online engagement - Social Pinpoint

The formal adoption process of the draft Study involved Council's endorsement and subsequent exhibition of the draft. Council **informed** the community of the draft Study in the Council business paper and consulted with the community by placing the draft Study on public exhibition

- Communication methods utilised in case study
- Specific Town Centre Study page on Council's website
  - Media release
  - Newspaper editorial
  - Online registration portal for community workshops
  - Social media posts
  - Notice at the customer service counter in Council's Administration Building
  - Direct approach to Central Precinct Committee
  - Direct approach to Councillors and Planning Committee
  - Targeted direct contact via Council's Economic Development Committee
  - Postcards and flyers distributed to Council facilities and local businesses.
  - Workshops
  - Online surveys
  - Exhibition/notification in newspaper
  - Council Business papers

Item 12.3

Attachment 1



### 6.0 How the community can participate in plan making functions

Plan making processes involve the legislative implementation of the visions established through the strategic planning processes. Council's plan making functions enable Council to **involve**, **consult** and **inform** the community.



**6.1 What plans will be notified?**

Council will notify the community of all plan making projects, including:

- Local Strategic Planning Statements
- Local Environmental Plans/Planning Proposals
- Development Control Plans
- Community Participation Plans

Council will not notify planning proposals that have not received a Gateway determination. The Gateway determination sets out the minimum engagement requirements for a Planning Proposal and will always be consistent with legislative requirements.

**6.2 Who will be notified?**

Council will endeavour to notify the entire community of plan making projects.

Individual property owners may be notified if, in the opinion of Council or as directed by the State Government, the enjoyment of land for those properties may be detrimentally affected by the development proposal.

**6.3 How will people be notified?**

Council will inform the community of plan making projects by placing notices in the public notices and community news sections of local newspapers.

Council will also notify the Precinct Committees and the Planning Committee of all plan making projects.

If Council or the Gateway determination determines that individual property owners need to be notified of a plan they will receive a written notice from Council which provides information about the proposed plan and how they may make a submission in relation to the application.

**6.4 How long will plans be notified for?**

<b>Type of application</b>	<b>Minimum exhibition period</b>
Draft community participation plans	28 days
Draft regional or district strategic plans	45 days
Draft local strategic planning statements	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days Or The period specified in the gateway determination.
Draft development control plans	28 days

The period between 20 December and 10 January (inclusive) is excluded from the calculations of a period of public exhibition.

If a particular matter has different exhibition or notification periods that apply under this Part, the longer period applies.

6.5 What information will be made available?

All information relating to plan making projects will be made available on Council's website for the extent of the exhibition period. The information is also available for inspection at Council's Administration Building. Some of the information relating to plan making projects is covered by Copyright laws. Once the exhibition period has closed Council is unable to make such information publicly available.

7.0 How the community can participate in contributions functions

Council's contribution plans outline when contributions are levied, the amount of the levy and what public amenities and services the contributions are levied for. Council's contribution plans ensure that Council can provide the necessary services to facilitate the visions established through the strategic planning processes. Council's contributions functions enable Council to **involve**, **consult** and **inform** the community.

7.1 What plans will be notified?

Council will notify the community of all contribution plans, including new or amended plans.

7.2 Who will be notified?

Council will endeavour to notify the entire community of contribution plans.

7.3 How will people be notified?

Council will inform the community of plan making projects by placing notices in the public notices and community news sections of local newspapers.

Council will also notify the Precinct Committees and the Planning Committee of all draft contribution plans.

7.4 How long will contribution plans be notified for?

Draft contribution plans will be publicly exhibited for a minimum period of 28 days.

The period between 20 December and 10 January (inclusive) is excluded from the calculations of a period of public exhibition.

If a particular matter has different exhibition or notification periods that apply under this Part, the longer period applies.

7.5 What information will be made available?

All information relating to draft contribution plans will be made available on Council's website for the extent of the exhibition period. The information is also available for inspection at Council's Administration Building. Some of the information relating to contribution plans is covered by Copyright laws. Once the exhibition period has closed Council is unable to make such information publically available.

## 8.0 How the community can participate in planning assessment functions

As part of Council's planning assessment functions Council determines, by way of approval or refusal, a range of development applications. Council's planning assessment functions enable Council to **consult** and **inform** the community.

### 8.1 What applications will be notified?

Council will publicly exhibit the following development types:

- a) All development applications (including designated and State significant) with the exception of the following:
  - Single storey dwellings & outbuildings (including single storey additions and alterations) that comply with the relevant height, floor space ratio, setback and cut & fill requirements
  - Subdivision of existing buildings (i.e. the subdivision of an existing dual occupancy etc.)
  - Changes from one commercial use to another, excluding changes for licensed premises.
- b) Modifications of development consent with the exception of the following:
  - Modification fixing minor error (i.e. wrong plan numbers, error in approval etc.)
  - Modification involving minor environmental impact—where no submission/s were received to the original development application
- c) Review of planning decision only where a submission/s was received to the original development application.

### 8.2 Who will be notified?

When publicly exhibiting applications, described in Section 8.1 above, Council will notify affected property owners of development applications. Affected property owners are those that own land that is directly adjoining the land for which an application has been lodged. Adjoining land means land which abuts an application site or is separated from it only by a pathway, driveway or similar thoroughfare.

Where adjoining or neighbouring land comprises a strata titled or community titled development Council will notify the individual property owners within the relevant Owners' Corporation or Association.

Additional property owners may be notified if, in the opinion of Council's assessing officer, the enjoyment of land for those properties may be detrimentally affected by the development proposal.

### 8.3 How will people be notified?

Affected property owners will receive a written notice from Council which provides information about the proposal and how they may make a submission in relation to the applications, described in Section 8.1 above.

Other member of the community will have access to development application information through:

- a) council's DA Tracker,
- b) periodic notice in a local newspaper of development applications that have been received
- c) specific notice in a newspaper in compliance with the Regulation for designated development, State significant development and



- d) a sign shall be erected on the proposed development site during the notification period for:
- designated developments
  - proposals with a value of works in excess of \$1,000,000
  - subdivision in excess of 10 lots

The sign shall be installed at the site boundary at the commencement of the notification period

**8.4 How long will development proposals be notified for?**

Type of application	Minimum exhibition period
Development applications, described in Section 8.1 above (excluding those listed below)	14 days
Applications for designated development	28 days
Applications for State significant development	28 days
Environmental Impact Statements obtained under Division 5.1	28 days
Environmental Impact Statements for State significant development	28 days

The period between 20 December and 10 January (inclusive) is excluded from the calculations of a period of public exhibition.

If a particular matter has different exhibition or notification periods that apply under this Part, the longer period applies.

**8.5 What information will be made available?**

All information relating to an application will be made available on Council's DA Tracker for the extent of the exhibition period. The information is also available for inspection at Council's Administration Building. Some of the information relating to an application is covered by Copyright laws. Once the exhibition period has closed Council is unable to make such information publicly available.

Council is not required to make available for public inspection any part of an environmental impact statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.

**9.0 Public Submissions**

Public submissions may be made to the General Manager and received by Council within the exhibition period nominated above or in the notification. For development applications public submissions may also be made through Council's DA Tracker.

Council makes public submissions publicly available. If you do not want any part of your public submission or your personal details released, because of copyright or other cogent reasons, you need to clearly indicate this in your public submission together with an explanation. However, you should be aware that even if you request that you do not wish information to be published, there

may be circumstances in which we are required by law to release that information (for example, in accordance with the requirements of the Government Information (Public Access) Act 2009).

A person who makes a public submission to Council in relation to a plan making, contribution or assessment planning function is required to disclose if they have made any political donations or gifts to minimise any perception of undue influence.

Political donations or gifts are those made by the person making the public submission or any associate of that person within the period commencing 2 years before the public submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of that council,
- (b) all gifts made to any local councillor or employee of that council.

Correspondence received, in relation to a planning function, outside of the exhibition period nominated above or in the notification are not considered to be a public submission for the purpose of this plan. Such correspondence will not be given weight as part of the relevant planning function and will be responded to in the same fashion as any other piece of correspondence received by Council.

#### **10.0 Can extensions of time be granted to make submission?**

Members of the community may seek an extension of time to make a submission in respect to any planning function. The extended timeframe for such a request would be assessed on their individual merits.

#### **11.0 How will people be notified of the outcome of a planning decision?**

The way Council will notify the community of a planning decision will vary between the four (4) types of planning functions. Decisions associated with the Strategic Planning, Plan Making and Contribution planning functions will be made by the elected Council at the monthly Council meetings. These meetings are generally open to the public and are streamed live online, with the recordings made available after the meetings.

Decisions associated with the Assessment planning functions are advertised on Council's DA Tracker. Copies of the assessment reports, including how the views of the community were taken into account, will be available on Council's DA Tracker. Community members who have made submissions will receive notification of the outcome of the Council meeting. Where appropriate the assessing officer may directly contact the author of the submission as part of the assessment process.

In some instances development applications are reported to the elected Council for formally endorsement as part of their monthly meetings. These meetings are generally open to the public and are streamed live online, with the recordings made available after the meetings. Copies of the Business reports are also available on Council's website. The Business reports will contain information regarding submissions and how the views of the community were taking into consideration. Minutes of the Council meeting are also published on Council's website.

Community members who have made individual submissions will be notified of the date of the Council meeting and will be provided with an opportunity to address the meeting. Community members who have made submissions will also receive notification of the outcome of the Council meeting.

---

### Safety

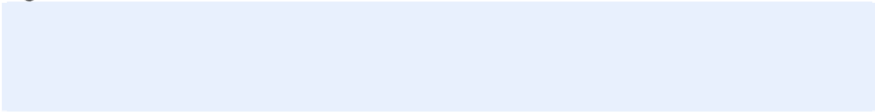
To achieve the best planning results, we must ensure everyone can participate in a safe and open manner. All community members, stakeholders and our staff have the right to participate in a respectful environment and behave in a manner that supports everyone’s right to present their point of view.

---

#### 12.0 Document control

Date reviewed	Date adopted	Amendment
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

#### 13.0 Signature

<b>Name:</b> Click or tap here to enter name.	<b>Date:</b> Click or tap to enter a date.
<b>Signature:</b> 	

**How to contact Council**

**Post**

General Manager  
Kiama Municipal Council  
PO Box 75  
Kiama NSW 2533

**Telephone**

+61 (02) 4232 0444

**Facsimile**

+61 (02) 4232 0555

**Online**

Email: [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au)  
Website: [www.kiama.nsw.gov.au](http://www.kiama.nsw.gov.au)

**Office hours**

Our Administration Building located at  
11 Manning Street Kiama is open 8.45 am to 4.15 pm  
Monday to Friday (excluding public holidays)



**KIAMA MUNICIPAL COUNCIL**  
your council, your community



2

Overall Controls

- Minor amendments to Chapter – 30 October 2017.

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

**Overall Controls**

The controls contained in this chapter apply throughout the Local Government Area. Applications should ensure that they meet the all applicable requirements set out in this chapter.

**Section 1 - Demolition Requirements**

Introduction

A wide range of materials have been used in the past as building materials or as a part of an industrial process that now are identified as hazardous to human health and the environment. The following list provides an example of such materials and their use:

- Asbestos (flooring, roofing or wall sheeting and cladding, insulation, or vinyl flooring, fences, drainage pipes etc.). Refer to the Model Asbestos Policy prepared by the Division of Local Government at [www.lgnsw.org.au/key-initiatives/asbestos](http://www.lgnsw.org.au/key-initiatives/asbestos).
- Lead (paint, flashings).
- PCB's (ballast of fluorescent lights).
- Synthetic Mineral Fibres (SMF) (insulation).
- Contaminated Soils (due to current or historic use of the site including above ground or underground fuel storage tanks).
- Onsite Sewerage Management Facilities.
- Smoke Detectors (radioactive active material).

Clause 2.7 of Kiama LEP 2011 relates to demolition work that requires Development Consent.

Controls

C1 Where development consent is required by this or other environmental planning instruments then a development application must contain the following additional information:

- Asbestos and Hazardous Materials Assessment Audit in accordance with Guidelines as prepared by Council or other regulatory authority and prepared by an appropriately qualified person meeting suitable to Council, and the Model Asbestos Policy prepared by the Division of Local Government at [www.lgnsw.org.au/key-initiatives/asbestos](http://www.lgnsw.org.au/key-initiatives/asbestos).
- Risk Assessment and Management Plan identifying applicable legislation, Council policies, level of risk associated, occupational health and safety requirements and procedures for removal and or treatment and nominated disposal facility.
- A Demolition Plan outlining the results of the Materials assessment. The name and licence number of all Demolition contractors including any specialist hazardous materials contractors.
- Waste Minimisation and Management Plan in accordance Guidelines as prepared by Council that identifies types and estimated quantities. Reference should be made to Waste Minimisation and Management Guidelines.

C2 No demolition can occur prior to the issue of development consent.

**Section 2 - Controls During Construction**

Introduction

C3 Where there is likelihood of annoyance due to noise from construction sites then construction and demolition work and delivery of materials and plant etc. shall only take place between the following hours.

2 . 2

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

- Monday to Friday - 7.00 a.m. to 6.00 p.m.
- Saturdays - 8.00 a.m. to 1.00 p.m.

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

C4 Site works should be undertaken in an orderly and environmentally sensitive manner over a short period of time. The applicant's attention is drawn to Council's Code for the "Control of Soil Erosion and Sedimentation on Building and Development Sites".

C5 Tree clearing will not be permitted without prior relevant approval from Council.

**Section 3 - Designing for Changing Weather Events**

The Policy recognises and anticipates that climate change will become an increasingly relevant issue for housing design in the coming years. As new homes built under this Policy or as complying development will be affected by climate change within their normal expected lifetime, it is timely for new home owners to consider the potential consequences of climate change in designing their new homes. This will be particularly relevant if people anticipate remaining in their new homes over the next 20 years or more during which time the impacts of a changing climate are likely to be more noticeable.

Council is not yet in a position to determine what land may be impacted by sea level rise, coastal processes, flooding and rising water table, or impacts of higher temperatures, possibility of bushfire events. Until the required investigations and studies are completed, this Policy recommends that people building new homes in any low lying area near the coast or a waterway, or in the more remote and vegetated areas should exercise caution and discretion in commissioning designs for new homes and have regard to the recommended voluntary design guidelines to the extent they see fit in their particular circumstances.

The impacts of changed weather events may result in Kiama experiencing more intense rainfall and storm events, destructive winds, higher temperatures, more drought periods and heatwave conditions. New development must be designed and constructed to ensure environmentally sustainable buildings that can more easily cope with climate change over time.

New homebuyers/builders are encouraged to consider environmental and flexible design measures that will, if incorporated in the initial design stage, be achieved in many cases at minimal cost while making homes more:

- environmentally pleasant to live in over time as climate changes.
- easily adapted if they are located in low lying areas potentially affected by sea-level rise, coastal processes, storm surge, rising water table or flooding.
- likely to maintain their value and be more marketable if they are sold, and potentially subject to lower insurance premiums.

In some locations as knowledge is improved, climate change impacts may require mandatory controls to be applied.

New homes are likely to be affected by the impacts of changing weather conditions including:

- hotter summers and more frequent droughts and heatwave conditions.
- increasing risk of bush fires.



Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

- more frequent severe weather events such as destructive storms, hail and damaging winds,
- flooding of waterways in floodplains and valleys.
- sea/tidal inundation and rising water tables in low lying areas near the coast and estuaries.
- coastal erosion and associated coastal processes in foreshore locations associated with predicted sea level rise and severe weather events.
- higher summer temperatures.

Applicants should have regard to the impacts of peak oil on habitability and housing costs and encouraging:

- Energy efficient/solar design;
- Avoiding over-reliance on road transport; and
- Conservation by avoiding materials that have high oil based (eg plastic) content.

**Section 4 - Adaptable Housing**

Adaptable Housing design (Australian Standard AS 4299) means designing Australian homes to meet the changing needs of home occupants across their lifetime:

This DCP adopts the Australian Standard for the housing needs of an ageing population in the Kiama local area and the need to provide housing more suitable to people with small children, people with disabilities or restricted mobility.

Liveable Housing

Liveable housing includes design features aimed at making homes easier and safer to use for all occupants. Applicants and their designers are encouraged to consider the information provided for universal housing before entering into contracts to buy or design new homes. In coming years, it can be anticipated that there may be more market desire and/or increased regulation requiring housing design to be more flexible and universal.

**Section 5 - Maintenance of Views and Vistas**

The Municipality has a range of significant ocean and escarpment views and vistas. Where significant views are available they can add greatly to the amenity and satisfaction of residents. Views can also contribute to a sense of place for both individuals and the public generally. A sense of place also contributes to the image of a development particularly in the minds of the residents. Similarly, adjoining residents who also enjoy views need to feel that their 'home' is not unreasonably affected by loss of views caused by new development. It is not possible in an urban environment to protect all views for all people.

Exceptions to compliance with view sharing principles may be granted in areas which have been targeted for higher density development however, sensitive design will still need to be undertaken to ensure that wherever possible view lines from existing development are maintained. In these instances a demonstrated sensitivity to view lines from public places will also need to be undertaken.

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

**Objectives**

- To maintain view sharing principles through the development and redevelopment of areas.
- To ensure that where practical new development is designed and sited not to significantly alter views (including water and/or escarpment views).
- To ensure that primary private views are maintained through the addition of new development.
- To retain views to and from the water.
- To protect conserve and maintain the landform of the municipality
- To limit potential for large bulky housing and development
- To encourage sensitive siting of housing.
- To maintain or enhance significant public view corridors and other opportunistic views available from the public domain.

View Sharing Principles

Views are essentially of two types - public views and private views.

Public views are those available to persons using public places such as roads and parks. They too add to the public amenity and sense of place. The siting and design of buildings should have regard to existing vistas from public places. These should be preserved where they are significant, for example - views of waterways, landmarks or well known topographic or natural geological features that are visible at the ends of streets or between buildings from regularly used vantage points.

Private views are those enjoyed from dwellings by their occupants. They may be defined as primary and secondary views.

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.

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

Controls

- 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.
- C7 Development should maintain where possible of views from public places.
- C8 Development should ensure, where possible, that there is no unreasonable loss of existing view lines from existing development.
- C9 No one dwelling should be sited to maximise the views for its occupants to the exclusion of nearby resident or neighbours.
- C10 Building design should have regard to the topography of the site and avoid unnecessary bulk or alteration of natural ground levels.
- C11 Where there is a potential for view loss Council may require a maximum building height of less than the maximum allowable for part of the proposed building to ensure view sharing.
- C12 Council may consider varying setbacks and building lines where variance would result in a positive view sharing outcomes
- C13 Reference is to be made to principles handed down in the Land and Environment Court with regard to view sharing.

**Section 6 - Building Height Plane - Low Density Development Only**

No part of the structure (excluding the eaves, fascia and roof gutter to a maximum width of 600mm) within the built upon area of the site shall exceed a building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 5m above the existing ground level at any boundary of the site.

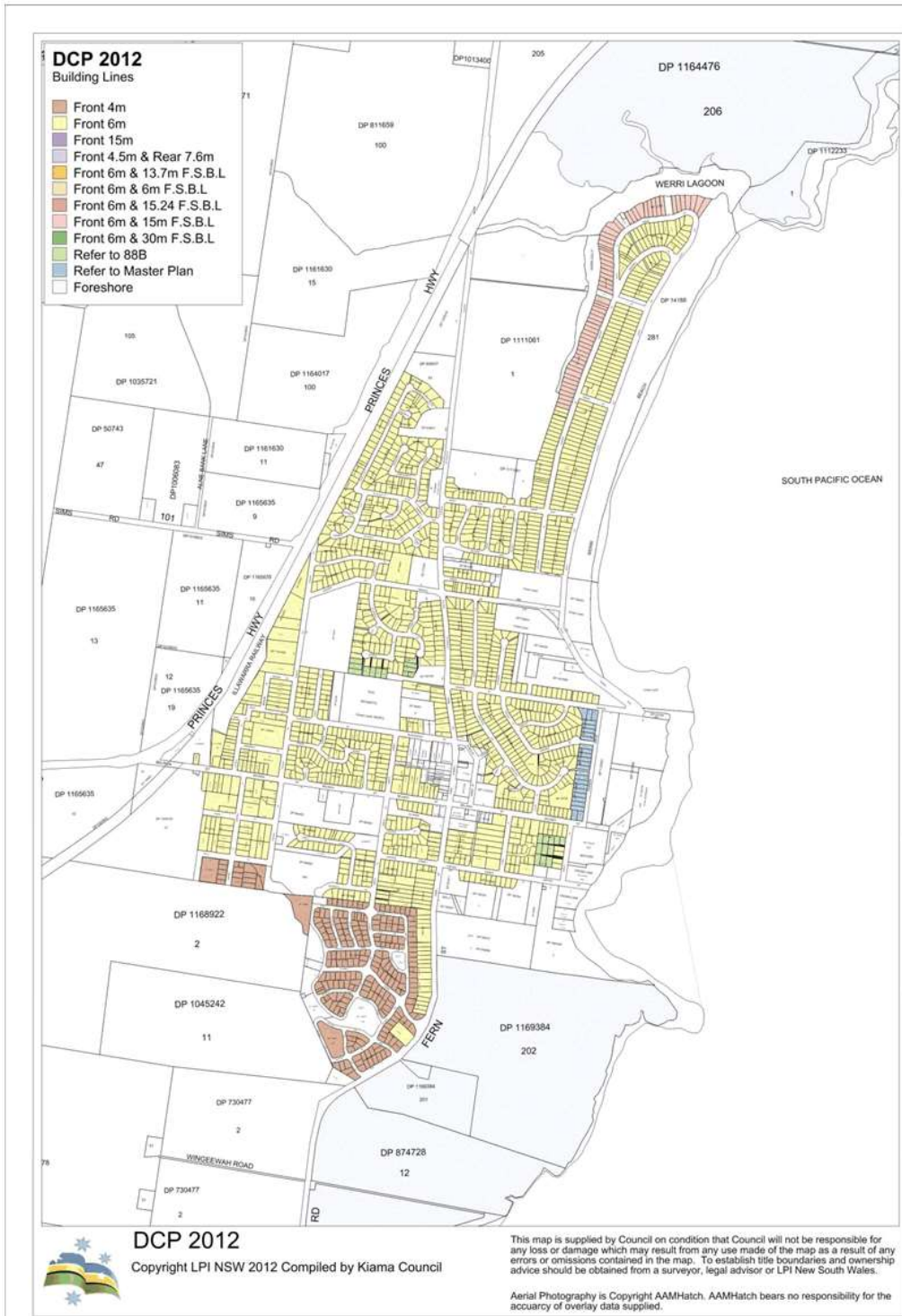
**Section 7 – Building Lines**

Street setbacks are perceived primarily as a means of protecting neighbour amenity and assisting in the establishment and maintenance of streetscape character.

Building Lines may provide:

- a landscape and visual setting for the building.
- a noise attenuation zone.
- privacy from the street and facing buildings.
- a buffer to street activity.
- an area that allows daylight and sunlight to reach the building.
- a territorial threshold between the public or communal street and private home.
- continuity with the existing streetscape.

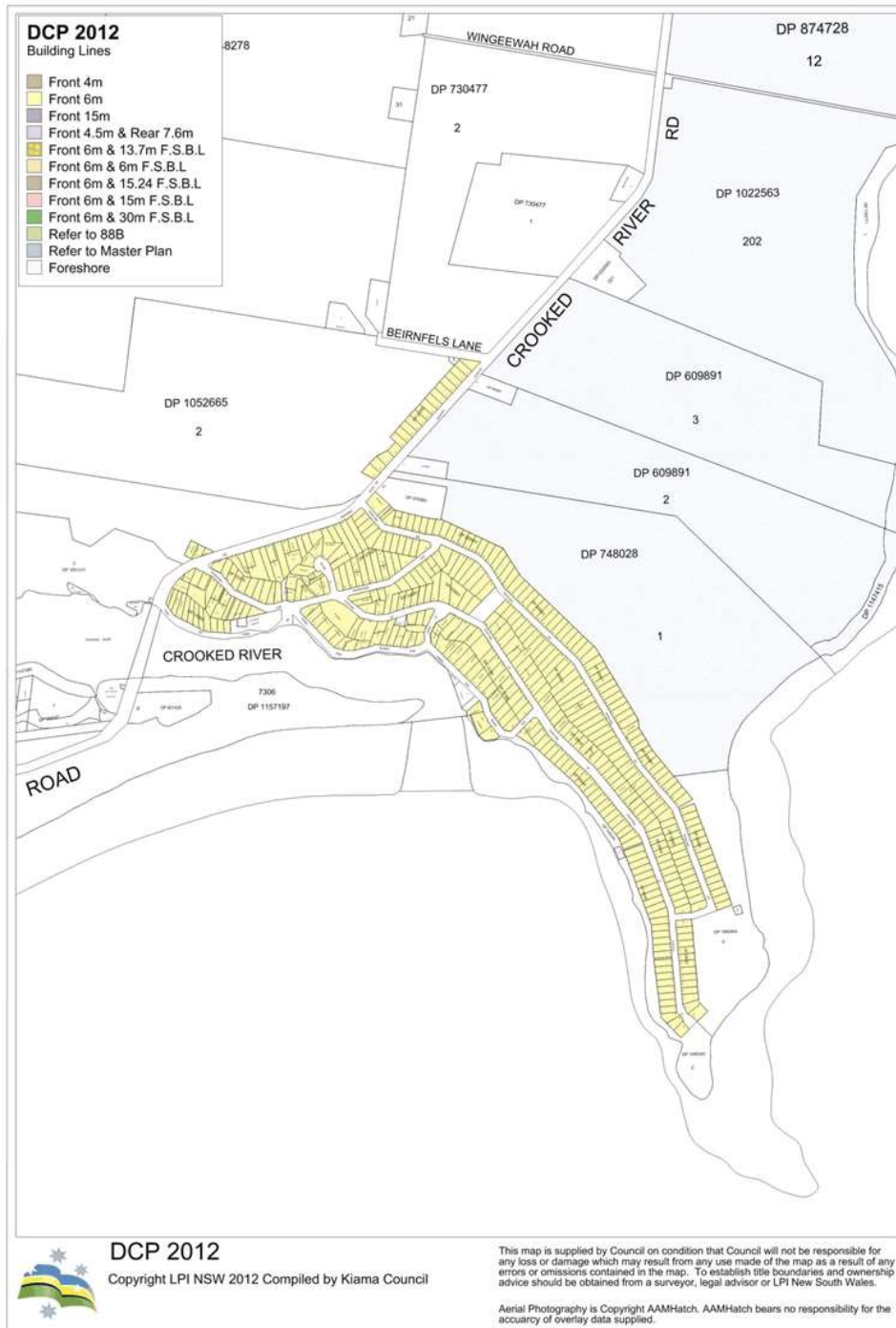
Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls



Item 12.3

Attachment 2

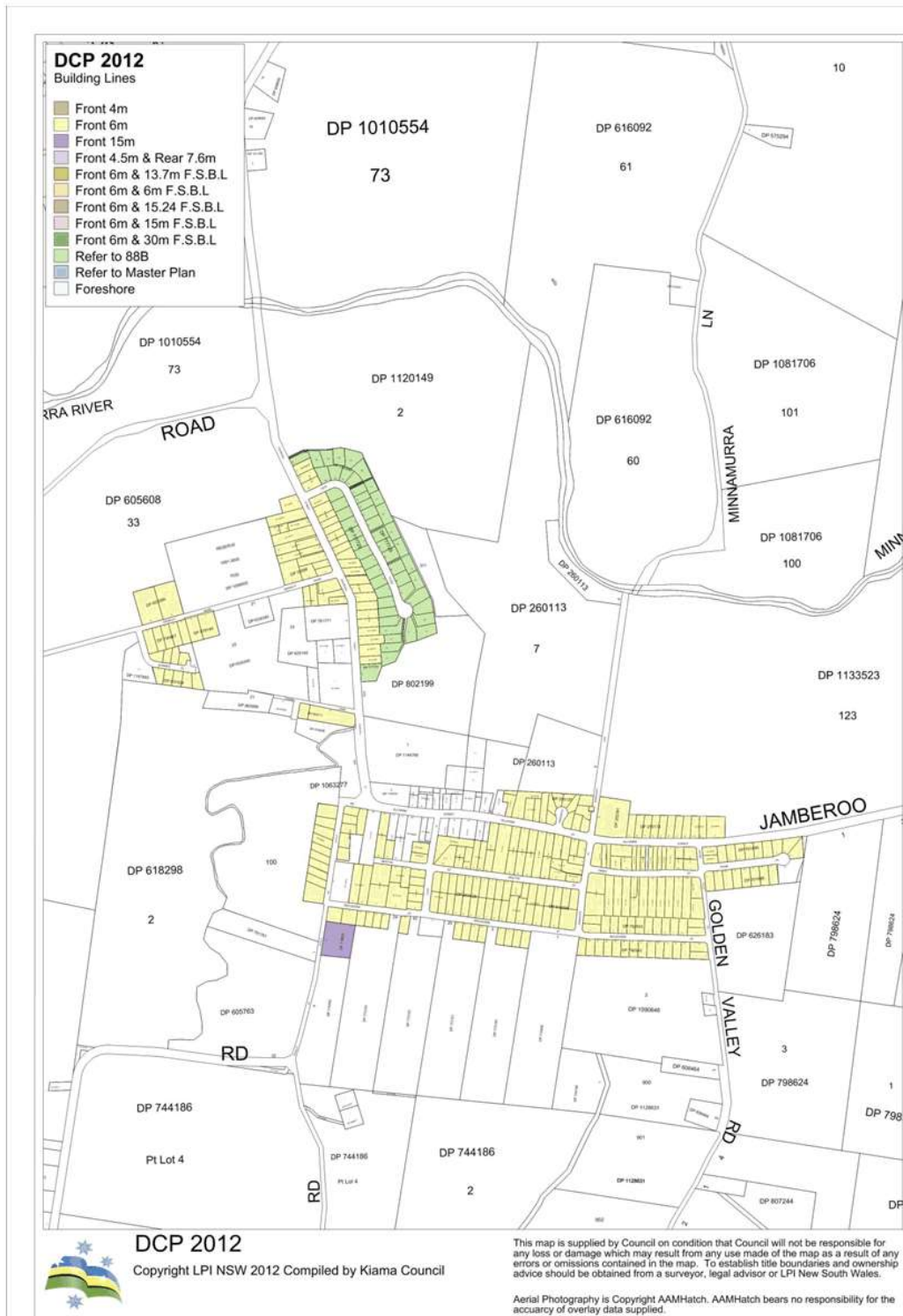
Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls



Item 12.3

Attachment 2

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

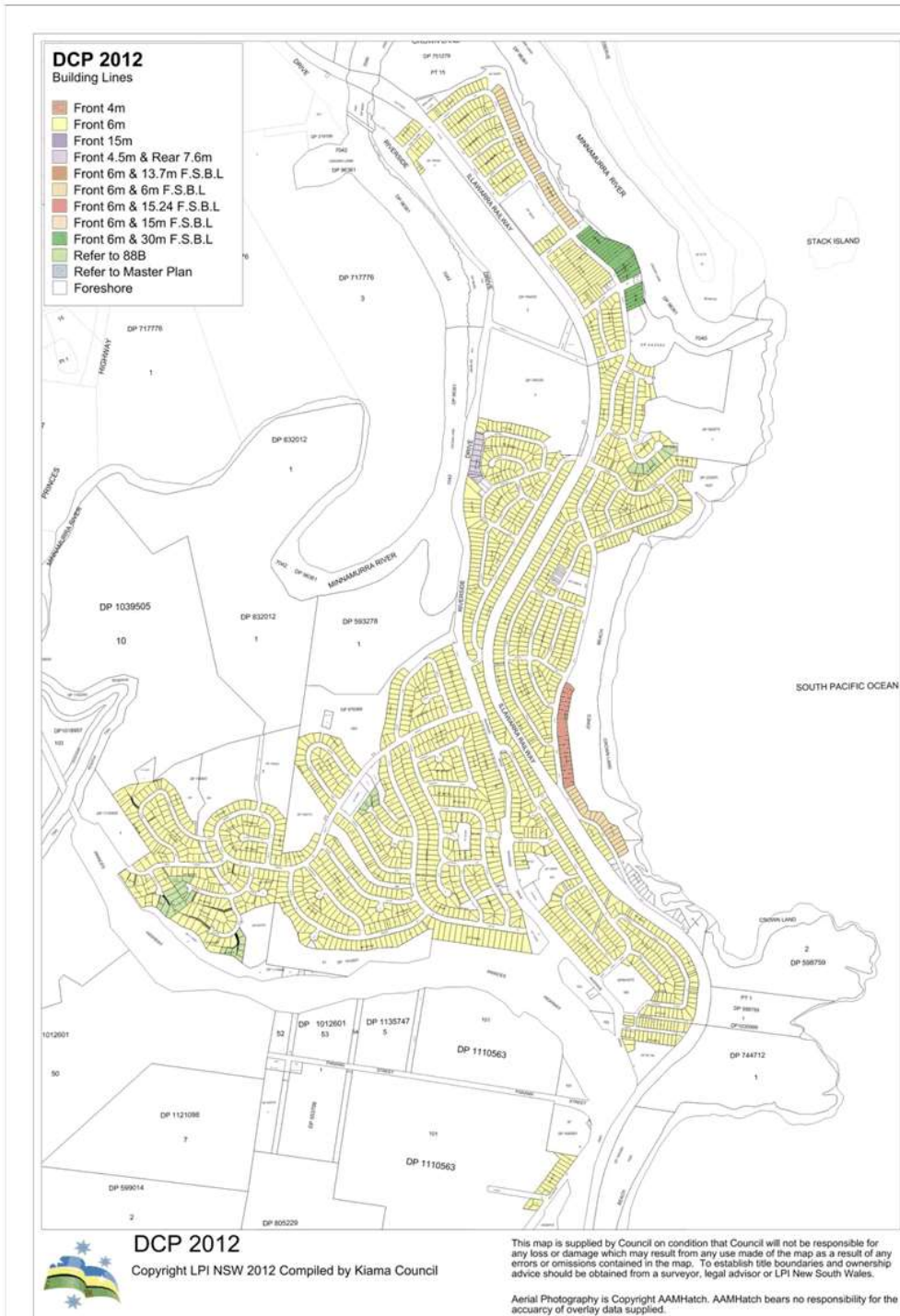


Item 12.3

Attachment 2



Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

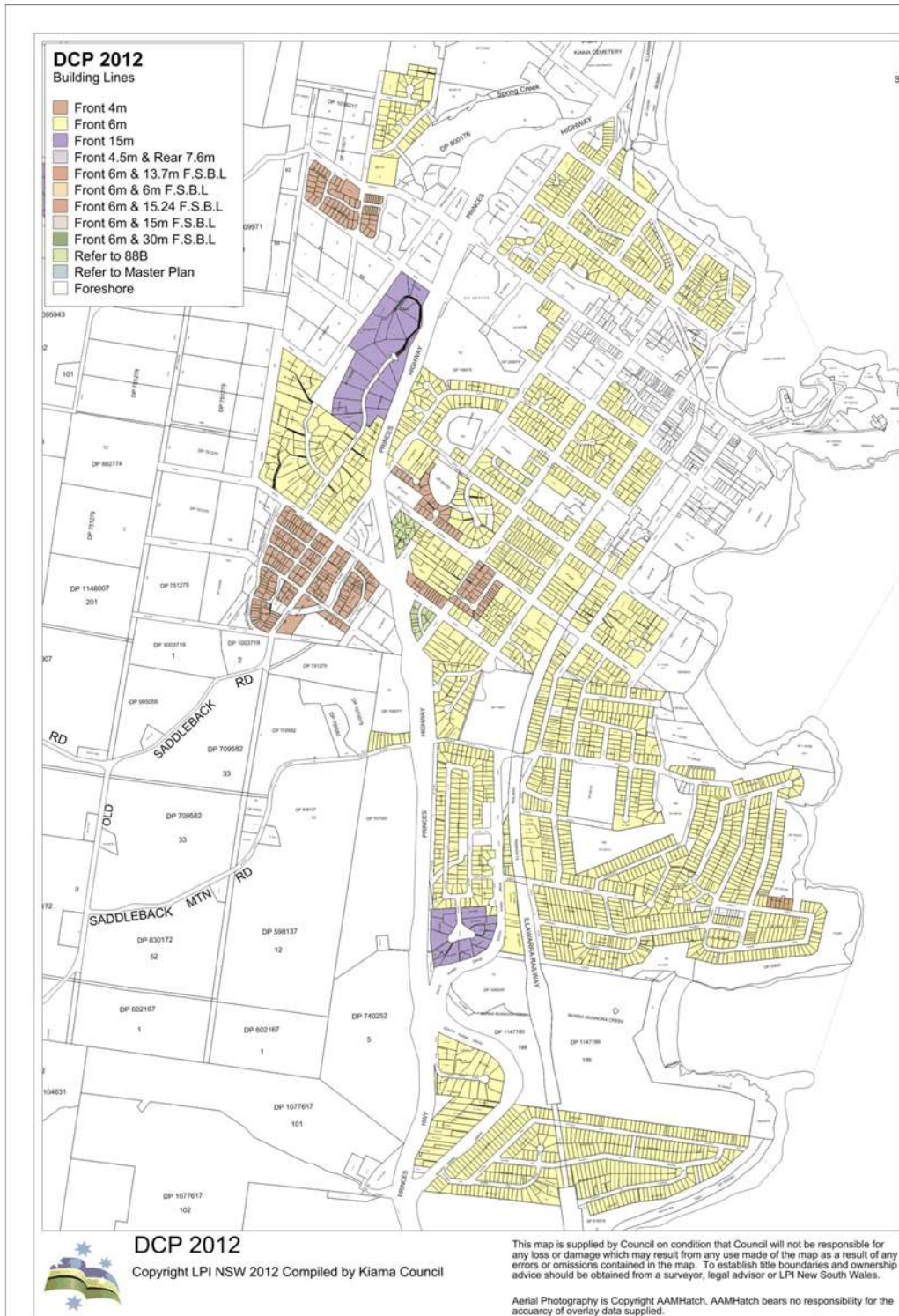


Item 12.3

Attachment 2



Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls



Item 12.3

Attachment 2

### Section 8 - Building Line Setbacks in Context

In established areas, the objective is to blend new development into the streetscape. Adopting similar setbacks to those already existing helps to integrate new development, and is an important design requirement in areas with significant streetscapes and a defined urban character. Where setbacks of adjacent buildings are approximately the same, it is better in terms of the streetscape to introduce a new building at the same setback as one of the adjacent buildings, rather than introducing a different setback distance. Where setbacks of adjacent buildings differ significantly, it is usually better to average the setbacks of the two adjacent buildings.

The setback of buildings relative to each other, public space and natural features affect issues of solar access, ventilation, safety, privacy, noise reduction, view corridors, view aspect, streetscape amenity, retention of vegetation and protection of sensitive areas such as wetlands, rivers, river foreshores and sensitive coastal locations.

#### Objectives

- To provide guidelines for the appropriate siting of dwellings and other buildings.
- To protect the amenity of the locality in which the development is situated.
- To setback buildings and garages/carports from the street to provide adequate space for landscaping or open space, visual and acoustic privacy and vehicle parking, while assisting in establishing an attractive streetscape.
- To protect the established character of a neighbourhood with a consistent view along the street and water frontage to promote an open street and waterscape.
- To prevent dwelling houses and structures being sited inappropriately in relation to neighbouring dwellings and the water front.
- To prevent unreasonable loss of views.
- To provide for compliant car accommodation with due reference to building lines.
- To require dwellings to be designed and sited in a way consistent with ecologically sustainable development objectives and urban design principles.
- To protect urban bushland, riparian corridors, watercourses (including streams, estuaries and wetlands) and significant landscapes.
- To maintain visual and acoustic privacy, and provide for reasonable solar access into the rear yards and living areas of adjoining residences.
- To site dwellings having regard to possible risks to life and property resulting from storm surge, tidal inundation, flooding, erosion and sea level changes resulting from climatic change.

### Section 9 – Definitions – Building Lines

In the context of this plan:

**“Building Line”** means the distance to a vertical member as measured from the front, rear or side property boundaries.

**“Building Line Map”** means the series of maps contained in Chapter 2 Section 7.

**“Designated Property”** means an allotment with a front, rear or foreshore building line defined in the building line maps.

**“Foreshore Building Line”** means the distance a structure must be set back from the boundary adjacent to the coast or a river, estuary, lake, lagoon or other water body.

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

**“Front Building Line”** means the distance a structure must be set back from the narrow street frontage of an allotment.

**“Rural Areas”** means both rural and rural environmental protection zoned land.

**“Secondary Building Line”** in relation to corner allotments, means the distance a structure must be set back from the longer street frontage of an allotment.

**“Vertical Member”** means the external wall or other vertical element of a building (eg post, column etc) nearest to the boundary from which the building line is being measured.

**Section 10 - Allowable Encroachments – Building Lines**

Subject to compliance with the objectives of this chapter, the following structures **may** encroach forward of a building line, other than a foreshore building line and shall be a maximum area of 5.0m<sup>2</sup>:

- A cantilevered deck, balcony, patio, terrace or verandah for a maximum depth of 1.5 metres.
- An eaves or gutter to a maximum of 1.5 metres in depth.
- A step excluding landings to a maximum height of 1.0 metres and a depth of 1.5 metres.
- A fences and/or retaining wall to a maximum height of 1.2 metres.
- An entry feature or portico to a maximum depth of 1.5 metres.
- A window box treatment or bay window to a maximum depth of 1.5 metres.
- A sun shading feature to a maximum depth of 1.5 metres.

**Section 11 - Measurement of Building Lines**

A building line is the distance from the boundary of a site to the wall or other vertical member of a building. In most cases this is a perpendicular measurement from the boundary with the building line running parallel to that boundary.

**Section 12 - Design Standards - Building Lines in Urban Areas**

Front Building Lines

Front building lines shall be in accordance with the building line maps or other relevant Development Control Plans and will generally vary from 4.0 metres to 15.0 metres.

Secondary Building Lines on Corner Allotments

Secondary building lines shall be a minimum of 3.5 metres.

Rear Building Lines for Designated Properties

Rear building lines are 6 metres unless otherwise identified on the Building Line Maps.

Rear Building Lines for Properties with a 6.0 m Front Building Line

In the case of allotments affected by a 6.0 metre front building line, habitable structures shall be generally sited on the established rear building line of the adjoining development or six (6) metres whichever is the greater; subject to such development having a reasonable economic life. It must be demonstrated that the objectives of this plan are satisfied where a departure from an established building line is sought.

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

Single storey structures including garages, pools, pergolas and barbecue areas may be sited at a lesser distance from the rear property boundary, where such a structure satisfies the objectives of this plan and where, in the opinion of Council, no unreasonable impacts on neighbouring properties will result.

**Section 13 - Side Boundary Setbacks for Walls, Eaves and Gutters**

The minimum side boundary setback for a dwelling or an outbuilding attached to a dwelling shall be 900mm, as measured from the boundary to a vertical member. The minimum side boundary set back from the edge of the gutter, eaves or fascia is 675mm.

**Section 14 - Car Accommodation – Building Lines for Garages or Carports**

Car parking shall be provided behind the building line.

In the case of properties subject to front building lines of less than 6.0 metres, car accommodation in the form of either garages or carports shall be setback a minimum distance of 6.0 metres from the street boundary. This will enable sufficient space to allow additional visitor car parking within the driveway and wholly within the property boundaries. Applicants need to check specific controls in chapters 4 and 5 and site specific chapters.

**Section 15 - Design Standards - Building Lines in Rural Areas**

Buildings in rural areas shall be setback at least 15.0 metres from the boundary of a property with a public road frontage.

The minimum side boundary setback for a dwelling or an outbuilding attached to a dwelling shall be 900mm, as measured from the boundary to a vertical member. The minimum side boundary set back from the edge of the gutter, eaves or fascia is 675mm.

**Section 16 - Foreshore Building Lines**

The quality and amenity of foreshore areas can be reduced through a variety of processes. Paramount among these are the private ownership and alienation of foreshore land; the preclusion of public access along, and public enjoyment of, the foreshore; the encroachment of development (including private boat jetties and retaining walls) on the foreshore; the disturbance and destruction of coastal and riparian vegetation for private gain; and, the visual and environmental impact of development within close proximity to the foreshore.

Foreshore Building Lines create buffers between the foreshore and development. These buffers assist in the protection of sensitive ecologies and riparian corridors; provision of public access along foreshores and to natural areas; provision and maintenance of visual amenity along the foreshore; and protection of properties from the effects of sea-level changes, storm surge events, long term shoreline recession and erosion or other coastal and estuarine processes.

Foreshore Building Lines have been established within certain parts of the Kiama Council area having a frontage to a river, estuary, lake, lagoon or the coast. The Foreshore Building Lines are a development standard for the purposes of the Environmental Planning and Assessment Act, 1979 as amended.

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

**Objectives**

- To site dwellings having regard to possible risks to life and property resulting from storm surge, tidal inundation, flooding, erosion and sea level changes resulting from climatic changes/changing weather pattern.
- Control the bulk, scale and location of development at the water's edge.
- Restrict development and redevelopment below the Foreshore Building Line.
- Reduce the number of structures below the Foreshore Building Line, particularly upon redevelopment of foreshore land.
- Restore the land below the Foreshore Building Line, as far as practicable, to a natural state, with a minimum intrusion of artificial structures.
- Preserve and enhance the natural features and vegetation at the interface of land and water.
- Avoid pollution of, and adverse ecological impacts on, waterways, riparian vegetation and aquatic life.
- Preserve the foreshore vista in a natural state where the foreshore is undeveloped.
- Provide for separation between private land uses and public access along the foreshore.
- Provide visual separation between land-based development and water-based activities.
- Minimise the disturbance of Acid Sulfate Soils.
- Mitigate the potential for property loss or damage by ensuring buildings are not subjected to structural damage as a result of erosion, flooding or other coastal or riverine processes and hazards.

Controls

- C14 Council cannot grant consent to any development of land affected by a Foreshore Building Line unless it is satisfied that the development will be consistent with the above objectives.
- C15 In granting development consent for development on land affected by a Foreshore Building Line, Council may require the removal of any building or works located below the Foreshore Building Line.
- C16 Some areas have specific Foreshore Building Lines such as Charles Avenue Minnamurra, and Werri Lagoon.

**Section 17 - Site Specific Foreshore Building Lines**

Minnamurra River Foreshore Building Lines

A Foreshore Building Line applies to certain land in Charles Avenue, Minnamurra, fronting the Minnamurra River and situated between North Street and James Oates Reserve (as indicated on the building line maps). The Foreshore Building Line is measured as 30m landward from the high water mark as denoted on Deposited Plan 9760, and has applied to the land, in one form or another, since 1969.

A residential townhouse development (Nos 128-132 Charles Avenue), constructed during the early 1990's, effectively divides the area affected by the Minnamurra River Foreshore Building Line into two sections. The area north of Nos 128-132 Charles Avenue (Section 1) is clearly different to the area south of that property in terms of building setback to the Minnamurra River and compliance with the Foreshore Building Line. Buildings in Section 1 are generally older style smaller cottages (some with boat sheds and other outbuildings), which have been constructed close to the river. In the area south of Nos 128-132 Charles Avenue (Section 2), a number of allotments have been redeveloped since 1969 and the new buildings erected on those properties have been required to be set back behind the Foreshore Building Line.

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

In recognition of the existing development pattern along the river and the inherent differences in the development of Section 1 and Section 2, the following criteria are to be applied in the assessment of development applications which seek to vary the development standard which prohibits the construction of buildings in contravention of the Foreshore Building Line:

Controls

Properties to the north of Nos 128-132 Charles Avenue

- C17 New building work shall not reduce the existing setback to the Minnamurra River.
- C18 Buildings located forward of the foreshore building line shall be limited to single storey in height.
- C19 New building work, including roofs, shall be designed so as to not increase the bulk and scale of the development as it appears from the Minnamurra River and adjoining public areas.
- C20 The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- C21 The existing side boundary setbacks shall not be reduced.
- C22 Any alteration, extension or re-building of a building forward of the foreshore building line shall be restricted to an accumulative maximum increase in floor space of 10% as compared with the floor space of the building at the time of the first implementation of the foreshore building line on 7 March 1969. Council will consider a proposed variation to this criterion only on the following grounds:
- The variation is required to enable a functional and reasonable (having regard to the objectives of the Foreshore Building Line) extension of an existing building.
  - The portion of the floor space in excess of the 10% consists of non-habitable development and the total increase is not more than 40m<sup>2</sup>.
  - The other listed standards are complied with.
  - The variation is reasonable in terms of having minimal impact on adjoining residents and generally being consistent with the bulk and scale of adjoining developments.
- C23 There shall be no alteration, extension or re-building of a building within 6 metres of the high water mark.

Properties to the South of Nos 128-132 Charles Avenue

- C24 Any alteration, extension or re-building of the building forward of the foreshore building line shall be restricted to an accumulative maximum increase in floor space of 10% as compared with the floor space of the building at the time of first implementation of the foreshore building line on 7 March 1969.



Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

- C25 A development application which proposes a significant increase in the gross floor area compared with that of the existing building will not be approved unless that portion of the existing building forward of the Foreshore Building Line is removed.
- C26 Any alteration or re-building of a building forward of the Foreshore Building Line, where more than 50% of the existing building is to be demolished in the process, is not permitted.
- C27 New building work, including roofs, shall be designed so as to not increase the bulk and scale of the development when viewed from Minnamurra River and adjoining public areas.
- C28 The colours and materials of buildings shall have low reflectivity. The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- C29 All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- C30 The existing side boundary setbacks shall not be reduced.
- C31 Any extension of an existing building shall not reduce the existing building setback to the river.
- C32 Buildings forward of the foreshore building line shall be limited to single storey in height.

Werri Lagoon Foreshore Building Line

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

Controls

The following criteria are to be applied in the assessment of development applications which seek to vary the development standard which prohibits the construction of buildings in contravention of the Foreshore Building Line:

- C33 Any alteration, extension or re-building of a building forward of the Foreshore Building Line shall be restricted to an accumulative maximum increase in floor area of 10%.
- C34 A development application which proposes a significant increase in the gross floor area compared to that of the existing building will not be approved unless that portion of the existing building forward of the Foreshore Building Line is removed.
- C35 Any alteration or re-building of a building forward of the Foreshore Building Line, where more than 50% of the existing building is to be demolished in the process, is not permitted.



Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

- C36 New building work, including roofs, shall be designed so as to not increase the bulk and scale of the development when viewed from Warri Lagoon.
- C37 The colours and materials of buildings shall have low reflectivity. The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- C38 All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- C39 The existing side boundary setbacks shall not be reduced.
- C40 Any extension of an existing building shall not reduce the existing building setback to the Lagoon.
- C41 Buildings forward of the Foreshore Building Line shall be limited to single storey in height.
- C42 Notwithstanding the above criteria, in the case of any existing structures located forward of the foreshore building line, there shall be no alteration, extension or re-building of such a building within 6.0 metres of the high water mark.

**Section 18 - Reflectivity in Building Materials**

**Objectives**

- To preserve the visual amenity and the urban, coastal and rural scenic character of the Municipality from potential visual detractor by reflective building materials.
- To encourage the use of building materials with suitable levels of reflectivity and colours to assist in minimising nuisance glare and reflectivity.
- To permit the use of metal roofing or cladding where the proposal satisfies the objectives of this chapter and will not set an undesirable precedent in the locality.
- To acknowledge BASIX and the benefits of lighter coloured walls and roofs in regard to improved energy efficiency and thermal comfort.

Controls

- C43 All materials and colours used should be muted or earthy tones appropriate to the local street and landscape context. The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.

---

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

---

C44 External finishes should not strongly contrast with the background whether by orientation, location, colour or choice of materials.

C45 Metal roofing should have a solar absorbance classification in accordance with New South Wales BASIX of not less than 0.46 unless the applicant can satisfy Council that the proposal is consistent with the objectives of the Reflectivity in Building Materials Policy.

**Section 19 - Right to Farm**

This plan acknowledges that there are many residential areas Kiama that adjoin rural land still actively used in agricultural production and that rural producers derive income from agricultural activities on this land.

New residents proposing to take up residence in the estate must anticipate that some agricultural activities on nearby rural land may periodically cause nuisance or offence by virtue of:

- The application of odorous fertilisers and other chemical substances from time to time.
- The operation of farm machinery and farm and stock transport vehicles (sometimes during night).
- The baying of livestock during the night.

This plan acknowledges primary producers right to farm.

The right to farm extends to rural landowners in close proximity to the residentially zoned lands but only to the extent of rural land uses permitted without development consent. Council will examine any development application for intensive horticulture or livestock production on the merits of the case and having regard to the potential for adverse impact on nearby residential areas.

New residents will also have responsibility for managing and controlling domestic dogs so that they do not interfere with or attack cattle and other livestock. Council will issue “dangerous” and “nuisance” dog orders and notices to the owners of domestic dogs found to be causing a nuisance or problems to rural landowners.

Controls

C46 Any dwelling on residential zoned land that adjoins rural zoned land (capable of being used for agriculture) to be set back a distance of at least 9 metres for public health reasons.

C47 Domestic pets in close proximity to agricultural lands must be managed and controlled so that they do not interfere with or attack cattle and other livestock.

**Section 20 - Heritage (General)**

This section is repealed by Chapter 30 – Kiama Development Control Plan 2012 – Heritage.

**Section 21 - Heritage (Dry Stone Walls)**

This section is repealed by Chapter 30 – Kiama Development Control Plan 2012 – Heritage.

**Section 22 - On Site Sewage Management**

An On Site Sewage Management System (OSSM) is required for the disposal of effluent where a development involves effluent disposal and is not within the Sydney Water Corporation sewerage system catchment zone and an on-site sewage (wastewater) management system or a sewerage treatment system as defined by legislation is required to be provided.

Under Part C of the Section 68 of the Local Government Act 1993, the installation or alteration of an OSSM or the operation of a sewage management system requires Council approval. This approval may be submitted concurrently with a Development Application or may be subject to a separate approval following determination of the consent.

Under Clauses 40 and 41 of the Local Government (General) Regulation 2005, Council must not approve of the installation of certain sewage management facilities unless the facility has been accredited by the NSW Department of Health. This is the only statutory role of NSW Health has in the regulation of on-site single domestic wastewater management systems.

The types of on-site sewage management facilities to which accreditation applies includes septic tanks, holding tanks and collection wells, aerated wastewater treatment systems, grey-water treatment systems, wet or waterless composting toilets and incinerating toilets which are available for purchase by retail.

Where an OSSM system or sewerage system meets the threshold criteria detailed in Schedule 3 of the EP & A Regulation 2000 for Designated Development, then a Development Application and supporting Environmental Impact Statement (EIS) must be lodged with the Council. The preparation of the EIS is required to be carried out in accordance with the requirements of the Director – General of the NSW Department of Planning.

There are also special design and operating requirements if the development site is located in the Sydney Water Catchment Area and reference with the requirements of the Sydney Catchment Authority

Further details are available from Council’s Environmental Services Department.

**Section 23 – Importation or Export Off-Site of Soil/Materials to be Used as Fill**

C51 A Soil Analysis Report in accordance with sampling and testing frequency as required under the Excavated Natural Material Exemption - General Exemption 2008 Regulation (as amended) and any other applicable legislation is required to be prepared and submitted to Council:

- if soil is to be taken off site, for reuse or disposal;
- if soil is to be brought onto the subdivision site for the filling of land;

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

Note: A Soil Analysis Certificate shall be provided by a suitably qualified person and be submitted to Council certifying that the soil material is suitable for the intended reuse and or meets the required criteria for acceptance at a disposal facility or other site or is suitable fill material for the subdivision site.

- C52 The use of coal wash or other waste products from the coal mining process is prohibited for use as landfill in accordance with the NSW Coal Washeries Exception Regulation 2009, specifically in relation to Clause 7.2, which requires that:

*“Coal washery rejects can only be applied to land in earthworks for civil engineering applications. This approval does not apply to any of the following applications:*

- 7.2.1 Mine site rehabilitation or other mine site uses;*
- 7.2.2 Quarry rehabilitation or backfilling of quarry voids;*
- 7.2.3 Raising or reshaping of land used for agricultural purposes; and*
- 7.2.4 Construction of roads on private land unless:*

- (a) The relevant waste is applied to land to the minimum extent necessary for the construction of the road, and*
- (b) A development consent for the development has been granted under the relevant Environmental Planning Instrument (EPI), or*
- (c) It is to provide access (temporary or permanent) to a development approved by Council, or*
- (d) The works undertaken are either exempt or complying development.”*

That civil engineering is clarified as being ‘construction work not classified under building construction, that is, construction of railways, roads, bridges, highways, airports, water and sewage, dams and irrigation, etc’.

Note: Rural producers are advised that coal wash can be utilised to upgrade private roads on their properties in accordance with the Protection of the Environment (Waste) Regulation.

**Section 24 - Neighbour Notification**

~~The section outlines the Neighbour Notification Policy applies to applications for development consent (Development Applications) lodged under the Environmental Planning & Assessment Act, 1979, but does not apply to Complying Development.~~

Examples include:

- ~~(a) Development Applications for approval to erect a building;~~
- ~~(b) Amendments to an undetermined application to erect a building;~~
- ~~(c) Certain Development Applications involving the use of a building or another specified work; and~~
- ~~(d) modification to development approvals.~~

Purpose

This policy has been prepared to:

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

- (a) provide for public participation in the development assessment processes where it is considered that the proposed activity may have detrimental effect upon the enjoyment of other property;
- (b) set out the matters for which the Council will have regard when forming its opinion as to whether or not the enjoyment of adjoining land may be detrimentally affected by a proposed development;
- (c) set out the criteria for notifying potentially affected persons;
- (d) specify the circumstances when notification is not required; and
- (e) detail the form that notification will take.

Definitions

For the purposes of Kiama's DCP 2012, the following definitions apply:

**adjoining land** means land which abuts an application site or is separated from it only by a pathway, driveway or similar thoroughfare.

**affected person** means a person who owns or occupies adjoining land or neighbouring land in close proximity the enjoyment of which may be detrimentally affected by a proposed development; or application site means the parcel of land to which a Development Application relates.

**neighbouring land** refers to land in close proximity to the subject site

**building** includes any building, part of a building and any structure or part of a structure.

**Section 25 - Persons to be Notified**

Written notice of a Development Application will be sent to those persons who appear to the Council's assessing officer to own or occupy adjoining land and neighbouring land if, in the Council's assessing officer's opinion, the enjoyment of that land may be detrimentally affected by the development proposal. This could include land opposite or otherwise distanced from the application site.

The general period of notification will be fourteen (14) days. If the fourteen (14) day period includes an extended holiday period, such as Easter or Christmas, the notification period will be extended for an additional period of, in the case of Easter seven (7) days and Christmas fourteen (14) days to compensate for the holiday period.

Individuals may seek an extension of time to make a submission in respect to any Development Application. The extended timeframe for such a request would be assessed on their individual merits.

Where adjoining or neighbouring land comprises a strata titled or community titled development Council will notify the relevant Owners' Corporation or Association.

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

**Section 26 - Additional Notification**

Signs

In addition to the above notification/s a sign shall be erected on the proposed development site during the notification period in the event that any of the following circumstances arise:

- ~~Designated Development~~
- ~~The proposal involves works greater than (>) \$1,000,000.00~~

The sign shall be installed at the site boundary at the commencement of the notification period.

Council's Website and Newspaper

All development applications received by Council will be listed once on the Council website and in the local newspaper within one (1) week of receipt where possible and will include details of the proposal in addition to general details of the opportunity to lodge a submission in respect to the development, including the closing date for submission, as well as the requirement to lodge a political donations form in conjunction with any submission. In addition, the newspaper listings will include reference to the Public Access Policy on Council's website.

Other Referrals

Certain Development Applications will attract a need for notification of other government authorities and the seeking of their comments. This notification shall occur at the discretion of Council's assessing officer or to legislative requirements.

**Section 27 - Matters to be Considered in Forming an Opinion that Enjoyment of Land may be Detrimentially Affected**

Council will give notice of an application to affected persons where, in its opinion, the enjoyment of land may be detrimentally affected by or in relation to:

- a) ~~the views to and the view from the land (where dominant nodes of view are affected).~~
- b) ~~overshadowing.~~
- c) ~~privacy.~~
- d) ~~noise, odour or any other potential polluting emission.~~
- e) ~~the visual quality of the development in relation to the streetscape.~~
- f) ~~the scale or bulk of the proposed development.~~
- g) ~~the siting of the proposed development in relation to site boundaries.~~
- h) ~~the proposed hours of use for the development.~~
- i) ~~light spillage or reflection.~~
- j) ~~means of access to or provision of parking on the proposed development site.~~
- k) ~~the amount of traffic likely to be generated by the proposed development.~~
- l) ~~drainage.~~
- m) ~~the social and economic impacts of the proposal.~~

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

**Section 28 - Content of the Notification**

The notice will contain:

- a) details of the applicant.
- b) a brief description of the development, property location and identification.
- c) the period during which a person may inspect the application and supporting documentation.
- d) the period during which submissions may be made.
- e) a statement to the effect that if a submission is made the reasons for objection or support must be given.
- f) a statement to the effect that the submission will form part of a public document.
- g) an A4 sized plan including a site plan and elevations showing the external configuration of the proposal.

**Section 29 - Amended Plans**

An applicant may amend an application at any time *prior to the determination* of the application. For amendments prior to determination of an application, the Council may renotify an application previously notified to:

- a) those persons who made submissions on the original application.
- b) any other persons who own adjoining land (including those persons who were previously notified of the application) who may be detrimentally affected by the proposal *as amended*.

If the revised plans are likely to have, in the opinion of Council, greater detrimental effect or a detrimental effect of a different type on the enjoyment of adjoining land than the original application.

If the revised plans are considered by Council to have a lesser or similar effect, then the submission on the original application will be included in Council's assessment.

Additional fees may be required to be paid by the applicant to cover re-advertising.

**Section 30 - Applications to Modify Consent**

An applicant may lodge an application to *modify a consent*. Council will renotify those persons who made submissions on the original application and invite comment on the amendments.

No re-notification will occur if:

- a) The modifications do not change the external configuration of the proposal or access or parking arrangements.
- b) Council is satisfied that the proposal as modified is substantially the same as the original application.
- c) Council is satisfied that no prejudice will be caused to any person who made a submission on the original application.

The Council will consider submissions on the modifications in determining the application.



Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

**Section 31 - Submissions**

Written submissions may be made to the General Manager within the time period nominated in the notification advice. Submissions may also be made through the Track My DA feature on Council's website.

A submission could:

- Support an application;
- Object to an application; or
- Object to part of an application; or
- Suggest ways of overcoming concerns with an application; or
- Suggest alternatives to a proposal or element of a proposal.

**Section 32 - Publication of Submissions**

Information contained within the written submissions, together with the names and address of the person making the submission, may be included in reports in relation to the proposal and the applicant is able to gain access to copies of the submissions including the name and address of the author.

**Section 33 - Political Donations**

State Government legislation now requires that a person who makes a public submission to a Council in relation to a planning application made to a Council is required to disclose the following political donations and gifts (if any) made by a person making the submission or any associate of that person within the period of two (2) years before the submission is made and ending when the application is determined:

- a) All reportable political donations made to any Councillor of that Council, and/or
- b) All gifts made to any Councillor or employee of that Council.

A reference in this subsection to a reportable political donation made to a local Councillor includes a reference to a donation made at the time the person was a candidate for election to the Council.

Should political donations or gifts have been made under the above terms then full disclosure of those donations or gifts must be submitted with the submission on the disclosure form available from Council.

**Section 34 - Neighbour Notification in Rural and Environmental Protection/Management Zones**

In addition to the neighbour notification policy detailed in this chapter, the following guidelines apply:

Applicants are urged to discuss development proposals with their neighbours before preparing a development application. Such contact can assist in identifying particular aspects of an adjoining landowner's current and proposed future use of cleared agricultural land that may affect the siting of a dwelling.

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

~~Sometimes, the agreement and co-operation of a neighbour may be necessary to enable development to proceed – eg where emergency bush fire access is required by the NSW Rural Fire Services over a neighbour’s property or for safe evacuation purposes.~~

~~Therefore, establishing good relationships with neighbours at the beginning may assist in achieving required design outcomes that may require the agreement and cooperation of a neighbour.~~

~~On receipt of a development application, Council may:~~

- ~~• inform adjoining and nearby landowners that the application may be inspected and that written submissions may be made, and~~
- ~~• assess the merits of any matters raised in submissions in determining the application.~~

~~This is to ensure that any potential detrimental impact on agricultural activities on adjoining properties, or on residential amenity or matters of public interest are taken into consideration in the consideration of the development application.~~

### **Section 35 – Variations to Building Lines and Foreshore Building Lines**

#### Applications for Building Line/Foreshore Building Line Variations

Where it can be demonstrated that the objectives of this plan will be satisfied by a particular development, Council may consider a variation to the requirements of this plan.

In requesting a building line/foreshore building line variation, an applicant must address the following criteria:

- Streetscape.
- Amenity of the neighbourhood.
- Views from other properties.
- Location of existing neighbouring buildings.
- Slope and levels of the allotment.
- Size and bulk of the proposed building.
- Car parking requirements.
- Public safety.
- Whether any other reasonable option is available.
- Foreshore amenity.

The applicant **must** demonstrate that special circumstances apply to the development site which justifies the building line variation. A previously set precedent which in streetscape or amenity terms could be an undesirable precedent cannot be used as the sole justification for the building line variation.

#### Applications for Foreshore Building Line Variations

For variations to Foreshore Building Lines, the objectives and matters raised in Chapter 2 Section 16 must be considered and addressed.

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

**Section 36 - Fencing**

C53 Fencing should be in character with the development and the surrounding streetscape.

C54 Front Fencing Abutting a Road or Reserve (See Figure 2)

- Maximum 900mm high or 1500mm high but at least 70% visually permeable.
- A colour which is in harmony with the proposed building and adjoining properties.
- Maintain the integrity of existing frontages in “heritage precincts”.
- Solid metal fencing is not acceptable.
- Vehicle site lines must be considered.

C55 Side and Rear Fencing Abutting A Road

- Maximum 1800mm high.
- Maximum 2/3 of the length of the boundary (the remaining 1/3 to be returned to the front fencing).
- Constructed of:
  - Faced/rendered brick or rendered block work columns with infill panels of landscaping (hedges), decorative steel, wrought iron, timber pickets.
  - Brushwood.
  - Timber palings.
  - Wire mesh.
  - Solid metal fencing.
  - Vehicle site lines must be considered.

C56 Side and Rear Fencing Abutting a Reserve

- Maximum 1800mm high
- Maximum 2/3 of the length of the boundary (the remaining 1/3 to be returned front fencing)
- Constructed of:
  - Faced/rendered brick or rendered block work columns with infill panels of landscaping(hedges), decorative steel, wrought iron, timber pickets,
  - Brushwood.
  - Timber palings
  - Wire mesh
  - Solid metal fencing.

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

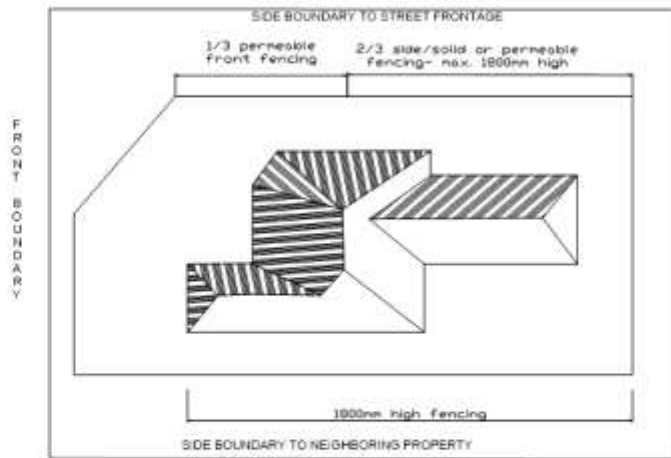


Figure 1 Front and side fencing abutting corner allotments

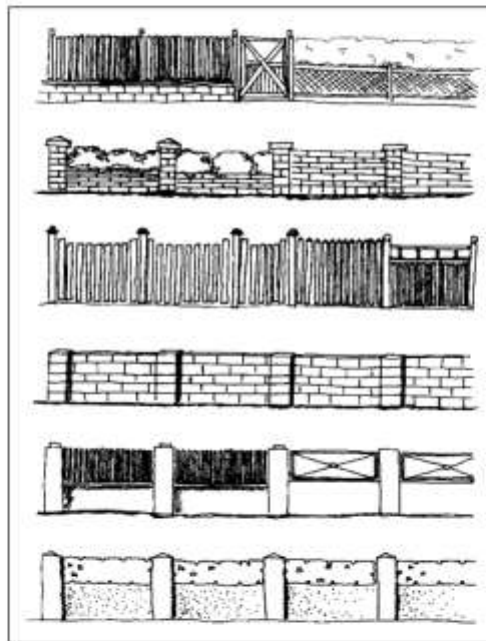


Figure 2 Examples of fence types on street frontages

Item 12.3

Attachment 2

Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

**Section 37 - Applications for Variation to the Provisions of a Chapter**

**Objectives**

- To make provisions that an applicant may make a written submission to Council to request a variation if the provisions of any part of a chapter are unnecessary or unreasonable having regard to the circumstances of the site and the application sought.

Controls

C57 An applicant may make a written submission to Council to request a variation to the provisions of a Chapter in this plan if:

- The development site has special or exceptional conditions that justify the variation sought. It will be compulsory to demonstrate that a functional development is impossible on site without seeking a variation.
- The provisions of a Chapter in this plan do not have appropriate regard to the development proposal.
- The application to vary the provisions of a Chapter in this plan must accompany the development application and shall be submitted to Council with the appropriate fee as fixed by Council.
- In requesting a variation, the applicant must consider whether any other reasonable option is available and each of the objectives of the specific controls to be varied.

Note: Council will assess any variation based on planning principles and compliance with the objectives within the particular chapter.

**12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama**

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**

Council has received a Planning Proposal (PP) for consideration of Lot 2 DP 1018217, Dido Street, Kiama (Attachment 1). This report overviews the reports submitted by the applicant against criteria outlined in Council's Planning Proposal Policy and recommends the Planning Proposal proceed to the Department of Planning and Environment to obtain a Gateway determination.

**Finance**

A fee structure for submittal and review of planning proposals has been developed by Council and is contained in Council's fees and charges schedule. Relevant fees have been paid for this proposal.

**Policy**

Requests for rezoning of land require consideration of a number of Acts, Government policies, Council environmental planning instruments and planning documents. Specifically the *Environmental Planning and Assessment Act 1979*, *Kiama Local Environmental Plan 2011*, Illawarra-Shoalhaven Regional Plan, Kiama Urban Strategy and the Kiama Planning Proposal Policy.

**Consultation (Internal)**

Council's Acting Manager Design & Development and Landscape Officer have been consulted as part of the preliminary assessment of this Planning Proposal.

**Communication/Community Engagement**

Should Council support the concept PP, the Gateway Determination issued by the NSW Department of Planning and Environment will outline the minimum requirements for consultation with government agencies and the community.

**Attachments**

1 Applicant's Planning Proposal - Lot 2 DP 1018217 - Dido Street, Kiama [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council:

1. Endorse this Planning Proposal, to enable residential development of the site, to proceed to the Department of Planning, Industry and Environment for a Gateway determination

Report of the Director Environmental Services

12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

---

2. Request plan making delegations for this proposal as a part of the Gateway determination.
3. On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.

## BACKGROUND

Council has received a Planning Proposal (PP) for consideration for Lot 2DP 1018217, Dido Street, Kiama (known hereafter as 'the subject site'). In line with the adopted Kiama Planning Proposal Policy, this report details the submitted concept PP and provides an assessment of the specialist consultant reports.

### Site Details

The subject site (refer to Figure 1), Lot 2 DP 1018217, is located at Dido Street, Kiama. The site is approximately 10,640m<sup>2</sup>. The site gains vehicular access via direct frontage to Dido Street. The site is currently vacant.



Figure 1: Location Map

The site is currently zoned RU1 Primary Production and E2 Environmental Conservation under the provisions of the *Kiama Local Environmental Plan (LEP) 2011* (refer to Figure 2).



## Report of the Director Environmental Services

## 12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)



Figure 2: Current Zoning Map

**Intent of Proposal**

The PP aims to rezone the RU1 Primary Production portion of Lot 2 DP 1018217 to a mixture of R2 Low Density Residential and R5 Large Lot Residential and apply the controls associated with these zones and in keeping with the adjacent land on the eastern side of Dido Street.

The intent of the PP is to rezone the subject land predominantly for residential purposes. The changes proposed by the applicant to the LEP are as follows:

- Amend the land zoning map LZN\_012 to rezone the majority of the site zoned RU1 Primary Production to R2 Low Density Residential and R5 Large Lot Residential (refer to Figure 3);
  - Retain the existing E2 Environmental Conservation zone across the western portion of the site and the RU1 Primary Production zone in the site's south-western corner
- Amend the relevant lot size map LSZ\_012 to apply a minimum lot size of 450m<sup>2</sup> for the R2 zoned land and 800m<sup>2</sup> for R5 zoned land;
- Amend the floor space ratio map FSR\_012 to apply a FSR of 0.45:1 for the R2 and R5 zoned portions of the site;
- Amendments to the building height map HOB\_012 so that the maximum building height is 8.5m for the R2 and R5 zoned portions of the site;

No changes to the Riparian Lands & Watercourses Map or the Terrestrial Biodiversity Map are proposed as part of this PP.

Report of the Director Environmental Services

12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

Item 12.4

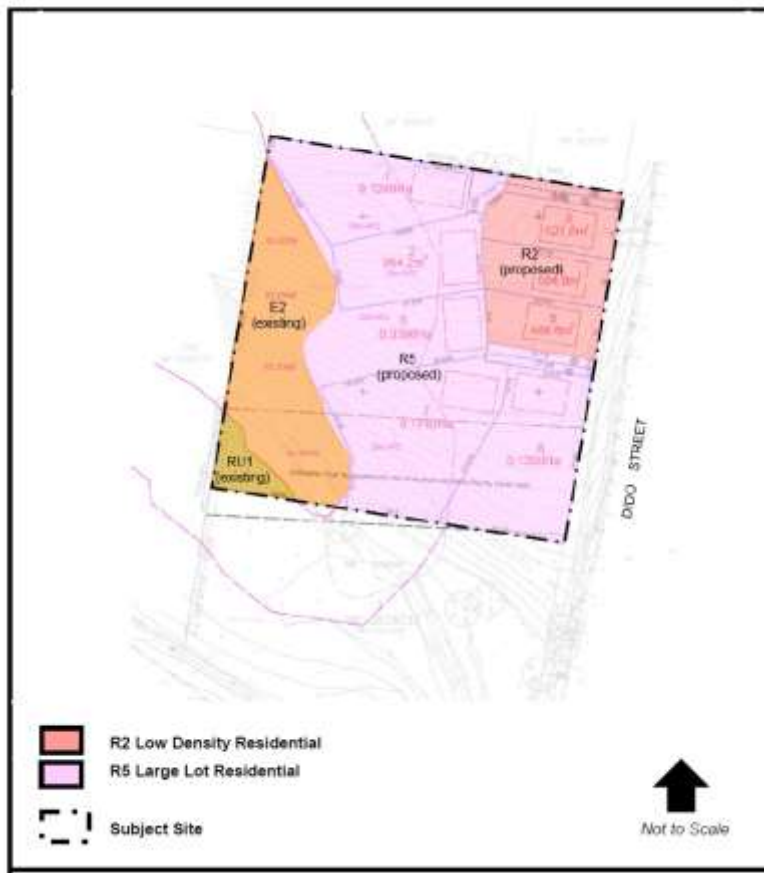


Figure 3: Proposed Zoning Map

**Strategic Planning Framework**

The results of the review and assessment of the PP are framed around the requirements of the:

- Department of Planning, Industry and Environment’s (DPIE) ‘Guide to Preparing Planning Proposals’,
- Illawarra-Shoalhaven Regional Plan,
- Kiama Planning Proposal Policy and Kiama Urban Strategy (KUS),
- Relevant *State Environmental Planning Policies (SEPPs)*, and
- Applicable Section 9.1 Ministerial Directions.

**Guide to Preparing Planning Proposal**

The DPIE ‘Guide to Preparing a Planning Proposals’ (the ‘Guide’) outlines what information needs to be contained within and addressed by a PP. The ‘Guide’ outlines that a PP needs to comprise of six (6) parts:

## Report of the Director Environmental Services

## 12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

- 
- |        |  |
|--------|--|
| Part 1 | A statement of the objectives and intended outcomes of the proposed instrument                         |
| Part 2 | An explanation of the provisions that are to be included in the proposed instrument                    |
| Part 3 | The justification for those objectives, outcomes and the process for their implementation              |
| Part 4 | Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies |
| Part 5 | Details of the community consultation that is to be undertaken on the planning proposal                |
| Part 6 | A project timeline   |

Item 12.4

Upon review it has been determined that the proponent's Concept PP has been prepared in accordance with the 'Guide' and has satisfactorily answered the questions contained within Part 3 of the 'Guide' (see below).

### Illawarra-Shoalhaven Regional Plan

The Illawarra-Shoalhaven Regional Plan is the NSW Government's strategy for guiding land use planning decisions for the region over the 20 years to 2036. In relation to the provision of housing supply to suit the changing demands of the region, the Plan states that no new release areas beyond those already identified are required for Wollongong, Shellharbour or Shoalhaven, however in Kiama the need for an additional greenfield land release to accommodate growth will have to be determined.

In response to concerns about the availability of housing supply in Kiama to meet projected demand, the Plan includes a specific action (2.1.1) which commits the NSW Government to work with Kiama Municipal Council to monitor and review the potential of the area to accommodate demand. Discussion on this issue notes that Kiama should be able to accommodate 2,850 new homes up to 2036, to meet expectations for greater housing choice. However, analysis indicates that there is not enough land or 'market ready' infill development in the planning pipeline to meet this demand, and this may constrain the mix of housing available for first-home buyers, young families and retirees, and to people who want to age in their homes.

It is anticipated that the NSW Government will use the Local Strategic Planning Statement process as the vehicle to work with Council to review housing opportunities that can respond to changing needs.

As the PP seeks to provide additional housing stock it is consistent with Direction 2.1 'Provide sufficient housing supply to suit the changing demands of the region'.

The PP is consistent with Direction 2.2 'Support housing opportunities close to existing services, jobs and infrastructure in the region's centres' as the site is located within reasonable proximity to the Kiama Town Centre.

Report of the Director Environmental Services

12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

The PP is also consistent with Direction 2.4 ‘Identify and conserve biodiversity values when planning new communities’ as the the existing E2 Environmental Conservation zoning and Biodiversity land overlay will be retained on the site.

**The Kiama Planning Proposal Policy & Kiama Urban Strategy**

The Kiama Planning Proposal Policy outlines that Council may agree with a proponent’s request if any of the following criteria can be met:

<b>Criterion for proceeding</b>	<b>Compliance</b>
Land is identified as a nominated area in the Urban Strategy.	Not Identified
Land can be identified as assisting to meet Council’s strategic direction.	Will assist in meeting obligations under the Regional Plan
A clear zoning anomaly exists on site.	Not being included in the Kiama Urban Strategy appears to be an anomaly. Proposed zoning would be consistent with existing and future residential development in the area.

While the site has not been identified as a nominated area in the Kiama Urban Strategy (KUS) the PP would assist Council in meeting the obligation of the Illawarra-Shoalhaven Regional Plan.

The Kiama Urban Strategy came into effect on 20 September 2011. The KUS considered both urban infill and urban expansion opportunities within the Kiama Municipality and made recommendations on an appropriate approach to address housing demand in the LGA in response to the requirements of the Illawarra Regional Strategy which was the overarching strategic document in force at the time.

The community panel, established to guide the development of the KUS, recommended against significant urban expansion and considered that the land below could cater for any future greenfield expansion needs in the foreseeable future:

- The unreleased part of “Elambra Estate” at Gerringong;
- The “Cedar Grove” estate at West Kiama;
- The KMC and RailCorp greenfield site near Spring Creek;
- Some of the land within the Bombo Quarry in Kiama after its closure;
- Rural land south of Saddleback Mountain Road in Kiama (if required).

**Item 12.4**

Report of the Director Environmental Services

12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

Item 12.4

The Kiama Urban Strategy is not a statutory document however it is an important local policy document that is considered by the Minister (or delegate) in making Gateway Determinations for planning proposals. While the KUS was not formally endorsed by the then Director General (DG) of the Department of Planning and Infrastructure, the DG did confirm in writing that he was “pleased the Council has endorsed the consideration of a number of potential rezonings to contribute to housing supply in Kiama in the short term. I can confirm the Department is willing to consider planning proposals for these sites.”

The site’s absence from the KUS appears to be an anomaly. As outlined by the proponent, the subject site was not included in any evaluation for the purposes of the KUS. This may have been an oversight or because its inclusion was not specifically requested by the previous owner at that time. The site’s location in relation to the other sites evaluated by the KUS for urban expansions is illustrated in Figure 4.

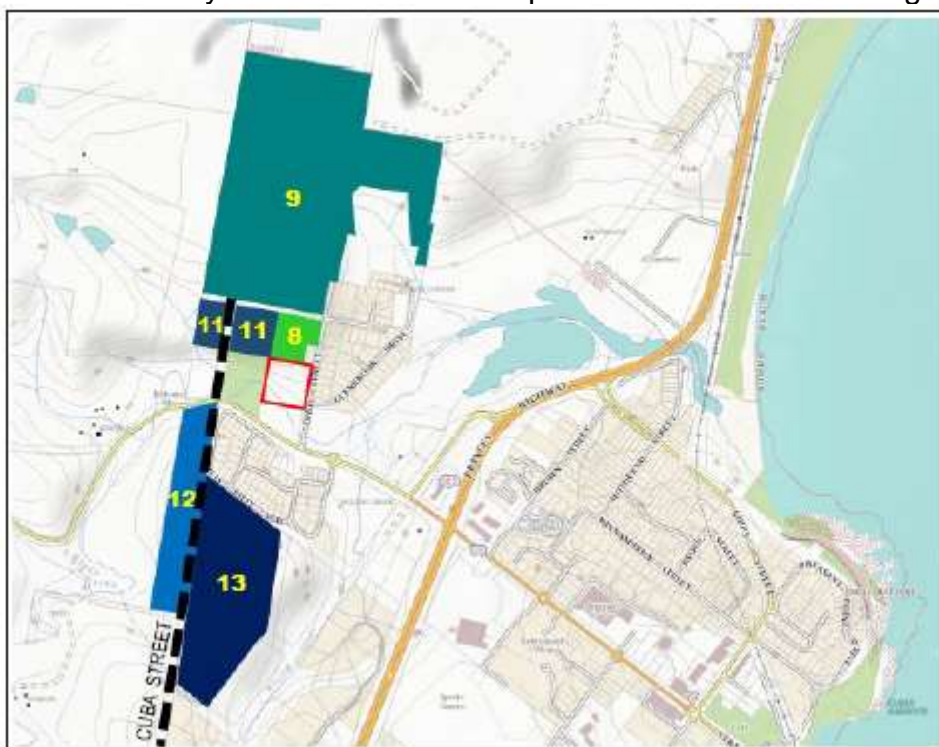


Figure 4: Extract from Kiama Urban Strategy

The KUS recommends that planning proposals should be undertaken to rezone Sites 8, 13 and the eastern portion of Site 11 for residential purposes. Site 13 (i.e. Cedar Grove Stage 2) was rezoned as part of Amendment 2 to the LEP 2011. A Gateway Determination has been issued to rezone Site 8.

The site has similar characteristic to Site 8 as it is directly opposite existing residential development in Dido Street. The proponent has undertaken a site-specific analysis of the constraints and capabilities of the site. This detailed analysis has identified that the subject site does have some capacity for residential subdivision and development without having any adverse environmental impacts. Rezoning the site in a similar fashion to Site 8 is considered appropriate as it would allow for modest residential growth within the town boundaries as referred to in the Mayoral Minute of the 17 October 2017 Council meeting.

Report of the Director Environmental Services

12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

---

### Mayoral Minute

The PP is considered to be consistent with the mayoral minute from the Ordinary meeting of Council 17 October 2017 which recommended that Council not support any planning proposals that involve new residential land outside of the identified town boundaries referred to in the adopted urban strategy areas. This was supported by the majority of Councillors at the time.

#### **15.1 Kiama Urban Strategy**

**OC-17/201**

**Committee recommendation that Council:**

1. *not support any new planning proposals that involve new residential land outside the identified town boundaries referred to in the adopted urban strategy areas;*
2. *seek the Member for Kiama's assistance in ensuring that the NSW Government does not support any planning proposals that involve land outside the identified town boundaries referred to in the adopted urban strategy areas; and*
3. *seek the Member for Kiama's urgent assistance in progressing the rehabilitation and development of the Bombo quarry area which provides significant opportunity to meet the Municipality's housing needs for at least the next 20 years.*

*(Councillors Honey and Westhoff)*

*For: Councillors Brown, Honey, Sloan, Watson, Way and Westhoff*

*Against: Councillor Reilly*

The location of the proposed rezoning is within the town boundaries outlined in the Kiama Urban Strategy which is consistent with the Mayoral minute. The land immediately to the north and north-west of the subject site has been identified in the KUS as suitable for consideration for rezoning; the land immediately to the west is Crown Land; and, the land to the south is not suitable for development due to flooding and biodiversity constraints.

### **Section 9.1 Ministerial Directions**

The applicant has carried out an assessment of the PP against the relevant Section 9.1 Ministerial Directions. The proponent has argued that the PP is either consistent with or justifiably inconsistent with the relevant Ministerial Directions.

**Direction 1.2 – Rural Zones** States that a PP must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. A PP may be inconsistent with this direction if it is:

- Justified by a strategy which:
  - Gives consideration to the objectives of the direction;
  - Identifies the land which is the subject of the PP; and
  - Is approved by the Department of Planning.



## Report of the Director Environmental Services

## 12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

- 
- Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of the direction;
  - In accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction; or
  - Is of minor significance

Due to the number of residential lots that could be achieved on the site this PP is considered to be of minor significance and is therefore justified against Direction 1.2.

**Direction 1.5 Rural Lands** states that for a PP that will affect land within an existing or proposed rural of environment protection must:

- (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement
- (b) consider the significance of agriculture and primary production to the State and rural communities
- (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
- (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
- (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
- (f) support farmers in exercising their right to farm
- (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses
- (h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land
- (i) consider the social, economic and environmental interests of the community.

A PP may be inconsistent with this direction if it is:

- Justified by a strategy which:
  - Gives consideration to the objectives of this direction;
  - Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites; and
  - Is approved by the Secretary of the Department of Planning and Environment and is in force; or
- Is of minor significance.



## Report of the Director Environmental Services

## 12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

---

The applicant states that the PP is justifiably inconsistent with this Direction as it is justified by the Illawarra-Shoalhaven Regional Plan and as it is of minor significance.

The applicant argues that the site is already fragmented from nearby rural lands – being bounded to the east by Dido Street and residential development; to the west by Crown Land; and to the north and north-west by effectively rural-residential development. The site is not identified as State significant agricultural land, under the *State Environmental Planning Policy (Primary Production and Rural Development) 2019*. As the site does not allow for viable agricultural uses this PP is considered to be of minor significance and is therefore justified against Direction 1.5.

**Direction 2.1 – Environment Protection Zones** states that a PP must not reduce the environmental protection standards that apply to the land. A PP may be inconsistent with this direction if it is:

- Justified by a strategy which:
  - Gives consideration to the objectives of the direction,
  - Identifies the land which is the subject of the PP, and
  - Is approved by the Department of Planning, or
- Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- In accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- Is of minor significance.

In the assessment of Direction 2.1 the proponent has stated that the PP is consistent with Direction 2.1 as it does not propose to alter the current E2 Environmental Conservation zone or the Terrestrial Biodiversity overlay applying to the site. For this reason, it is accepted that the PP is consistent with Direction 2.1.

**Direction 2.2 Coastal Management** states that a PP must contain provisions that give effect to the objects of the *Coastal Management Act 2016* and must not rezone land which would enable increased development within a coastal vulnerable area, coastal wetland or littoral rainforest.

A PP may be inconsistent with this direction if it is:

- Justified by a study or strategy prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- In accordance with any relevant Regional Strategic Plan or District Strategic Plan, prepared under Division 3.1 of the Environmental Planning and Assessment Act 1979 by the relevant strategic planning authority, which gives consideration to the objective of this direction, or
- Is of minor significance.

## Report of the Director Environmental Services

## 12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

---

The applicant states that the subject site is not within a coastal vulnerability area, as identified by State Environmental Planning Policy (Coastal Management) 2018, and the site has not been identified as land affected by a current or future coastal hazard. For this reason, it is accepted that the PP is consistent with Direction 2.2.

**Direction 2.3 Heritage Conservation** states that a PP must contain provisions that facilitate the conservation of:

- a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:

- a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
- b) the provisions of the planning proposal that are inconsistent are of minor significance

A search of the Aboriginal Heritage Information Management System indicates that there are no known Aboriginal sites or places recorded or declared within 50 metres of the site.

Photographs, provided by the applicant, show that dry stone walls are located throughout the site. These walls are listed as heritage items in the LEP 2011. The PP does not seek to remove this listing.

The directions are considered to be addressed as there is appropriate legislation in place to protect unrecorded Aboriginal Heritage items and the dry stone walls as listed in Schedule 5 of the Kiama LEP 2011.

**Direction 3.1 Residential Zones** states that a PP must include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and
- (b) make more efficient use of existing infrastructure and services, and
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and

## Report of the Director Environmental Services

## 12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

- 
- (d) be of good design.

A planning proposal must, in relation to land to which this direction applies:

- a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- b) not contain provisions which will reduce the permissible residential density of land.

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:
- (i) gives consideration to the objective of this direction, and
  - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
  - (iii) is approved by the Director-General of the Department of Planning, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) of minor significance.

The PP will be of a density that is consistent with the general residential nature of the Kiama urban area and will provide for a range of residential uses that are permissible within the R2 Low Density Residential zone and R5 Large Lot Residential zone. Servicing has been addressed in the PP with the utility infrastructure available in the vicinity of the site. The capacity of this infrastructure will be confirmed with the relevant service providers post Gateway Determination. The proposal is consistent with the Illawarra-Shoalhaven Regional Plan. The PP is deemed to be consistent with this direction.

**Direction 3.4 – Integrating Land Use and Transport** states that a PP must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

A PP may be inconsistent with this direction if it is:

- Justified by a strategy which:
  - Gives consideration to the objectives of the direction;

## Report of the Director Environmental Services

## 12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

- 
- Identifies the land which is the subject of the PP; and
  - Is approved by the Department of Planning; or
  - Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction; or
  - In accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction; or
  - Is of minor significance.

The applicant has argued that the proposal is consistent with the Direction as Kiama Coaches operates a bus route between Kiama and Jamberoo with a bus stop being located within 200 metres of the site.

In a strategic context, the guide referred to in the Direction states that:

*Studies of land capability and opportunity should consider accessibility as a major criterion for assessment, especially access by public transport. Consultation with public transport operators and cyclist, pedestrian and disability groups should commence in the early stages of plan preparation.*

No new road networks are proposed as part of this PP. The site has existing frontage to a public road. Council's Acting Manager of Design and Development has raised no objection to the proposal. Additionally this PP is consistent with the Illawarra-Shoalhaven Regional Plan, and as such it is consistent with this Direction.

**Direction 4.1 Acid Sulfate Soils** states that a PP must:

- (a) Consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General,
- (b) Be consistent with the Acid Sulfate Soils Model LEP, and
- (c) On land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps, consider an acid sulfate soils study, if the PP proposes an intensification of land uses on land assessing the appropriateness of the change of land use given the presence of acid sulfate soils.

The applicant states that the PP is consistent with this Direction as, given the elevation of the site and the distance from Class 1 and 2 acid sulfate soils in the Spring Creek wetland area, it is unlikely that development of the site will disturb acid sulfate soils. As the site is mapped as Class 5, is approximately 200 metres from land identified as Class 2 acid sulfate soils and is not situated below 5 metres Australian Height Datum an acid sulfate soils study is not required. The acid sulfate soils provisions of the LEP will continue to apply to the site.

**Direction 4.3 Flood Prone Land** states that a PP must:

- (a) Give effect to the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).

## Report of the Director Environmental Services

## 12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

- 
- (b) Not rezone land within a flood planning area from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.
  - (c) Not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).
  - (d) Not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

A PP may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:

- (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or
- (b) the provisions of the planning proposal that are inconsistent are of minor significance.

The applicant has argued that the proposal is consistent with this Direction as a flood impact analysis of the site has determined that the area proposed for residential rezoning and future residential development will not be detrimentally impacted by flooding from Spring Creek.

For the purposes of this Direction a flood planning area has the same meaning as a flood planning level as in the *Floodplain Development Manual 2005*. These definitions have been incorporated into the LEP and generally refers to land with a level of a 1:100 average recurrent interval flood event plus 0.5metre freeboard. The flood impact analysis, prepared by Footprint Sustainable Engineering shows that areas of the site to be rezoned from rural to residential are within the flood planning area. In this regard the PP is strictly inconsistent with this Direction. However, the areas of the site that are within the flood planning area relatively small in size and therefore the inconsistency is considered to be of minor significance. Council's Acting Manager of Design and Development has raised no objection to the proposal.

**Direction 4.4 Planning for Bush Fire Protection** states that a PP must:

- (a) have regard to Planning for Bushfire Protection 2006,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

## Report of the Director Environmental Services

## 12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

---

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the noncompliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

The PP was supported by a Bushfire Hazard Assessment report, prepared by Harris Environmental Consulting, which concluded that the site can comply with the requirements of PBP 2006. Consultation with the NSW RFS will form part of the consultation process should Council endorse the PP to Gateway Determination.

**5.10 Implementation of Regional Plans** states that a PP must be consistent with a Regional Plan released by the Minister for Planning. A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:

- (a) is of minor significance, and
- (b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.

The PP addressed its consistency with the Illawarra-Shoalhaven Regional and is considered to comply with this Direction as it will assist in supplying additional housing in the Kiama LGA.

**6.1 Approval and Referral Requirement** states that a PP must:

- (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
  - (i) the appropriate Minister or public authority, and
  - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and
- (c) not identify development as designated development unless the relevant planning authority:
  - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and

## Report of the Director Environmental Services

## 12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

- 
- (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

The PP does not propose to introduce consultation, concurrence or referral requirements and does not identify designated development. The PP is consistent with this direction.

**State Environmental Planning Policies**

The submitted PP has outlined that only 1 State Environmental Planning Policy (SEPP) applies to the proposal, that being SEPP No 55 – Remediation of Land. The PP is considered to be generally consistent with SEPP No 55 which requires the planning authority to consider:

- (a) the planning authority has considered whether the land is contaminated, and
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

The applicant has stated that:

*“...a review of the site and understanding of its history does not disclose any known history of being used for potentially contaminating purposes. It is anticipated that a Preliminary Site Investigation contamination assessment may be required at Gateway stage should the Planning Proposal proceed.”*

This justification is considered to satisfy the mandatory considerations under the SEPP, however if this proposal proceeding to a Gateway Determination was supported Council could request that DPIE require a Preliminary Site Investigation.

**Site Constraints**

The site is subject to several constraints that have been analyzed as part of the review of the applicant's PP.

Heritage

A search of the Aboriginal Heritage Information Management System indicates that there are no known Aboriginal sites or places recorded or declared within 50 metres of the site.

Photographs, provided by the applicant, show that dry stone walls are located along the northern boundary of the site. These walls are listed as heritage items in the LEP 2011. The PP does not seek to remove this listing.



## Report of the Director Environmental Services

## 12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

---

The directions are considered to be addressed as there is appropriate legislation in place to protect unrecorded Aboriginal Heritage items and the dry stone walls as listed in Schedule 5 of the Kiama LEP 2011. In this regard the protection of the dry stone walls will form part of the assessment of any subsequent Development Application for the site.

It is considered that the impact on heritage is acceptable.

Flooding

The site is within the Spring Creek catchment which drains south and then east into Spring Creek. The flood impact analysis, prepared by Footprint Sustainable Engineering shows that areas of the site to be rezoned from rural to residential are within the flood planning area. However, the areas of the site that are within the flood planning area relatively small in size and therefore the inconsistency is considered to be of minor significance Council's Acting Manager of Design and Development has raised no objection to the proposal.

Servicing

The site has access to reticulated water and sewer, as well as telecommunications and electricity. The PP seeks to rezone land to low density residential and large lot residential. DPIE's 'Guide to preparing a planning proposal' indicates that a PP should address whether existing infrastructure is adequate to serve or meet the needs of the proposal. The 'Guide' outlines that this question typically applies to PPs that result in residential subdivisions in excess of 150 lots or substantial urban renewal projects. As this proposal would result in eight 8 residential lots

Utility services are available in the locality and service the existing residential development to the east. Given the relatively small scale of development and the location of the site adjacent to land already zoned and developed for residential purposes, it is considered that consultation with the relevant service providers after and in accordance with any Gateway Determination is the most appropriate way of determining if the existing infrastructure is adequate. This consultation will be requested should Council decide to endorse this proposal.

Bushfire

Approximately half of the site is mapped as bushfire prone land. The PP was supported by a Bushfire Hazard Assessment report, prepared by Harris Environmental Consulting, which concluded that the site can comply with the requirements of PBP 2006. Consultation with the NSW RFS will form part of the consultation process should Council endorse the PP to Gateway Determination.

The adequacy of the report will need to be reviewed by the NSW RFS as part of the Gateway process.

Visual amenity

The applicant has provided a visual assessment and photographs from various vantage points. The applicant has outlined that:

Report of the Director Environmental Services

12.4 Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama (cont)

---

*“The subject site occupies an elevated hillside position on the lower flanks of a major west-east trending ridgeline. In terms of the general visual exposure of the site, the ridgeline forms the dominant landscape element being clearly visible from the northern parts of Kiama township, the Princes Highway and South Coast Railway, and Bombo Beach. The site sits below the ridgeline, being positioned lower on the hillside just above the Spring Creek flood plain, and is not as extensively exposed to view.”*

As the site does not project above the ridgeline and most of the views of the subject site also contain existing residential development, the visual impact of the proposal is considered acceptable.

### **Plan Making Delegations**

Council has received plan making delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979. Should Council endorse the PP for Gateway Determination, it is recommended that Council request plan making delegations.

### **Conclusion**

The site’s absence from the KUS appears to be an anomaly. The subject site was not included in any evaluation for the purposes of the KUS. This may have been an oversight or because its inclusion was not specifically requested by the previous owner at that time. The site has similar characteristic to Site 8, which has received a Gateway Determination for residential rezoning. Rezoning the site in a similar fashion to Site 8 is considered appropriate as it would allow for modest residential growth within the town boundaries as referred to in the Mayoral Minute of the 17 October 2017 Council meeting.

The PP and supporting documents have not raised any significant issues that would preclude the rezoning of the site to predominantly residential purposes and any issues that have been raised can be addressed through an amended PP or at Development Application stage.

It is therefore recommended that the PP be endorsed to be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.

# PLANNING PROPOSAL



**LOT 2 DP 1018217  
DIDO STREET, KIAMA**

**Prepared by**

**Plannex Environmental Planning**

**on behalf of Tony Scopelitti**

**April 2019**

**Item 12.4**

**Attachment 1**

## TABLE OF CONTENTS

<b>1.0 INTRODUCTION</b> .....	1
1.1 Introduction.....	1
1.2 Subject Site .....	1
1.3 Development Proposal.....	4
1.4 Existing Planning Controls .....	4
<b>2.0 OBJECTIVES &amp; INTENDED OUTCOMES</b> .....	8
<b>3.0 EXPLANATION OF THE PROPOSED PROVISIONS</b> .....	9
<b>4.0 JUSTIFICATION FOR THE PLANNING PROPOSAL</b> .....	10
4.1 Need for the Planning Proposal .....	10
4.2 Relationship to Strategic Planning Framework.....	11
4.3 Environmental, Social and Economic Impact .....	16
4.4 State and Commonwealth Interests .....	26
<b>5.0 COMMUNITY CONSULTATION</b> .....	28
<b>6.0 CONCLUSION</b> .....	29

## LIST OF APPENDICES

**APPENDIX A** ..... Pre-Lodgement Meeting Notes

**APPENDIX B** ..... Site Photographs

**APPENDIX C** ..... Proposed Concept Subdivision Plan

**APPENDIX D** ..... Amendment to Land Zoning Map

**APPENDIX E** ..... Amendment to Lot Size Map

**APPENDIX F** ..... Amendment to Height of Buildings Map

**APPENDIX G** ..... Amendment to FSR Map

**APPENDIX H** ..... Section 9.1 Directions

**APPENDIX I** ..... Ecological Constraints Assessment

**APPENDIX J** ..... Flooding Constraints Mapping

**APPENDIX K** ..... Bushfire Hazard Assessment

**APPENDIX L** ..... Geotechnical Assessment

**APPENDIX M** ..... Preliminary Access Design

## 1.0 INTRODUCTION

### 1.1 Introduction

Plannex Environmental Planning has been engaged by Tony Scopelitti to prepare a Planning Proposal seeking to rezone part of his land at Lot 2 DP 1018217 Dido Street, Kiama from RU1 Primary Production to a mixture of R2 Low Density Residential and R5 Large Lot Residential to enable the site to be subdivided and developed for residential purposes, whilst retaining the existing E2 Environmental Conservation zoning across the western portion of the site.

This Planning Proposal identifies the objectives and intended outcomes of the proposal; offers an explanation of the proposed amendments to Kiama Local Environmental Plan 2011; and, provides detailed justification for the proposed amendment.

Prior to the preparation of the Planning Proposal a meeting was held with Council officers to discuss the development proposal and the intended amendments to Kiama Local Environmental Plan 2011 to facilitate the proposal, and to identify the range of matters to be addressed in the Planning Proposal. A copy of the minutes of that meeting are attached at Appendix A.

This Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act, 1979 (EP&AA); and, relevant Department of Planning and Environment (DPE) guidelines, including 'A guide to preparing planning proposals' (2018) and 'A guide to preparing local environmental plans' (2018).

### 1.2 Subject Site

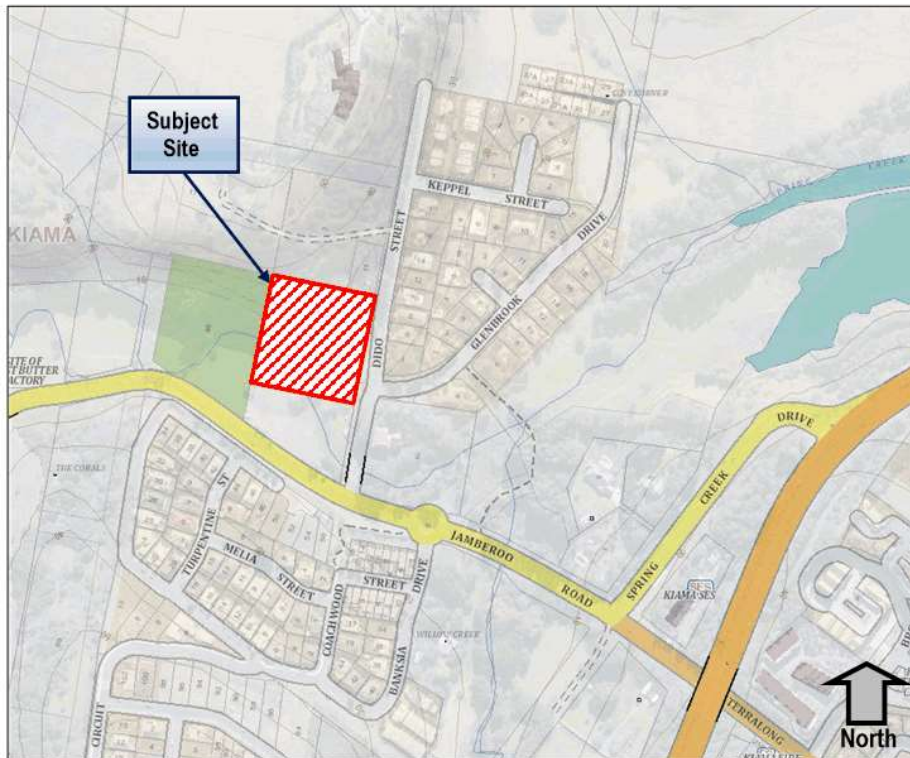
The subject site is an almost square-shaped allotment of land situated on the western side of Dido Street, north of Jamberoo Road, at Kiama (see Figure 1). The subject site is described as Lot 2 in Deposited Plan No.1018217 Dido Street, and has an area of 1.021 hectares. Photographs of the subject site are contained at Appendix B.

The subject site has a frontage of 100.585m to Dido Street along its eastern boundary. The northern boundary of the subject site measures 101.515m in length and the southern boundary measures 101.56m. The western boundary is 100.585m in length.



The subject site is currently vacant and its southern portion is affected by a 30.48m wide transmission line easement. The remnants of an old dry stone wall are located along part of the northern boundary.

Figure 1 – Location Plan



Source - SIX Maps

The subject site is located to the north-west of Kiama township within the lower hillslopes of the major ridgeline that extends through to Bombo Beach and separates Kiama from Bombo and Kiama Downs to the north. The localised landform of the site slopes in a south-easterly direction towards Dido Street and in a southerly towards Spring Creek, which cuts across the south-western corner of the site before flowing through the significantly flatter neighbouring property to the south and then under Dido Street and eventually into the Spring Creek wetland and lagoon at the southern end of Bombo Beach.

Vegetation across the subject site consists of two (2) vegetation types – 'Weeds and exotics' and 'Exotic grassland'. The dominant plant species present on-site include Large-leaved Privet, Coral Trees, Tobacco Bush and Easter cassia. Grasslands occurring on the cleared portions of the site are dominated by exotic species such as Kikuyu, Paspalum, Panic Veldtgrass and Parramatta Grass.



Figure 2 – Site Context



Source - SIX Maps

The subject site is not currently connected to Sydney Water's reticulated water supply or sewerage systems. Electricity services are similarly not connected to the subject site, but do run along the eastern side of Dido Street as an overhead supply.

### **1.3 Development Proposal**

The rezoning of the land is necessary in order to facilitate a development proposal to subdivide the land into a total of eight (8) allotments to be subsequently developed for residential purposes. The proposed subdivision (illustrated in the concept plan at Appendix C) makes provision for a range of allotment sizes taking into account the site constraints and opportunities. It is proposed to create three (3) 'standard-sized' residential allotments, of between 488.6m<sup>2</sup> and 529.6m<sup>2</sup> in area, fronting Dido Street, with a fourth lot also fronting Dido Street, but with a larger area of 1,350m<sup>2</sup> taking into account the influence of the transmission easement. The layout also proposes four (4) larger battle-axe allotments – three (3) ranging in size from 910.3m<sup>2</sup> to 1,740m<sup>2</sup> and the fourth having an area of 3,396m<sup>2</sup> and encompassing the residue of the land.

Access to the proposed allotments is proposed in two (2) locations from Dido Street – one at the northern end of the site to provide access to Lots 1 to 4, and the other at the southern end of the site providing access to Lots 5 to 8. The access corridors will have a minimum width of 5m and will be covered by Rights of Carriageway so that each allotment has coincidental legal and practical access. It is intended that even the allotments with direct frontage to Dido Street will utilise the designated access corridors in order to minimise the number of access points onto Dido Street.

The subdivision layout has been configured so that each proposed allotment can accommodate a building area that achieves a maximum Bushfire Attack level of BAL-29 without requiring any clearing or vegetation disturbance within the E2 zoned portion of the site.

The subdivision will be serviced with a reticulated water supply, connections to the reticulated sewerage system, underground electricity reticulation, and NBN broadband services.

### **1.4 Existing Planning Controls**

#### **1.4.1 Kiama Local Environmental Plan 2011**

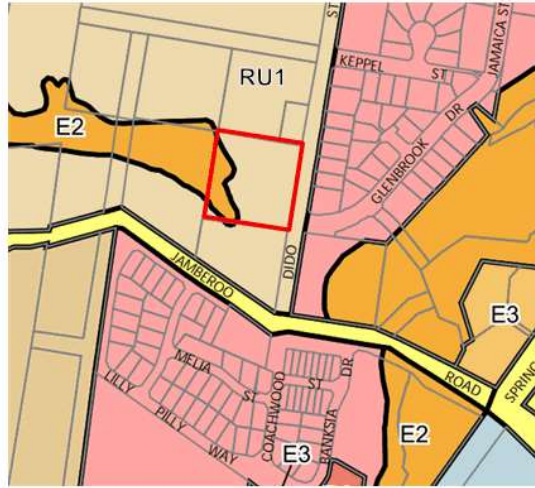
The subject site is affected by the provisions of Kiama Local Environmental Plan 2011 (KLEP 2011). Under KLEP 2011 the following specific planning controls apply to the subject site (shown edged in red on the map extracts):-

Planning Proposal  
Lot 2 DP 1018217 Dido Street, Kiama

April 2019

**Zoning**

RU1 Primary Production  
E2 Environmental Conservation



**Minimum Allotment Size**

40 hectares




Item 12.4

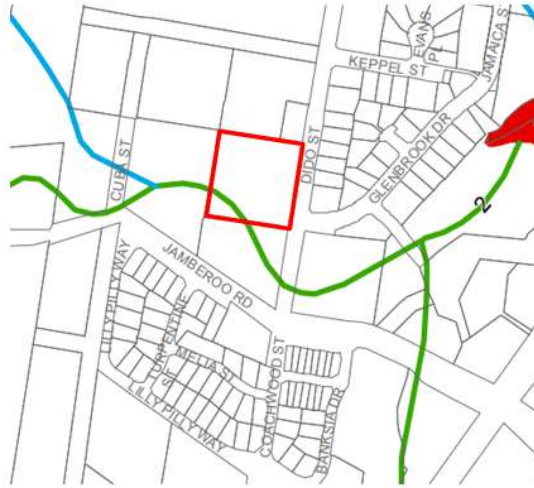
Attachment 1

Planning Proposal  
Lot 2 DP 1018217 Dido Street, Kiama

April 2019

**Riparian Lands**

 Category 2 watercourse



**Terrestrial Biodiversity**

 Biodiversity Land



Item 12.4


Attachment 1

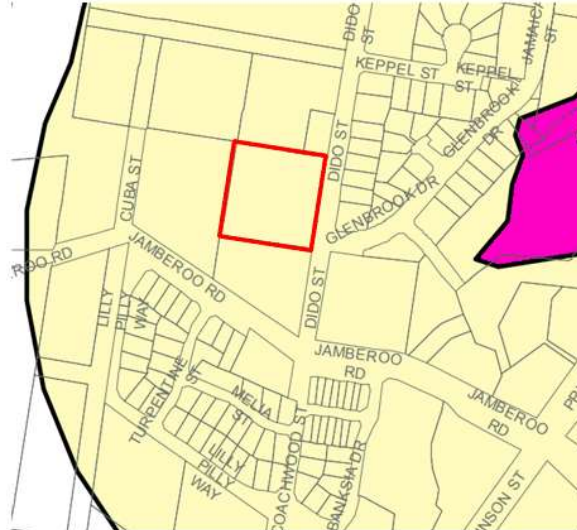


Planning Proposal  
Lot 2 DP 1018217 Dido Street, Kiama

April 2019

**Acid Sulfate Soils**

 Class 5



There is currently no specified maximum building height or floor space ratio (FSR) development standards applying to the subject site.

The subject site does not contain any listed items of environmental heritage but is located diagonally opposite listed item no. 199 ("Fernleigh" – at No.2 Dido Street) and there are the remnants of a dry stone wall located along the northern boundary of the site (see Photo 6 in Appendix B). Dry stone walls in Kiama are generally listed as a heritage item in Schedule 5 to KLEP 2011 (item no. 164).

Item 12.4

Attachment 1

## 2.0 OBJECTIVES & INTENDED OUTCOMES

The Planning Proposal seeks to make amendments to KLEP 2011 to rezone part of the land from RU1 Primary Production to a mixture of R2 Low Density Residential and R5 Large Lot Residential to enable the land to be subdivided and developed for residential purposes. The existing E2 zoned land will be maintained to enable the protection of the existing mapped Biodiversity Land.

The specific objectives and intended outcomes of the Planning Proposal are:-

- (a) to rezone part of the subject site from RU1 Primary Production to R2 Low Density Residential and R5 Large Lot Residential;
- (b) to retain the existing E2 Environmental Conservation zone across the western portion of the site and the RU1 Primary Production zone in the site's south-western corner;
- (c) to retain the Biodiversity Land designation within the site and to ensure the ongoing protection of this land;
- (d) to impose minimum allotment sizes of 450m<sup>2</sup> in respect of the land zoned R2 and 800m<sup>2</sup> in respect of the land zoned R5;
- (e) to impose a maximum building height limit of 8.5m in respect of the land zoned R2 and R5;
- (f) to impose a maximum FSR of 0.45:1 in respect of the land zoned R2 and R5; and
- (g) to enable the Torrens Title subdivision of the subject site to create residential allotments upon which dwelling houses may be constructed and including one (1) allotment that will contain all of the RU1 and E2 zoned land, in addition to at least 800m<sup>2</sup> of R5 zoned land.

### **3.0 EXPLANATION OF THE PROPOSED PROVISIONS**

The objectives and intended outcomes of the Planning Proposal, as identified in Section 2.0, are to be achieved by:-

- Amending the KLEP 2011 Zoning Map in accordance with Appendix D, to rezone part of the subject site from RU1 Primary Production to R2 Low Density Residential and R5 Large Lot Residential;
- Amending the KLEP 2011 Lot Size Map in accordance with Appendix E, to apply a minimum permissible allotment size of 450m<sup>2</sup> in respect of the R2 zoned land and 800m<sup>2</sup> in respect of the R5 zoned land;
- Amending the KLEP 2011 Height of Buildings Map in accordance with Appendix F, to apply a maximum permissible height of 8.5m in respect of the land zoned R2 and R5; and
- Amending the KLEP 2011 FSR Map in accordance with Appendix G, to apply a maximum permissible FSR of 0.45:1 in respect of the land zoned R2 and R5.



## 4.0 JUSTIFICATION FOR THE PLANNING PROPOSAL

This section of the report examines the justification for the Planning Proposal in terms of the need for the proposal; how it sits within the strategic planning framework; its likely environmental, social and economic impacts; and, its implications for State and Commonwealth government agencies. This section is structured as responses to the questions contained within the DPI's 'A guide to preparing planning proposals'.

### 4.1 Need for the Planning Proposal

#### 4.1.1 *Is the planning proposal a result of any strategic study or report?*

The Planning Proposal has been prepared as a direct result of Council's *Kiama Urban Strategy* (KUS). The KUS was prepared to consider and identify opportunities and options for urban infill and urban expansion development within the Kiama Local Government Area (LGA), including sites adjacent to the western fringe of Kiama township.

Although greenfield land adjoining the site to the north and north-west was examined by the KUS for its potential to be rezoned and developed for residential purposes, the subject site was not. Therefore, whilst the KUS does not specifically identify the site as one which should be considered for progression to Planning Proposal stage, it has similarly not specifically excluded the site either. Accordingly, this Planning Proposal seeks to evaluate the subject site in the same manner as the KUS evaluated other sites adjoining, and in the immediate vicinity of, the subject site.

#### 4.1.2 *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The subject site is currently zoned RU1 Primary Production and E2 Environmental Conservation and is affected by a minimum allotment size of 40 hectares. Under the current provisions of KLEP 2011 it is not possible to subdivide the subject site in the manner proposed. Accordingly, rezoning of the subject site to a mix of R2 Low Density Residential and R5 Large Lot Residential to facilitate the proposal is the best and only means of achieving the desired outcome.

## 4.2 Relationship to Strategic Planning Framework

### 4.2.1 *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The Illawarra-Shoalhaven Regional Plan (ISRP) was published by the DPE in November 2015 and provides the strategic policy, planning and decision-making framework to guide sustainable growth in the Illawarra-Shoalhaven Region over a 20-year period to 2036. In terms of housing, the ISRP indicates that the region will need to provide at least 35,400 new homes between 2016 and 2036 to meet the demands of population growth and change. The ISRP aims to create sufficient housing supply to enable the region to meet the projected demand for new housing and sets Directions to achieve this outcome.

The Planning Proposal is consistent with Direction 2.1 which seeks to *“provide sufficient housing supply to suit the changing demands of the region”*. The ISRP indicates that the projected housing need for the Kiama LGA up to 2036 is 2,850 new homes. Whilst the Planning Proposal will not make a significant impact in terms of meeting the projected housing needs, it will assist. For this reason, the Planning Proposal is consistent with Direction 2.1.

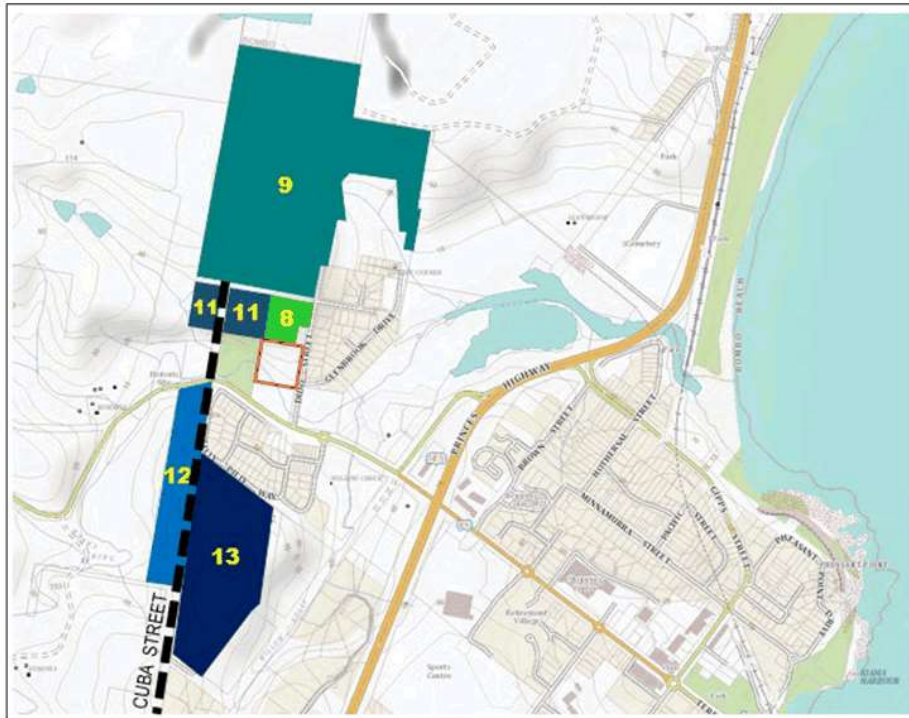
The subject site is located within reasonable proximity to the Kiama Town Centre and is within 200m of a bus stop along Jamberoo Road which services a bus route into the Kiama Town Centre. The Kiama Town Centre provides a range of services including retail, personal, health, community, and financial services. The Planning Proposal is therefore also consistent with Direction 2.2 which seeks to *“support housing opportunities close to existing services, jobs and infrastructure in the region’s centres”*.

The Planning Proposal will maintain the existing E2 Environmental Conservation zoning and Biodiversity land overlay applying to that band of vegetation along the northern side of Spring Creek. In addition, the concept subdivision plan (which the Planning Proposal will enable) also incorporates measures to ensure the protection of this area by including it within a single allotment and by ensuring that the proposed allotments are sized and configured to accommodate future dwellings without the need to clear or impact on vegetation within this area. The Planning Proposal is therefore considered to be consistent with Direction 2.4 which is to *“identify and conserve biodiversity values when planning new communities”*.

**4.2.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

The KUS was adopted in September 2011 and identifies areas throughout the Kiama LGA that are considered to be potentially suitable for urban infill or greenfield urban expansion. On the north-western periphery of Kiama township (in the immediate vicinity of the subject site), five (5) potential sites were evaluated for suitability for urban expansion and are referenced in the KUS as sites 8, 9, 11, 12 and 13. For some unexplained reason (perhaps an oversight or perhaps because it was not specifically requested by the previous owner at that time), the subject site was not included at all in any evaluation for the purposes of the KUS. The location of the potential sites in relation to the subject site is illustrated in Figure 3 below (with the subject site edged red).

Figure 3 – Kiama Urban Strategy



The KUS evaluation assessment resulted in the following recommendations for each of the five (5) potential sites illustrated in Figure 3:-

**Site 8** *Include*

**Site 9** *Exclude – due to its highly visual ridge location and not required*

**Site 11** *Partial inclusion only as part of the land is west of the town boundary adopted by Council (ie Cuba Street)*

**Site 12** *Exclude – as the land is west of the town boundary adopted by Council*

**Site 13** *Include – as the land adjoins Cedar Ridge and Cedar Grove and is east of the town boundary adopted by Council*

Of these sites, Site 13 has been rezoned and subdivided and is currently being developed with housing; Site 8 is the subject of a current Planning Proposal seeking rezoning to R2 Low Density Residential to enable subdivision to create a potential ten (10) allotments; and, Site 9 was the subject of a recent planning proposal request which was formally not endorsed to proceed to Gateway determination at the Council meeting held on 19<sup>th</sup> March 2019. At the time of its initial adoption, the KUS indicated that Site 13 would be available for housing by 2016, and Sites 8 and 11 by 2021.

The subject site has very similar characteristics to Site 8. The subject site is located directly opposite existing residential development in Dido Street; it sits lower on the hillside than the discounted Site 9 (and is lower than the supported Sites 8 and 11); and, importantly, it lies to the east of Cuba Street – with only Crown Land (Lot 701 DP 1026775) located between the site and Cuba Street. Cuba Street was reinforced by Council as the adopted western boundary of Kiama township at its meeting of 17<sup>th</sup> October 2017, when it was resolved that Council “*not support any new planning proposals that involve new residential land outside the identified town boundaries referred to in the adopted urban strategy areas*”.

A more detailed, site-specific analysis of the constraints and capabilities of the subject site has been undertaken to inform the Planning Proposal and concept subdivision layout. This detailed analysis has identified that the subject site does have some capacity for residential subdivision and development without having any adverse environmental impacts. It has also identified that the land immediately to the south is heavily impacted by flooding and biodiversity constraints. These factors, in conjunction with the subject site’s location east of Cuba Street, is demonstrative of the suitability of the site for consideration for rezoning.

Even though the subject site has not been recommended by the KUS for consideration for future urban development, this appears to have been the result of the site having never been exposed to evaluation under the KUS rather than as a result of it being evaluated and ruled out as unacceptable. As mentioned above, the land immediately to the north and north-west of the subject site has been identified in the KUS as suitable for consideration for rezoning; the land immediately to the west is Crown Land; and, the land to the south is not suitable for development due to flooding and biodiversity constraints. This leaves the

subject site as an isolated 'island'. It therefore makes sense, from a planning perspective, to consider the site for rezoning.

Council's *Planning Proposal Policy* (adopted 21<sup>st</sup> February 2012) identifies the circumstances under which Council may be prepared to consider a planning proposal, namely:-

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

In this case, the land is not nominated in the KUS. However, for the reasons explained above, it is considered that the subject site is consistent with the intent of the KUS. The development of the site for residential purposes is also consistent with Council's strategic directions for greenfield urban expansion (as outlined in the KUS), particularly:-

- 4.6.1 *That Council provide sufficient land to meet the requirements of the Illawarra Regional Strategy as required by the Department of Planning.*
- 4.6.3 *That Council agree to the IRS target of 43% detached housing as required by the DOP recognising that the implications of this include the requirement to consider broader greenfield sites in the planning proposal process. However Council seek to review the IRS and this percentage following the 2011 Census and an associated review of population and housing needs.*
- 4.6.6 *That Council reconfirm its strongly held policy position that residential development in Kiama not progress further west than the current West Kiama/Cedar Ridge/Cedar Grove town boundary.*

It is also apparent that the current RU1 Primary Production zoning is not an appropriate zoning for the site. The RU1 zone has objectives aimed at:-

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect agricultural land for long term agricultural production.*
- *To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing.*

The subject site has an area of just 1.021 hectares, of which only approximately 4,700m<sup>2</sup> is currently cleared. Whilst the site is contiguous with the adjoining allotment to the south (Lot 1 DP 1018217 – 7,041m<sup>2</sup> in area), this allotment does not add significantly to the available cleared land and is almost entirely flood-prone. The very small area of cleared land available, together with the shallow soil profile over the site precludes the site from being used for primary production purposes (eg grazing or cropping) consistent with its zoning. In addition, with Council prepared to consider land to the north and north-west for rezoning for residential purposes and the land on the opposite site already being developed for residential purposes, using the subject site for primary production purposes has the potential to cause conflict with existing and future residential neighbours – particularly considering the cleared and less steeply sloping portion of the site is located in its north-eastern corner.

As the site has extremely limited primary production capacity and cannot be used for a purpose that is consistent with the zone objectives, it is considered that there is an anomaly with the existing zoning. This zoning anomaly is further enhanced by the fact that Council is prepared to consider land to the north and north-west for rezoning in accordance with the KUS, and that the subject site should have (as a minimum) at least been evaluated as part of the preparation of the KUS.

#### ***4.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The Planning Proposal has been reviewed having regard to State Environmental Planning Policies (SEPPs). The only applicable SEPP is *State Environmental Planning Policy No.55 – Remediation of Land*. In this regard, a review of the site and understanding of its history does not disclose any known history of being used for potentially contaminating purposes. It is anticipated that a Preliminary Site Investigation contamination assessment may be required at Gateway stage should the Planning Proposal proceed.

**4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The Planning Proposal has been reviewed in the light of the Directions issued by the Minister pursuant to Section 9.1(2) of the Environmental Planning and Assessment Act, 1979. The Planning Proposal's consistency with the relevant Section 9.1 Directions is summarised in the Table in Appendix H.

**4.3 Environmental, Social and Economic Impact**

**4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject site contains various ecological constraints, including land zoned E2 Environmental Conservation and mapped as biodiversity land under KLEP 2011; Spring Creek and its associated riparian area; and, land mapped as having biodiversity values under the NSW Biodiversity Values Map. Accordingly, EcoPlanning was engaged to undertake an ecological constraints assessment of the subject site and the neighbouring Lot 1 DP 1018217 (which is in the same ownership as the subject site). A copy of EcoPlanning's report is attached at Appendix I.

The assessment and investigations undertaken by EcoPlanning included a literature and database review of the study area; determination of the potential for threatened species, populations and migratory species to occur within the study area; and, field surveys. Whilst the literature review revealed 'subtropical dry rainforest' as being mapped across the study area, field surveys determined that the on-site vegetation is dominated by Large-leaved Privet, Coral Trees, Tobacco Bush and Easter cassia. Based on this assessment, the actual vegetation communities present were more properly determined as being 'weeds and exotics' and 'exotic grassland'. None of the threatened flora species recorded within 5km of the study area were present on the site.

Whilst twelve (12) threatened species of fauna have previously been recorded within 5km of the study area, there are no recent records of any threatened fauna occurring within the study area and most threatened species were either determined as being not present or having a low likelihood of occurrence within the study area. No hollow bearing trees were recorded in the study area. Two (2) species of microbats have been recently recorded within the locality – the Eastern Bentwing-Bat and the Southern Myotis. Habitat on the site is limited to foraging habitat only.



The ecological constraints assessment has identified the land within 20m either side of Spring Creek as presenting a 'high' ecological constraint, with the next 20m outside of this presenting a 'medium' constraint. Where development proposes works that will impact on the 'high' ecological constraint area a Biodiversity Development Assessment Report (BDAR) will be required. Where impacts on the Vegetated Riparian Zone to Spring Creek are proposed, a Vegetation Management Plan (VMP) will be required at development application stage.

The proposed subdivision does not seek to undertake any works – including clearing for Asset Protection Zones – within the area of 'high' ecological constraint, and the proposed allotments have been configured accordingly.

**4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

In addition to the investigations of the site's ecology (outlined above) flooding, bushfire risk and geotechnical constraints together with potential traffic and visual impacts have been investigated as outlined below:-

**(a) Flooding**

Spring Creek cuts across the south-western corner of the subject site and passes through the adjoining property to the south, before passing under Dido Street and then into the Spring Creek wetland and lagoon. Potential flooding impacts have been investigated by Footprint Sustainable Engineering.

Footprint's analysis of flooding impacting the site has been derived from the *Spring Creek Catchment Flood Study* (May 2014) and has determined that the 1% AEP flood level affecting the site is RL 8.0m AHD, while the PMF level affecting the site is RL 10.0m AHD. Footprint's mapping of the 1% AEP and PMF levels relevant to the site is attached at Appendix J.

The flood analysis clearly demonstrates that only the very south-western corner of the subject site (ie Lot 2 DP 1018217) is affected by the 1% AEP flood event, and impacts only proposed Lots 6 and 7. The flood-affected area coincides with areas of 'high' ecological constraint and therefore will be excluded from any development – including land clearing. Suitable building areas on proposed Lots 6 and 7 are available well above the 1% AEP flood level and the PMF level. Proposed Lots 1 to 5 and 8 are located entirely above the 1% AEP flood level.

**(b) Bushfire Hazard**

Harris Environmental Consulting has undertaken an assessment of the capability of the subject site to be rezoned and developed for the proposed residential subdivision in accordance with the provisions of *Planning for Bushfire Protection*

(2006). The assessment has considered the capability of the subject site to achieve the required minimum bushfire protection measures for the proposed subdivision and future dwelling houses, having regard to the need to provide Asset Protection Zone (APZ) building setbacks to existing significant vegetation; the need to provide access and egress for future residential development; and, the need to provide other bushfire protection measures such as the provision of utilities.

The bushfire hazard assessment has undertaken an investigation of the vegetation types and land slopes influencing bushfire behaviour. The upslope land to the north is considered to be managed due to the presence of an existing dwelling house (No.11 Dido Street) and the current proposal to rezone the adjoining property to residential. To the west the land is 15-20° downslope and classified as 'rainforest', while to the south and south-west the land is 5-10° downslope and classified as 'riparian corridor', with 'grassland' also present to the south-west and south. The land to the east is 5-10° downslope and classified as a combination of managed land and 'rainforest'.

Using the slope analysis and vegetation classifications, APZ widths for the proposed allotments have been determined in order for each allotment to accommodate a building area capable of achieving a maximum Bushfire Attack Level (BAL) of BAL-29. To avoid impacting on the vegetation embodied within the E2 zone and within the 20m riparian corridor to Spring Creek, the APZs have been measured from the edges of these areas. The nominated APZs required to achieve BAL-29 are 11m to the south-east; 18m to the south and south-west; and 29m to the west.

The geometric design of the Right of Carriageway access driveways will need to comply with *Planning for Bushfire Protection* (2006) in terms of grades, carriageway width, and crossfalls.

As it is intended to provide a reticulated water supply, where any building envelope on an allotment is not within 70m of a fire hydrant, a 10,000 litre dedicated firefighting supply will need to be provided. Bottled gas will need to be installed and maintained in accordance with AS/NZS 1596-2014. Any above ground electricity transmission lines will need to be managed in accordance with the supply authority's specifications.

A copy of the bushfire hazard assessment report is attached at Appendix K.

**(c) Site Stability**

Southern Geotechnics was engaged to undertake a geotechnical assessment of the stability of the subject site and its suitability for subdivision and subsequent development for residential purposes.

The geotechnical investigations undertaken by Southern Geotechnics involved a review of local geological mapping; site observations on the property and the surrounding area; drilling of three (3) boreholes across the site; and, engineering assessment and reporting.

Based on the geotechnical investigations undertaken, the site was assessed as having a very low to low risk of slope instability and has been classified as a Class P site in accordance with AS2870 – 2011 *Residential slabs and footings*.

It is recommended that development take place on the moderately sloping ground in the north-eastern portion of the site. Coincidentally, this portion of the site corresponds with the area north of the transmission easement and east of the recommended APZ to the E2 zoned land, which is the area where building envelope opportunities exist.

The geotechnical assessment has identified geotechnical constraints and recommendations for future development, including the following:-

- Foundations should be designed in accordance with engineering principles, with reinforced footings or piers founded on rock.
- Excavations over 600mm deep should be supported by engineered retaining walls. Excavations less than 600mm may be battered not steeper than 2.5H:1V, and vegetated or covered to limit erosion. Excavations in rock should be carried out using a process that involves saw cutting, due to the risk of damage to adjoining properties caused by large hydraulic hammer vibrations.
- No fill material apart from that necessary for driveway and slab construction should be imported onto the site. Any fill arising from excavations on site may be placed and compacted in 200mm maximum thickness layers on stripped and benched ground. Fills more than 600mm deep should be supported by an engineered retaining wall. Fill less than 600mm deep may be battered not steeper than 2.5H:1V, and vegetated or covered to limit erosion.
- Retaining walls greater than 600mm high should be engineer designed, include subsoil drainage at the rear, and allow for the lateral loading arising from soil creep on sloping ground. Landscaping walls less than 600mm high should be constructed in accordance with the supplier's recommendations.
- All roof water run-off not stored for reuse and surface run-off should be piped to the creek. On-site disposal of stormwater by concentrated soakage is not recommended on the basis of the increased risk of slope instability and reactive clay movement. Subsoil drainage is recommended on the upslope side of slab on ground structures to limit the ingress of seepage beneath the slab.

A copy of the geotechnical assessment report is attached at Appendix L.

**(d) Traffic Impacts**

The subject site is accessed from Jamberoo Road via Dido Street. Jamberoo Road is a main road providing access between Kiama and Jamberoo and also services the M1 motorway, with an on/off ramp located to the east of the site. The proximity of Jamberoo Road provides the site with excellent access to regional the major north-south and east-west road corridors.

In terms of traffic impacts, the site is accessed directly from Dido Street, which has a sealed carriageway and concrete kerb and gutter along its eastern side. The concept subdivision plan makes provision for a total of eight (8) allotments. Based on traffic generation rates of 9 daily vehicle trips per dwelling and 0.85 weekday peak hour vehicle trips per dwelling<sup>1</sup>, the eight (8) lot subdivision would generate a total of 72 daily vehicle trips and 6.8 (say 7) vehicle trips in the weekday peak hour.

An additional 7 weekday peak hour trips is not expected to adversely impact upon the current level of service of the intersection of Dido Street and Jamberoo Road.

**(e) Visual Impacts**

The subject site occupies an elevated hillside position on the lower flanks of a major west-east trending ridgeline. In terms of the general visual exposure of the site, the ridgeline forms the dominant landscape element being clearly visible from the northern parts of Kiama township, the Princes Highway and South Coast Railway, and Bombo Beach. The site sits below the ridgeline, being positioned lower on the hillside just above the Spring Creek flood plain, and is not as extensively exposed to view.

The general visual character of the area is predominantly of a natural and rural character, with elements of residential character also present along Dido Street and in the Cedar Grove Estate. This visual character of the site and its setting is typical of urban fringe development along the western edge of Kiama.

Due to the nature of the prevailing topography of the site and its immediate surrounds, and that of the locality generally, the visual catchment of the subject site is restricted to close range views only. The principal public domain views of the site are from the northbound lanes of the Princes Highway (south of the Spring Creek Drive exit); from Spring Creek Drive; from Terralong Street (west of the Princes Highway overpass); and, from within the 'Cedar Grove' estate (refer to the photograph locations in Figure 4).

<sup>1</sup> *Guide to Traffic Generating Developments* (Roads and Traffic Authority 2002)

Figure 4 – Photograph Locations



In general terms, the ridgeline is the dominant feature of the landscape setting of the site and features in all views of the site from the nominated viewing points. The site does not project above the ridgeline and is viewed against a backdrop of vegetation, flanked by vegetation and with vegetation in the foreground. Most views of the subject site also contain existing residential development, such that the future development of the site will not be a foreign element within the visual catchment. It should also be noted that the land immediately to the north and uphill of the subject site is earmarked for rezoning and residential development (being the subject of a current Planning Proposal). Development of this site will alter the landscaped setting of the subject site and will expand the existing residential elements and will make development on the subject site less apparent.

The following photographs illustrate the visual exposure of the subject site (circled) when viewed from public vantage points to the east and south.





**P1** – View from the north-bound lanes of the Princes Highway. The site sits between existing residential development at the top end of Dido Street (to the right) and the 'Cedar Grove Estate' (to the left). The landscape setting is dominated by vegetation and the ridgeline, with elements of residential character also present. Given the comparatively small area affected by potential future development of the site, when considered in the broader visual setting, there will be only a minor change to the landscape setting as the dominant landscape elements will remain the extensive stands of vegetation and the ridgeline.



**P2** – View from the western end of Terralong Street (east of the Spring Creek Drive intersection). The site is clearly visible and there are no other visible residential elements present that might otherwise make future development of the site less obvious. Localised topography, intervening vegetation and the alignment of the road all contribute to the screening from view of existing residential development in the Spring Creek area and at Cedar Grove Estate. Future development of the land uphill and to the right of the subject site (as envisaged by the KUS) would also be visible from this viewing point.



**P3** – View from the Spring Creek Drive exit off the Princes Highway. The scene has a higher level of residential elements in the immediate vicinity of the site, which will render any future development of the site contiguous with existing development. If development occurs to the right of the subject site (as is envisaged by the KUS) then this will create an expanded residential element within the view, but still maintaining the characteristics of development at the Kiama urban fringe.



**P4** – View from the north-bound lanes of Spring Creek Drive. Similar view to that at P3, with more of a predominance of natural elements due to the existence of the Spring Creek floodplain and wetlands in the mid-ground. Even from this vantage point, development on the site will not result in a drastic change to the landscape setting due to the relatively small area of the site and the presence of residential elements within the view.





**P5** – View from the intersection of Lilly Pilly Way and Turpentine Street in the Cedar Grove Estate, to the south. The landscape setting is highly urbanised with established residential development in the foreground and to the right of the subject site. Even accounting for the fact that much of the vegetation on the right-hand side of the circled area consists of Coral trees, there is still extensive vegetated areas to the left of the site and above the site to the ridge line. Development of the site will appear as being contiguous with the existing development to the right and will not be inconsistent with the general urban fringe pattern of development in the area generally.

Factors which influence the visual impact of a development include:-

- the distance from the viewer to the development – whether views are distant or close range;
- the extent of the view – whether the development is visible in its entirety or only partially;
- the duration of the view – whether viewed for a short period (as in by a passing motorist) or for an extended period; and
- the visual absorption capacity of the setting – the ability of existing elements within the landscape to hide or screen or disguise a development.

From the locations shown in photographs P1 to P5, views of the site are generally at a distance which would make it difficult for an observer to perceive the detail of future development, with it largely reading as contiguous with the scale and form of the existing residential development.

In terms of the extent of views, even from closer vantage points (P2 and P5), the site is viewed in a broader context and not in its entirety (due to the landform of the site and existing vegetation). Once the site is developed for residential purposes, individual structures would overlap each other in the view and the site would mimic adjacent residential development in that regard.

The exposure of the site to views from public roads will be limited in duration. This is due to a number of factors such as the alignment of the roads; the speed of traffic travelling along the roads; and, intervening topographical, landscape and man-made features. The limited duration of views to the site would not create an increased sensitivity to the development.

The physical setting of the subject site is considered to provide a high visual absorption capacity, on the basis that development of the subject site will not be prominent in the visual catchment. The development will make a comparatively small contribution to the overall view and does not contrast significantly with other residential elements that are apparent in the current views. The major ridgeline backdrop and extensive areas of vegetation will remain the dominant elements within the visual catchment.

Overall, in terms of impacts on the visual quality of the landscape setting, the development of the site will result in a minor modification to the existing visual setting but will not significantly change the overall composition of the wider visual setting. The proposal does not introduce a new visual element into the view, as there is already residential development present in the visual catchment, and therefore achieves compatibility with its surroundings.

#### ***4.3.3 Has the planning proposal adequately addressed any social and economic effects?***

The Planning Proposal will provide additional residential land to be developed for detached dwellings to assist Kiama Council to meet the housing demands of population growth and change. The subject site is close to the amenities of the Kiama town centre, which include a major supermarket; general shops; cafes; clubs; hotels; community facilities; churches; swimming pools; recreational amenities; medical practitioners; library; child care centres; a public high school; and, public and Catholic primary schools.

The Planning Proposal will lead to increased development and building activity throughout the subdivision and dwelling construction phases. The broader population base will increase the demand for goods and services which will benefit local businesses and service providers. Section 7.11 and 7.12 Contributions levied by Council at both the subdivision and building stages, will provide funding for identified Council projects.

## **4.4 State and Commonwealth Interests**

### **4.4.1 Is there adequate public infrastructure for the planning proposal?**

The subject site is located immediately to the west of the existing, established residential area of Spring Creek. This residential area is currently fully serviced with reticulated water and sewerage, electricity services and NBN broadband connection.

The area is serviced by Sydney Water's reticulated water supply system, with a watermain located along the eastern side of Dido Street. Existing fire hydrants are located in Dido Street to the north-east of the site and at the intersection of Dido Street and Glenbrook Drive. The site is capable of being connected to the reticulated water supply in Dido Street.

The residential properties opposite the site in Dido Street are connected to Sydney Water's reticulated sewerage system. To service the proposed subdivision, it will be necessary to extend the sewerage system across to the western side of Dido Street. It is expected that Council will consult with Sydney Water as part of the Planning Proposal assessment and any specific requirements can be made known at that stage.

Electricity to service the proposed subdivision would be taken from the existing overhead mains on the eastern side of Dido Street and reticulated via underground mains throughout the subdivision.

Access to the proposed allotments will be provided from Dido Street via two (2) separate access driveways – one positioned towards the northern end of the site and servicing proposed Lots 1 to 4, and the other positioned towards the southern end of the site and servicing proposed Lots 5 to 8. A preliminary design for the access driveways, proving access feasibility, has been prepared and is attached at Appendix M. Direct access to Dido Street, other than via the proposed access driveways, will be prohibited for Lots 3, 4, 5 and 8 via an appropriately worded 88B Restriction.

Kiama Coaches operates a bus route along Jamberoo Road between Kiama and Jamberoo (Route 701). There is a bus stop located south of the site on Jamberoo Road, within 200m walking distance of the site.

Having regard to the availability of existing electricity services; the potential to connect to the available reticulated water supply and sewerage systems; and the availability of convenient public transport, it is considered that there is adequate public infrastructure already in place to cater for the proposal.

**4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

At this stage, the gateway determination has not been issued by the Minister and the relevant State and Commonwealth public authorities to be consulted have not yet been confirmed. It is expected that the following State and Commonwealth agencies (as a minimum) will be formally consulted:-

- Department of Planning and Environment;
- Sydney Water;
- Endeavour Energy;
- Rural Fire Service;
- NSW Office of Environment and Heritage; and
- NSW Department of Primary Industries – Water.

## 5.0 COMMUNITY CONSULTATION

The gateway determination will identify the level of public consultation required for the Planning Proposal, and may require:-

- notification of the Planning Proposal in a newspaper circulating in the locality;
- notification on Kiama Council's website; and
- notification in writing to affected and adjoining landowners.

The DPE's '*A guide to preparing local environmental plans*' outlines the consultation required for different types of planning proposals depending on whether or not they can be classified as "*low impact proposals*" or not. It is not expected that the Planning Proposal for the subject site will be classified as "low impact", and therefore a 28 day exhibition period is anticipated.

## 6.0 CONCLUSION


The Planning Proposal seeks to amend KLEP 2011 to enable the subject site to be subdivided and developed for low density residential purposes, with the existing mapped area of high ecological constraint protected and conserved by the retention of the current E2 Environmental Conservation zoning.

The subject site is considered to be suitable for the proposed subdivision and subsequent residential development having regard to the availability of public utility infrastructure and the proximity of the site to existing facilities and services.

Assessments of the site constraints and development proposal undertaken to date, indicate that the development of the site is possible within the existing constraints, and that there is not likely to be any detrimental environmental impacts arising from the proposed development, and that the likely social and economic impacts of the development will be positive.

This Planning Proposal report has reviewed the proposal in light of the State and local strategic planning framework, and has determined that the proposal is consistent with the *Illawarra-Shoalhaven Regional Plan*, relevant SEPPs and s9.1 Directions, and is not inconsistent with Council's adopted *Kiama Urban Strategy* (2011).

The Planning Proposal is recommended to Council for referral to the Department of Planning and Environment for Gateway Determination.



Glenn Debnam BTP (UNSW) RPIA  
**Town Planner**  
**Director**

8<sup>th</sup> April 2019

---

**12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot**

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 12.5

### Summary

This report reviews the DA 10.2018.74.1 which involves the consolidation of 2 existing lots and the concurrent 13 Lot Torrens Title subdivision, consisting of 12 residential allotments with road construction and 1 residual lot containing the existing dwelling and shed.

The report recommends that Council approve DA 10.2018.74.1 as the proposal is:

- Permissible in the RU2 Rural Landscape, Part R2 Low Density Residential and Part E3 Environmental Management and complies with the zone objectives and is consistent with the relevant development standards of the Kiama LEP; and
- Generally consistent with Kiama DCP 2012.

Requests to vary this LEP development standard and these DCP controls have been received.

### Finance

N/A

### Policy

N/A

### Consultation (Internal)

Please refer to the "Internal Referrals" section of this report.

### Communication/Community Engagement

Required: Yes (newspaper advertisement, onsite notice and letter notification).

Notification Period: Two notifications for 30 days:

Notification 1 from 12/05/2018 to 11/06/2018; and

Notification 2 from 22/02/2019 to 24/03/2019.

Submissions: Notification 1 - 5 submissions; and

Notification 2 - 2 submissions.



Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

### Reason for Report

This report is submitted to Council because only the elected Council:

- determine applications involving more than 3 objections;
- determine applications involving more than a minor variation to the development control plan; and
- determine applications with a construction value of more than \$2,000,000.00.

### Attachments

1 10.2018.74.1 - Plans [↓](#)

### Enclosures

Nil

### **RECOMMENDATION**

That Council approve Development Application No 10.2018.74.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

### **BACKGROUND**

#### **Development Site**

The property is described as Lot 100 DP 1157883 which is located at 26 Drualla Road, Jamberoo.

The overall site measures 27.66ha and is irregular in shape. The site currently contains both Class 1 and Class 10 buildings and is bounded by residential and rural zoned land containing principally residential dwellings and pasture respectively.

The site is zoned Part RU2 Rural Landscape, Part R2 Low Density Residential and Part E3 Environmental Management under Kiama LEP 2011.

The site is vegetated and undulating, with slopes moderately from the south-west corner to the north-east. The site drains to the natural watercourse.

The site drains overland through a natural watercourse that traverses the site. There are farm dams present on the land.

Access to the property is gained through a Public Road.

The site is not serviced with utilities/serviced by water/sewer/electricity/natural gas telecommunications.

Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drulla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)



Figure 1 – Locality Plan

The site is subject to the following constraints:

- Areas mapped in Kiama LEP 2011 as terrestrial biodiversity/riparian land and watercourses;
- Bushfire affectation;
- Services/easements;
- Flooding affectation;
- Potential Contamination.

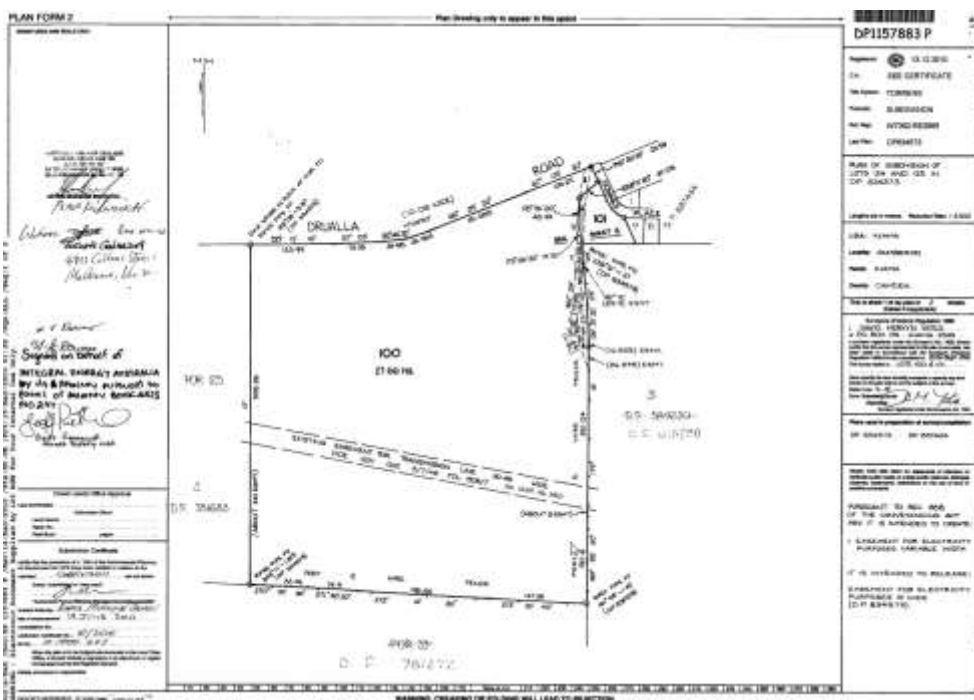


Figure 2 – Deposited Plan 1157883

Item 12.5

## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

**Background**

The Planning Proposal for Part of Lot 100 DP 710456 and Lot 101 DP 710456 - 26 Drualla Road, Jamberoo to rezone the north-east portion of the land to R2 – Low Density Residential under Kiama LEP 2011 was endorsed for Gateway consideration at Council’s meeting held on 28 June 2016.

The Department of Planning and Environment granted a Gateway Determination on this proposal on 9 September 2016.

The north-east portion of the land was rezoned to R2 – Low Density Residential under Kiama LEP 2011 on 11 August 2017.

The development application history is as follows:

DA No	Description	Lodgement	Determined	Decision
10.2013.112.1	Machinery shed	29/05/2013	03/07/2013	Approved
10.2016.150.1	New rural dwelling, swimming pool and access road	24/06/2016	26/10/2016	Approved
10.2018.74.1	Consolidation of 2 existing lots, 12 Lot Torrens Title Subdivision, construction of road with 1 residual lot	03/04/2018	-	-

**Description of the Proposed Development**

The applicant seeks Council approval for the consolidation of Lot 100 and Lot 101 in DP 1557883 with a concurrent Torrens Title Subdivision so as to result in 13 new lots, consisting of 12 residential allotments and 1 residual rural lot.

The subject site has access to or the ability to access services including reticulated water supply, sewer, electricity and telecommunications. Services will be extended as part of the subdivision works to accommodate all new residential lots.

The existing rural dwelling ‘Roo View’ within the proposed residual Lot 13 will retain the existing arrangements for onsite effluent disposal and is not proposed to be connected to a reticulated sewer infrastructure.

The Drualla Road unformed road reserve adjacent and to the north of the subject site is proposed to be constructed and to connect with a new residential circulation road to join in turn with Downes Place.

An easement for stormwater drainage 3m wide is provided for within the plan of subdivision over all proposed lots to facilitate the disposal of stormwater that will be generated by future dwellings to Council road drainage infrastructure;

The proposal is shown in Figures 3, 4, 5, 6, 7 and 8 below:

Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

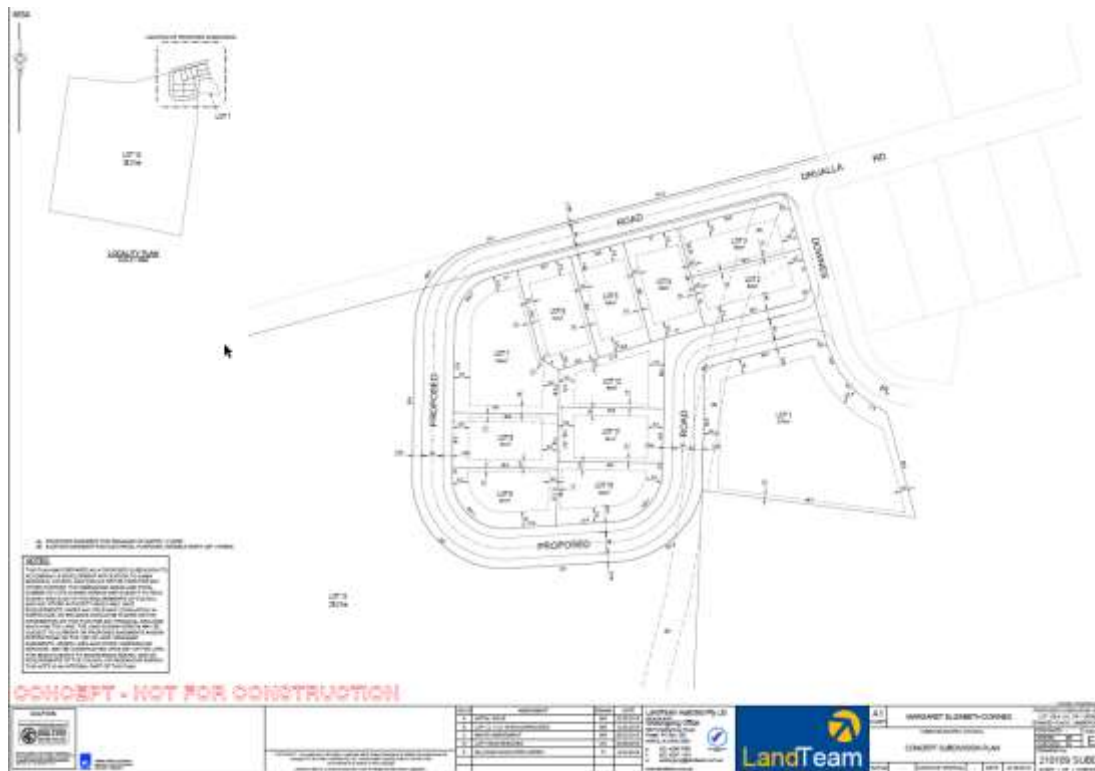


Figure 3 –Subdivision Plan

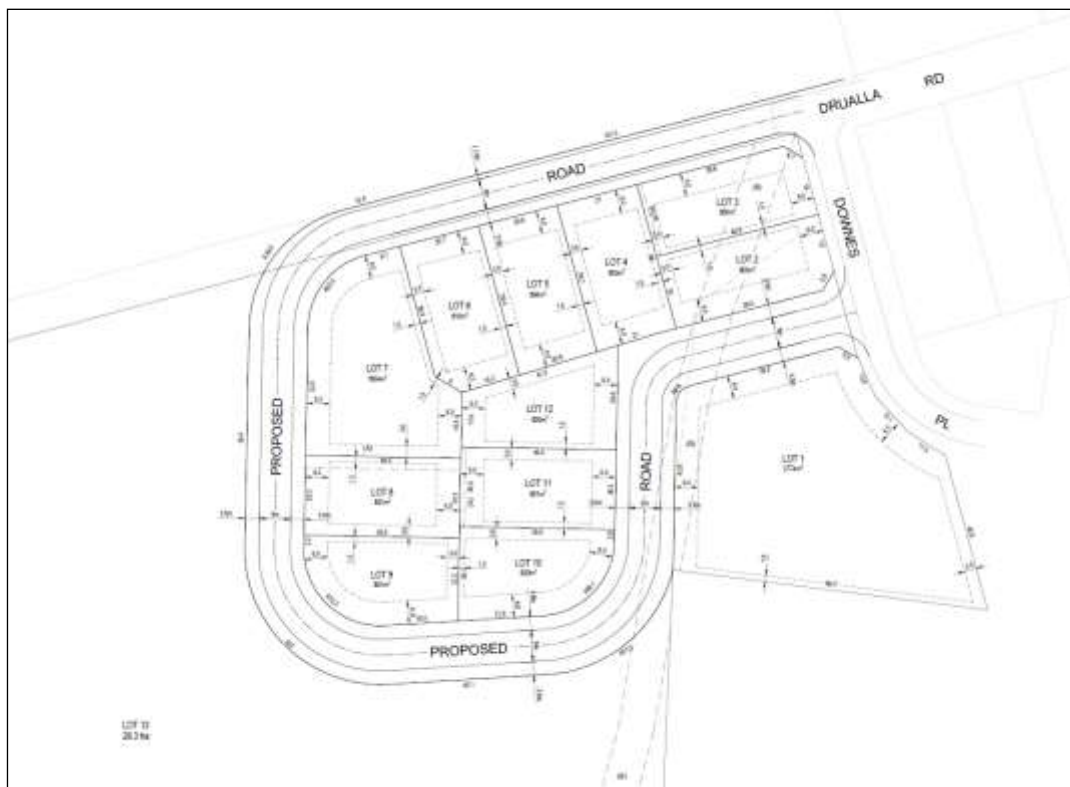


Figure 4 – Subdivision Plan

Item 12.5

Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)



Figure 5 – Landscape Concept Plan

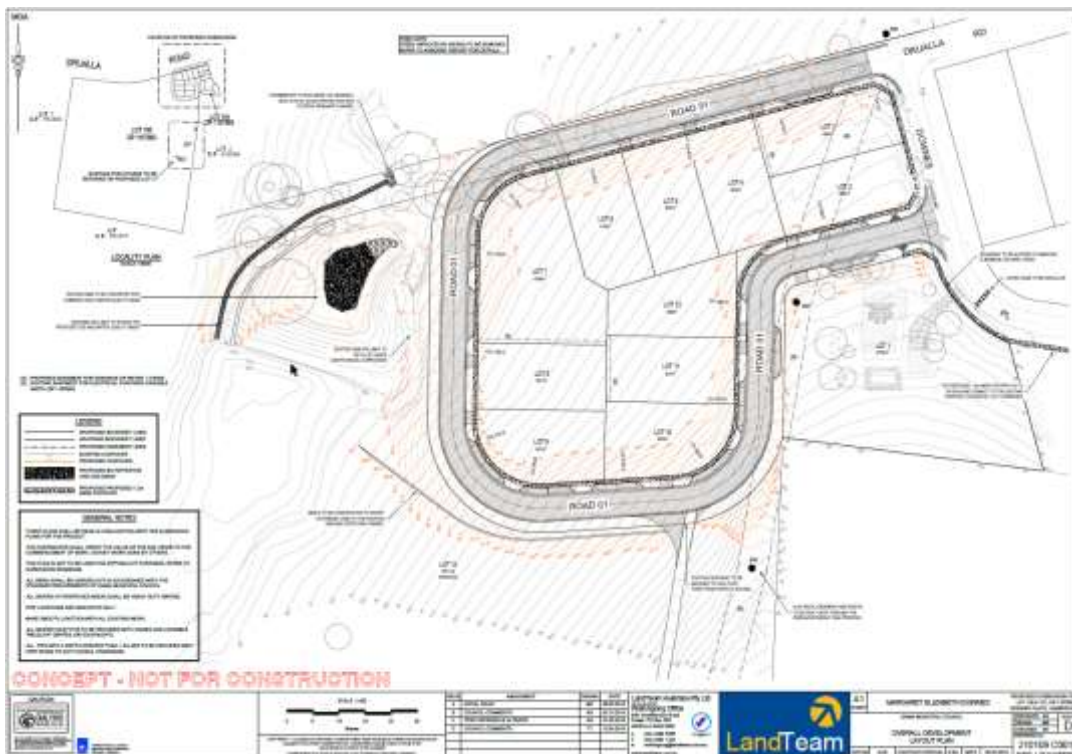


Figure 6 – Overall Development Layout Plan

Item 12.5



Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

Item 12.5

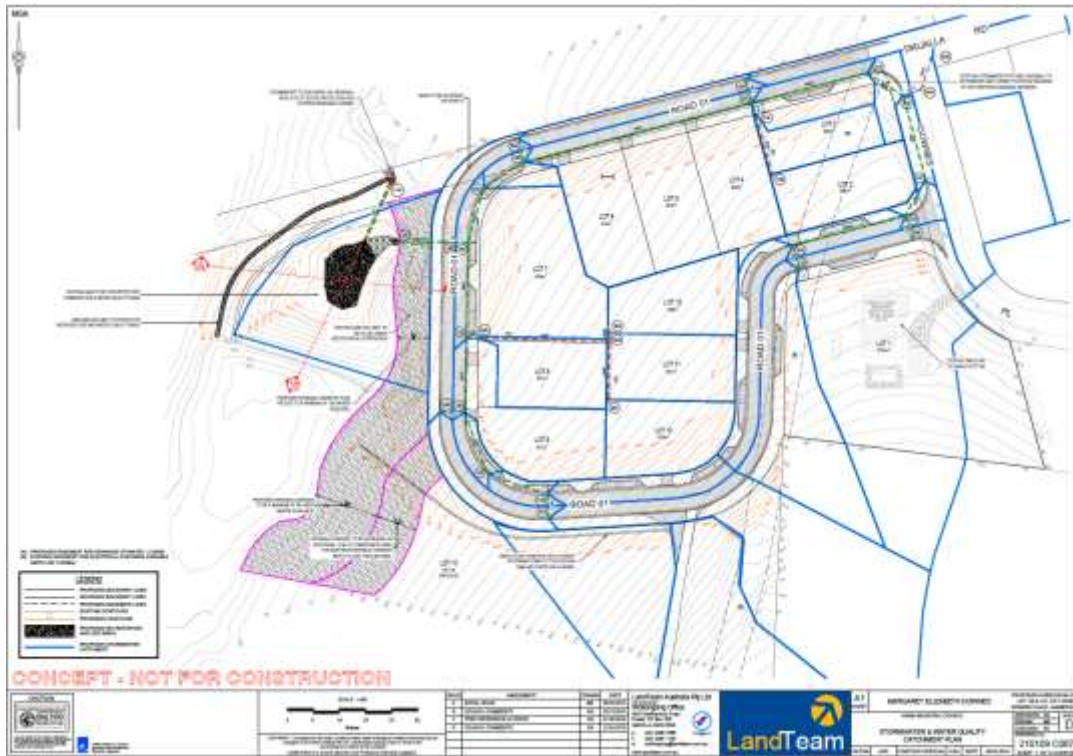


Figure 7 – Stormwater Management Plan

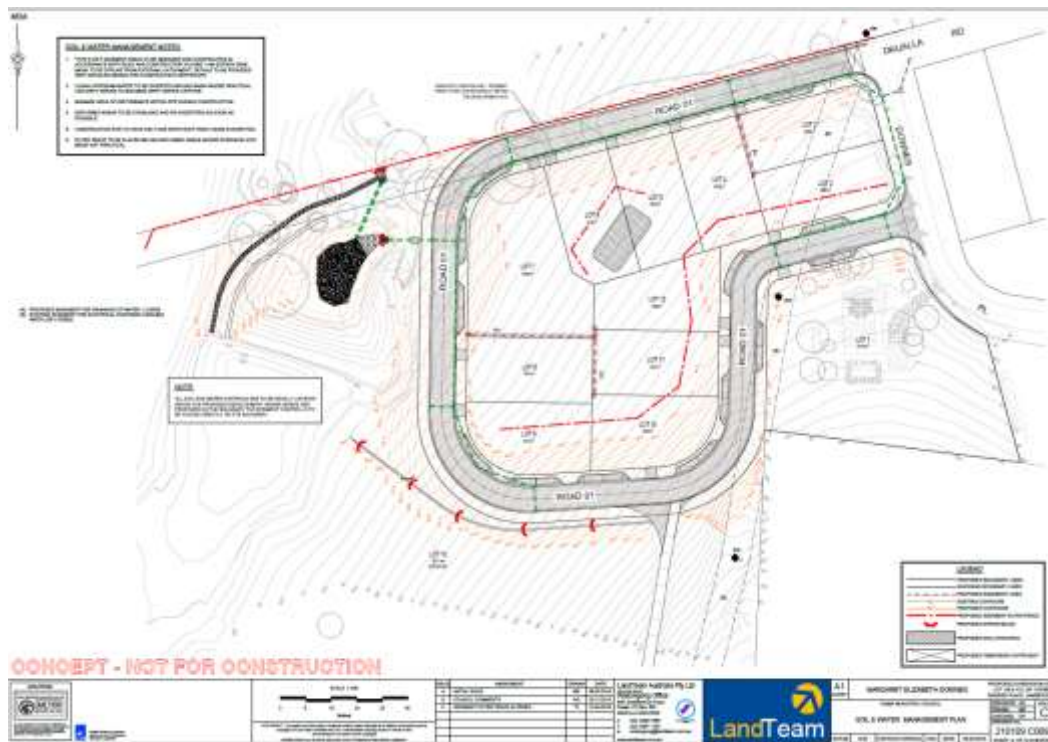


Figure 8 – Soil & Water Management Plan

## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)



Figure 9 – Zoning Compliance Map

### Section 4.15 Assessment

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

#### Relevant Environmental Planning Instruments

##### SEPP – Primary Production and Rural Development

The NSW Government has implemented changes to the planning system to further support sustainable agriculture, aquaculture and rural development. These changes help ensure planning proposals affecting rural land are properly assessed and provide greater certainty to farmers on the types of activities that will require development consent.

Changes include consolidating the following five existing SEPPs:

- State Environmental Planning Policy (Rural Lands) 2008 (Rural Lands SEPP);
- State Environmental Planning Policy 30 - Intensive Agriculture (SEPP 30);
- State Environmental Planning Policy 52 - Farm Dams and Other Works in Land and Water Management Plan Areas (SEPP 52);
- State Environmental Planning Policy 62 - Sustainable Aquaculture (SEPP 62);
- Sydney Regional Environmental Plan 8 - Central Coast Plateau Areas (SREP 8).



## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

The following clause within State Environmental Planning Policy – Primary Production and Rural Development is relevant:

Division 4 Consideration of effects of proposed development on oyster aquaculture:

*“Clause 29 - Consultation with Secretary of Department of Industry:*

- (1) *Before determining a development application for any development, a consent authority:*
- (a) *must consider whether, because of its nature and location, the development may have an adverse effect on oyster aquaculture development or a priority oyster aquaculture area, and*
  - (b) *if it suspects that the development may have that effect, must give notice of the application to the Secretary of the Department of Industry.”*

The development, and its location being well removed from the coast, is not anticipated to have an adverse effect on oyster aquaculture development or a priority oyster aquaculture area because there are no aquaculture farms/oyster leases near or downstream from the site.

#### SEPP No 55 - Remediation of Land

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

The applicant provided Preliminary Geotechnical Assessment and Stage 1 Contamination Assessment Report which involved:

- Desk study involving review of historical land titles and aerial photographs to facilitate identification of potential site contamination.
- Excavating 4 test pits (TP1 to TP4) to 2.0m depth or to prior refusal on rock using a 5 tonne excavator with 600mm tooth bucket attached, logging and sampling for laboratory testing, undertaken in November 2012.
- Recent walkover survey and shallow sampling undertaken on 22 March 2019.
- Geotechnical and Chemical Laboratory Testing.
- Evaluation of findings and preparation of a Stage 1 Contamination Assessment.
- Geotechnical assessment covering footing design and AS2870-2011 lot classification.

Based on the desk study, field investigation and laboratory tests the following conclusions are made:

- The site is assessed to be of low risk of contamination. It is assessed that a Stage 2 Contamination Assessment is not required for the proposed subdivision.

Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

- Stripping of topsoil for construction of the subdivision should be carried out under the supervision of an experienced consultant and any foreign objects/materials identified should be subjected to further investigation.
- The proposed building lots are provided interim AS2870-2011 classification of Class H1 (Highly reactive) classification.

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

Kiama LEP 2011

Clause 2.3 - Zone objectives and Land Use Table

The subject land is zoned Part RU2 Rural Landscape, Part R2 Low Density Residential and Part E3 Environmental Management under Kiama LEP 2011.

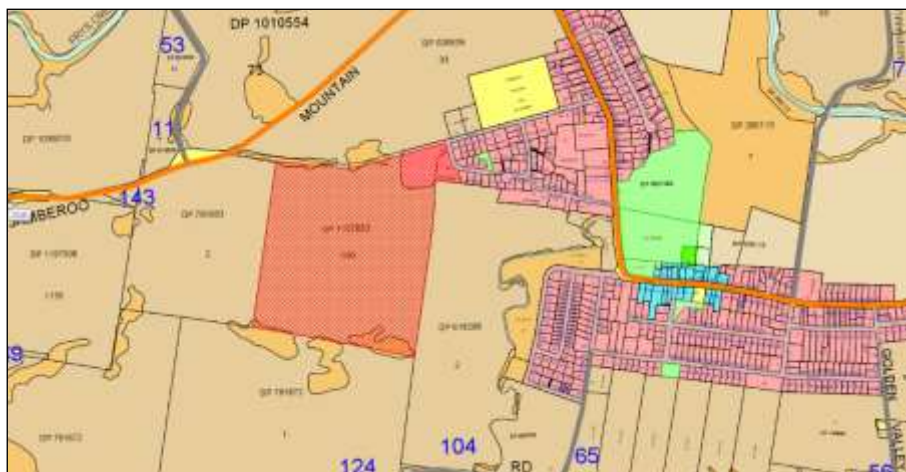


Figure 10 – Kiama LEP 2011 - Zoning Map

The proposal is defined as a subdivision under the provisions of Kiama LEP 2011, which is permitted with consent in the 3 zones.

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

As the proposal will provide for the housing needs of the community within a low density residential environment the outcome is considered to be consistent with the R2 zone objectives.

The table below shows LEP 2011 - Part 4 Principal Development Standards Compliance Table for the proposed subdivision:

Item 12.5

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

Proposed Lot	Land Zoning	Existing Dwelling?	Lot Area	LEP cl. 4.1 Min. Size	Complies	LEP cl. 4.2C Split Zone
1	R2	NO	3774 m <sup>2</sup>	800 m <sup>2</sup>	YES	N/A
2		NO	800 m <sup>2</sup>	800 m <sup>2</sup>	YES	N/A
3		NO	800 m <sup>2</sup>	800 m <sup>2</sup>	YES	N/A
4		NO	804 m <sup>2</sup>	800 m <sup>2</sup>	YES	N/A
5		NO	805 m <sup>2</sup>	800 m <sup>2</sup>	YES	N/A
6		NO	810 m <sup>2</sup>	800 m <sup>2</sup>	YES	N/A
7		NO	1604 m <sup>2</sup>	800 m <sup>2</sup>	YES	N/A
8		NO	801 m <sup>2</sup>	800 m <sup>2</sup>	YES	N/A
9		NO	801 m <sup>2</sup>	800 m <sup>2</sup>	YES	N/A
10		NO	820 m <sup>2</sup>	800 m <sup>2</sup>	YES	N/A
11		NO	801 m <sup>2</sup>	800 m <sup>2</sup>	YES	N/A
12		YES	800 m <sup>2</sup>	800 m <sup>2</sup>	YES	N/A
13	RU2 + E3	YES	26.3ha	40ha	NO	YES

Table 1 – LEP 2011 - Part 4 Principal Development Standards Compliance Table

Specific clauses requiring consideration:

Clause 4.1 - Minimum Subdivision Lot Size

Clause 4.1 requires that the minimum subdivision lot size is not less than the minimum size shown on the Lot Size Map. The site is listed with a minimum resulting lot size of 800 m<sup>2</sup> for the R2 zone and 40ha for the RU2 zone and E3 zone on the lot size map.

Item 12.5

Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

Item 12.5



Figure 11 – Kiama LEP 2011 - Lot Size Map

Clause 4.1C - Exceptions to Minimum Lot Sizes for Certain Split Zones

Clause 4.1C permits relaxation of the minimum size shown on the Lot Size Map for split zoned land. The proposal complies with this provision.

Clause 5.10 - Heritage Conservation

The subject property is not identified in association with the mapped extent of any heritage conservation area and is not identified under Schedule 5 of Kiama LEP 2011 as an Item of Environmental Heritage.



Figure 12 – Kiama LEP 2011 - Heritage Map

Clause 6.2 - Earthworks

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

Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)
- 

#### Clause 6.3 - Flood Planning

Clause 6.3 lists considerations for proposals on land at or below the flood planning level. The flood planning level means the level of a 1:100 flood event plus 0.5m.

A Flood Assessment Report, prepared by Landteam dated March 2019, was submitted as part of this application.

The submitted Flood Assessment Report concludes that the proposed development can be undertaken in accordance with the requirements of Chapter 29 of Kiama DCP 2012.

Council's Subdivision & Development Engineer has reviewed the submitted Flood Assessment Report and has agreed with its assessment and conclusion.

The natural elevated levels of the site along with the proposed earthworks will ensure that future development will be occurring above the flood planning level. This requirement has been satisfactorily addressed.

#### Clause 6.4 – Terrestrial Biodiversity

The application proposes clearing of native vegetation, and therefore the Environmental Planning and Assessment Act 1979 Part 1 Section 1.7 applies to the development which states:

*"This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.*

**Note.** *Those Acts contain additional requirements with respect to assessments, consents and approvals under this Act."*

The Act requires biodiversity assessment and reporting and requires proponents to offset significant biodiversity impacts by retiring biodiversity credits through the Biodiversity Offset Scheme (BOS).

The Biodiversity Offsets Scheme is a framework to avoid, minimise and offset impacts on biodiversity from development and clearing, and to ensure land that is used to offset impacts is secured in-perpetuity.

There are 2 key elements to the Biodiversity Offsets Scheme:

- a. Developers and landholders who undertake development or clearing, generating a credit obligation which must be retired to offset their activity
- b. Landholders who establish a biodiversity stewardship site on their land, generating credits to sell to developers or landholders who require those credits, to securely offset activities at other sites.

The applicant engage a qualified ecologist at *Lodge Environmental* (who is an accredited assessor under the BOS), to investigate the natural values of the site and prepare and submit a Test Of Significance / Biodiversity Development Assessment Report, in accordance with the *Threatened Species Test of Significance Guidelines*.

## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)
- 

The investigation identified the following biodiversity values at the site:

*“The vegetation on the study area is significantly modified in species structure and composition. The land is part of a large dairy farm and has undergone years of pasture improvement. The groundcover is dense with exotic pasture grasses and weeds.*

*The environment of the subject site is characterised by an almost entirely pasture improved coverage of exotic grasses.*

*A small number of native trees exist on the northern boundary and within landscaped areas associated with a dwelling and road verge.*

*Cattle were observed grazing within the subject site during survey.*

*As a result of the agrarian usage, which has been underway at the site for multiple generations, the vegetation has undergone significant modification, both in species diversity and structural diversity. A number of environmental weeds were noted throughout.*

*A small number of native eucalypts were recorded at the north-western extent of the subject site. The tree cover across this small portion of the site is expected to facilitate to the movement and foraging of more mobile common native fauna species (i.e. birds and mammals) between the Subject Site and wider locality. No Hollow Bearing Trees were recorded within the Subject Site.*

*The subject site is considered to provide the following fauna habitat:*

- *Intact canopy suitable for foraging by common arboreal mammals and birds.*
- *a small farm dam.*

*There were no threatened fauna species identified within the site.*

*The subject site is not considered to provide habitat for any threatened flora species.*

*The impact imposed by the proposed development on the mapped native vegetation is below Biodiversity Offset Scheme entrance impact threshold.*

*Within the native vegetation proposed for impact, a native ground layer and shrub layer is nearly entirely absent. The trees which require removal did not have any habitat features such as hollows or fissures.”*

The report included the following conclusions:

*Through the completion of the surveys conducted as part of this report, no threatened flora, fauna or vegetation communities were recorded within the subject site.*

*All impacts are to occur to the exotic pasture, landscaping, or a small amount of native vegetation that does not constitute a TEC.*



## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

*It is considered unlikely that the proposed development will result in any impacts on species and communities listed under the State BC Act and Commonwealth EPBC Act.*

*This Flora and Fauna Assessment has adequately considered threatened species and communities in the context of the proposed development at the subject site by:*

- *conducting field survey*
- *adopting the precautionary principle in the assessment of threatened species*
- *designating appropriate recommendations to minimise potential impacts to threatened species that may transiently occur on the site as well as any other fauna*

*The assessments contained within this report have determined that the proposed development is unlikely to have a significant effect on the listed communities or species or their habitat in accordance with the EP&A Act, BC Act and EPBC Act provided the recommendations contained in this report are adhered to. There will not be an impact on any mapped areas of Biodiversity Value, nor will there be an impact on native vegetation above the relevant impact threshold.*

*Therefore, the preparation and submission of a BDAR or referral to the Commonwealth is not required."*



**Figure 13 – Kiama LEP 2011 - Terrestrial Map**

The biodiversity assessment and reporting submitted with the application demonstrates that the proposal does not warrant offsets for significant biodiversity impacts, or the retiring of biodiversity credits through the Biodiversity Offset Scheme (BOS) to mitigate any significant biodiversity impact.



Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

The proposal sufficiently avoids, and minimises impacts on biodiversity from the development clearing, and therefore there is no need to ensure that offset impacts are secured in-perpetuity.

Clause 6.5 – Riparian land and watercourse

Clause 6.5 lists considerations for proposals which involve works within proximity to watercourse. A Category 3 watercourse is present on the site. The proposed development does include works within 10m of the Category 3 watercourse on site.

Item 12.5

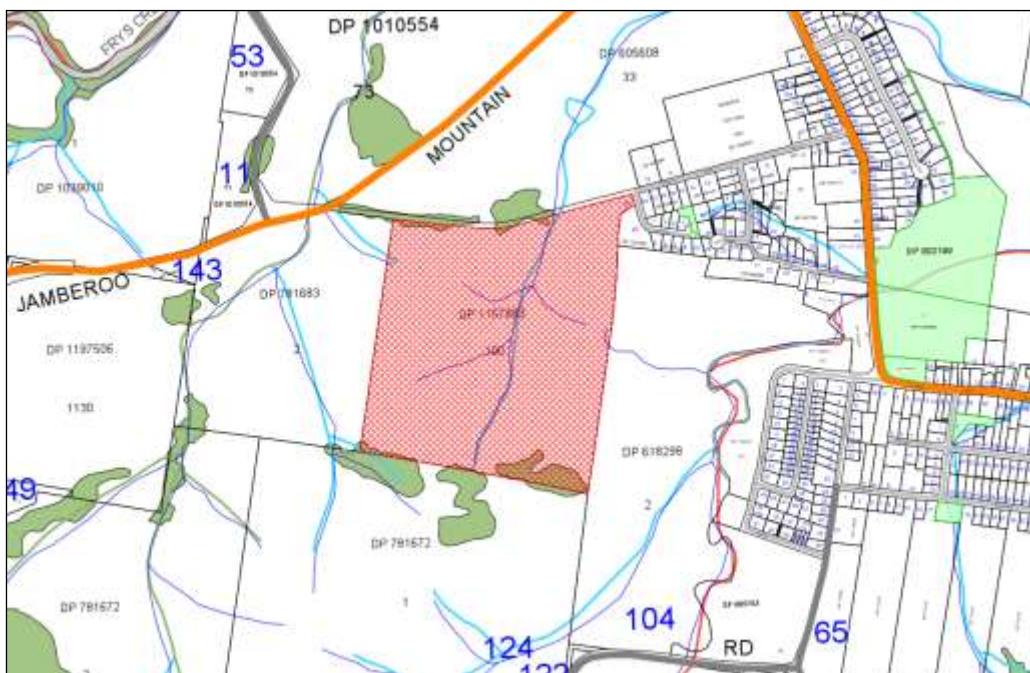


Figure 14 –Terrestrial Biodiversity / Riparian Land Map

Under the *Water Management Act 2000* the proposed earthworks are a *controlled activity*. It is an offences under the *Water Management Act 2000* to carry out a *controlled activity* in waterfront land without obtaining a *controlled activity approval*. The application is Integrated Development under Section 91 of the *Water Management Act 2000*.

The NSW Natural Resources Access Regulator has issued Councils with General Terms of Approval to ensure that the works do not have any adverse impacts on the water quality, riparian species, the stability of the bed and banks etc. Compliance with the General Terms of Approval will ensure the proposal complies with the objectives of the clause.

Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)



Figure 15 – Kiama LEP 2011 – Riparian Land Map

Item 12.5

**Any Draft Environmental Planning Instruments**

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

Draft SEPP 55 – Land Remediation

The new SEPP will retain elements of SEPP 55, and add new provisions to establish a modern approach to the management of contaminated land.

The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment. This objective remains relevant and will be replicated in the new SEPP. The key operational framework of SEPP 55 will be maintained in the new SEPP.

The proposed development is considered to be consistent with the requirements of the draft SEPP.

**Kiama Development Control Plan 2012**

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

Control	Comment
Chapter 2 – Overall Controls	
<i>Demolition</i>	N/A
<i>During Construction</i>	Conditions of consent are recommended to manage the construction impacts.
<i>Adaptable Housing</i>	N/A
<i>Views &amp; Vistas</i>	The proposed subdivision will not alter the existing views of any adjoining properties.

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

Control	Comment
<i>Building height plane</i>	The proposed subdivision will not alter the existing building height plane.
<i>Building lines</i>	The proposed subdivision will not alter the existing building lines
<i>Foreshore Building Lines (FSBL)</i>	The site is not within a foreshore area.
<i>Reflectivity in building materials:</i>	N/A
<i>Right to farm</i>	The site is within or immediately adjacent to rural land, however the proposal is not expected to impact on farming activity in the vicinity.
<i>On Site Sewage Management (OSSM)</i>	The proposed development does not include an OSSM.
<i>Neighbour notification</i>	Neighbours were notified accordingly.
<i>Fencing</i>	Rural fencing is proposed.
<i>Applications for variations</i>	No variations sought.
<b>Chapter 7 – Subdivision</b>	
Section 6 ▪ <i>Building Envelopes</i>	<p>The proposed complies with the objectives because the proposed lot areas for the vacant lots to be created within the residential component of the subdivision development range between 800m<sup>2</sup> and 1604 m<sup>2</sup> and all lots have direct frontage to a road.</p> <p>The site areas provided for each lot, combined with the absence of significant site constraints, allows the locations of future dwellings to be guided by building setback controls as contained within the DCP.</p>
Section 9 ▪ <i>Cut and Fill Land Reshaping Works</i>	The proposed complies with the objectives because the area of the subject site that is proposed to be developed for a residential subdivision is not of a gradient that requires substantial reshaping of the existing land topography and complies.
Section 11 ▪ <i>Pedestrian and Cycleway Networks</i>	The proposed complies with the objectives because the a footpath is proposed to connect with the cycleway along O'Mara Place / Chapel Lane with connectivity to Downes Place / Drualla Road is

Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

Control	Comment
	proposed as per the submitted plan of subdivision and complies.
<p>Section 12</p> <ul style="list-style-type: none"> <li>▪ <i>Acoustic Fencing</i></li> </ul>	<p>The proposed complies with the objectives because the development will not be subject to noise from high traffic volumes or proximity to noise generating traffic corridors.</p>
<p>Section 13</p> <ul style="list-style-type: none"> <li>▪ <i>Street Tree Planting</i></li> </ul>	<p>The proposed complies with the objectives because the landscape plan prepared by the landscape architect Taylor-Brammer that proposes 2 street trees per allotment with species selection drawn from those in accordance with the requirements of Chapter 8 of the DCP and complies.</p> <p>A total of 43 street trees are proposed and complies.</p> <p>The street tree proposed for Road 01 is <i>Syzygium australe</i>, or Brush Cherry.</p> <p>It has a big broad thick canopy that will adequately screen any view of the estate from Jamberoo Mountain Road where only one view corridor is open to viewing the site in the rural landscape.</p> <p>The tree grows to a mature height of 8 to 10m and will partially ameliorate the visual impact of the development in the rural landscape, noting that the site is an extension of the existing northern portion of the village, and is not an isolated site.</p> <p>The visual impact of the development is not considered to be significant.</p>
<p>Section 14, 15, 16</p> <ul style="list-style-type: none"> <li>▪ <i>Road Connectivity, Permeability and Legibility</i></li> <li>▪ <i>Road Network and Hierarchy</i></li> <li>▪ <i>Road Design Requirements</i></li> </ul>	<p>The proposed complies with the objectives because the road layout is logical with good connectivity, and is consistent with the existing road network of Jamberoo Village for subdivisions at the interface with non-urban zone land.</p> <p>Connections with the existing footpath network in O'Mara Place about 100m east of the site are proposed.</p>

Item 12.5

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

## Chapter 33 – Jamberoo Village

## 33.4 Residential Subdivision

<i>C1 – R2 Zoned Land only</i>	The residential lots proposed in the subdivision including the new roads do not encroach beyond R2 low density zone as shown above in Figure 9 and complies.
<i>C2, C3 – Easements 3.0 and 1.5m wide adjacent to side boundaries</i>	The building envelopes are provided in the application as shown above in Figure 4 and complies.
<i>C4 - street trees and on street car parking spaces are to be provided</i>	The on street car parking street trees are provided in the application as shown in Figure 5 above and complies.
<i>C5 - street planting at a rate of 2 trees per allotment</i>	A total of 43 street trees are provided (when 24 are required) in the application as shown above in Figure 5 and complies.
<i>C6 - on road car parking spaces provided parallel to the road to allow cars to pass</i>	The on street car parking street trees are provided in parallel as shown above in Figure 5 and complies.
<i>C9 - orientation should maximise solar access</i>	Fifty percent of the residential allotments proposed have solar access provided by a north-south orientation within the range of 30° east of north or 20° west of north. Lots orientated east-west are nearly all corner lots which ensures that solar access to a minimum of 3 hours sunlight between 9.00am and 3.00pm on 21 June (Winter solstice) is provided as shown above in Figure 4 and complies.
<i>C10 Lots should be generally rectangular in shape.</i>	The residential lots are generally rectangular in shape as shown above in Figure 4 and complies.
<i>C11 Corner lots to allow for dual occupancies</i>	The corner lots have sufficient area to allow development for the purposes of dual occupancies as shown above in Figure 4 and complies. Sydney Water has advised that there is not currently capacity to service more than a single dwelling on each lot.

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

Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)
- 

### **Any Planning Agreement**

Nil.

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

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

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

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

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

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

Nil.

### **The Likely Impacts of the Proposed Development**

#### Agricultural land productivity

Biophysical Strategic Agricultural Land (BSAL) is land with high quality soil and water resources capable of sustaining high levels of productivity. BSAL plays a critical role sustaining the State's \$12 billion agricultural industry.

The site is not identified as being BSAL by the Department of Planning & Infrastructure's Strategic Agricultural Land Map.

It is also noted that by utilising the NSW Agriculture's (now Department of Planning, Industry and Environment [DPIE] – Agriculture) Agriculture Land Classification Maps indicate that the site meets the definition of a Class 3 agricultural land and would not be considered significant agricultural land.

It is also noted that the subject site comprises about 1.7ha of land that was rezoned from rural to residential.

The shape and size of the specific area of land rezoned was altered numerous times to ensure adequate buffers between the existing agricultural infrastructure and waterbodies on the site and any future residential allotments.

The proposal will not result in the loss of significant agricultural land nor will it result in fragmentation of agricultural land.

Additionally the amount of land to be developed is considered to be minimal within the wider context of the Jamberoo Valley.

#### Views

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

The site has minimal to zero visibility from Jamberoo Road and the main thoroughfare through the village. The following photos show the site when viewed from Jamberoo Mountain Road.



Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

Item 12.5

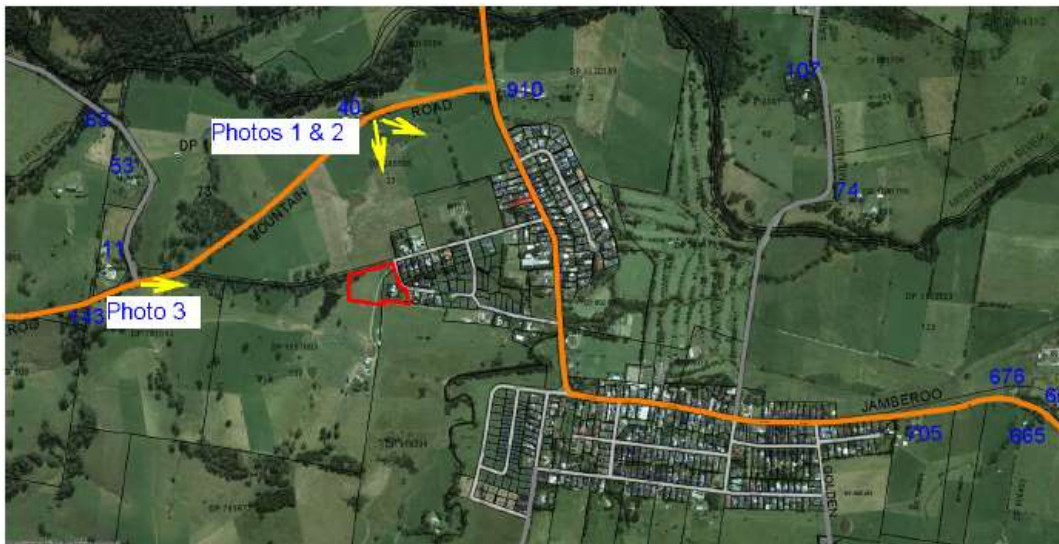


Figure 16: Location and directions of Photos 1, 2 & 3



Photo 1: Extent of Subject Site visible from Saddleback Mountain Road



Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)
- 



**Photo 2 View from Jamberoo Mountain Road towards intersection with Jamberoo Road**



**Photo 3: View towards Jamberoo from Minnamurra Road intersection**

**Item 12.5**

## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)
- 

From the images above it can be seen that the subject site is visible from Jamberoo Mountain Road in a location where existing development along Drualla Road and Churchill Street are also visible.

As Drualla Road is currently a no-through road it is considered that the proposal will be unnoticed by the majority of visitors to the village.

#### Impact on Soil Resources

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

#### Impact on Water Resources

Stormwater will be conveyed to the street/drainage easement. Controls will be implemented during construction to minimise sedimentation.

#### 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.

#### Stormwater Management

A satisfactory drainage design has been provided with the application. All stormwater will drain to the stormwater detention pond.

#### Vehicular Access, Parking and Manoeuvring

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

#### Safety, Security & Crime Prevention

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

#### Construction Impacts

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

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

#### Privacy and Overlooking

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

Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

**Item 12.5**

Social and Economic Impacts

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

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

Biodiversity

The biodiversity assessment and reporting submitted with the application demonstrates that the proposal does not warrant offsets for significant biodiversity impacts, or the retiring of biodiversity credits through the Biodiversity Offset Scheme (BOS) to mitigate any significant biodiversity impact.

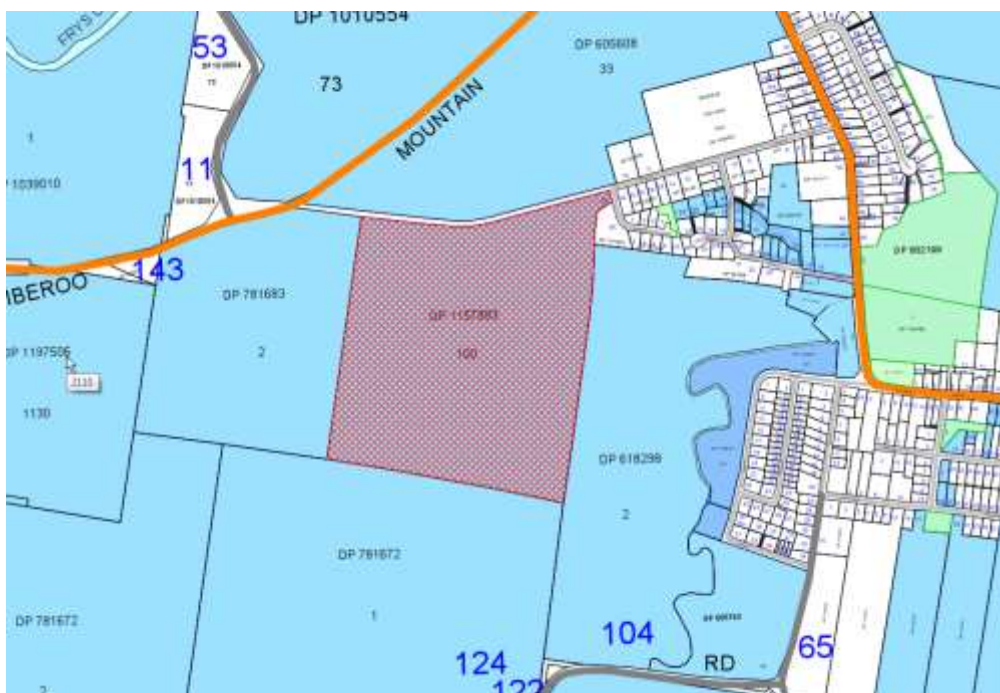
The proposal sufficiently avoids, and minimises impacts on biodiversity from the development clearing, and therefore there is no need to ensure that offset impacts are secured in-perpetuity.

Utility needs and supply

The proposal is able to be serviced by all essential services. The capacity in the sewerage system is currently limited to a single dwelling per lot.

Flooding

A satisfactory flood management design has been provided with the application.



**Figure 17 – Possible Flood Prone Land Map**

All stormwater will drain to the stormwater detention pond.

Bushfire Risk

Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

The bushfire risk has been considered by the NSW Rural Fire Service and no objection to the development has been raised. Conditions of consent have been included in the recommendation as provided by the by the NSW Rural Fire Service.

Item 12.5

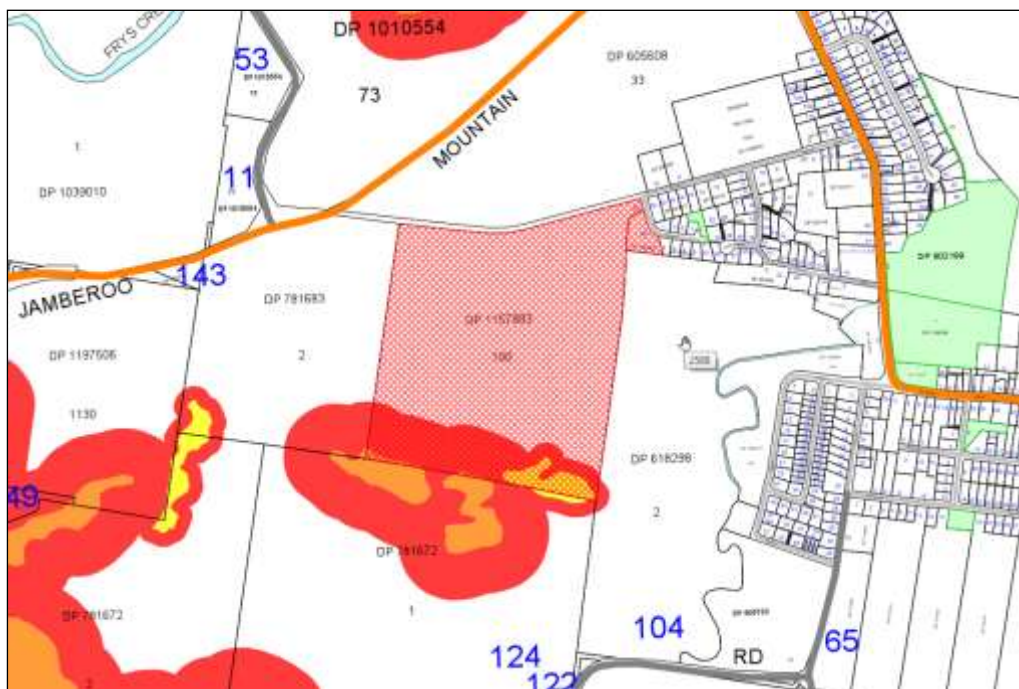


Figure 18 – Bushfire Prone Land Map

**Submissions**

Public Submissions

Notification letters were twice sent to neighbouring property owners who were provided with 30 days in which to comment on the proposal.

At the conclusion of both notification periods, a combined total of 7 objections were received from 5 individual/groups. One individual and the JVRRA each objected in both rounds of exhibition.

The objections raised the following (summarised) matters of concern:

	<b>Objection</b>	<b>Assessment Officer’s Comment</b>
Item 1	Visual Impact - Loss of rural landscape	<p>The site has minimal visibility from Jamberoo Road and the main thoroughfare through the village.</p> <p>The subject site is visible from Jamberoo Mountain Road in a location where existing development along Drualla Road and Churchill Street are also visible.</p> <p>As Drualla Road is currently a no-through road it is considered that the proposal will be largely unnoticed by the majority of visitors to the village.</p> <p>A total of 43 street trees are proposed.</p>

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

	Objection	Assessment Officer's Comment
		<p>The street tree proposed for Road 01 is <i>Syzygium australe</i> or Brush Cherry.</p> <p>It has a big broad thick canopy that will adequately screen any view of the estate from Jamberoo Mountain road in the rural landscape.</p> <p>The tree grows to a mature height of 8 to 10m and will partially ameliorate the visual impact of the development in the rural landscape, noting that the site is an extension of the existing northern portion of the village, and is not an isolated site.</p> <p>The proposal will have no unreasonable impact upon views currently available from neighbours.</p> <p>The visual impact of the development is not considered to be significant enough to warrant refusal of the application.</p>
Item 2	Planning for Pedestrian Activity	<p>The proposed includes pedestrian footpaths within the subdivision, and also proposes to connect with the existing cycleway along O'Mara Place / Chapel Ln with connectivity to Downes Place / Drualla Road and therefore provides suitable planning for pedestrian activity.</p>
Item 3	Building Specifications on individual Lots	<p>The future development of the residential lots will be subject to the desired future character requirements of the Chapter 33 – Jamberoo Village.</p> <p>Building specifications on individual lots would potentially be required if it were not for the requirements of the Chapter 33 – Jamberoo Village being in place to control the built form outcomes on the lots.</p> <p>Therefore building specifications on individual lots are not necessary to inform the future built form outcomes at the time of subdivision.</p>
Item 4	Increased vehicular traffic and safety concerns for school children.	<p>Council's Development and Subdivision Engineer has considered the issue and provides the following comments:</p> <ul style="list-style-type: none"> <li>• The proposal will generate 11 new dwelling sites.</li> <li>• The RMS Guide to Traffic Generating Development indicates that the proposal will</li> </ul>

Item 12.5



Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

	<b>Objection</b>	<b>Assessment Officer's Comment</b>
		generate 99 daily vehicle trips and approximately 9 weekday peak hour vehicle trips. <ul style="list-style-type: none"> <li>The traffic generation rates and peak hour vehicle trips can be accommodated on Drualla Road and the surrounding road network, and no concerns are raised.</li> </ul>

**Item 12.5**

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

**External Referrals**

The application was referred to the following State Government Departments:

Sydney Water

Sydney Water initially responded that they had no spare capacity in their waste water system to accommodate the increased demand created by the development. They suggested that the developer service the site through a decentralised scheme that would not negatively impact its Jamberoo system.

Following further analysis by the applicant's consultant, Sydney Water changed their advice to confirm that they had capacity in both the water service and the waste water service to accommodate the needs of the development proposal to a single dwelling only per lot. Should the application be approved a note will be included on the development consent notice and on any planning certificates (10.7[5]) advising that Sydney Water has advised that unless supported by future augmentation, servicing is restricted to one (1) dwelling per lot.

NSW Rural Fire Service (RFS)

The RFS issued their Bushfire Safety Authorities. No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

NSW Natural Resources Access Regulator

The Natural Resources Access Regulator issued its General Terms of Approval for the application. Should the application be approved these General Terms of Approval will need to be included in any conditions of development. See Attachment 2 - Natural Resources Access Regulator - General Terms of Approval.

**Internal Referrals**

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

Subdivision & Development Engineer

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

Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

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.

Environmental Health Officer

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

GIS Officer

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

**The Public Interest**

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

The proposal is considered to be largely consistent with all relevant Environmental Planning Instruments. The proposal is not inconsistent with the subdivision controls of the Kiama DCP and is likely to result in a subdivision pattern that is sympathetic with the existing Jamberoo Village.

**Final Comments and Conclusions**

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant Kiama DCP 2012 Chapters. The proposed development is consistent with the objectives of the RU2 Rural Landscape, Part R2 Low Density Residential and Part E3 Environmental Management zone.

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

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

**Draft Conditions of Development Consent**

**General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2018.74.1 dated ###/###/#### except as amended by the following conditions:  
(g005.doc)



## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

- (2) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable issue of a Construction Certificate. (g030.doc)
- (3) The property owners shall be made aware that all Aboriginal relics in NSW are protected under Section 90 of the National Parks and Wildlife Act 1974, which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site, without first obtaining the written consent of the Director-General of the National Parks and Wildlife Service. If such a site is discovered, the Southern Zone Archaeologist of the National Parks and Wildlife Service shall be contacted immediately. (g050.doc)
- (4) The developer shall provide with the Works as Executed detail, a Closed Circuit Television (CCTV) video surveillance and commentary that will detail the stormwater drainage network for the development prior to issue of a Subdivision Certificate. (g110.doc)
- (5) The developer shall provide and maintain temporary fencing around the development site to prevent unauthorised entry into the site by persons or livestock and shall remove the temporary fencing upon completion of all work. (g140.doc)
- (6) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this development consent on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- a Motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or Roads and Traffic Authority permit (Including Compulsory Third Party insurance). Primary producer's registration is not valid registration for use on Public Road construction work.
  - b Workers Compensation Insurance.
  - c Twenty Million Dollar Public Liability Insurance. (g155.doc)
- (7) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times. (g160.doc)
- (8) 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.

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

- b The reason for that variation.
- c The type of work and machinery to be used. (g165.doc)
- (9) All required works in the existing public road reserve shall be issued with a Road Occupancy Permit prior to issue of any Construction Certificate for the proposal.
- (10) Road Occupancy approval, pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council prior to any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of the development. The following items shall be submitted to Council with the Road Occupancy application form:
- A completed application form;
  - Fees in accordance with Council's adopted fees and charges;
  - A traffic control plan endorsed by a person with Roads and Maritime Services accreditation.
  - Public liability insurance for an amount of no less than \$20M;
  - Plans and specifications to Council's requirements, which will include but is not limited to, a detailed survey plan prepared by a Registered Surveyor.
- (11) In accordance with AS/NZS 4819:2011 Rural and Urban Addressing, standard Torrens Title addressing applies. Letterboxes to be located at access point and public road boundary. Proposed house numbers to be allocated:
- i. Proposed Lot 1 – 2A Downes Place
  - ii. Proposed Lot 2 - 48 Drualla Road
  - iii. Proposed Lot 3 – 26 Drualla Road
  - iv. Proposed Lot 4 – 28 Drualla Road
  - v. Proposed Lot 5 – 30 Drualla Road
  - vi. Proposed Lot 6 – 32 Drualla Road
  - vii. Proposed Lot 7 – 34 Drualla Road
  - viii. Proposed Lot 8 – 38 Drualla Road
  - ix. Proposed Lot 9 – 40 Drualla Road
  - x. Proposed Lot 10 – 42 Drualla Road
  - xi. Proposed Lot 11 – 44 Drualla Road
  - xii. Proposed Lot 12 – 46 Drualla Road
  - xiii. Proposed Lot 13 – 43 Drualla Road

## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)
- 

**Bonds and Contributions**

- (1) A contribution under Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 and 2 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$76,089.56**. (bo005.doc)

**Prior to Commencement of Works**

- (1) 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)

- (2) Protection fencing shall be erected around the trees to be retained on site so as to prevent damage to the roots of the tree. The fencing shall be erected prior to the commencement of works. The fencing shall consist of 1.8 metres high cyclone wire supported on galvanised steel posts at a minimum 3.0 metre centres. The fencing shall be maintained and shall remain in situ until all works are completed. No machinery, builder's materials and/or waste shall be located inside the fencing. (pt035.doc)
- (3) The developer shall obtain a Construction Certificate prior to the commencement of any subdivision works. (pt045.doc)
- (4) The developer shall lodge with Council a bond in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)
- 

The bond will be valued at 5% of the proposed cost of civil engineering construction and remedial work to the public road.

The developer will be required through a quantity surveyor or certified practising engineer to provide accurate costing for all civil engineering work associated with the public road infrastructure and a report shall be submitted to Council for assessment prior to Council advising the developer of the bond value.

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

- a) A minimum of 12 months from the registration of the plan of subdivision, and
  - b) There being no performance issues with the constructed works, including landscaping, and
  - c) There being no unrepaired damage to the public infrastructure, and
  - d) Compliance with the development consent and the construction certificate plans and specifications; and
  - e) The submission of all waste compliance certificates, inclusive of supporting documentation, verifying compliance with waste management plans lodged in support of the development. (pt055.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.
- 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) Prior to any intersection works occurring, the applicant shall construct a raised threshold in Downes Place to reduce vehicle speed. Plans and specifications shall be provided to the Roads Authority for their approval.
- (7) The applicant shall construct a raised threshold in Road 1 at the frontage of proposed Lot 6 to reduce vehicle speed. Plans and specifications shall be provided to the Roads Authority for their approval.

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

(8) A suitably qualified person shall prepare a Construction Environmental Management Plan (CEMP) for approval of the Principal Certifying Authority prior to any works commencing on site. The CEMP shall include, but not be limited to, the following items:

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

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

(9) The applicant shall submit a dilapidation survey prepared by a chartered professional engineer prior to the commencement of any work within the public road reserve.

(10) A combined services plan shall be submitted with the Construction Certificate application. The plan as a minimum shall indicate all underground services, hydrants, street lighting, street trees, pathways, shared pathways, kerb ramps, carriageways and fencing.

## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

- 
- (11) The applicant shall provide a 3 metre wide driveway crossing to Council's requirements for each property. The final details shall be reflected on Construction Certificate plans and specifications for approval of the accredited Certifying Authority.
- (12) The access road to the dwelling on Lot 13 shall be upgraded to meet the requirement of the NSW RFS document Planning for Bushfire Protection.

**Civil Engineering Design**

- (1) All flexible road pavements shall be designed in compliance with the Austroads publication *Pavement Design for Light Traffic : A supplement to the Austroads Pavement Design Guide - Austroads Sydney 2006*. (ced005.doc)
- (2) The proposed pavement treatment must be identified and the design detail shall be submitted to the accredited Certifying Authority for assessment prior to the release of the Construction Certificate. The design shall take into account commercial activities associated with the dairy on proposed Lot 13. (ced015.doc)
- (3) The developer shall submit details of all civil engineering works on engineering drawings to the Principal Certifying Authority for approval prior to the issue of the construction certificate.

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

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

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

- (4) The developer shall provide design swept paths on detailed civil engineering drawings for all internal and public road intersections. The modelling shall meet with the design requirements of the Standards Australia AS 2890 and the Austroads *Design Vehicle and Turning Path Templates*. (ced040.doc)

## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)
- 

- (5) The developer shall provide structural details of any retaining walls with a vertical drop exceeding 600mm required to support the roads and allotments. The detail shall be submitted to the accredited Certifying Authority for assessment and approval prior to the release of the construction certificate. The retaining wall must be designed by a Chartered Professional Engineer. No retaining wall shall be constructed on proposed or existing public roads. (ced045.doc)
- (6) The developer shall provide to the Road Authority for assessment prior to issue of the construction certificate, a geometric road design detail fully compliant with Roads and Traffic Authority *Road Design Guide*, Austroads *Guide to Road Design* and Austroads *Guide to Traffic Management*. (ced050.doc)
- (7) The developer shall submit details of all civil engineering works, on engineering drawings, to the accredited Certifying Authority for approval prior to the issue of the Construction Certificate. (ced095.doc)
- (8) All bridge or culvert structures to be constructed within the development shall be designed and constructed to comply with the requirements of Austroads "Guide to Bridge Technology". The bridge or culvert structures shall be designed by a Chartered Professional Engineer. Evidence shall be provided with the construction certificate application. (ced145.doc)

**Access Construction**

- (1) No tree(s) shall have backfill placed around its base or have the original ground level altered. (ac005.doc)
- (2) The developer shall restore any redundant vehicle crossing to barrier kerb in compliance with Council's "*Driveway and Footpath Works Procedure Manual*". (ac010.doc)

**Stormwater Management**

- (1) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "*Section D5 Stormwater Drainage*" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. (sm055.doc)
- (2) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the accredited Certifying Authority for assessment and approval prior to the issue of the construction certificate. (sm060.doc)



## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

- (3) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the issue of any of the Occupation Certificate. (sm130.doc)
- (4) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the accredited Certifying Authority for assessment and approval prior to the issue of the Construction Certificate. (sm135.doc)
- (5) The developer shall comply with the design requirements of Council's "*Water Sensitive Urban Design*" policy in association with the design requirements of "*Section D5 Stormwater Drainage*" of the Kiama Development Code as appended to Kiama Development Control Plan 2012.
- Detail shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Construction Certificate. (sm150.doc)
- (6) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. (sm155.doc)
- (7) All watercourses and overland flow paths shall be treated with appropriate scour protection measures. The final details shall be reflected on Construction Certificate plans and specifications for approval of the accredited Certifying Authority.
- (8) The applicant shall submit for Council approval, an Operation and Maintenance plan for all proposed treatment ponds, prior to issue of any Construction Certificate by the accredited Certifying Authority.
- (9) The applicant shall provide confirmation from a suitably qualified engineer that the existing and proposed ponds and dams on the site are not prescribed (as defined by the Dam Safety Act 1978).
- (10) Detention storage shall be designed to be wholly above the 1% AEP storm event inundation level. The final details shall be reflected on Construction Certificate plans and specifications for approval the accredited Certifying Authority.
- (11) Scour protection shall be provided at the outlet of the on-site detention facility. The final details shall be reflected on Construction Certificate plans and specifications for approval of the accredited Certifying Authority.

## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)
- 

- (12) All weather access roads and hardstand parking facilities shall be provided in close proximity of the water quality and detention devices so as to enable safe and efficient maintenance to be undertaken. The final details shall be reflected on Construction Certificate plans and specifications for approval of the accredited Certifying Authority.
- (13) The developer shall ensure that all filling below the 1% AEP flood level is offset by compensatory excavation contain within the subject land. The final details shall be reflected on Construction Certificate plans and specifications for approval the accredited Certifying Authority.
- (14) The developer shall submit the flood profile of the improved watercourses for the 1%, 2%, 5%, 10% and 20% AEP flood events. The final details shall be reflected on Construction Certificate plans and specifications for approval the accredited Certifying Authority.
- (15) The applicant shall provide detailed modelling for all aspects of the development environmental stormwater management and water quality controls and treatment. The proposed modelling shall meet with the guidelines of the 'Draft New South Wales Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Modelling Guidelines'. The modelling shall integrate with Council's Water Sensitive Urban Design Policy (WSUD) and shall be prepared by an appropriately qualified civil engineer and shall be submitted to the accredited Certifying Authority for assessment prior to the issue of any construction certificate. The detailed MUSIC modelling data shall be provided to enable checking of input and output data and results.

### Civil Engineering Construction

- (1) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties. (cec015.doc)
- (2) All new construction work shall make smooth junctions with existing work. (cec060.doc)
- (3) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama Development Control Plan 2012, and civil engineering drawings approved by the Principal Certifying Authority. (cec065.doc)

### Utility Servicing

- (1) A Subdivider/Developer Certificate (or written notification that such is not required) shall be obtained from the Sydney Water Corporation to show that the requirements of the Corporation have been met in respect of water supply and sewerage. (us015.doc)
- (2) The applicant shall provide LED street lighting for the development complying with the design requirements of AS/NZS 1158. The proposed street lighting shall be designed and constructed to meet the following:

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

- 
- The detailed street lighting design shall be prepared and submitted to Council for assessment prior to the issue of a Construction Certificate; and
  - The applicant shall provide details of the street lighting upgrade for proposed intersection

Design details shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

- (3) The developer shall bear the cost of relocation of any service utilities required.  
(us045.doc)
- (4) All existing services and all proposed services shall be located underground in appropriate width easements with terms acceptable to the relevant authority.
- (5) Where there is an absence of sufficient grass verge, conduits shall be provided for all essential services parallel to the kerb line. A conduit plan shall be provided with the Construction Certificate plans for the approval of the accredited Certifying Authority.

### Geotechnical Requirements

- (1) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a report to be submitted to the accredited Certifying Authority for approval prior to the issue of the construction certificate. The report shall cover, but not be limited to:
  - a Extent and stability of proposed embankments (particularly those acting as retarding basins) and if any of the land is subject to subsidence/slip;
  - b Soil dispersibility;
  - c Slope failure and erosion where excavation and/or filling is to exceed 600 millimetres in depth including land that has been previously filled;
  - d Recommended geotechnical testing requirements;
  - e Required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments;
  - f Compaction specification for all fill within private subdivisions;
  - g The level of risk to existing adjacent properties as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent properties, high risk areas shall be identified on a plan and the engineering drawings shall be amended to indicate that no vibratory rollers shall be used within that zone;
  - h The impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

- i Recommended treatment methods for rectification / remediation of any deficiencies identified in the analysis and in conjunction with the civil engineering works planned;
  - j Requirements for sub-surface drainage lines;
  - k Overall suitability of the engineering drawings for the proposed development. (gr010.doc)
- (2) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a final report to be submitted to the Principal Certifying Authority prior to the issue of the subdivision certificate. The report shall cover, but not be limited to:
- a All earthwork operations.
  - b The suitability of each allotment for residential development. In this regard each Lot shall be given a classification in accordance with the Australian Standard AS 2870 1996 - Residential Slabs and Footings.
  - c A fill plan showing extent and depth of fill. A detailed contour plan prepared by a Registered Surveyor indicating reduced levels prior to and at the conclusion of filling operations shall be provided.
  - d Certification that all earthworks within the site have complied with the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama Development Control Plan 2012. This shall include appropriate test results and test location diagram and date of testing.
  - e Certification of all recommendations contained in the geotechnical report lodged in support of the Construction Certificate application have been satisfied.
  - f The exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location and sub-surface drainage lines which shall be burdened with a restriction-as-to-user within the Section 88B Instrument. (gr040.doc)
- (3) There shall be no loss of support or encroachment of fill onto adjoining properties as a result of excavation or filling within the site. (gr050.doc)
- (4) Only clean fill (ie natural materials such as earth, rock and stone) is to be used in the development. Under no circumstances are any other material including (but not limited to) building, demolition, concrete, road materials and/or putrescible wastes, permitted to be used as filling on site. (gr060.doc)

## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

- 
- (5) All imported fill to the development site shall list the location of its origin and shall be sampled in accordance with AS 4482.2 and tested by a certified National Association of Testing Authorities Australia (NATA) registered laboratory for contaminants. Based on the test results certification shall be provided to the Principal Certifying Authority prior to the issue of any occupation certificates by a suitably qualified geotechnical engineering consultant confirming the imported fill is suitable for use in residential development. Any imported fill found to not be suitable for residential use shall be removed / remediated in accordance with the NSW Department of Environment, Climate Change and Water requirements. (gr065.doc)
- (6) All earthworks associated with the development shall be completed in accordance with AS 3798-2007 Guidelines on Earthworks for Commercial and Residential Developments. (gr075.doc)

**Subdivision Construction**

- (1) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)
- (2) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (3) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (4) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
- |                  |                      |
|------------------|----------------------|
| Monday to Friday | - 7.00 am to 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)
- (5) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)

**Erosion and Sedimentation Controls/Soil and Water Management**

- (1) The developer shall submit to the Certifying Authority for approval prior to the issue of the Construction Certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007).

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

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

- (2) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work. (esc020.doc)
- (3) Any excavated material deposited on public roads resulting from the works shall be removed within the same day.
- (4) The emission of dust from the site must be controlled and in this regard watering equipment shall be kept on the site at all times for this purpose.
- (5) A shaker pad shall be installed at the exit point of the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
- (6) Sediment traps shall be installed around all affected stormwater inlets and drainage lines. All sediment control measures shall be maintained on a daily basis until the site has been fully revegetated. The measures shall not cause any safety issues.
- (7) Where the batter slope exceeds a slope of 1 vertical to 5 horizontal, sediment ponds must be fenced with man-proof fencing.

**Bushfire Hazard Management**

- (1) The development shall be completed in accordance with "*Planning for Bush Fire Protection*" and conditions imposed by the Rural Fire Service. (bhm005.doc)

**Landscaping Works**

- (1) A detailed landscape plan shall be approved by the Principal Certifying Authority prior to issue of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama Development Control Plan 2012 and shall be consistent with the landscape concept plan. (lw010.doc)
- (2) All landscape areas shown on the approved landscape plans (drawing numbers 18-015w) or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions. (lw015.doc)
- (3) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)
- (4) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)
- (5) The landscape works shall remain in situ for the perpetuity of the development. (lw040.doc)

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

- 
- (6) Suitable landscaping shall be provided to partially screen the proposed development in particular when viewed from the Jamberoo Mountain Road. This shall consist of trees and shrubs indigenous to the local area planted in informal groups within the site. (lw130.doc)
- (7) Prior to issue of the Subdivision 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)
- (8) Prior to issue of the Subdivision Certificate all landscape works shall be completed in accordance with the Approved Landscape Plans and the Conditions of the Development Consent and approved by Council. (lw175.doc)

### Vegetation Management

- (1) No tree(s) shall have backfill placed around its base or have the original ground level altered. (vm010.doc)
- (2) Prior to commencement of work, A Project Arborist shall be appointed prior to any works on site. The Project Arborist is responsible for;
- a. The placement of protective fencing for the existing trees to be retained
  - b. The supervision of any tree branch pruning
  - c. The supervision of any tree root severing greater than 50mm diameter
  - d. Recommend appropriate treatments as required when construction conflicts with tree protection
  - e. Confirmation that the project arborist has identified to the tree contractor the trees that are to be removed or retained in accordance with the conditions of consent.
  - f. Report attendance and actions by certification to the Principle Certifying Authority prior to issue of the Final Occupation Certificate.

The Project Arborist is to be adequately experienced and qualified with minimum Level 5 (AQF): Diploma in Horticulture (Arboriculture).

- (3) The trees numbered Tree 3 Grevillea robusta, Tree 5 Liquidambar, Tree 6 Angophora costata, Tree 7 Eucalyptus sideroxylon, Tree 8 Casuarina cunninghamiana, Tree 9 Liquidambar, Tree10 Cupressus macrocarpa, Tree 11A and B Melaleuca styphelioides, Group 12 Cupressus macrocarpa, Tree13 Grevillea robusta, Tree 14 Eucalyptus sideroxylon, Tree 15 Melaleuca quinquenervia, Tree16 Eucalyptus cladocalyx, Tree 20 Allocasuarina littoralis and Tree 21 Grevillea robusta as detailed in the Arborist Report by Lenice Carr dated 10 March 2018 Reference no. 6220318/ Downes Place, shall be removed for the development.



## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)
- 

Further, the trees numbered 24, 25, 26, 27, 28, 31 and 32 all *Eucalyptus saligna x botryoides* and Trees 35 and 36 *Acacia melanoxylon* as detailed in the Arborist Report by Allied Trees dated January 2019 amended April 2019 Reference no. D3623A shall be removed for the development.

- (4) All exempt trees marked A – E as detailed in the Arborist Report by Allied Trees dated January 2019 amended April 2019 Reference no. D3623A shall be removed for the development.
- (5) The trees numbered 22 and 23 both *Eucalyptus saligna x botryoides* are located on the neighbouring property as detailed in the Arborist Report by Allied Trees dated January (amended April) 2019 Reference no. D3623A shall be removed for the development – a permit has been issued separately for the removal of these trees and a Camphor laurel.
- (6) Trees 26, 27 and 28 are hollow bearing trees to be removed. These trees shall be removed following the instructions as detailed in the Arborist Report by Allied Trees dated January (amended April) 2019 Reference no. D3623A.
- (7) Protection fencing shall be erected around the trees to be retained as detailed in the Arborist Report by Allied Trees dated January (amended April) 2019 Reference no. D3623A. The fencing shall be erected prior to the commencement of works. The fencing shall consist of 1.8 metres high cyclone wire supported on galvanised steel posts at a minimum 3.0 metre centres. The fencing shall be a minimum 3 metres from the trunk of each tree. The fence may be extended to enclose groups of trees where necessary. The fencing shall be maintained and remain in situ until all building works are completed.
- (8) No machinery, builder's material and/ or waste shall be located inside the fencing.
- (9) During construction, any branches of the trees on site that need pruning for clearance of scaffolding or building shall be removed with the approval and supervision of the Project Arborist.
- (10) During construction any tree roots greater than 50mm diameter that need pruning or severing shall be referred to the Project Arborist for advice on actions or treatments.
- (11) Root barrier should be installed to protect built assets. The Project Arborist shall determine the type, depth and location of any root barrier.
- (12) During construction any other matter arising that may harm the existing trees shall be referred to the Project Arborist.
- (13) Prior to the release of the Subdivision Certificate, a Compliance Certificate from the Project Arborist shall be issued to the Principle Certifying Authority detailing the attendance on site and actions performed in accordance with the conditions of the development consent.

## Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)
- 

**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)

**Conveyancing Requirements**

- (1) Under the provisions of the Conveyancing Act 1919, an instrument under Section 88B shall be prepared and shall contain the following:
  - a Any future development application shall include for approval a detailed hydrologic and hydraulic analysis prepared by a qualified person.
  - b The hydrologic and hydraulic analysis shall limit the outflows from the development site to the totally undeveloped site discharge. (cr020.doc)
- (2) The developer shall prepare an Instrument under Section 88B of the Conveyancing Act 1919, for approval by the Principal Certifying Authority which incorporates the following easements and restrictions on the use of land:
  - a. Easement for services;
  - b. Easement for water drainage;
  - c. Drainage easement over overflow paths;
  - d. Easement for detention storage;
  - e. Easement for water quality;
  - f. Positive covenant
  - g. Restricted building zone over the 1% AEP flood inundation area of the natural watercourse which prohibits the erection of structures, including fences and the placement of fill;
  - h. Restriction on the use of land which defines a restricted building zone;

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

- 
- i. Restriction on the use of land defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level. The developer shall provide the 1% AEP flood profile of the natural watercourse with superimposed lot boundary location. (cr035.doc)
- (3) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for the on-site stormwater detention system and associated stormwater drainage infrastructure.

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands and Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919. (cr040.doc)

#### Prior to Issuing of Subdivision Certificate

- (1) The Subdivision Certificate shall not be issued until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority. (sub005.doc)
- (2) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:
  - a) All relevant Construction and Compliance Certificates (where these have not been issued by Council).
  - b) Payment of fees in accordance with Council's adopted fees and charges.
  - c) A Final Plan of Subdivision and four (4) copies.

A copy of the satisfactory final plan of subdivision shall also be provided as an electronic file in either DXF or DWG format. In this regard the electronic copy must be on MGA (Zone 56) orientation, where this is required by the Surveying Regulation 2001, and should preferably use co-ordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided electronically by email to council@kiama.nsw.gov.au including a clear reference to the relevant Development Application number.

- d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land and Property Information requirements.
- e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
- f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

- g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.
- h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
- i) The payment of all required Section 7.11 Contributions identified in this consent. (sub020.doc)
- (3) The developer shall submit to the Principal Certifying Authority, prior to the release of the subdivision certificate, two (2) copies of a certified Works as-Executed (WAE) drawing including (but not limited to) the following:
- a Final locations and reduced levels for all works associated with the development on both public and private land; and
- b In contrasting coloured ink, all changes to the Approved Drawings and actual values of all levels shown on the Drawings.
- The WAE drawing shall be signed by a Registered Surveyor or Chartered Professional Engineer and certified that all the work as completed, including variations, meets the original intent of the Approved Drawing and will have no adverse impact on adjacent properties. (sub025.doc)
- (4) The developer shall submit to the Principal Certifying Authority prior to the release of the Subdivision certificate an electronic copy of the Works-as-Executed drawing as follows:
- a. A full set of engineering drawings in either DWG or DXF format;
- b. An ASCII point file database of all surveyed points in PENZD (point number, easting, northing, elevation, description) format in MGA coordinates.
- c. An Infrastructure Asset Register template (as provided by Council) that lists all constructed assets within the development that are to be transferred to, and maintained by Council in future. (sub030.doc)
- (5) The developer shall acknowledge all existing easements on the final plan of subdivision. (sub060.doc)
- (6) The developer shall acknowledge all existing restrictions on the use of the land on the final plan of subdivision. (sub070.doc)
- (7) The developer shall show the 1% AEP storm event inundation line on the Works-As-Executed plan for all watercourses and overflow paths to demonstrate that the building envelope for each lot and access to that envelope is flood free. (sub075.doc)
- (8) The developer shall chart the natural watercourse on the final plan of subdivision. (sub080.doc)
- (9) The upgraded existing road and proposed road dedicated to Council shall be fenced with timber post and three-strand wire prior to issue of any Subdivision Certificate. Barbed wire shall not be used in the fencing.

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

- 
- (10) Prior to issue of the Subdivision Certificate Benkelman Beam testing shall be undertaken on all roads which have been constructed and upgraded. The acceptance criteria is based on the tolerable deflections as specified by Australian Road Research Board and Austroads. The test results shall be accompanied by a report from a suitably qualified engineer which confirms that tolerable deflections have been met.
- (11) Prior to the issue of a Construction Certificate the applicant shall provide to the Kiama Local Traffic Committee for approval, a signage and line-marking plan showing all proposed line marking and signage required for the proposal.
- (12) Prior to the issue of a Subdivision Certificate, the applicant shall install:
- All approved signage and line marking;
  - Road name blades; and
  - Load limit restriction signs to prevent heavy vehicles from exiting Lot 13 to the right and entering Downes Place.

Item 12.5

#### **GENERAL TERMS OF OTHER APPROVALS (GTA) INTEGRATED AS PART OF THE CONSENT:**

##### **A. Bush Fire Safety Authority, GTA under Section 100B of the 'Rural Fires Act 1997'**

General Terms of Approval, under Division 5 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

##### *Water and Utilities*

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

1. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

##### *Access*

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

2. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

##### *General Advice – consent authority to note*

This approval is for the subdivision of the land only. Any further development application for class 1,2 and 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP and A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

Report of the Director Environmental Services

- 12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

**B. Controlled Activity - GTA under s89, 90 or 91 of the Water Management Act 2000**

The GTA issued by NRAR do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to Natural Resource Access Regulator (NRAR) for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

*Design of works and structures*

GT0009-00004

Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Crown Lands and Water Division, and obtained, for a controlled activity approval under the Water Management Act 2000.

GT0019-00002

Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Crown Lands and Water Division.

*Erosion and Sediment Controls*

GT0014-00004

A. The consent holder must ensure that any proposed materials or cleared vegetation, which may:

- i. obstruct water flow, or
- ii. wash into the water body, or
- iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Crown Lands and Water Division as part of a controlled activity approval.

B. When the constructing of the controlled activity has been completed, surplus materials must be removed from waterfront land.

GT0021-00004

The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.

*Plans, standards and guidelines*

GT0002-00351

A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 2018.74 provided by Council to Crown Lands and Water Division.

## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Crown Lands and Water Division, Wollongong Office, must be notified in writing to determine if any variations to the GTA will be required.

GT0005-00043

A. The application for a activities approval must include the following plan(s):

Outlet Structures; Erosion and Sediment Control Plan; Stormwater Management Plan.

B. The plan(s) must be prepared in accordance with Crown Lands and Water Division's guidelines located on the website <http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>

GT0010-00003

All documents submitted to Crown Lands and Water Division as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

GT0012-00002

Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Crown Lands and Water Division.

GT0030-00001

The application for a controlled activity approval must include plans prepared in accordance with Crown Lands and Water Division's guidelines located on the website as follows: <http://www.water.nsw.gov.au/waterlicensing/approvals/controlled-activity>.

*Rehabilitation and maintenance*

GT0023-00001

Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

*Reporting requirements*

GT0016-00002

The consent holder must inform Crown Lands and Water Division in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

**SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA10/2018/74/1 as provided by Council:



## Report of the Director Environmental Services

12.5 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot (cont)

---

- Statement of Environmental Effects prepared by LandTeam, dated February 2018
- Landscape Concept Plan prepared by Taylor Brammer Landscape Architects, dated 08/03/2018
- Water Quality Details prepared by LandTeam, dated 06/03/2018
- Soil and Water Management Plan prepared by LandTeam, dated 06/03/2018
- OSD, Water Quality and Catchment Plan prepared by LandTeam, dated 06/03/2018
- Road 01 Cross Sections prepared by LandTeam, dated 06/03/2018
- Overall Development Layout Plan prepared by LandTeam, dated 06/03/2018
- Concept Subdivision Plan prepared by LandTeam, dated 06/03/2018
- Arborist Report prepared by Landscapes by Lenice, dated 10/03/2018.

**Item 12.5**

# PROPOSED RESIDENTIAL SUBDIVISION

LOT 100 & 101 DP 1157883  
DOWNES PLACE, JAMBEROO

SCHEDULE OF DA DRAWINGS  
210109  
ISSUE D

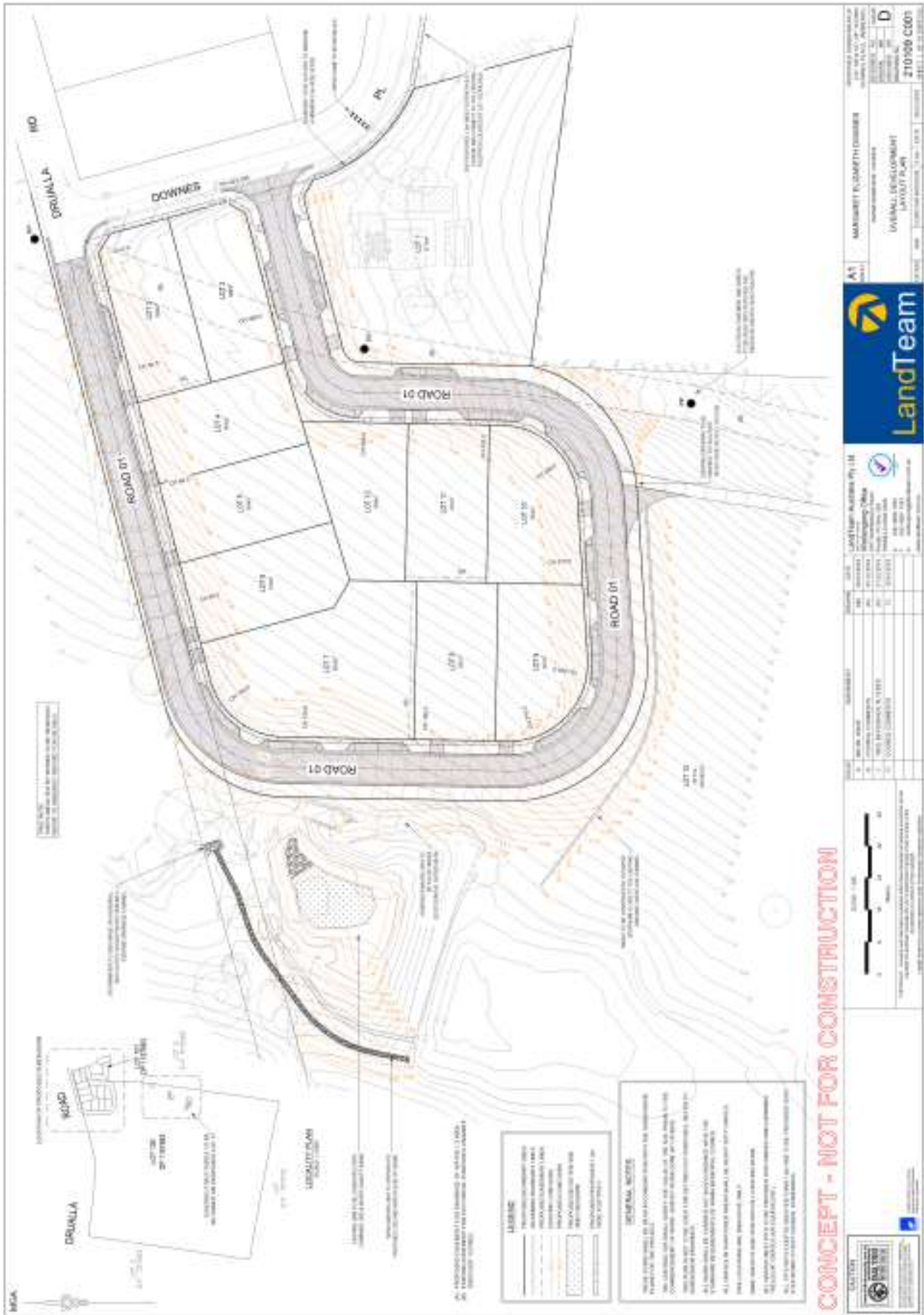
0000. COVER SHEET & DRAWING LIST  
0001. OVERALL DEVELOPMENT LAYOUT PLAN  
0002. ROAD 01 LONG SECTION & TYPICAL SECTION  
0003. ROAD 01 CROSS SECTIONS  
0004. ROAD 01 CROSS SECTIONS  
0005. GEOMETRIC AND LINE MARKING PLAN  
0006. STORMWATER & WATER QUALITY - UPSTREAM CATCHMENT PLAN  
0007. STORMWATER & WATER QUALITY - CATCHMENT PLAN  
0008. STORMWATER & WATER QUALITY - DETAILS  
0009. SOIL & WATER MANAGEMENT PLAN  
0010. ZONING LAYOUT PLAN

Prepared for:  
MARGARET ELIZABETH DOWNES

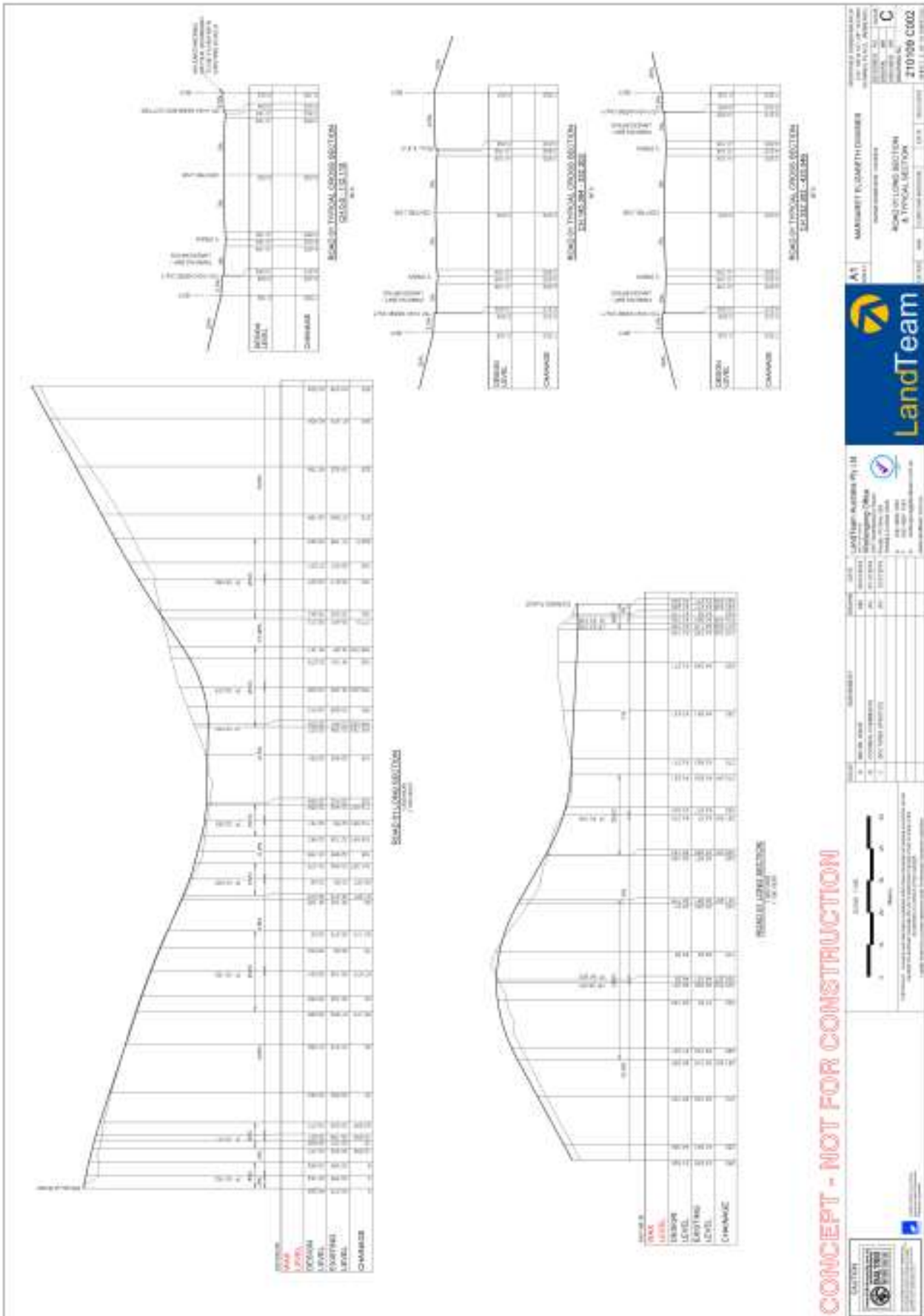




Attachment 1 Item 12.5



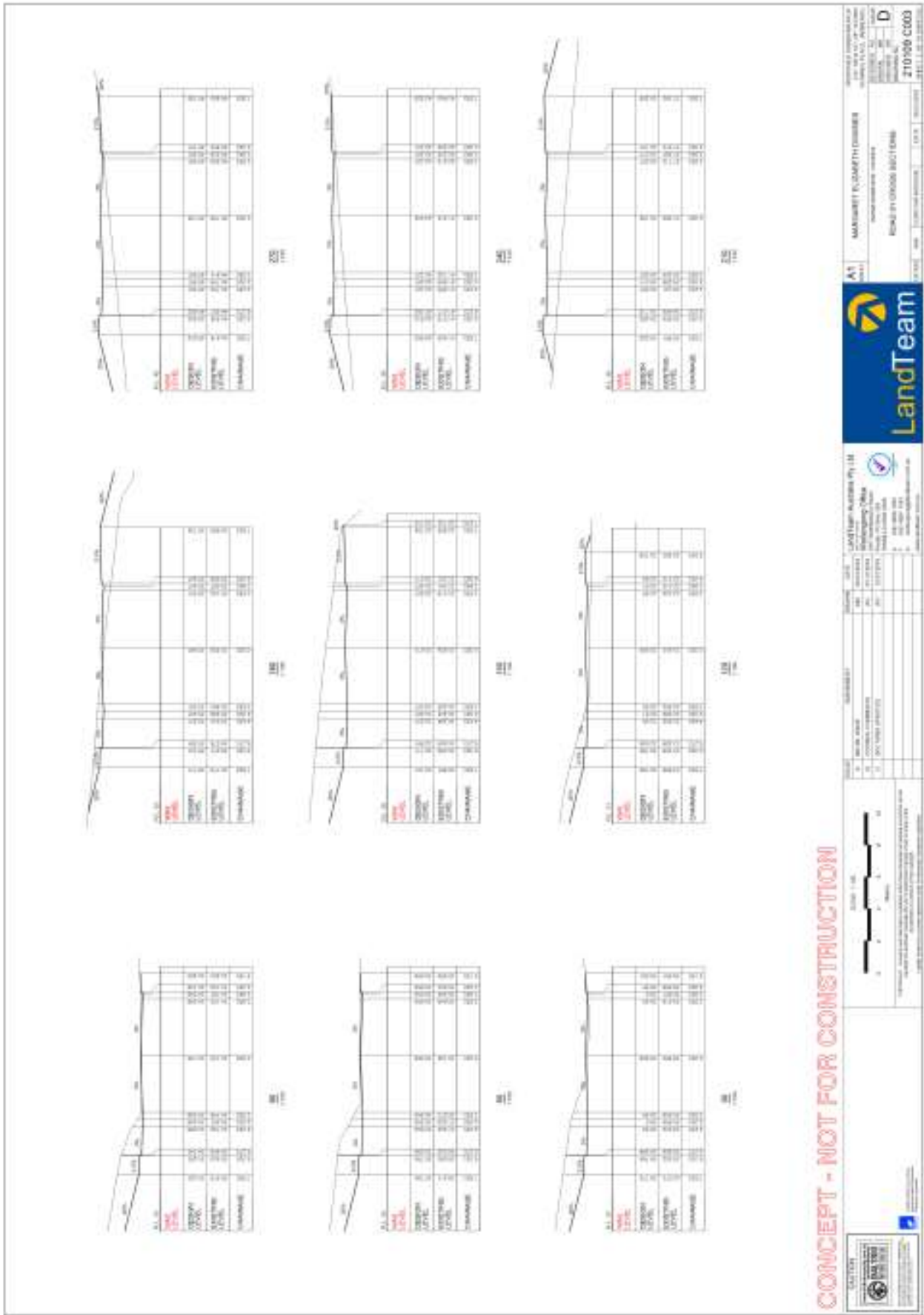
Attachment 1 Item 12.5



**Attachment 1**

**Item 12.5**

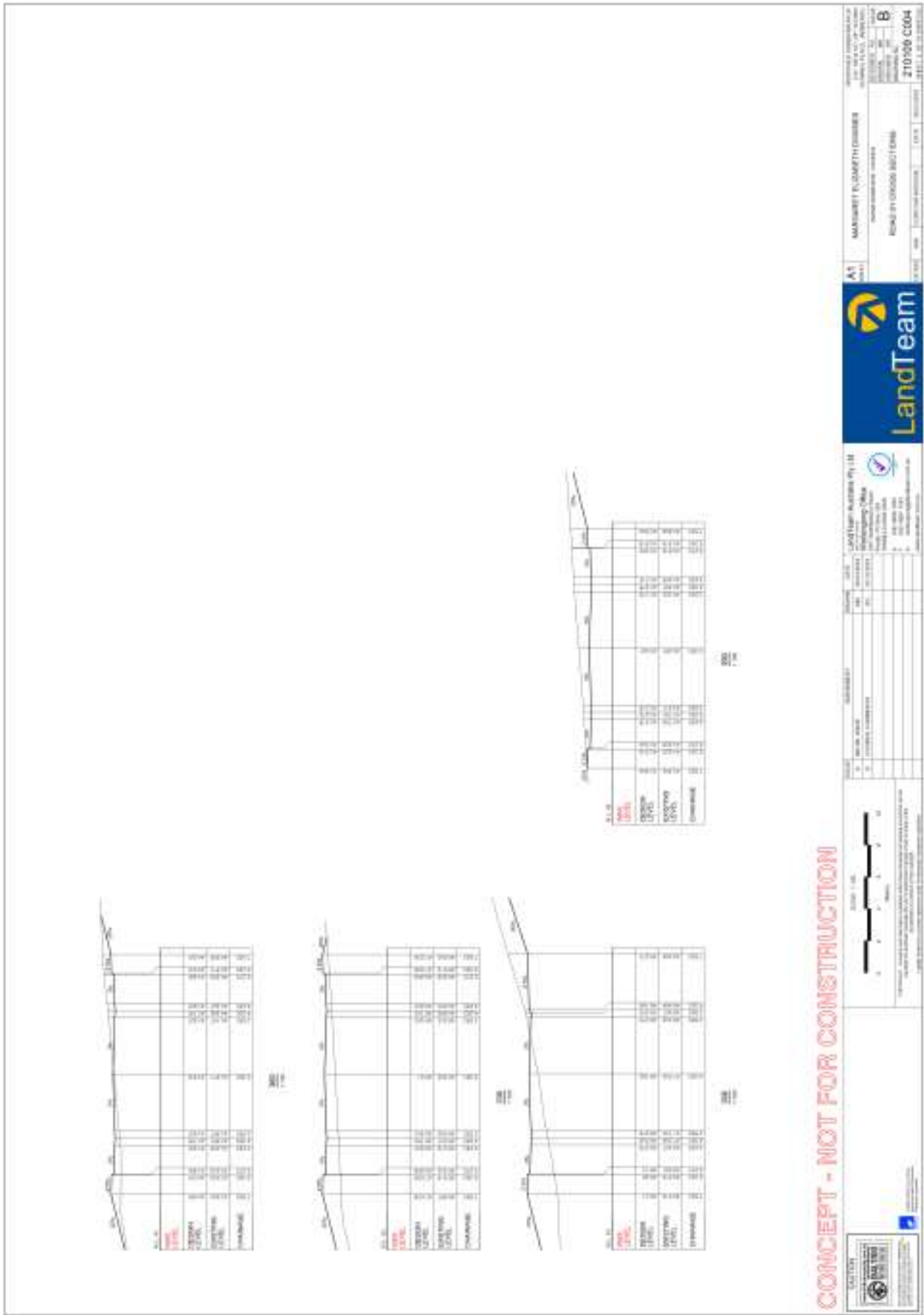




**LandTeam**

Project: 210700 C003  
 Drawing: A1  
 Title: ROAD BY CROSS SECTIONS  
 Date: 10/2018

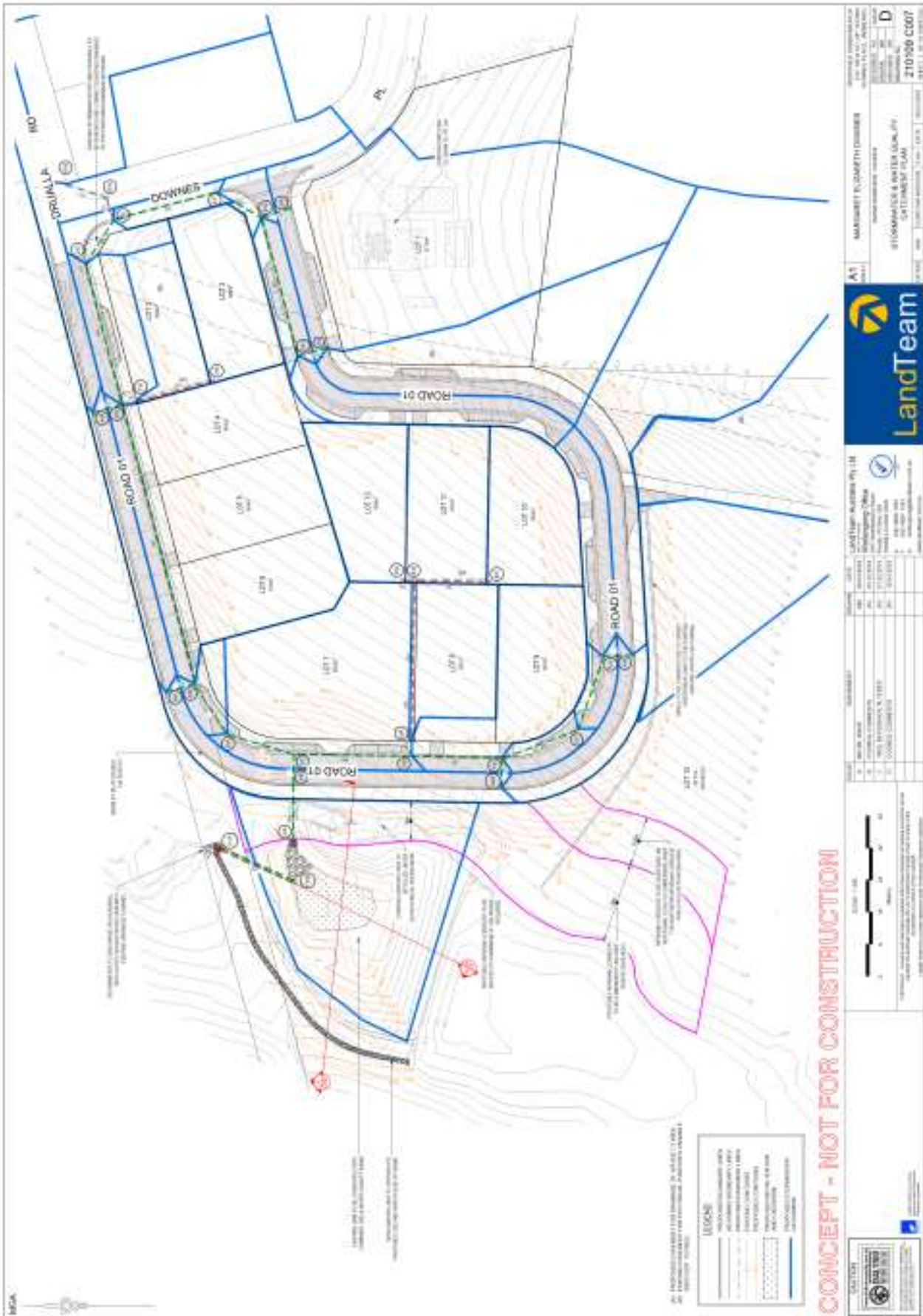
Author: [Name]  
 Checker: [Name]  
 Approver: [Name]

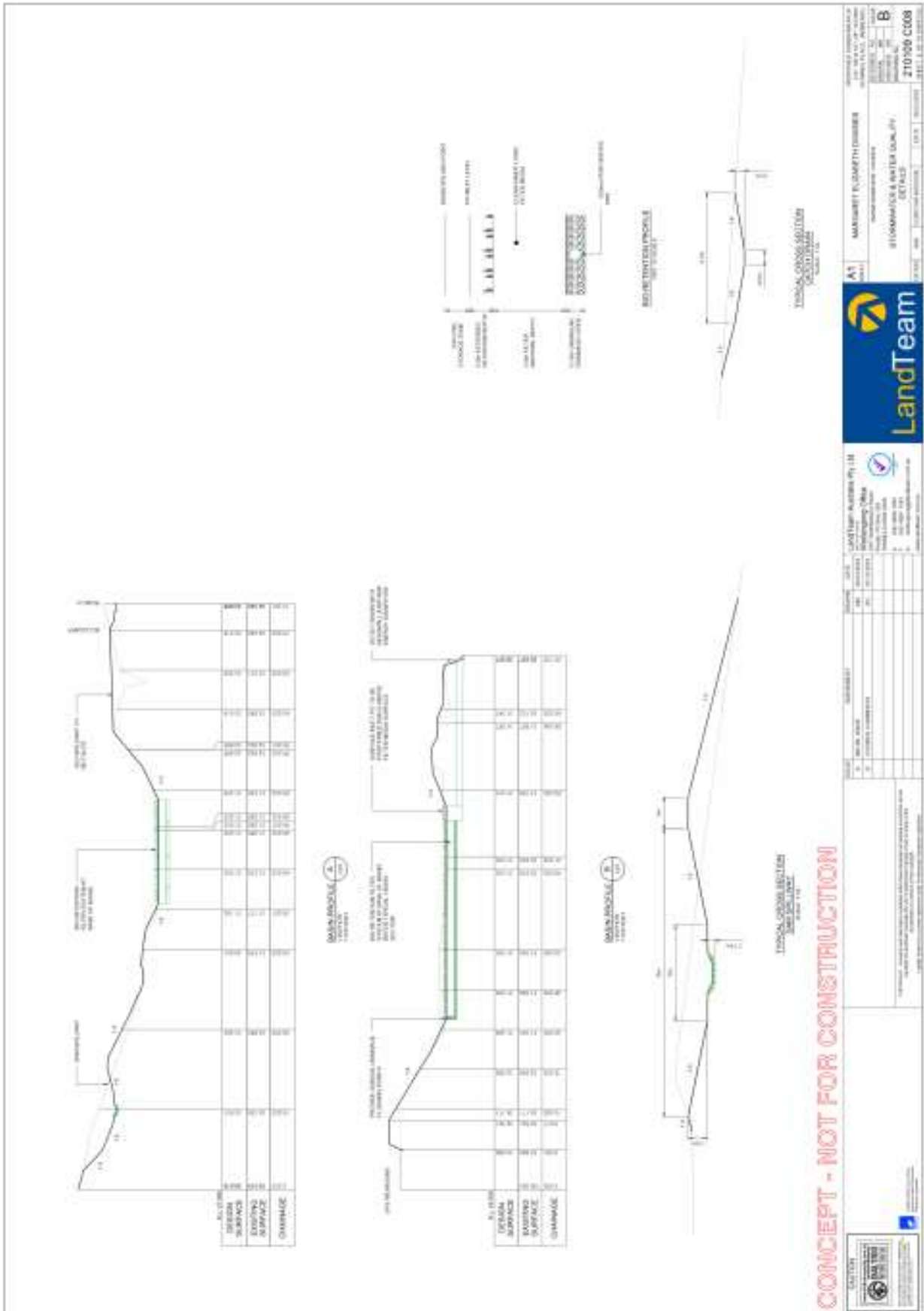




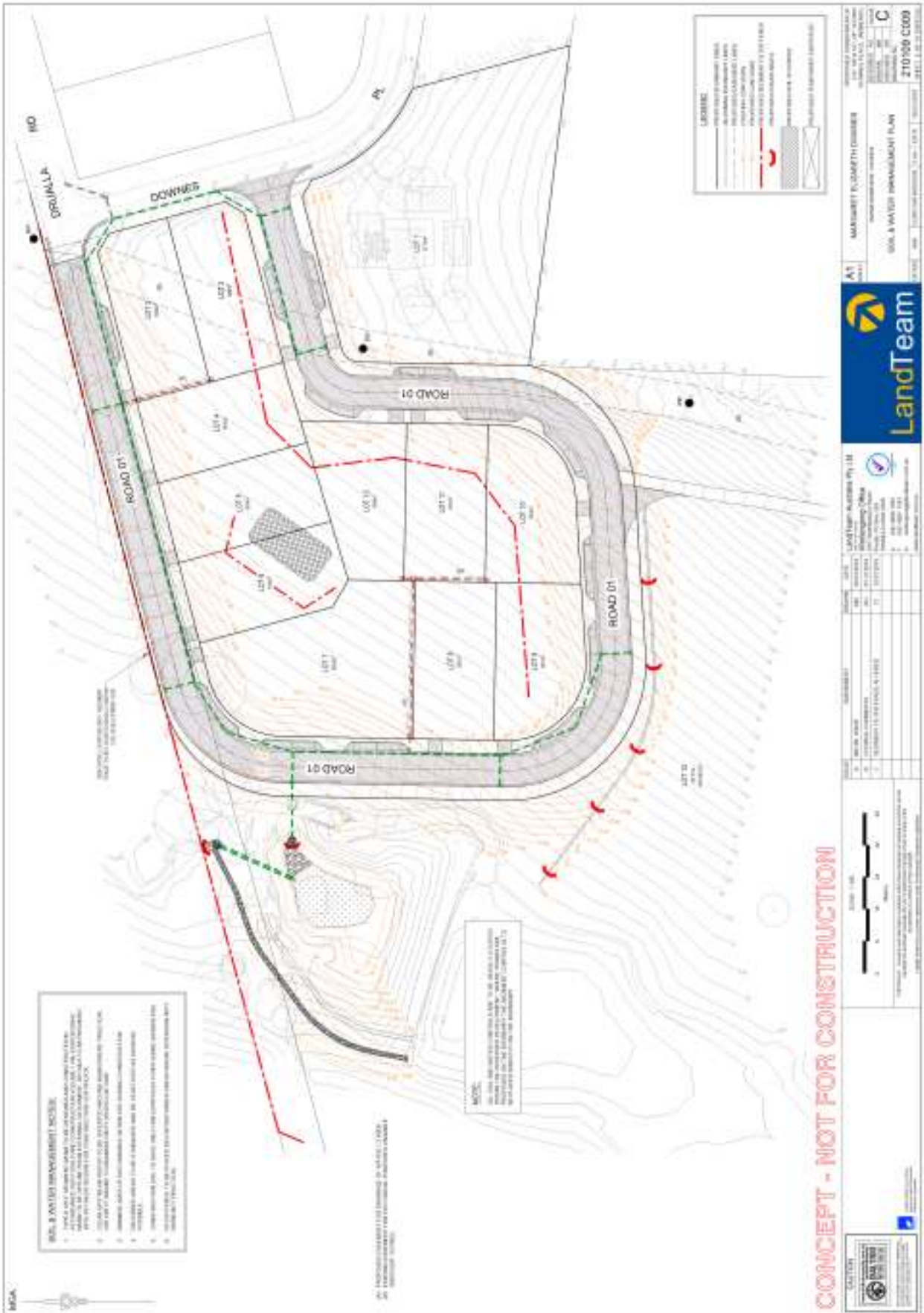








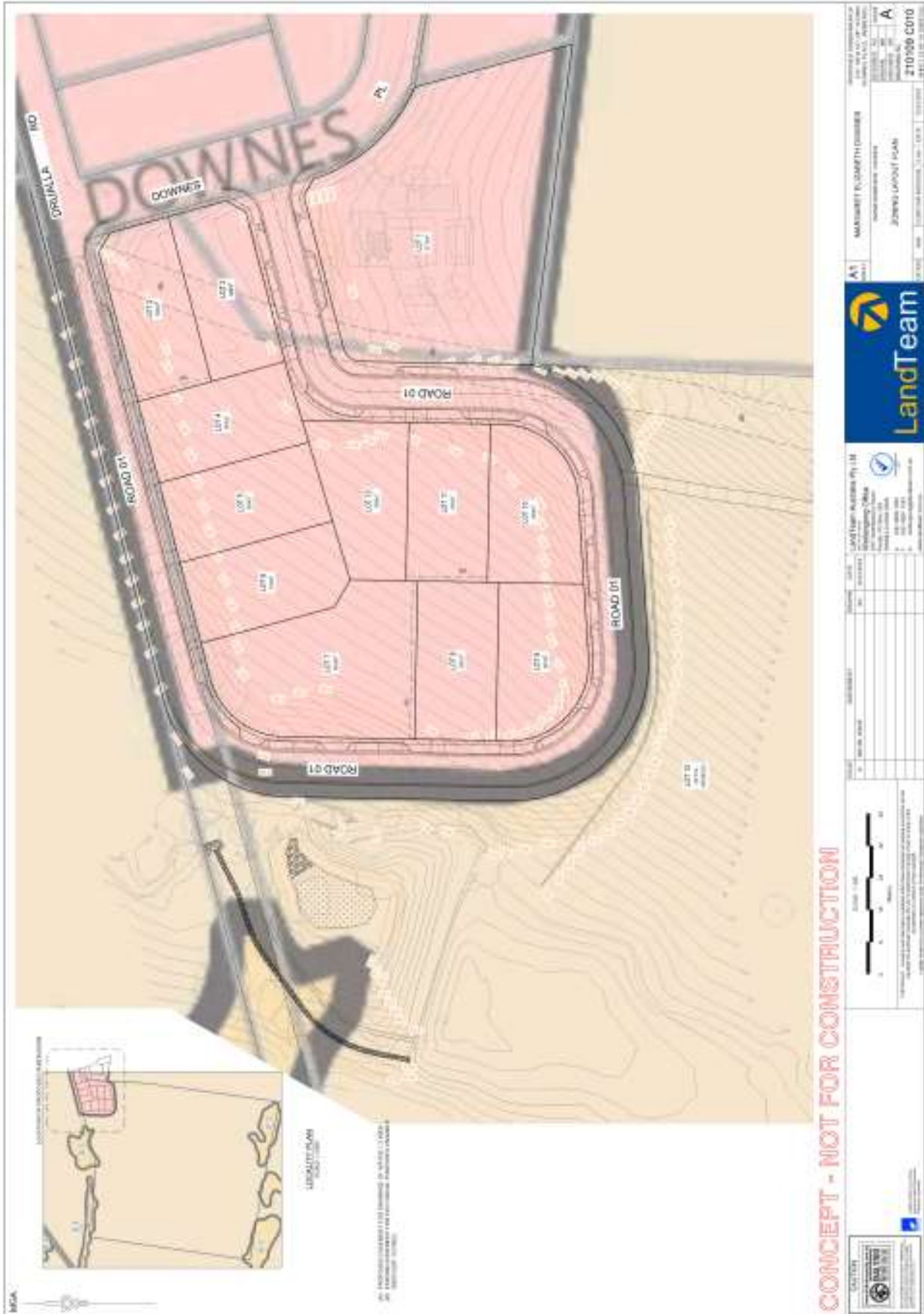




Attachment 1 Item 12.5

Item 12.5 - 10.2018.74.1 - Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot

Attachments 1 - 10.2018.74.1 - Plans



Item 12.5

Attachment 1

# 26 DRUALLA ROAD, JAMBEROO

## LANDSCAPE WORKS PACKAGE

PREPARED FOR  
LandTerra

PREPARED BY  
TAYLOR BRAMMER LANDSCAPE ARCHITECTS PTY LTD  
DRAWING LIST

DRAWING NO. DRAWING TITLE  
L10 LANDSCAPE WORKS PACKAGE

SCALE  
1:100 (A1)  
1:100 (B1)

### SPECIFICATION NOTES

1.1 SERVICES  
The landscape works shall include the following services:

1.2 MATERIALS  
All materials shall be of the highest quality and shall be suitable for the intended use.

1.3 PLANTING  
All plants shall be of the highest quality and shall be suitable for the intended use.

1.4 MAINTENANCE  
The contractor shall be responsible for the maintenance of the landscape works for a period of 12 months after completion.

1.5 GENERAL  
The contractor shall be responsible for the overall appearance of the landscape works.

1.6 WATERING  
The contractor shall be responsible for the watering of the plants during the first 12 months after completion.

1.7 FERTILISERS  
The contractor shall be responsible for the application of fertilisers to the plants during the first 12 months after completion.

1.8 WEED CONTROL  
The contractor shall be responsible for the control of weeds in the landscape works.

1.9 SOIL PREPARATION  
The contractor shall be responsible for the preparation of the soil in the landscape works.

1.10 TURF AND DRESSING CONTROL  
The contractor shall be responsible for the control of turf and dressing in the landscape works.

1.11 GRASS AND TURF AREAS  
The contractor shall be responsible for the installation of grass and turf in the landscape works.

1.12 WEED ERADICATION  
The contractor shall be responsible for the eradication of weeds in the landscape works.

1.13 SOIL DEFERENCE  
The contractor shall be responsible for the deferral of soil in the landscape works.



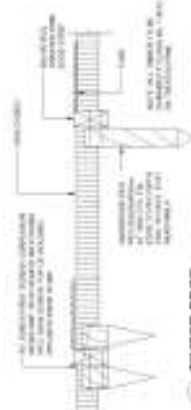
1 SITE LOCATION

10.0 STREET TREE LOCATION

10.0 COMPLETION



1 TURF TYPICAL SECTION 1.10



2 TIMBER EDGE SECTION 1.10

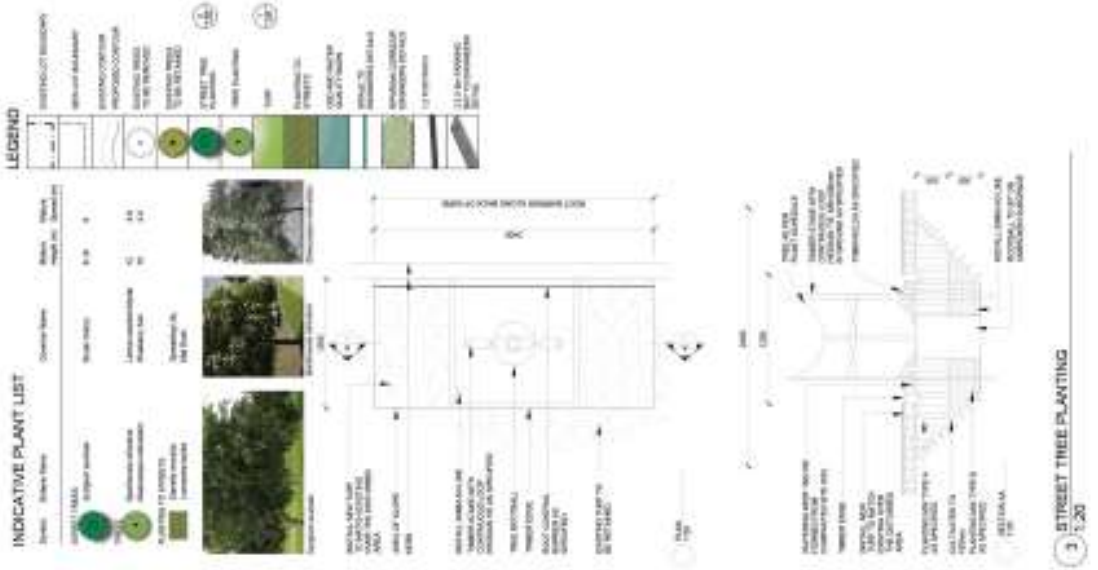


Landscape Cover Sheet

01

**TaylorBrammer**  
LANDSCAPE ARCHITECTS  
100/100 Sturt Street, Jamberoo NSW 2446  
Ph: 02 6552 1111  
Fax: 02 6552 1112  
www.taylorbrammer.com.au





PLAN 1:500



Landscape Concept Plan

TaylorBrammer  
Landscape Architects  
... (Company contact information)

02

**12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy**

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

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

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

**Summary**

This report reviews Development Application No 10.2019.48.1, which involves the demolition of the existing dwelling and structures on the land, re-subdivision of the 2 subject lots into 3 lots, construction of an attached dual occupancy on each of the 3 lots and subsequent Torrens Title Subdivision of each dual occupancy.

The proposed development is permissible in the R2 Low Density Residential zone, complies with the zone objectives and is consistent with the relevant development standards of the Kiama LEP 2011. The proposal is consistent with Development Control Plan 2012, with the exception of variations sought in relation to the rear building line of proposed Dwellings 1 – 5 and the proposed 'Light' external finish colours.

The report recommends that Council approve Development Application No 10.2019.48.1.

**Finance**

N/A

**Policy**

N/A

**Consultation (Internal)**

Please refer to the "Internal Referrals" section of this report.

**Communication/Community Engagement**

Required: Yes (newspaper advertisement, signs onsite and letter notification).

Notification Period: 21 days from 11/04/2019 to 02/05/2018.

Submissions: Nil submissions.

**Reason for the Report**

This report is submitted to Council because only the elected Council can determine applications with a construction value of more than \$2,000,000.00.

Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)
- 

### Attachments

- 1 10.2019.48.1 - Plans [↓](#)

### Enclosures

Nil

### **RECOMMENDATION**

That Council approve Development Application No 10.2019.48.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

### **BACKGROUND**

#### **Development Site**

The property is described as Lot 1 DP 15871 which is located at 2 Bonaira Street, Kiama and Lot 12 DP 15871, which is located at 4 Henley Avenue, Kiama.

Based on Deposited Plan 15871 the overall site measures 1365.8m<sup>2</sup> with Lot 1 being 796.7m<sup>2</sup> and Lot 12 being 569.1m<sup>2</sup>. A survey of the site has found that the overall site area is actually 1375.8m<sup>2</sup>.

Lot 1 currently contains a single storey dwelling and outbuildings with Lot 12 containing just sheds. The land is bounded by residential land to the east and south containing principally single dwellings. Bonaira Street borders the land to the north and Henley Avenue borders the land to the west. Addison's Garage is situated on the opposite side of Henley Avenue.

The subject land is irregular in shape as shown below.

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

Item 12.6



Figure 1 – Subject Site

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

Access to the overall property is obtained from both Bonaira Street and Henley Avenue.

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

The site is vegetated and has a slight slope downward toward the north-east. The site drains to the adjoining public roads.



Figure 2 – Site Context Photograph (↑N, 2016 View)



Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)



Figure 3 – Site Photograph (↑N, 2016 View)



Figure 4 – Site Photo looking South East from Manning Street

Item 12.6

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)



Figure 5 – Site Photo/Existing dwelling looking South from Bonaira Street

### Development History

There is no recent development consent history relating the subject allotments. All existing structures on the land are proposed to be demolished as part of this development.

### Description of the Proposed Development

The overall proposal is described as:

- Subdivision of Lot 1 DP 15871 and Lot 12 DP 15871 into proposed Lots 1, 2 and 3, having an area of 464m<sup>2</sup>, 453.8m<sup>2</sup> and 458m<sup>2</sup> respectively.
- The construction of 3 x attached dual occupancies, with one dual occupancy on each of the 3 proposed allotments.
- Subsequent Torrens Title Subdivision of each dual occupancy.

The development is proposed to occur in the following staged sequence:

- 1) Demolition of existing dwelling and structures and re-subdivision of 2 lots into 3 Torrens Title lots (Lots 1, 2 & 3);
- 2) Construction of attached dual occupancy No 1 (Dwellings 1 & 2) on Lot 1 with subsequent Torrens Title Subdivision;
- 3) Construction of attached dual occupancy No 2 (Dwellings 3 & 4) on Lot 2 with subsequent Torrens Title Subdivision;
- 4) Construction of attached dual occupancy No 3 (Dwellings 5 & 6) on Lot 3 with subsequent Torrens Title Subdivision

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

The dwellings have a combined gross floor area (GFA) of 612m<sup>2</sup>. The details of each of the dual occupancy dwellings is as follows:

**Dual Occupancy No 1**

<b>Dwelling 1 (Lot 1A) 102m<sup>2</sup> GFA</b>	<b>Dwelling 2 (Lot 1B) 102m<sup>2</sup> GFA</b>
<p><u>Ground Floor</u></p> <ul style="list-style-type: none"> <li>• Entry and living room</li> <li>• Open plan kitchen, dining</li> <li>• Laundry and WC</li> <li>• Single car garage</li> <li>• Alfresco courtyard</li> </ul> <p><u>First Floor</u></p> <ul style="list-style-type: none"> <li>• 3 x bedrooms (Bed 1 with WIR, ensuite)</li> <li>• Balcony (external from Bed 1)</li> <li>• Bathroom with WC</li> <li>• Storage cupboards</li> </ul>	<p><u>Ground Floor</u></p> <ul style="list-style-type: none"> <li>• Entry and living room</li> <li>• Open plan kitchen, dining</li> <li>• Laundry and WC</li> <li>• Single car garage</li> <li>• Alfresco courtyard</li> </ul> <p><u>First Floor</u></p> <ul style="list-style-type: none"> <li>• 3 x bedrooms (Bed 1 with WIR, ensuite)</li> <li>• Balcony (external from Bed 1)</li> <li>• Bathroom with WC</li> <li>• Storage cupboards</li> </ul>

**Dual Occupancy No 2**

<b>Dwelling 3 (Lot 2A) 102m<sup>2</sup> GFA</b>	<b>Dwelling 4 (Lot 2B) 102m<sup>2</sup> GFA</b>
<p><u>Ground Floor</u></p> <ul style="list-style-type: none"> <li>• Entry and living room</li> <li>• Open plan kitchen, dining</li> <li>• Laundry and WC</li> <li>• Single car garage</li> <li>• Alfresco courtyard</li> </ul> <p><u>First Floor</u></p> <ul style="list-style-type: none"> <li>• 3 x bedrooms (Bed 1 with WIR, ensuite)</li> <li>• Balcony (external from Bed 1)</li> <li>• Bathroom with WC</li> <li>• Storage cupboards</li> </ul>	<p><u>Ground Floor</u></p> <ul style="list-style-type: none"> <li>• Entry and living room</li> <li>• Open plan kitchen, dining</li> <li>• Laundry and WC</li> <li>• Single car garage</li> <li>• Alfresco courtyard</li> </ul> <p><u>First Floor</u></p> <ul style="list-style-type: none"> <li>• 3 x bedrooms (Bed 1 with WIR, ensuite)</li> <li>• Balcony (external from Bed 1)</li> <li>• Bathroom with WC</li> <li>• Storage cupboards</li> </ul>

Item 12.6



Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

**Dual Occupancy No. 3**

<b>Dwelling 5 (Lot 3A) 101m<sup>2</sup> GFA</b>	<b>Dwelling 6 (Lot 3B) 103m<sup>2</sup> GFA</b>
<p><u>Ground Floor</u></p> <ul style="list-style-type: none"> <li>• Open plan kitchen, dining, living</li> <li>• Laundry, WC</li> <li>• Single car garage</li> </ul> <p><u>First Floor</u></p> <ul style="list-style-type: none"> <li>• 3 x bedrooms (Bed 1 with WIR, ensuite)</li> <li>• Balcony (external from Bed 1)</li> <li>• Bathroom with WC</li> </ul>	<p><u>Ground Floor</u></p> <ul style="list-style-type: none"> <li>• Open plan kitchen, dining, living</li> <li>• Laundry, WC</li> <li>• Single car garage</li> </ul> <p><u>First Floor</u></p> <ul style="list-style-type: none"> <li>• 3 x bedrooms (Bed 1 with WIR, ensuite)</li> <li>• Balcony (external from Bed 1)</li> <li>• Bathroom with WC</li> <li>• Storage &amp; linen cupboards</li> <li>• Balcony</li> </ul>

Item 12.6

The proposed Stage 1 subdivision seeks to re-subdivide the 2 existing lots (Lots 1 & 12) to create Lots 1, 2 and 3, having an area of 464m<sup>2</sup>, 453.8m<sup>2</sup> and 458m<sup>2</sup> respectively. The subsequent construction of an attached dual occupancy on each of these three lots and Torrens title subdivision of the dual occupancies (Stages 2 – 4 inclusive), will result in 6 Torrens Title lots ranging in size from 225m<sup>2</sup> to 237m<sup>2</sup> (for all 6 lot sizes refer to LEP Clause 4.1D below).

Proposed dwellings 1 - 4 are accessed via two shared driveways from Henley Avenue, while Units 5 and 6 each have individual driveways also accessed from Henley Avenue. Each dwelling has an attached single lock-up garage.

Private Open Space for each dwelling is provided by way of an eastern courtyard deck and backyard area. Each unit also has a first floor balcony off bedroom 1, with dwelling 6 having an additional north-facing first floor balcony area.

Garbage bin storage is in the yard area of each dwelling, with collection to occur from Henley Avenue.

Finishing materials/colours are detailed in Figure 20 below.

Approval is also sought for the removal of 2 trees including an Illawarra Flame Tree as well as an exempt species. These trees are evaluated in the Preliminary Arboricultural Report prepared by Allied Trees.

The existing Fig trees on the site are to be retained, with selective pruning to accommodate the two storey dwellings.

The proposed development is shown in Figures 6 - 21 below:

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

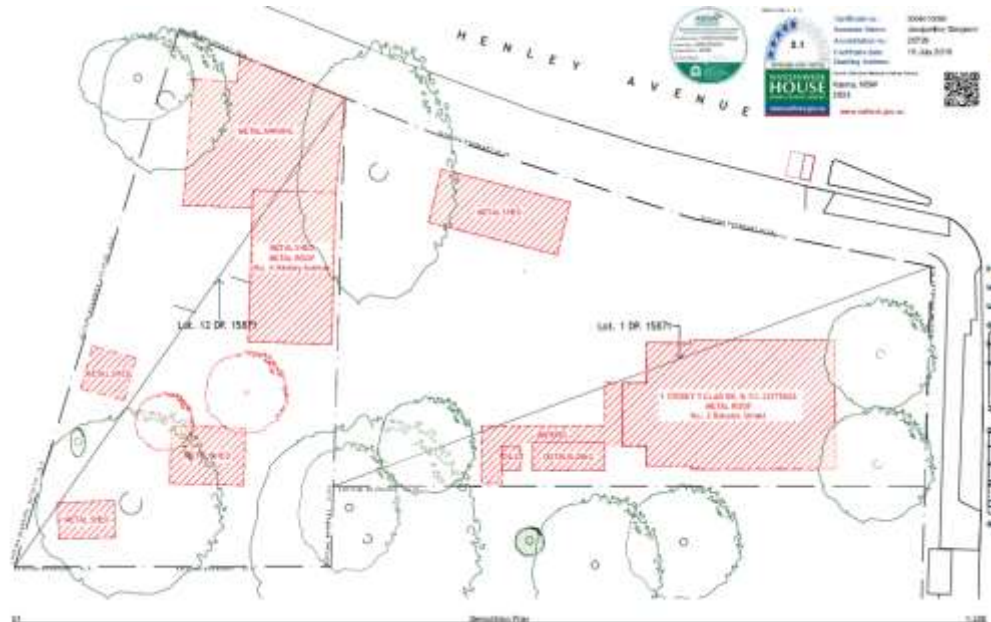


Figure 6 – Demolition Plan

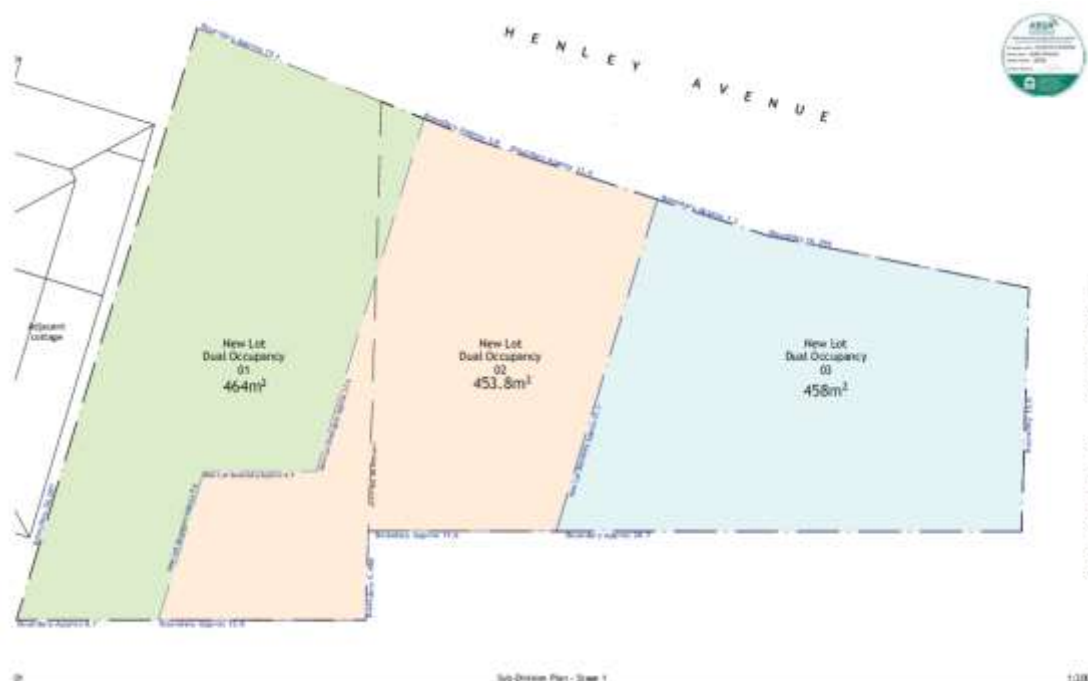


Figure 7 – Stage 1 Subdivision Plan (Lots 1 – 3)

Item 12.6

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)



Figure 8 – Overall Development Site Plan

Item 12.6

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)



Figure 9 – Dual Occupancy No 1 Elevations



Item 12.6



Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

Figure 10 – Stage 2 Subdivision Plan



Figure 11 – Dual Occupancy No. 2 Elevations

Item 12.6

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)



Figure 12 – Stage 3 Subdivision Plan

Item 12.6

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)



Figure 13 – Dual Occupancy No. 3 Elevations



Item 12.6



Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

Figure 14 – Stage 4 Subdivision Plan



Figure 15 – Overall Elevations



Figure 16 – Finished North Western 3D Front Elevations (from roundabout)

Item 12.6

Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)



**Figure 17 – Finished Northern 3D Front Elevation (from Bonaira Street)**



**Figure 18 – Finished South Western 3D Front Elevation (from Henley Ave)**

**Item 12.6**



Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)



**Figure 19 – Finished North Eastern 3D Rear Elevation (from Bonaira Street)**

**Item 12.6**

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)



Figure 20 – Finish Colours/Materials

Item 12.6

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

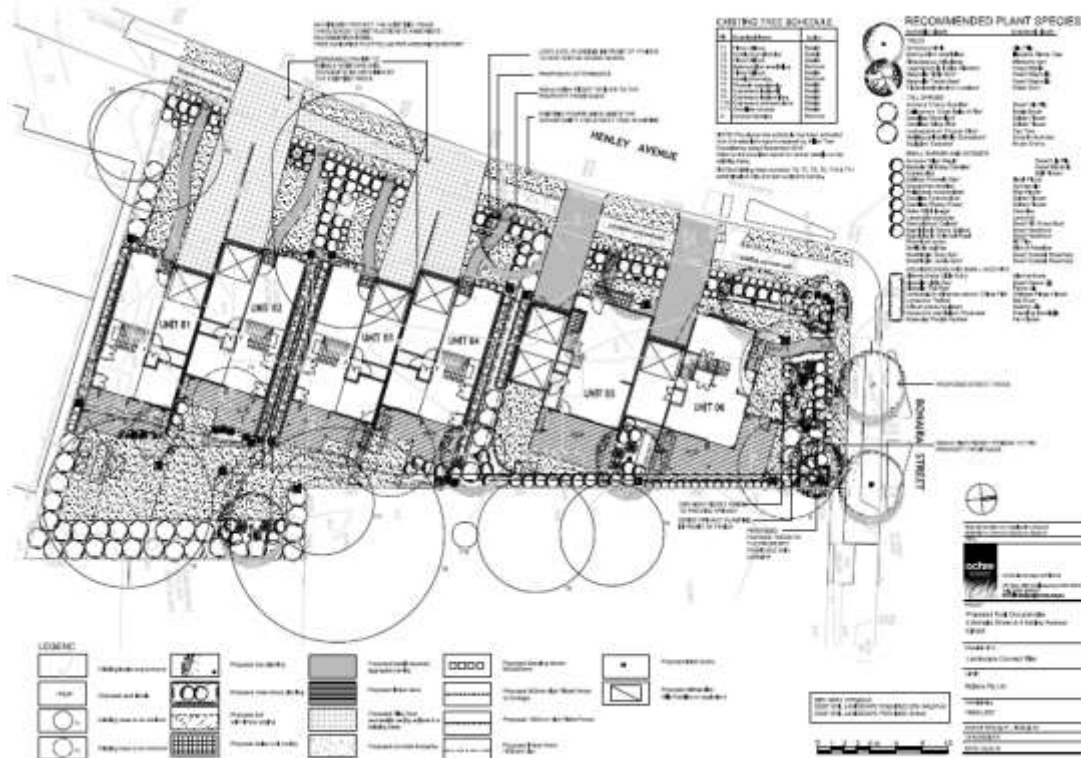


Figure 21 – Landscape Plan

**Section 4.15 Assessment**

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

**Relevant Environmental Planning Instruments**

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

BASIX Certificates (1000419M\_03 (Dwelling 1 & 2); 1001183M\_03 (Dwelling 3 & 4); 1001184M\_03 (Dwelling 5 & 6)) were lodged for the new dwellings (multi dwelling) with the application which demonstrates that each dwelling has been designed in accordance with BASIX.

State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of the SEPP No 55 requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required. A Phase 1 contamination report accompanies the application, which has not identified any contamination of a level that would require further investigation. Council is unaware of any historic land use which would deem the site unsuitable for the proposed development, therefore the land is considered to be suitable for the proposed use.

Item 12.6

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

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

Clause 9 and 10 of the SEPP (Vegetation in Non-Rural Areas) 2017 outlines that consent is required for the clearing of certain vegetation in non-rural areas. Council's Development Control Plan (DCP) 2012 outlines that certain trees can be removed without requiring consent. Two (2) trees are proposed to be removed as part of this development, being one Illawarra Flame Tree and a Eucalypt tree, as well as exempt species. The proposed tree removal is within acceptable thresholds.

Kiama LEP 2011Clause 2.3 - Zone objectives and Land Use Table

The subject land is zoned R2 Low Density Residential under Kiama LEP 2011. The proposal is defined as *attached dual occupancy* (3 x attached dual occupancies in this instance) under the provisions of LEP 2011, which is permitted with consent in the R2 Low Density Residential zone subject to the initial three (3) lot Torrens title re-subdivision creating the lots upon which the dual occupancies will be constructed.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. As the proposal will provide for the housing needs of the community within a low-density residential environment, the development is considered to be consistent with the zone objectives.

Specific clauses requiring consideration:

Clause 4.1 - Minimum Subdivision Lot Size

Clause 4.1 requires that the minimum subdivision lot size is not less than the minimum size shown on the Lot Size Map. The Lot Size Map identifies that a minimum lot size of 450m<sup>2</sup> applies to the site. The proposed Stage 1 subdivision seeks to create Lots 1, 2 and 3 having an area of 464m<sup>2</sup>, 453.8m<sup>2</sup> and 458m<sup>2</sup> respectively, which complies with Clause 4.1.

The Stage 2, 3 & 4 subdivision of the dual occupancies is discussed under Clause 4.1D below.

Clause 4.1D – Exceptions to minimum subdivision lot sizes for dual occupancies in Zone R2 and Zone R3

Clause 4.1D permits subdivision of dual occupancy development to create lots not less than 50% of the minimum lot size standard, equating to 225m<sup>2</sup> in this instance. In this regard Clause 4.1D(4) states that "*despite Clause 4.1, development consent may be granted to a single development application for development on land to which this clause applies if the development is both:*

- (a) *the subdivision of land into no more than 2 lots with each resulting lot equal to or greater than 50% of the minimum size shown on the Lot Size Map in relation to the land, and*



Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

(b) *the erection of either a semi-detached dwelling or dwelling house on each lot resulting from the subdivision.”*

The proposed development involves the construction of an attached dual occupancy on each of the three lots created in Stage 1, with subsequent Torrens subdivision of each dual occupancy. With the construction and subsequent subdivision of 3 dual occupancies, the end result will be 6 Torrens Title lots, with lot sizes as shown in the following table (and Figure 6 above):

Dwelling No	Lot Area (m <sup>2</sup> )
1	237
2	227
3	226
4	227.8
5	225
6	233

As demonstrated, each proposed lot has an area of not less than 225m<sup>2</sup>, thereby complying with Clause 4.1D(4). The proposed subdivision therefore satisfies the requirement of Clause 4.1D.

The proposed Stage 1 lots 1 & 2 and the subsequent Stage 2 & 3 lots to containing Dwellings 1 – 4, are unorthodox in their shape and configuration as can be seen in Figures 7 & 12 above. Although this proposed lot layout is not ideal, it is acknowledged that significant effort has been made to preserve the established fig trees on the site. This significant vegetation represents a substantial constraint to development of the land, which has necessitated designing the development to accommodate the retention of these trees, their canopies and root systems. The constraints of the land, the irregular shape of the subject site, combined with Council’s 0.45:1 floor space ratio and minimum lot size development standards, has resulted in the unorthodox layout and shape of the proposed lots. Having regard to these circumstances, on balance the proposed subdivision configuration is generally considered to be acceptable in this instance.

Clause 4.3 - Height of Buildings

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map. The height of building map identifies that a maximum building height of 8.5m applies to the site. The proposed development will have a maximum height of approximately 8m (Dwelling 4) above existing ground level and therefore complies.

Item 12.6

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

Clause 4.4 - Floor Space Ratio

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio (FSR) map. The Floor Space Ratio (FSR) map of the Kiama LEP 2011 identifies that a maximum floor space ratio of 0.45:1 applies to the site. As per the definition provided in Kiama LEP 2011 the *gross floor area* of the proposed development is 612m<sup>2</sup>. In this regard the proposed development has a FSR of 0.44:1 with the site and as such complies.

The subsequent subdivision of the dual occupancies will also result in compliant FSR, as shown in the following table:

Dwelling No.	FSR
1	0.43:1
2	0.45:1
3	0.45:1
4	0.45:1
5	0.45:1
6	0.44:1

Clause 6.2 - Earthworks

Clause 6.2 lists considerations for proposals that involve earthworks. The proposal complies with the objectives of the clause and as the proposed earthworks are ancillary to the proposed dwellings, separate development consent is not required.

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

**Any Draft Environmental Planning Instruments**

Draft Kiama Local Environmental Plan

Council is proposing changes to Kiama LEP 2011 that would mean that dual occupancies and terrace housing can only occur in the R2 Low Density zone if the property is at least 600m<sup>2</sup> in area.

The subject development application was lodged with Council prior to public exhibition of the planning proposal and; therefore, the draft LEP holds no legislative weight in determination of this development application.

Draft SEPP 55 – Land Remediation

The new SEPP will retain elements of SEPP 55, and add new provisions to establish a modern approach to the management of contaminated land.

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

Item 12.6

The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment. This objective remains relevant and will be replicated in the new SEPP. The key operational framework of SEPP 55 will be maintained in the new SEPP.

The proposed development is considered to be consistent with the requirements of the draft SEPP.

**Kiama Development Control Plan 2012**


The proposed development is not inconsistent with the objectives Kiama DCP 2012.

The minor non-compliances are addressed in the table below:

Control	Comment
Chapter 2 – Overall Controls	
<p><i>Section 12 – Design Standards – Building Lines in Urban Areas</i></p> <ul style="list-style-type: none"> <li><i>Rear building line for properties with a 6.0m front building line: habitable structures shall be generally sited on the established rear building line of the adjoining development or 6m whichever is the greater; subject to such development having a reasonable economic life. It must be demonstrated that the objectives of this plan are satisfied where a departure from an established building line is sought.</i></li> </ul>	<p>Dwellings 1, 2, 3 &amp; 4 require 6m setback to the eastern (rear) boundary, as Henley Ave will be the primary street frontage to these lots.</p> <p>The setbacks from Dwellings 1-4 to the rear boundary range from 1.990m (Unit 1) to 4.46m (Unit 4). Whilst the setbacks proposed are less than the 6m, the applicant contends that variation to the control is warranted for the following reasons:</p> <p><i>“The placement of the dwellings allows for increased front setbacks of up to 12.305m to Henley Ave, which will allow for the retention of the existing Fig Trees on the site. This increased front setback also acknowledges the landscaped setting of the existing streetscape, when viewed from both Henley Ave and Bonaira Street.</i></p> <p><i>Whilst the rear setbacks to Units 1-4 range from 1.99m to 4.46m it should be noted that this setback is calculated to the nearest boundary, which is in effect the ‘dog leg’ boundary of the adjacent lot/unit within the development. In effect, a much greater setback is provided from the units to the common boundary with No. 1 Reid Street and No 8 Bonaira to the east. The setback to this common boundary exceeds 5m in the case of Units 1-3 and is predominantly also met for Unit 4, with only the</i></p>

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

Control	Comment
	<p><i>north-eastern corner of this unit providing a lesser setback of 4.65m.</i></p> <p><i>On this basis it is considered that variation to the setback is warranted as the proposed rear setback will not impact on privacy of residents, will allow for tree protection and will protect streetscape character.”</i></p> <p><u>Comment:</u> As previously noted in this report, the shape of the subject land and the retention of significant trees on the site, combined with Council’s minimum lot size and floor space ratio standards, has presented constraints that have resulted in unorthodox proposed lot configurations in relation to Dwellings 1 – 4, as shown in Figure 22 below.</p>  <p><b>Figure 22 – Lot configuration &amp; Units 1 – 4 rear setbacks</b></p> <p>The applicant has reasonably pointed out that, although the rear setbacks are identified as ranging from 1.99m to 4.46m, in effect the rear setback to neighbouring lots ranges from 4.46m (Dwelling 4) to approximately 12.3m (Dwelling 1).</p>

Item 12.6

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

Control	Comment
	<p>It is also noted that there is significant established vegetation on the neighbouring lots to the east and on the subject lot being retained, that will provide screening of the development from a visual and privacy point of view that ameliorates the visual impact and privacy loss that may otherwise arise with a reduced rear setback.</p> <p>Dwelling 5 requires 6m setback to the southern (rear) boundary, as Bonaira Street is the primary street frontage of this lot upon which Dwellings 5 &amp; 6 are proposed.</p> <p>Proposed Dwelling 5 has a rear setback of 4.7m. The single storey garage is setback 1.27m from the rear boundary; however Section 12 specifically permits single storey structures, including garages, to be sited within the rear building line where Council is of the opinion that no unreasonable impacts on neighbouring properties will result.</p> <p>The applicant discussed this issue at Council’s Development Assessment Unit meeting prior to lodgement of the application. The outcome from these discussions informed the justifications for variation. The applicant justifies the variation on the following basis:</p> <p><i>“Privacy of residents to the south will be unaffected by this reduction in setback as only the garage is sited adjacent to the southern boundary (adjacent to Unit 4), with only one small upper level window located on this southern elevation. This window is a stairwell window which is sited in the order of 4.7m from the boundary, thereby minimising potential overlooking impacts.</i></p> <p><i>This dwelling positioning also allows for an increased setback from Unit 5 to the eastern boundary of 4.41m and allows for the placement of the private open space of this unit on the eastern side of the building. Similarly, the private open space area for Unit 6 is predominantly located on the eastern side of the building, with the POS area</i></p>

Item 12.6

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

Control	Comment
	<p><i>also wrapping around the front of the building to allow for a desirable northern orientation.</i></p> <p><i>Further, the positioning of Unit 5 and 6 will not impact on privacy of the dwelling to the east (at No. 8 Bonaira Street), which is separated from the proposed development by two vacant allotments, containing substantial tree cover.</i></p> <p><i>It is therefore considered that the objectives of this control are met, with respect to Unit 5, as privacy will not be adversely impacted; continuity is provided in the streetscape; private open space is appropriately located; and residential amenity is protected.”</i></p> <p><u>Comment:</u> The dual occupancy dwellings are part of an overall 6 dwelling development, which results in an overall integrated development in terms of its design, layout and amenity. This is distinct from an otherwise stand-alone proposal for a dual occupancy on proposed Lot 3 that is unrelated to development on Lots 1 &amp; 2 in the proposed Stage 1 subdivision. Having an overall integrated design approach, the proposed garage within the rear building line and the reduced rear setback of dwelling 5, is seamless within the overall development outcome. From a streetscape perspective, the proposed rear setback of dwelling 5 contributes to an integrated presentation in terms of the overall development.</p> <p>Furthermore, the proposed 4.7m rear setback from Dwelling 5 to its rear boundary does not result in any significant adverse impact to neighbouring Dwelling 4 in terms of overshadowing, privacy loss, view loss or the like.</p> <p>For the reasons outlined by the applicant the proposed rear setback variations involving Dwelling 1 – 4 and dwelling 5 are generally supported, having regard to the specific circumstances applying to the site in this instance and the overall development outcome.</p>

Item 12.6



Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

Control	Comment
<p><i>Section 18 – Reflectivity in Building Materials</i></p> <p><i>Control C43</i></p> <ul style="list-style-type: none"> <li><i>All materials and colours used should be muted or earthy tones appropriate to the local street and landscape context. The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified.</i></li> </ul> <p><i>Control C45</i></p> <ul style="list-style-type: none"> <li><i>Control C45 requires that metal roofing should have a solar</i></li> </ul>	<p>Colorbond 'Surfmist' roofing is proposed, having a low solar absorptance classification of 0.32 (&lt;0.46), being non-compliant with control C45. The proposed wall colours are also light.</p> <p>Section 18 has been addressed by the applicant as follows:</p> <p><i>"The roofs will not adversely affect neighbours via glare as nearly all adjacent properties are below the level of the site (due to the hilly nature of the neighbourhood) and consequently out of line visually with the development, while also being partly screened by the tree canopies."</i></p> <p>The applicant also comments that:</p> <p><i>"The proposal is more than 150 metres from the residential precinct to the west, separated by major rail and road corridors. In this sense, the development will be the 'upper edge' of the Kiama east precinct, and will help establish a 'seaside' tone by its architectural style and light colourings."</i></p> <p>In response to control C45 specifically, the applicant states:</p> <p><i>"The selected roof colour (Colorbond 'Surfmist') will not create glare issues with adjacent properties. It will reduce energy consumption for the future dwelling owners, and increase in thermal resistance over that of a darker roofing material."</i></p> <p><i>The roofing selection is appropriate for the location, and beneficial for the future owners, and their neighbours and the planet."</i></p> <p><u>Comment:</u> In terms of metal roof in glare, BlueScope Steel's Technical Bulletin TB-28, whilst essentially promoting lighter coloured steel roofing because of its thermal performance qualities, also advocates case-by-case assessment (considering factors including orientation and roof pitch) in acknowledgement that, in some circumstances, light coloured reflective roofs may not be appropriate in</p>

Item 12.6

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

Control	Comment
<p><i>absorbance classification in accordance with New South Wales BASIX of not less than 0.46 unless the applicant can satisfy Council that the proposal is consistent with the objectives of the Reflectivity in Building Materials Policy.</i></p>	<p>terms of their impact on neighbours. The example provided in the Bulletin of an undesirable circumstance, is where there is a low- pitched roof and a dwelling sited to the south.</p> <p>In this case the development involves reasonably high pitched roofs, not low pitched roofs. Development to the east will be screened by existing vegetation, both retained on site and by established trees on neighbouring lots and development to the south will only be exposed to the side of dwelling 1, which does not involve a roof expanse of a size that may exacerbate potential glare issues.</p> <p>Bulletin TB-28 relevantly points out that all materials reflect sunlight and that it is the extent of reflection that is variable. It points out that all new Colorbond steel will have similar levels of gloss, however gloss will fade and, after 12 months of exposure to the elements, reflected glare will be reduced.</p> <p>The thermal efficiency benefits of lighter external colours are not disputed and it is noted that an Objective of Section 18 is to “<i>acknowledge BASIX and the benefits of lighter coloured walls and roofs in regard to improved energy efficiency and thermal comfort</i>”. The development satisfies this objective, notwithstanding non-compliance with control C45.</p> <p>It was suggested that the applicant amend the proposal to introduce a medium or dark solar absorbance roof to comply with control C45; however, the developer has aspirations for a ‘Hamptons’ inspired development with light finish colours and has maintained the light finish roof and walls.</p> <p>The subject site is in a reasonably prominent position adjacent to the roundabout forming the junction of Manning Street, Bonaira Street and Henley Avenue. The subject site however is not elevated, nor is it immediately overlooked by dwellings on more elevated land, which are</p>

Item 12.6

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

Control	Comment
	<p>circumstances that may otherwise exacerbate potential reflected glare issues from a light coloured roof and external finishes. Therefore, notwithstanding the high profile roadside position of the development, the site circumstances are not such that potential reflected glare from the development is likely to be problematic for surrounding residences. The proposed architecturally designed development is of a high quality design outcome that will overall make a positive contribution to the streetscape.</p> <p>Having regard to Section 18 and its Objectives, along with the submission prepared by the applicant justifying the proposal, it is accepted that insistence upon medium to dark external finish colours is not necessary in this instance.</p>

Item 12.6

Chapter 4 – Low Density Development

<p>C17</p> <ul style="list-style-type: none"> <li><i>Building lines in accordance with Building Line Maps (Chapter 2)</i></li> </ul> <p>C23</p> <ul style="list-style-type: none"> <li><i>Each dwelling must be provided with a minimum 24m<sup>2</sup> of private open space with minimum dimensions of 6m x 4m (Dwelling 6)</i></li> </ul>	<p>The rear building line non-compliance is discussed in detail in Chapter 2 above.</p> <p>Proposed Dwelling 6 has ground level private open space (POS) measuring approximately 31m<sup>2</sup> in area (i.e. &gt;24m<sup>2</sup>) behind the building line; however, the minimum dimension of the private open space (POS) is 3.0m.</p> <p><u>Comment:</u> Dwelling 6 provides for ground level open space approximately 42m<sup>2</sup> in total area (including 11m<sup>2</sup> forward of the building line), in addition to a first floor balcony measuring 4.5m<sup>2</sup> in area. The first floor balcony, sited behind the building line, offers additional POS area that is elevated for privacy and has full northern exposure for sunlight.</p>
--	---

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

Control	Comment
<p>C27</p> <ul style="list-style-type: none"> <li><i>Private open space areas will require space available or need to be clearly designated on a plan. An area proposed forward of the building line will not be generally favoured but will be considered on merit in exceptional circumstances.</i></li> </ul>	<p>Although the dimensions of the ground level POS do not satisfy the minimum 4m width (a minimum 3m width is proposed, which tapers out to 4m) it is recognised that Dwelling 6 has more than the minimum required area of POS and a variety of functional open space options available to it when the balcony space is included.</p> <p>It is also noted that the POS area for this dwelling is not hemmed in by surrounding development, as Dwelling 6 is situated on the corner facing Bonaira Street. This will provide a sense of openness from within the lot, helping to compensate for the reduced width.</p> <p>The minor non-compliance with the minimum required 4m width does not unreasonably diminish the functionality and amenity of the Dwelling 6 cumulative POS area.</p> <p>The proposed Dwelling 6 private open space (POS) area partially encroaches forward of the front building line.</p> <p>The applicant comments: <i>“Given it’s corner lot location, Unit 6 proposes a portion of the POS forward of the primary building line to Bonaira Street. This area will be delineated with low fencing and perimeter planting, with the principle POS are located to the east of the dwelling behind the 6.0m building line.”</i></p> <p><u>Comment:</u> The POS area available to Dwelling 6 measures approximately 31m<sup>2</sup> (i.e. &gt;24m<sup>2</sup>) behind the building line, but does not satisfy the minimum 4m width prescribed by control C23. In part to compensate for this, an 11m<sup>2</sup> yard area is proposed forward of the building line but behind the privacy fence, creating an overall fences yard area of 42m<sup>2</sup>.</p> <p>In response to both controls C23 &amp; C27, on balance, given the POS areas available to dwelling 6 behind the building line and on the balcony, the</p>

Item 12.6

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

Control	Comment
	development reasonably provides for amenable and functional POS area that satisfies the objective underpinning the controls. The proposed variations are thereby generally accepted.

Item 12.6

The proposed development generally complies with the relevant controls of the DCP 2012, and where strict compliance is not achieved the objectives of the controls are reasonably maintained.

#### Any Planning Agreement

Nil.

#### Any Matters Prescribed by the Regulations

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

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

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

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

##### Clauses 93, 94 and 94A

Clause 93, 94 and 94A do not apply to the proposed development does not involve a change of use nor additions and alterations to an existing building on the site.

#### Any Coastal Zone Management Plan

Nil.

#### The Likely Impacts of the Proposed Development

##### Streetscape

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

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

Item 12.6

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.

Overshadowing

Shadow diagrams have been supplied with the development application, which indicate that the overshadowing impacts of the proposed development will be reasonable, as shown in Figure 23 below:

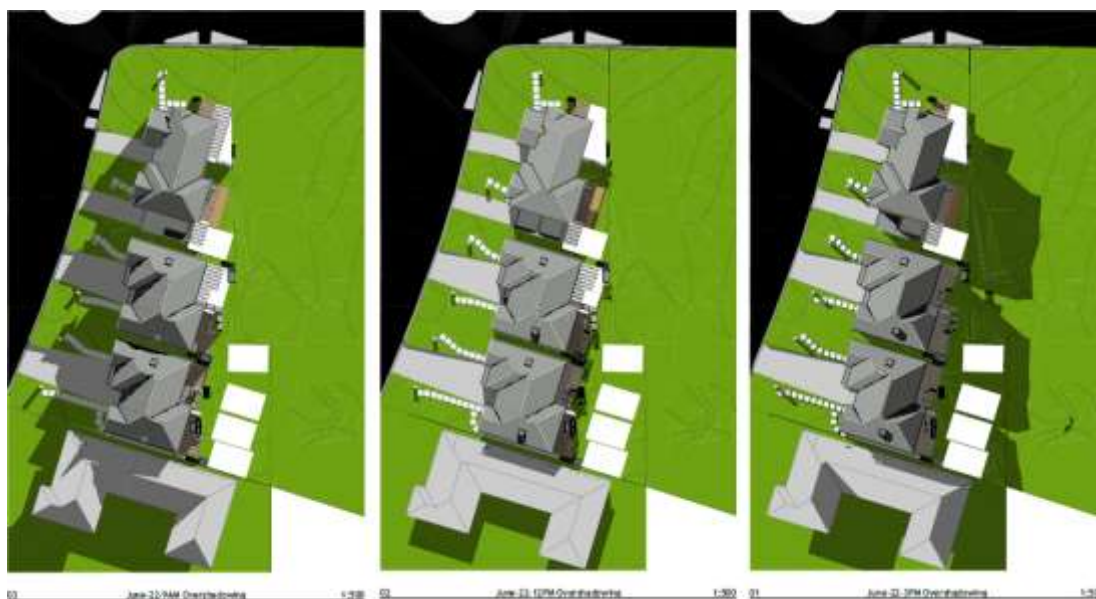


Figure 23 – 9am, 12 noon, 3pm Shadows Mid-winter

Views

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

Vehicular Access, Parking and Manoeuvring

Sufficient car parking is proposed.

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

Stormwater Management

A satisfactory drainage design has been provided with the application. All stormwater will drain to the street.



## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

Environmental Impacts

*Vegetation Removal* – An existing Illawarra Flame tree and an exempt tree species are proposed to be removed for the purpose of the development.

The Illawarra Flame tree proposed to be removed is addressed in the Arborist report, prepared by Allied Tree Consultancy (Ref.: D3510, dated September 2018). The report concludes that the tree (as well as a Eucalypt tree on site) “*present a Low significance rating which has been based on the SULE rating, and/or species, age, and condition. These trees do not provide sufficient significance to warrant retention or protection from development and would not be considered to require retention and designing around.*”

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

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

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

*Impact on Water Resources* – Rainwater tanks will be provided, as required by BASIX. Stormwater will be conveyed to the street. Controls will be implemented during construction to minimise sedimentation.

Social and Economic Impacts

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

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

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

Effect on public domain

As the proposed development will be occurring entirely within the subject site it is unlikely that the proposed development will impact upon the public domain. The proposed development is considered to present well within the streetscape and townscape.

Utility needs and supply

Utility services are already supplied to the subject site.

Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

#### Safety, security & crime prevention

The proposed development provides passive surveillance to the street and will not impact on safety, security and crime prevention of the area.

#### Operational waste

If approved, it will be conditioned that the waste generated as part of the construction process is to be managed in accordance with the submitted Waste Management Plan.

#### BCA compliance & Construction impacts

It is noted that impacts (i.e. noise etc.) are likely to occur during construction. If approved, conditions can be added to mitigate construction impacts (i.e. construction hours) and ensure compliance with the BCA.

### **Submissions**

#### Public Submissions

Notification letters were sent to neighbouring property owners who were provided with 21 days in which to comment on the proposal. At the conclusion of the notification period no submissions were received.

#### **External Referrals**

Nil

#### **Internal Referrals**

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

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

#### Landscape Design Officer

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

#### GIS Officer

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

#### Waste Officer

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

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)
- 

**The Public Interest**

The proposal is considered to be consistent with all 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 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant Kiama DCP 2012 Chapters, except where justified and addressed within this report. The proposed development is consistent with the objectives of the R2 Low Density Residential zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised.

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

**Draft Conditions of Consent****General (applying to ALL stages)**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2019.48.1 dated – date of Council determination - except as amended by the following conditions: (g005.doc)
- (2) The development shall be undertaken in four (4) stages, as follows:
  - **Stage 1** – Demolition of existing dwelling and structures and three (3) lot Torrens title subdivision creating Lots 1, 2 & 3;
  - **Stage 2** - Construction of dual occupancy no. 1 on Lot 1 and subsequent two (2) lot Torrens title subdivision;
  - **Stage 3** – Construction of dual occupancy no. 2 on Lot 2 and subsequent two (2) lot Torrens title subdivision; and.
  - **Stage 4** - Construction of dual occupancy no. 3 on Lot 3 and subsequent two (2) lot Torrens title subdivision.
- (3) A Project Arborist shall be appointed prior to any works on site. The Project Arborist is responsible for:
  - a) The placement of protective fencing for the existing trees to be retained.
  - b) The supervision of any tree branch pruning.
  - c) The supervision of any tree root severing greater than 50mm diameter.

## Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- 
- d) Recommendation and supervision of tree root barriers.
  - e) Recommend appropriate treatments as required when construction conflicts with tree protection.
  - f) Confirmation that the project arborist has identified to the tree contractor the trees that are to be removed or retained in accordance with the conditions of consent listed above.
  - g) Report attendance and actions by certification to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.

The Project Arborist is to be adequately experienced and qualified with minimum Level 5 (AQF): Diploma in Horticulture (Arboriculture).

### Conditions Specific to STAGE 1

#### General

- (1) 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)

#### Contributions

- (1) A contribution under Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plan No's 1 & 2 shall be paid to Council for tree planting prior to issuing of the Subdivision Certificate. The total contribution required for the subdivision is **\$6,884.54**. (bo010.doc)

#### Erosion and Sediment Control

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

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)
- 

- c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
  - d All the above requirements must be in place for the duration of the construction works. (esc005.doc)
- (2) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work. (esc020.doc)

**Tree Protection and Management**

- (1) Protection fencing shall be erected around the trees to be retained as detailed in the Arborist Report by Allied Tree Consultancy dated September 2018 Reference no. D3510. The fencing shall be erected prior to the commencement of works. The fencing shall consist of 1.8 metres high cyclone wire supported on galvanised steel posts at a minimum 3.0 metre centres. The fencing shall be a minimum 3 metres from the trunk of each tree. The fence may be extended to enclose groups of trees where necessary. The fencing shall be maintained, and remain in situ, until all building works are completed.
- (2) No machinery, builder's material and/ or waste shall be located inside the fencing.
- (3) During construction, any branches of the trees on site that need pruning for clearance of scaffolding or building shall be removed with the approval and under the supervision of the Project Arborist.
- (4) During construction, any tree roots greater than 50mm diameter that need pruning or severing shall be referred to the Project Arborist for advice on actions or treatments.
- (5) Root barrier should be installed to protect built assets. The Project Arborist shall determine the type, depth and location of any root barrier.
- (6) During construction, any other matter arising that may harm the existing trees on site and the neighbour's trees, including the Tree Protection Zone of those trees, shall be referred to the Project Arborist for actions and treatments.

**Demolition Works**

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

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

**(2) Asbestos – Statement Required**

No later than seven days prior to the demolition of any building or structure, a hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991 must be provided to Council. The management plan shall reference the HAZMAT Register Report prepared by Clearsafe Environmental Solutions (Ref: 1907191722 dated 19 July 2019).

**Asbestos – Licensed Contractors**

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

**Asbestos – Notification of Neighbours**

Fourteen days prior to the commencement of any demolition works involving asbestos, all immediate neighbours should be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and provided to Council.

**Asbestos – Waste disposal receipts**

Documentary evidence in the form of waste disposal receipts identifying the total tonnage of asbestos disposed of, date of disposal, from a NSW EPA licensed waste facility, shall be provided to Council prior to any further building works being undertaken on the site.

**Asbestos – Clearance Certificate**

Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

**Asbestos – Less than 10m<sup>2</sup> of Bonded Asbestos Sheeting**

Demolition works involving the removal of less than 10m<sup>2</sup> of bonded asbestos sheeting may be carried out by a licensed builder who has completed an appropriate bonded asbestos removal course.

**Completion of demolition works**

Council will monitor and review the demolition of the structure to ensure all conditions of consent application to the removal of asbestos has been satisfied.

(dw015.doc)

**Prior to Issuing of Subdivision Certificate**

- (1) The Subdivision Certificate shall not be issued until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority. (sub005.doc)



## Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

(2) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:

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

A copy of the satisfactory final plan of subdivision shall also be provided as an electronic file in either DXF or DWG format. In this regard the electronic copy must be on MGA (Zone 56) orientation, where this is required by the Surveying Regulation 2001, and should preferably use co-ordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided electronically by email to [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au) including a clear reference to the relevant Development Application number.

- d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
  - e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
  - f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
  - g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.
  - h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
  - i) The payment of all required Section 7.11 Contributions identified in this consent. (sub020.doc)
- (3) The developer shall acknowledge all existing easements on the final plan of subdivision. (sub060.doc)
- (4) The developer shall acknowledge all existing restrictions on the use of the land on the final plan of subdivision. (sub070.doc)

### Conditions specific to STAGE 2

#### General

- (1) The development shall be completed in accordance with the approved colour schedule. (g014.doc)

## Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

- (2) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable issue of a Construction Certificate. (g030.doc)
- (3) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (4) This approval is in respect of the plans submitted with the development application and as modified by the terms of this consent. If for any reason, including the making of alterations necessary to meet the requirements of another Authority, changes to the approved building design layout are proposed, then the approval of Council shall be obtained prior to commencement of any works on site. (g065.doc)
- (5) 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)
- (6) Road Occupancy approval, pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council prior to any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of the development. The following items shall be submitted to Council with the Road Occupancy application form a minimum of five days before approval is required:
- A completed application form;
  - Fees in accordance with Council's adopted fees and charges;
  - A traffic control plan endorsed by a person with Roads & Maritime Services accreditation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTMS Traffic Control at Worksites Manual. This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development;
  - Public liability insurance for an amount of no less than \$20M;
  - Where excavation of a road or path surface will take place, a security bond in accordance with Council's adopted fees and charges; and

## Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- 
- Where road and footpath levels will be varied or the surface is altered, plans and specifications to Council's requirements.

**Contributions**

- (1) A contribution under Section 7.11 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 **\$6,704.74**. (bo005.doc)

**Prior to Commencement of Works**

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:

- i The licensee's name and contractor licence number;
- ii That the licensee has complied with Part 6 of the Home Building Act 1989.

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

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

or

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

- (2) The developer shall lodge with Council a bond of **\$10,000** in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

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

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

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

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- 
- c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council. (pt013.doc)
- (3) 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)

- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the issue of the Construction Certificate. (pt034.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.

**Note:** Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee. (pt060.doc)

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)
- 

- (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 nominate on the Construction Certificate plans, a minimum of one (1) adaptable housing unit. All nominated adaptable housing units shall as a minimum requirement meet "Adaptable house class C" requirements set out in Appendix A of Australian Standard AS 4299-1995 Adaptable housing. Certification from a suitably qualified professional stating that the Construction Certificate plans have met the requirements listed above shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate. (pt015.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)

**Erosion and Sedimentation Controls / Soil and Water Management**

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

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- 
- d All the above requirements must be in place for the duration of the construction works. (esc005.doc)
- (2) The developer shall submit to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007).

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

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

### Tree Protection and Management

- (1) Prior to commencement of works the detailed stormwater plan shall be referred to the Project Arborist for comment, especially regarding the impact on the Tree Protection Zone of Trees no. 2 & 11 on the neighbouring property.
- (2) Protection fencing shall be erected around the trees to be retained as detailed in the Arborist Report by Allied Tree Consultancy dated September 2018 Reference no. D3510. The fencing shall be erected prior to the commencement of works. The fencing shall consist of 1.8 metres high cyclone wire supported on galvanised steel posts at a minimum 3.0 metre centres. The fencing shall be a minimum 3 metres from the trunk of each tree. The fence may be extended to enclose groups of trees where necessary. The fencing shall be maintained, and remain in situ, until all building works are completed.
- (3) No machinery, builder's material and/or waste shall be located inside the fencing.
- (4) **Tree no.1 & 5** (Large fig trees) – the proposed driveways of units 1 - 4 will encroach upon the Tree Protection Zone (TPZ) of these trees. The drive will be made of porous flexible material as shown on the landscape plan and as directed by the Project Arborist.
- (5) During construction, any branches of the trees on site that need pruning for clearance of scaffolding or building shall be removed with the approval and under the supervision of the Project Arborist.
- (6) During construction, any tree roots greater than 50mm diameter that need pruning or severing shall be referred to the Project Arborist for advice on actions or treatments.

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- 
- (7) Root barrier should be installed to protect built assets. The Project Arborist shall determine the type, depth and location of any root barrier.
  - (8) Gutter guards appropriate to the foliage and fruit of the existing trees on site should be installed in areas likely to be in the fruit/foliage fall area of the existing trees.
  - (9) During construction, any other matter arising that may harm the existing trees on site and the neighbour's trees, including the Tree Protection Zone of those trees, shall be referred to the Project Arborist for actions and treatments.

**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 developer shall restore any redundant vehicle crossing to barrier kerb in compliance with Council's "Driveway and Footpath Works Procedure Manual". (ac010.doc)
- (3) 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)
- (4) 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)

**Car Parking and Vehicular Access**

- (1) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking. (c035.doc)

**Stormwater Management**

- (1) Stormwater shall be connected to the existing system. (sm005.doc)
- (2) All stormwater kerb and gutter connections to have a minimum of 40 millimetres cover of concrete finishing flush with the top of the existing kerb. Pipe size to achieve this should be 90 millimetres in diameter. (sm010.doc)
- (3) The developer shall provide stormwater outlets to kerb lines converting to 90 millimetre diameter uPVC for barrier kerbs and 127 x 64 x 4 millimetre steel rectangular hollow section hot dip galvanised or aluminium for roll kerb sections. (sm020.doc)



## Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

- (4) Surface water which is likely to discharge from the development site onto the road reserve shall be intercepted at the property boundary and conveyed to the kerb via a pipe outlet. (sm025.doc)
- (5) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of “*Section D5 Stormwater Drainage*” of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the accredited Certifying Authority prior to the issue of a Construction Certificate. (sm055.doc)
- (6) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the accredited Certifying Authority for assessment and approval prior to the issue of the Construction Certificate. (sm060.doc)
- (7) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate. (sm130.doc)
- (8) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the accredited Certifying Authority for assessment and approval prior to the issue of the Construction Certificate. (sm135.doc)
- (9) The developer shall comply with the design requirements of Council’s “*Water Sensitive Urban Design*” policy in association with the design requirements of “*Section D5 Stormwater Drainage*” of the Kiama Development Code as appended to Kiama Development Control Plan 2012.
- Detail shall be submitted to the Principal Certifying Authority for assessment prior to the issue of the Construction Certificate. (sm150.doc)
- (10) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. (sm155.doc)

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)
- 

- (11) Prior to issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design.

**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, plant and/or machinery without the prior approval of Council. (bu086.doc)
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
- a Preserve and protect the building from damage;
  - b Underpin and support the building in an approved manner, if necessary, and;
  - c At least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (bu100.doc)
- (6) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)
- (7) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)
- 

- (8) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;

Monday to Friday - 7.00 am to 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)

- (9) 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)

### Utility Servicing

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to issue of the final Occupation Certificate. (us005.doc)
- (2) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access. (us045.doc)

### Landscaping Works

- (1) A detailed landscape plan shall be approved by the Principal Certifying Authority prior to issue of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama Development Control Plan 2012 and shall be consistent with the landscape concept plan. (lw010.doc)
- (2) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)
- (3) At the end of the 26 weeks landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)
- (4) Prior to issue 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)

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)
- 

**Prior to Occupation**

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

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

- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)
- (3) The 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 Section 6.9 of the Environmental Planning and Assessment Act 1979. (po005.doc)
- (4) The developer shall complete all access and drainage works prior to the issue of any Occupation Certificate. (po010.doc)
- (5) A certified Works-As-Executed (WAE) drawing for all drainage and access related works shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of any Occupation Certificate (OC). The WAE drawing shall be signed by a Registered Surveyor. The WAE drawing shall show in red ink all changes to the approved Construction Certificate (CC) drawings and finished levels. The PCA shall not issue the OC if any changes to the approved CC design will cause an adverse impact on adjoining lands.
- (6) The development is to be provided with mail boxes in accordance with Australian Standard AS/NZS 4253 - 1994 which covers the dimensions, installation and positioning of mail boxes for receipt of mail.
- (7) Prior to the release of any Occupation Certificate, a Compliance Certificate from the Project Arborist shall be issued to the Principal Certifying Authority detailing the attendance on site and actions performed in accordance with the conditions of the development consent.
- (8) The dwellings shall each be numbered as follows:
- Proposed Dwelling 1 – 4C Henley Avenue.
  - Proposed Dwelling 2 – 4B Henley Avenue.

**Conveyancing Requirements**

- (1) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for on-site stormwater detention system and associated stormwater drainage infrastructure.

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919. (cr040.doc)

**Prior to Issuing of Subdivision Certificate**

- (1) The Subdivision Certificate shall not be issued until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority. (sub005.doc)
- (2) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:
  - a) All relevant Construction and Compliance Certificates (where these have not been issued by Council).
  - b) Payment of fees in accordance with Council's adopted fees and charges.
  - c) A Final Plan of Subdivision and four (4) copies.

A copy of the satisfactory final plan of subdivision shall also be provided as an electronic file in either DXF or DWG format. In this regard the electronic copy must be on MGA (Zone 56) orientation, where this is required by the Surveying Regulation 2001, and should preferably use co-ordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided electronically by email to [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au) including a clear reference to the relevant Development Application number.

- d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
- e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
- f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
- g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.
- h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
- i) The payment of all required Section 7.11 Contributions identified in this consent.

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- 
- j) An Occupation Certificate for each dwelling to be separately titled. (sub020.doc)
- (3) The developer shall acknowledge all existing easements on the final plan of subdivision. (sub060.doc)
- (4) The developer shall acknowledge all existing restrictions on the use of the land on the final plan of subdivision. (sub070.doc)
- (5) The developer must show and label the extent of the party wall on the final plan of subdivision pursuant to the requirements of Section 181B of the Conveyancing Act 1919.

**Conditions Specific to STAGE 3****General**

- (1) The development shall be completed in accordance with the approved colour schedule. (g014.doc)
- (2) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable issue of a Construction Certificate. (g030.doc)
- (3) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (4) This approval is in respect of the plans submitted with the development application and as modified by the terms of this consent. If for any reason, including the making of alterations necessary to meet the requirements of another Authority, changes to the approved building design layout are proposed, then the approval of Council shall be obtained prior to commencement of any works on site. (g065.doc)
- (5) 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)
- (6) Road Occupancy approval, pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council prior to any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of the development. The following items shall be submitted to Council with the Road Occupancy application form a minimum of five days before approval is required:

## Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- 
- A completed application form;
  - Fees in accordance with Council's adopted fees and charges;
  - A traffic control plan endorsed by a person with Roads & Maritime Services accreditation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTMS Traffic Control at Worksites Manual. This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development;
  - Public liability insurance for an amount of no less than \$20M;
  - Where excavation of a road or path surface will take place, a security bond in accordance with Council's adopted fees and charges; and
  - Where road and footpath levels will be varied or the surface is altered, plans and specifications to Council's requirements.

(7) The Construction Certificate shall not be issued until such time as the Stage 1 subdivision has been registered with Land & Property Information.

### Contributions

(1) A contribution under Section 7.11 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 **\$6,704.74**. (bo005.doc)

### Prior to Commencement of Works

(1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:

- i The licensee's name and contractor licence number;
- ii That the licensee has complied with Part 6 of the Home Building Act 1989.

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

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

or

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



## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- (2) The developer shall lodge with Council a bond of **\$10,000** in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

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

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

- a There being no damage to the infrastructure within the road reserve.
  - b Twelve (12) months has elapsed from the date of issue of the occupation certificate and/or subdivision certificate.
  - c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council. (pt013.doc)
- (3) 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)

- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the issue of the Construction Certificate. (pt034.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:

## Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- 
- d) Showing the name, address and telephone number of the Principal Certifying Authority for the work;
  - e) 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
  - f) Stating that unauthorised entry to the work site is prohibited.

**Note:** Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee. (pt060.doc)

- (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 nominate on the Construction Certificate plans, a minimum of one (1) adaptable housing unit. All nominated adaptable housing units shall as a minimum requirement meet "Adaptable house class C" requirements set out in Appendix A of Australian Standard AS 4299-1995 Adaptable housing. Certification from a suitably qualified professional stating that the Construction Certificate plans have met the requirements listed above shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate. (pt015.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)

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

**Erosion and Sedimentation Controls/Soil and Water Management**

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

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

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

**Tree Protection and Management**

- (1) Prior to commencement of works the detailed stormwater plan shall be referred to the Project Arborist for comment, especially regarding the impact on the Tree Protection Zone of Trees no. 2 & 11 on the neighbouring property.
- (2) Protection fencing shall be erected around the trees to be retained as detailed in the Arborist Report by Allied Tree Consultancy dated September 2018 Reference no. D3510. The fencing shall be erected prior to the commencement of works. The fencing shall consist of 1.8 metres high cyclone wire supported on galvanised steel posts at a minimum 3.0 metre centres. The fencing shall be a minimum 3 metres from the trunk of each tree. The fence may be extended to enclose groups of trees where necessary. The fencing shall be maintained, and remain in situ, until all building works are completed.

## Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- 
- (3) No machinery, builder's material and/ or waste shall be located inside the fencing.
  - (4) **Tree no.1 & 5** (Large fig trees) – the proposed driveways of units 1 - 4 will encroach upon the Tree Protection Zone (TPZ) of these trees. The drive will be made of porous flexible material as shown on the landscape plan and as directed by the Project Arborist.
  - (5) During construction, any branches of the trees on site that need pruning for clearance of scaffolding or building shall be removed with the approval and under the supervision of the Project Arborist.
  - (6) During construction, any tree roots greater than 50mm diameter that need pruning or severing shall be referred to the Project Arborist for advice on actions or treatments.
  - (7) Root barrier should be installed to protect built assets. The Project Arborist shall determine the type, depth and location of any root barrier.
  - (8) Gutter guards appropriate to the foliage and fruit of the existing trees on site should be installed in areas likely to be in the fruit/foliage fall area of the existing trees.
  - (9) During construction, any other matter arising that may harm the existing trees on site and the neighbour's trees, including the Tree Protection Zone of those trees, shall be referred to the Project Arborist for actions and treatments.

### 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 developer shall restore any redundant vehicle crossing to barrier kerb in compliance with Council's "*Driveway and Footpath Works Procedure Manual*". (ac010.doc)
- (3) 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)
- (4) 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)

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

**Car Parking and Vehicular Access**

- (1) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking. (c035.doc)

**Stormwater Management**

- (1) Stormwater shall be connected to the existing system. (sm005.doc)
- (2) All stormwater kerb and gutter connections to have a minimum of 40 millimetres cover of concrete finishing flush with the top of the existing kerb. Pipe size to achieve this should be 90 millimetres in diameter. (sm010.doc)
- (3) The developer shall provide stormwater outlets to kerb lines converting to 90 millimetre diameter uPVC for barrier kerbs and 127 x 64 x 4 millimetre steel rectangular hollow section hot dip galvanised or aluminium for roll kerb sections. (sm020.doc)
- (4) Surface water which is likely to discharge from the development site onto the road reserve shall be intercepted at the property boundary and conveyed to the kerb via a pipe outlet. (sm025.doc)
- (5) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of “*Section D5 Stormwater Drainage*” of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the accredited Certifying Authority prior to the issue of a Construction Certificate. (sm055.doc)
- (6) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the accredited Certifying Authority for assessment and approval prior to the issue of the Construction Certificate. (sm060.doc)
- (7) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate. (sm130.doc)
- (8) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the accredited Certifying Authority for assessment and approval prior to the issue of the Construction Certificate. (sm135.doc)

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- (9) The developer shall comply with the design requirements of Council's "*Water Sensitive Urban Design*" policy in association with the design requirements of "*Section D5 Stormwater Drainage*" of the Kiama Development Code as appended to Kiama Development Control Plan 2012.

Detail shall be submitted to the Principal Certifying Authority for assessment prior to the issue of the Construction Certificate. (sm150.doc)

- (10) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. (sm155.doc)
- (11) Prior to issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design.

### 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, plant and/or machinery without the prior approval of Council. (bu086.doc)
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
- a Preserve and protect the building from damage;
  - b Underpin and support the building in an approved manner, if necessary, and;

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- 
- c At least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (bu100.doc)
- (6) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)
- (7) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)
- (8) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
- |                  |                      |
|------------------|----------------------|
| Monday to Friday | - 7.00 am to 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)
- (9) 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)

### Utility Servicing

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to issue of the final Occupation Certificate. (us005.doc)
- (2) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access. (us045.doc)

### Landscaping Works

- (1) A detailed landscape plan shall be approved by the Principal Certifying Authority prior to issue of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama Development Control Plan 2012 and shall be consistent with the landscape concept plan. (lw010.doc)
- (2) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)



## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)
- 

- (3) At the end of the 26 weeks week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)
- (4) Prior to issue 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)

**Prior to Occupation**

- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to issue of the Final Occupation Certificate. Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)
- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)
- (3) The 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 Section 6.9 of the Environmental Planning and Assessment Act 1979. (po005.doc)
- (4) The developer shall complete all access and drainage works prior to the issue of any Occupation Certificate. (po010.doc)
- (5) A certified Works-As-Executed (WAE) drawing for all drainage and access related works shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of any Occupation Certificate (OC). The WAE drawing shall be signed by a Registered Surveyor. The WAE drawing shall show in red ink all changes to the approved Construction Certificate (CC) drawings and finished levels. The PCA shall not issue the OC if any changes to the approved CC design will cause an adverse impact on adjoining lands.
- (6) The development is to be provided with mail boxes in accordance with Australian Standard AS/NZS 4253 - 1994 which covers the dimensions, installation and positioning of mail boxes for receipt of mail.
- (7) Prior to the release of any Occupation Certificate, a Compliance Certificate from the Project Arborist shall be issued to the Principal Certifying Authority detailing the attendance on site and actions performed in accordance with the conditions of the development consent.

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)
- 

- (8) The dwellings shall each be numbered as follows:

- Proposed Dwelling 3 – 4A Henley Avenue.
- Proposed Dwelling 4 – 4 Henley Avenue.

**Conveyancing Requirements**

- (1) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for on-site stormwater detention system and associated stormwater drainage infrastructure.

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919. (cr040.doc)

**Prior to Issuing of Subdivision Certificate**

- (1) The Subdivision Certificate shall not be issued until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority. (sub005.doc)
- (2) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:
- a) All relevant Construction and Compliance Certificates (where these have not been issued by Council).
  - b) Payment of fees in accordance with Council's adopted fees and charges.
  - c) A Final Plan of Subdivision and four (4) copies.

A copy of the satisfactory final plan of subdivision shall also be provided as an electronic file in either DXF or DWG format. In this regard the electronic copy must be on MGA (Zone 56) orientation, where this is required by the Surveying Regulation 2001, and should preferably use co-ordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided electronically by email to [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au) including a clear reference to the relevant Development Application number.

- d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
- e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.

## Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

- f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
  - g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.
  - h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
  - i) The payment of all required Section 7.11 Contributions identified in this consent.
  - j) An Occupation Certificate for each dwelling to be separately titled. (sub020.doc)
- (3) The developer shall acknowledge all existing easements on the final plan of subdivision. (sub060.doc)
- (4) The developer shall acknowledge all existing restrictions on the use of the land on the final plan of subdivision. (sub070.doc)
- (5) The developer must show and label the extent of the party wall on the final plan of subdivision pursuant to the requirements of Section 181B of the Conveyancing Act 1919.

**Conditions Specific to STAGE 4****General**

- (1) The development shall be completed in accordance with the approved colour schedule. (g014.doc)
- (2) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable issue of a Construction Certificate. (g030.doc)
- (3) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (4) This approval is in respect of the plans submitted with the development application and as modified by the terms of this consent. If for any reason, including the making of alterations necessary to meet the requirements of another Authority, changes to the approved building design layout are proposed, then the approval of Council shall be obtained prior to commencement of any works on site. (g065.doc)

## Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

- (5) 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)
- (6) Road Occupancy approval, pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council prior to any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of the development. The following items shall be submitted to Council with the Road Occupancy application form a minimum of five days before approval is required:
- A completed application form;
  - Fees in accordance with Council's adopted fees and charges;
  - A traffic control plan endorsed by a person with Roads & Maritime Services accreditation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTMS Traffic Control at Worksites Manual. This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development;
  - Public liability insurance for an amount of no less than \$20M;
  - Where excavation of a road or path surface will take place, a security bond in accordance with Council's adopted fees and charges; and
  - Where road and footpath levels will be varied or the surface is altered, plans and specifications to Council's requirements.
- (7) The Construction Certificate shall not be issued until such time as the Stage 1 subdivision has been registered with Land & Property Information.

### Contributions

- (1) A contribution under Section 7.11 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 **\$6,704.74**. (bo005.doc)

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

**Prior to Commencement of Works**

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:

- i The licensee's name and contractor licence number;
- ii That the licensee has complied with Part 6 of the Home Building Act 1989.

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

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

or

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

- (2) The developer shall lodge with Council a bond of **\$10,000** in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

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

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

- a There being no damage to the infrastructure within the road reserve.
- b Twelve (12) months has elapsed from the date of issue of the occupation certificate and/or subdivision certificate.
- c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council. (pt013.doc)

- (3) 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

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- 
- 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)

- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the issue of the Construction Certificate. (pt034.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.

**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 nominate on the Construction Certificate plans, a minimum of one (1) adaptable housing unit. All nominated adaptable housing units shall as a minimum requirement meet “Adaptable house class C” requirements set out in Appendix A of Australian Standard AS 4299-1995 Adaptable housing. Certification from a suitably qualified professional stating that the Construction Certificate plans have met the requirements listed above shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate. (pt015.doc)

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)
- 

**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)

**Erosion and Sedimentation Controls/Soil and Water Management**

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

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



## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

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

### Tree Protection and Management

- (1) Prior to commencement of works the detailed stormwater plan shall be referred to the Project Arborist for comment, especially regarding the impact on the Tree Protection Zone of Trees no. 2 & 11 on the neighbouring property.
- (2) Protection fencing shall be erected around the trees to be retained as detailed in the Arborist Report by Allied Tree Consultancy dated September 2018 Reference no. D3510. The fencing shall be erected prior to the commencement of works. The fencing shall consist of 1.8 metres high cyclone wire supported on galvanised steel posts at a minimum 3.0 metre centres. The fencing shall be a minimum 3 metres from the trunk of each tree. The fence may be extended to enclose groups of trees where necessary. The fencing shall be maintained, and remain in situ, until all building works are completed.
- (3) No machinery, builder's material and/ or waste shall be located inside the fencing.
- (4) During construction, any branches of the trees on site that need pruning for clearance of scaffolding or building shall be removed with the approval and under the supervision of the Project Arborist.
- (5) During construction, any tree roots greater than 50mm diameter that need pruning or severing shall be referred to the Project Arborist for advice on actions or treatments.
- (6) Root barrier should be installed to protect built assets. The Project Arborist shall determine the type, depth and location of any root barrier.
- (7) Gutter guards appropriate to the foliage and fruit of the existing trees on site should be installed in areas likely to be in the fruit/foliage fall area of the existing trees.
- (8) During construction, any other matter arising that may harm the existing trees on site and the neighbour's trees, including the Tree Protection Zone of those trees, shall be referred to the Project Arborist for actions and treatments.

### 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 developer shall restore any redundant vehicle crossing to barrier kerb in compliance with Council's "*Driveway and Footpath Works Procedure Manual*". (ac010.doc)

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)
- 

- (3) 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)
- (4) 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)

### Car Parking and Vehicular Access

- (1) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking. (c035.doc)

### Stormwater Management

- (1) Stormwater shall be connected to the existing system. (sm005.doc)
- (2) All stormwater kerb and gutter connections to have a minimum of 40 millimetres cover of concrete finishing flush with the top of the existing kerb. Pipe size to achieve this should be 90 millimetres in diameter. (sm010.doc)
- (3) The developer shall provide stormwater outlets to kerb lines converting to 90 millimetre diameter uPVC for barrier kerbs and 127 x 64 x 4 millimetre steel rectangular hollow section hot dip galvanised or aluminium for roll kerb sections. (sm020.doc)
- (4) Surface water which is likely to discharge from the development site onto the road reserve shall be intercepted at the property boundary and conveyed to the kerb via a pipe outlet. (sm025.doc)
- (5) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "*Section D5 Stormwater Drainage*" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the accredited Certifying Authority prior to the issue of a Construction Certificate. (sm055.doc)

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)
- 

- (6) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the accredited Certifying Authority for assessment and approval prior to the issue of the Construction Certificate. (sm060.doc)
- (7) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate. (sm130.doc)
- (8) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the accredited Certifying Authority for assessment and approval prior to the issue of the Construction Certificate. (sm135.doc)
- (9) The developer shall comply with the design requirements of Council's "*Water Sensitive Urban Design*" policy in association with the design requirements of "*Section D5 Stormwater Drainage*" of the Kiama Development Code as appended to Kiama Development Control Plan 2012.
- Detail shall be submitted to the Principal Certifying Authority for assessment prior to the issue of the Construction Certificate. (sm150.doc)
- (10) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. (sm155.doc)
- (11) Prior to issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design.

### 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)

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

**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, plant and/or machinery without the prior approval of Council. (bu086.doc)
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
  - a Preserve and protect the building from damage;
  - b Underpin and support the building in an approved manner, if necessary, and;
  - c At least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (bu100.doc)
- (6) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)
- (7) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)
- (8) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;

Monday to Friday	- 7.00 am to 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)
- (9) 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)

## Report of the Director Environmental Services

- 12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)
- 

**Utility Servicing**

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to issue of the final Occupation Certificate. (us005.doc)
- (2) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access. (us045.doc)

**Landscaping Works**

- (1) A detailed landscape plan shall be approved by the Principal Certifying Authority prior to issue of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama Development Control Plan 2012 and shall be consistent with the landscape concept plan. (lw010.doc)
- (2) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)
- (3) At the end of the 26 weeks landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)
- (4) Prior to issue 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)

**Prior to Occupation**

- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to issue of the Final Occupation Certificate.  
Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)
- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)
- (3) The 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 Section 6.9 of the Environmental Planning and Assessment Act 1979. (po005.doc)

## Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

- 
- (4) The developer shall complete all access and drainage works prior to the issue of any Occupation Certificate. (po010.doc)
- (5) A certified Works-As-Executed (WAE) drawing for all drainage and access related works shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of any Occupation Certificate (OC). The WAE drawing shall be signed by a Registered Surveyor. The WAE drawing shall show in red ink all changes to the approved Construction Certificate (CC) drawings and finished levels. The PCA shall not issue the OC if any changes to the approved CC design will cause an adverse impact on adjoining lands.
- (6) The development is to be provided with mail boxes in accordance with Australian Standard AS/NZS 4253 - 1994 which covers the dimensions, installation and positioning of mail boxes for receipt of mail.
- (7) Prior to the release of any Occupation Certificate, a Compliance Certificate from the Project Arborist shall be issued to the Principal Certifying Authority detailing the attendance on site and actions performed in accordance with the conditions of the development consent.
- (8) The dwellings shall each be numbered as follows:
- Proposed Dwelling 5 – 2A Henley Avenue.
  - Proposed Dwelling 6 – 2 Henley Avenue.

**Conveyancing Requirements**

- (1) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for on-site stormwater detention system and associated stormwater drainage infrastructure.

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919. (cr040.doc)

**Prior to Issuing of Subdivision Certificate**

- (1) The Subdivision Certificate shall not be issued until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority. (sub005.doc)
- (2) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:
- a) All relevant Construction and Compliance Certificates (where these have not been issued by Council).
  - b) Payment of fees in accordance with Council's adopted fees and charges.

## Report of the Director Environmental Services

12.6 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy (cont)

---

- c) A Final Plan of Subdivision and four (4) copies.
- A copy of the satisfactory final plan of subdivision shall also be provided as an electronic file in either DXF or DWG format. In this regard the electronic copy must be on MGA (Zone 56) orientation, where this is required by the Surveying Regulation 2001, and should preferably use co-ordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided electronically by email to [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au) including a clear reference to the relevant Development Application number.
- d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
- e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
- f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
- g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.
- h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
- i) The payment of all required Section 7.11 Contributions identified in this consent.
- j) An Occupation Certificate for each dwelling to be separately titled. (sub020.doc)
- (3) The developer shall acknowledge all existing easements on the final plan of subdivision. (sub060.doc)
- (4) The developer shall acknowledge all existing restrictions on the use of the land on the final plan of subdivision. (sub070.doc)
- (5) The developer must show and label the extent of the party wall on the final plan of subdivision pursuant to the requirements of Section 181B of the Conveyancing Act 1919.



**Item 12.6 - 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy**

**Attachments 1 - 10.2019.48.1 - Plans**

**REALIZE**  
 Real Estate Application  
 Application No: 10.2019.48.1  
 Lot 1 DP 15871  
 Lot 12 DP 15871  
 2 Bonaira Street & 4 Henley Avenue  
 Kiama NSW 2512  
 Applicant: [Name Redacted]  
 Date: 10/07/19  
 Status: Approved  
 Value: \$1,215,000.00

**REALIZE**  
 Real Estate Application  
 Application No: 10.2019.48.1  
 Lot 1 DP 15871  
 Lot 12 DP 15871  
 2 Bonaira Street & 4 Henley Avenue  
 Kiama NSW 2512  
 Applicant: [Name Redacted]  
 Date: 10/07/19  
 Status: Approved  
 Value: \$1,215,000.00

**Item 12.6**

**NATIONAL HOUSE**  
 Average star rating: 5.1  
 Certificate no: 0004010060  
 Assessor Name: Jacqueline Simpson  
 Accreditation no: 20729  
 Certificate date: 10 July 2019  
 www.nationwidehouse.com.au

**NATIONAL HOUSE**  
 Average star rating: 5.2  
 Certificate no: 0004010060  
 Assessor Name: Jacqueline Simpson  
 Accreditation no: 20729  
 Certificate date: 10 July 2019  
 www.nationwidehouse.com.au

**NATIONAL HOUSE**  
 Average star rating: 5.3  
 Certificate no: 0004010070  
 Assessor Name: Jacqueline Simpson  
 Accreditation no: 20729  
 Certificate date: 10 July 2019  
 www.nationwidehouse.com.au

**NATIONAL HOUSE**  
 Average star rating: 5.1  
 Certificate no: 0004010060  
 Assessor Name: Jacqueline Simpson  
 Accreditation no: 20729  
 Certificate date: 10 July 2019  
 www.nationwidehouse.com.au

**Attachment 1**

**Item 12.6 - 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy**

**Attachments 1 - 10.2019.48.1 - Plans**



**Attachment 1** **Item 12.6**



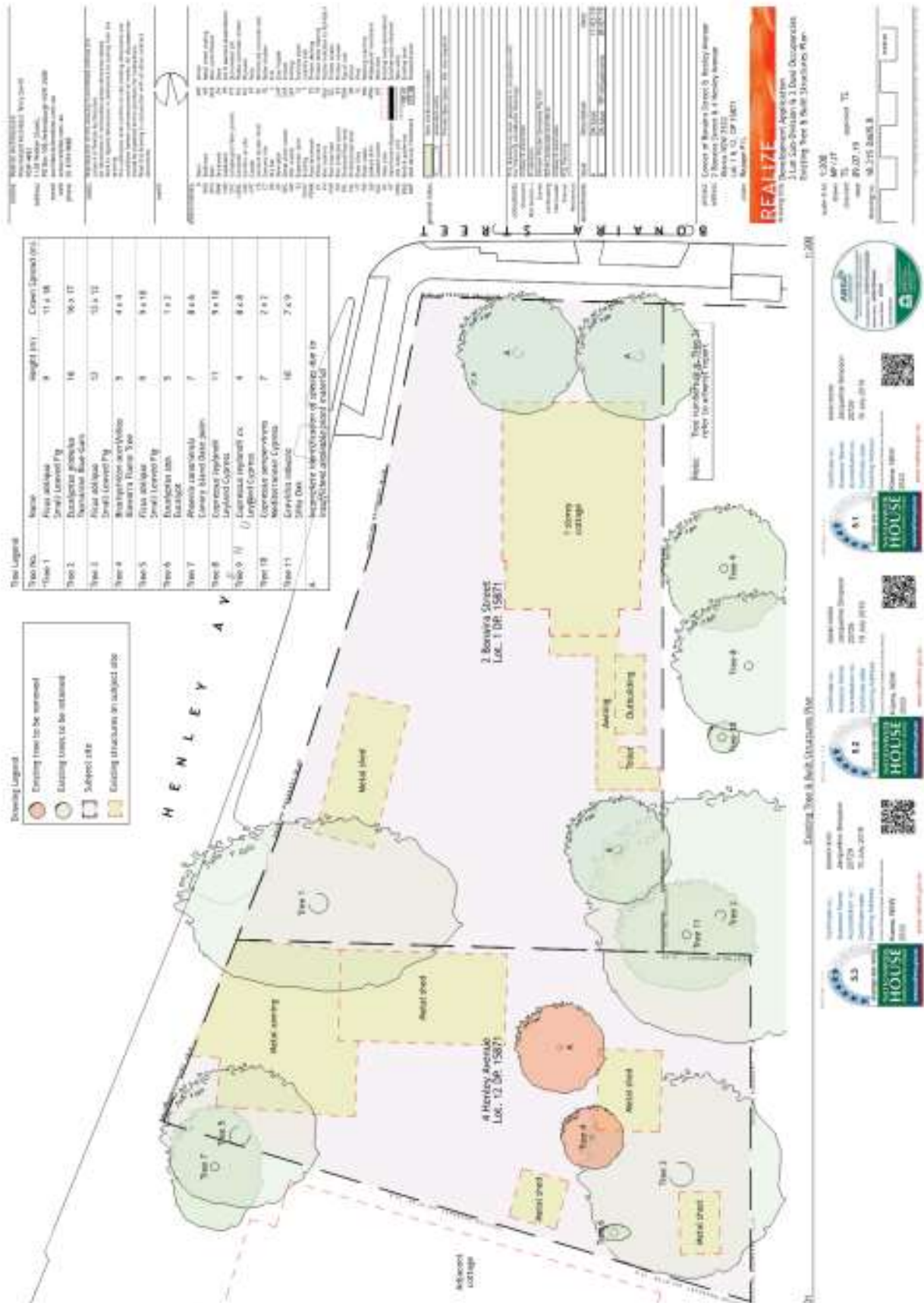


Item 12.6

Attachment 1

**Item 12.6 - 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy**

**Attachments 1 - 10.2019.48.1 - Plans**

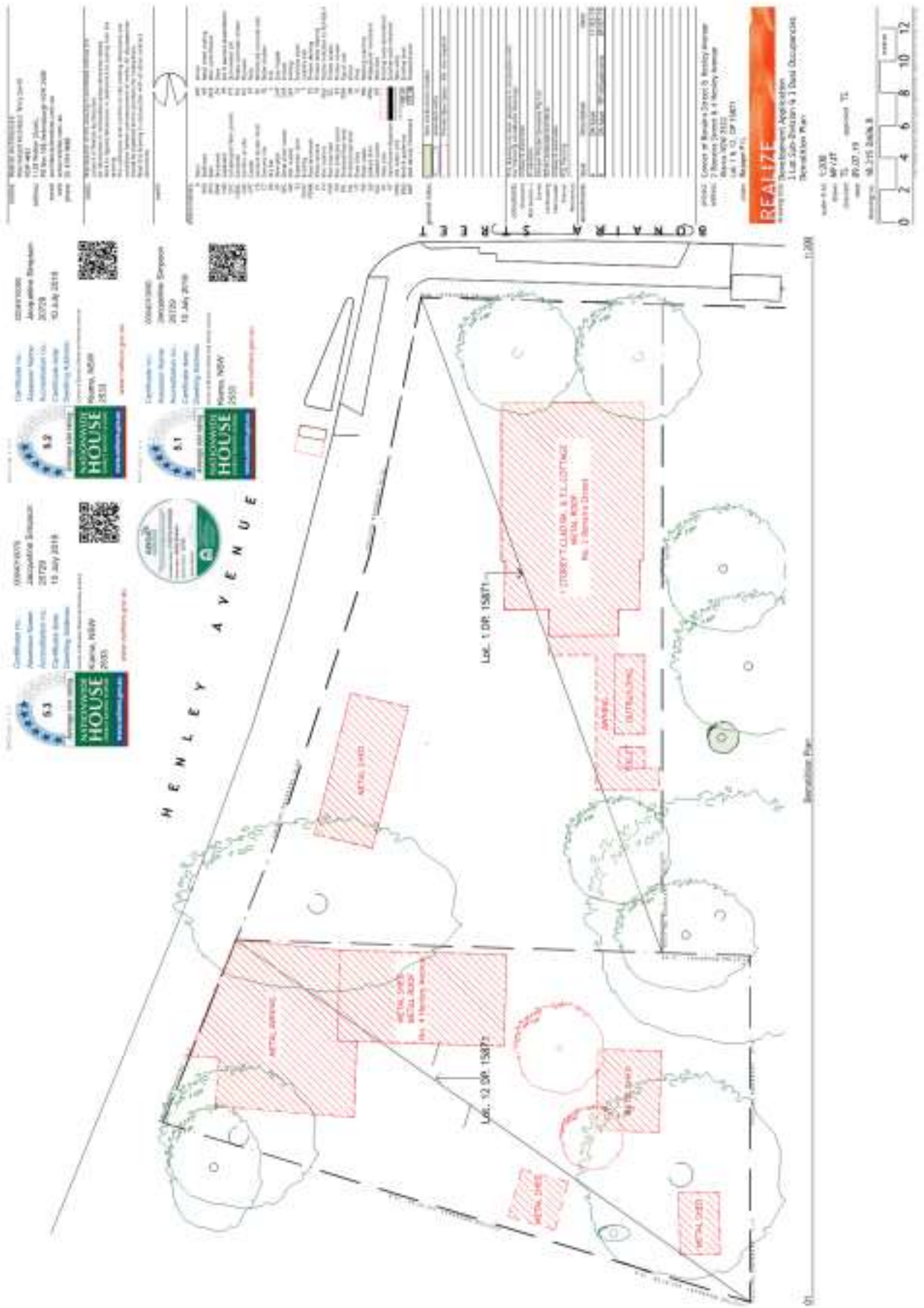


Attachment 1  
Item 12.6



**Item 12.6 - 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy**

**Attachments 1 - 10.2019.48.1 - Plans**



**Item 12.6**

**Attachment 1**



**Item 12.6 - 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy**

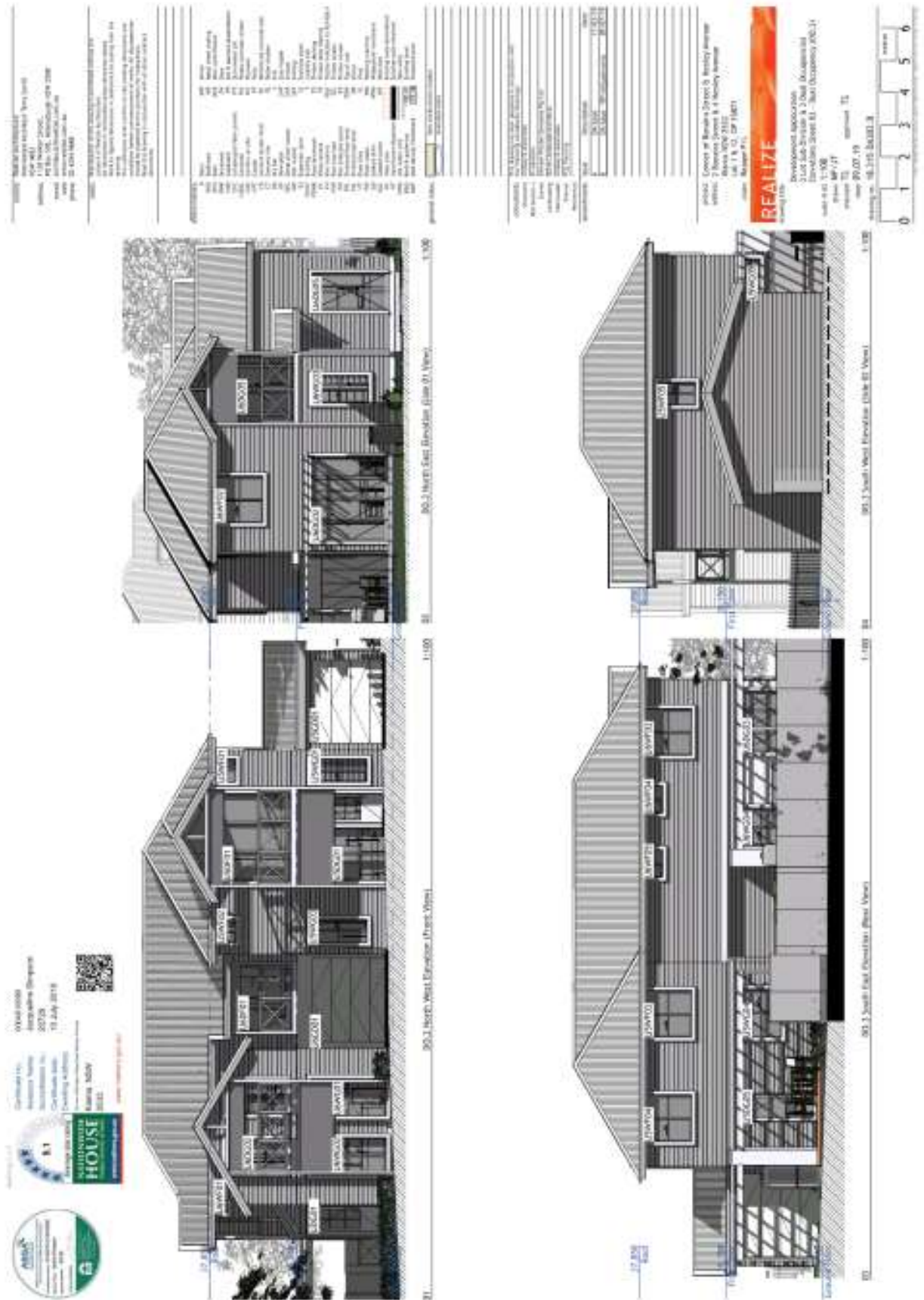
**Attachments 1 - 10.2019.48.1 - Plans**



**Item 12.6**

**Attachment 1**





Item 12.6

Attachment 1

**Item 12.6 - 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy**

**Attachments 1 - 10.2019.48.1 - Plans**

**Bonaira Street Elevation**  
Scale: 1:200

**Henley Avenue Elevation**  
Scale: 1:200

**Section**  
Scale: 1:200

**Side View Elevation**  
Scale: 1:200

**REALIZE**  
Development Application  
2 Lot Dual Occupancy & 3 Dual Occupancy  
Lot 1 & 12, DP 15871  
Kiama NSW 2512  
Project No: 10.2019.48.1

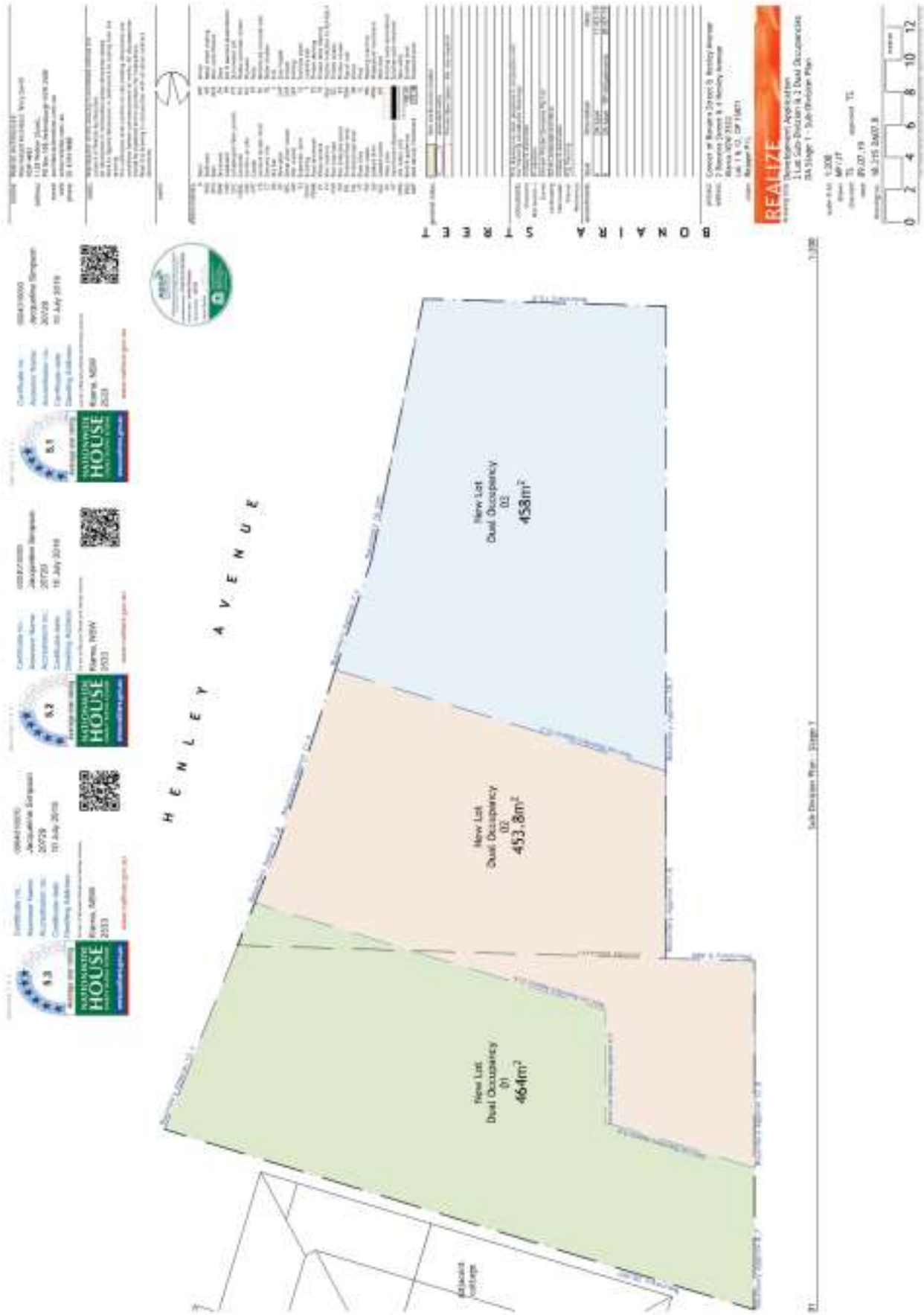
**HOUSE**  
10.2019.48.1

Item 12.6

Attachment 1

**Item 12.6 - 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy**

**Attachments 1 - 10.2019.48.1 - Plans**



Item 12.6

Attachment 1



**Item 12.6 - 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy**

**Attachments 1 - 10.2019.48.1 - Plans**



**Item 12.6**

**Attachment 1**



Item 12.6

Attachment 1



**Item 12.6 - 10.2019.48.1 - Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy**

**Attachments 1 - 10.2019.48.1 - Plans**



**Attachment 1** **Item 12.6**

**12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions**

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 12.7

**Summary**

This report reviews Development Application No 10.2019.42.1 which seeks consent for the proposed demolition of garage and sheds and alterations and additions to an existing dwelling.

The report recommends that Council approve Development Application No 10.2019.42.1 as the proposal is:

- For alterations and additions to an existing dwelling that enjoys existing use rights in the R3 Medium Density Residential zone where dwellings are prohibited development in the zone under Kiama LEP 2011;
- Compliant with the zone objectives and is consistent with the relevant development standards of Kiama LEP 2011.
- Largely consistent with Kiama Development Control Plan (DCP) 2012.

**Finance**

N/A

**Policy**

N/A

**Consultation (Internal)**

Please refer to the “Internal Referrals” section of this report.

**Reason for Report to Council**

The development application was called up by 2 Councillors in accordance with the newly adopted Councillor Code of Conduct.

**Communication/Community Engagement**

Required: Yes (letter notification).

Notification Period: 14 days from 15/04/2019 to 06/05/2019.

Submissions: 3 submissions received.

**Attachments**

1 10.2019.42.1 - Plans [↓](#)

**Enclosures**

Nil



Report of the Director Environmental Services

12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

Item 12.7

**RECOMMENDATION**

That Council approve Development Application No 10.2019.42.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

**BACKGROUND**

The property is described as Lot 1 DP 770131 – 148 Manning Street Kiama. The site is zoned R3 – Medium Density Residential under Kiama LEP 2011.

The overall site measures 1340m<sup>2</sup> in size and is rectangular in shape. The site currently contains a dwelling house, garage and shed. The site is bounded by residential dwellings to the south and east with Manning Street running along the western side of the property. The north boundary adjoins Peace Park which is zoned as RE1.



**Description of the proposed Development**

The proposal involves the demolition of a garage and shed as well as alterations and additions to the existing dwelling. This specifically involves the removal of the kitchen from the existing dwelling and removal of an internal wall to create an open rumpus/pool room. It also involves a 3 storey addition to the rear of the dwelling which consists of a large ground floor deck, spa, a new kitchen, living and dining area, double garage and 3 bedrooms each with an ensuite.

**Section 4.15 Assessment**

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

Report of the Director Environmental Services

12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

---

### **Relevant Environmental Planning Instruments**

#### State Environmental Planning Policy – (Coastal Management) 2018

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

The proposed development is considered to satisfy the requirements 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 R3 Medium Density Residential. Dwelling houses and their ancillary structures are prohibited development in the zone. The proposal is considered to benefit from existing use rights.

The dwelling is existing and has been continuously occupied for a residential purpose. The application seeks to add to and enlarge the existing building whilst maintaining the existing residential use. The application would not constrain the neighbouring properties from being developed for medium density housing in the future.

#### *Clause 4.3 Height of Buildings.*

A maximum 11m vertical distance between the existing ground level and the highest point of the building is permissible under Kiama LEP 2011. The proposal is 11m at its highest point so is consistent with this standard.

#### *Clause 4.4 Floor Space Ratio.*

A Maximum floor space ratio (FSR) of 1:1 is permitted. The proposal is consistent with this standard proposing a FSR of 0.449:1.

### **Any Draft Environmental Planning Instruments**

Nil.

### **Development Control Plan (DCP) 2012**

The proposed development generally satisfies the objectives and performance controls within Kiama DCP 2012. The relevant sections of Kiama DCP 2012 are discussed below.

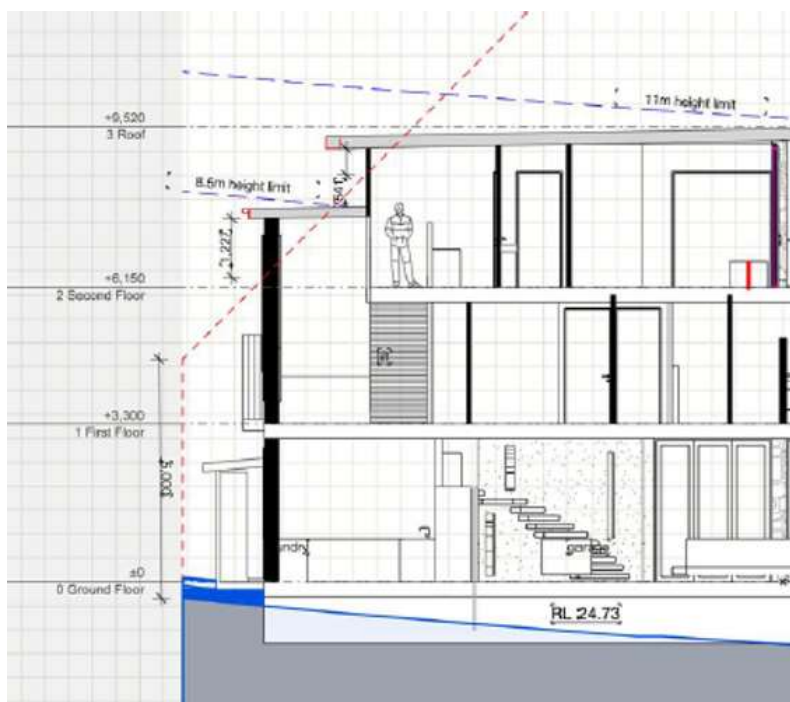
#### Chapter 2 - Section 6 - Building Height plane - Low Density Development Only

The proposal provides a non-compliant building height plane. A variation has been sought in this regard.

*Additional plans have been provided to Council to address various matters raised in correspondence to the applicant dated 25 June 2019. The amended plans show a nominal breach of the R2 Low Density Residential building envelope on part of the southern boundary as shown in the below extract:*

## Report of the Director Environmental Services

## 12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)



Item 12.7

*Justification for the variation of the building envelope is in the following terms:*

- 1) *The setback to the southern boundary for the amended design is fully complying, exceeding the minimum of 675 mm to the eaves gutter.*
- 2) *The overall setback to the southern boundary exceeds the minimum required, the amended plans being increased to 1,708mm to the ground floor and 3,859mm to the upper floor, specifically to address the southern neighbour's legitimate concerns and to allow for an increased zone for planting along this boundary.*
- 3) *The roof breach at the first floor level is relatively minor, being through a stairwell void thus minimising any potential for overlooking into the southern neighbour's rear P.O.S.*
- 4) *The roof breach at the second level is through a small section of eaves and is inconsequential.*
- 5) *Despite applying the low-density residential controls, the impacts upon the neighbour would be similar to that of a multi-residential flat building of similar bulk and scale if constructed, as is permissible in the R3 zoned site. Thus, there are negligible additional impacts resulting from adopting either development option.*
- 6) *The minor breach of building envelope does not contain the neighbour from achieving a similar development outcome for the site.*

*Given the unusual circumstances, it is viewed that the breach of the building envelope on the southern boundary alignment is not in obvious conflict with the R3 Medium Density residential controls and objectives that apply to the site, despite also applying the R2 low residential development controls to the proposed development."*

Report of the Director Environmental Services

12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

---

### Comment

The property is zoned R3 Medium Density Residential under the Kiama LEP 2011 and as such it has been identified as being suitable for development that is of higher density and larger scale. The height control for this zone under the LEP allows buildings to be up to 11m high and it is noted that this overrides any control under the DCP. Further, there are no building height plane controls for medium density development.

Despite the zoning, the subject application is for a low density development which is allowable under existing use rights. As a result of this proposed low density use, the building height plane control under the DCP is triggered. The building height plane is designed around the 8.5m height control that applies to the R2 Low Density Residential zone and so it is not possible to strictly comply with the height plane given the 11m height allowance.

The breach of the nominal building height plane is minor and applies only to stairwell void areas within the building design. The small breach does not significantly contribute to overshadowing impacts and does not overlook neighbouring properties.

Given the above, it is considered that the small variation to the building height plane is acceptable.

### Chapter 2 – Section 12 – Design Standards – Building Lines in Urban Areas

The proposal provides a compliant building line setback for the front boundary as the proposal is attached to the rear of the dwelling there is no applicable front boundary setback.

The rear setback requirements under the overall controls in Chapter 2 of the DCP allow single storey structures such as garages to be sited at a lesser distance from the rear property boundary. The proposal provides a 992mm setback to the rear boundary for the garage and laundry which are both non-habitable structures. This setback is considered acceptable and compliant with the DCP control.

### Chapter 2 – Section 13 – Side Boundary Setbacks for Walls, Eaves and Gutters

The proposal provides compliant setbacks for side boundaries, after providing amended plans increasing the eaves setback from 0.55m to 1.35m where 0.675m is required.

### Chapter 4 – Section 3 – Solar Access

*C22 - Where avoidable, buildings be designed so that there is no unreasonable overshadowing of solar collectors located on adjacent development.*

As mentioned previously, the property is zoned R3 Medium Density Residential and as such has been identified for higher density development which is able to be taller and have a larger bulk than the existing development in the vicinity.

## Report of the Director Environmental Services

## 12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

---

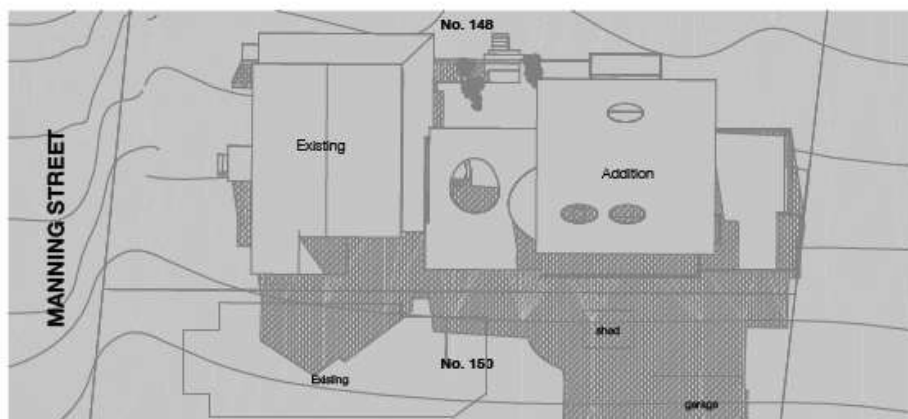
As properties transition to this more dense form of residential development, it is to be expected that there will be some additional impacts on the amenity of the area. Land and Environment Court judgements have confirmed that transition impacts should be expected as land uses change to higher densities. While this development is maintaining a low density use on the site, it is able to take advantage of the more generous building scale that is allowed for under the LEP.

The original plans lodged with the development application proposed a side boundary setback of 0.984m which complies with low density setback requirements. The overshadowing impact of the original proposal on the southern adjoining property was significant. Amended plans provide a 1.708m setback to lessen the overshadowing impact on the adjoining property. This has improved the overshadowing impact however the shadow diagram indicates that the proposal will still have an impact on the rear yard of the southern neighbour between 9am and 3pm on 22 June.

Given the lot orientation of the properties, a lower height development (for instance in the order of 8.5m) would still present overshadowing impact especially in the morning and early afternoon period. A single storey development may achieve the desired solar access outcomes for the adjoining property however it is not reasonable to require a development to be constructed significantly under the height allowed for under the LEP. Given the circumstances, the proposed overshadowing is considered to be acceptable.

Report of the Director Environmental Services

12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)



Item 12.7

**Any Planning Agreement**

Nil.

**Any Matters Prescribed by the Regulations**

NSW Coastal Policy, 1997

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



Report of the Director Environmental Services

12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

---

## **The Likely Impacts of the Proposed Development**

### Public Domain

The proposed development will not be dominant from the public domain due to the three storey section of the proposal being 17m from the front boundary located behind the single storey section of the dwelling

### Noise

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

### Privacy and Overlooking

Concerns were raised in regards to overlooking, due to the height of the building it is difficult to eliminate all overlooking but the applicant has made attempts to reduce the overlooking by including fixed louvers around the balconies and over the eastern facing windows above the ground floor. Overlooking and privacy is discussed further in the Public Submissions section of the report.

### Overshadowing

The proposal does cause overshadowing of the southern property (150 Manning Street) this is discussed further under the heading Chapter 4 – Section 3 – Solar Access of the report.

### Streetscape

The design of the proposed development is reasonable when considered in relation to the context of the site. The land is zoned R3 and the proposal is consistent with relevant planning instruments and is not inconsistent with the streetscape. Despite the 11m height of the proposal its setback 17m from the front boundary and will not dominate the streetscape.

### Views

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

### Social and Economic Impacts

The amenity impacts of the proposed development have been considered in detail and whilst there are some overshadowing and overlooking impacts, these have been addressed through amended plans by increasing the setback to a greater distance than required under the DCP and the inclusion of the fixed louvers. The social and economic impacts are not unreasonable.

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

As discussed throughout this report, the development is of a size, bulk, scale and siting that are considered to be reasonable having regard to the site. The development is proposed within the R3 Medium Density Residential zone and bounded by residential dwellings and a public park. The site is considered to be suitable for the proposed development.

Report of the Director Environmental Services

12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

---

## Submissions

### Public Submissions

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, 3 submissions were received which raised the following (summarised) matters of concern:

#### Item 1:- “*Overshadowing*”

Comment - Objections raised the issue of excessive overshadowing due to both the proposed height and southern side boundary setback of the proposed development.

The overshadowing concerns are further discussed under the heading Chapter 4 – Section 3 - Solar Access of the report.

In summary the R3 zone is targeted to higher density development and the transition impacts should be expected as more of this kind of development comes to the area. The objector requested a 3m southern side setback to reduce the overshadowing impacts, the applicant then amended the plans increasing the southern side setback from 0.984m to 1.708m to lessen the impact on the southern neighbour.

#### Item 2:- “*Privacy*”

Comment – Objections have been raised in regards to the windows and balconies as seen from the east elevation, due to the height of these windows and balconies being spread from the second and third storey they allow views into the backyard and private open space of 11 Taylor Street (eastern neighbour). The objectors in this case have asked that these areas include frosted glass to help maintain privacy.

The applicant has addressed these concerns by providing amended plans showing fixed louvers in place, they have also added the fixed louvers to the first and second floor eastern windows to further reduce the likelihood of privacy impacts.

A landscape plan has also been submitted showing trees to be planted along the eastern boundary which will further reduce the privacy impact and create a visual buffer.

Due to the height of the addition it is difficult to eliminate all overlooking impacts from the development, it is considered that the amendments made to the plans to address privacy and are a reasonable response and the remaining overlooking is considered to be acceptable.

#### Item 3:- “*insufficient setbacks*”

Comment – Objections have been raised regarding the siting of the proposed dwelling addition. It has been raised that the due to the height and bulk of the addition that the proposed southern side setback is unreasonable and will affect the visual amenity of the neighbours.

Report of the Director Environmental Services

12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

---

As mentioned above, the objectors requested that the setback be increased to 3m to reduce the visual impact and to maintain existing trees and allow for new landscaping along the southern fence line. As previously discussed the applicant submitted amended plans increasing the southern side setback from 0.984m to 1.708m and also included a landscape plan showing trees to be planted along the southern and eastern boundaries to help maintain privacy and provide visual relief. It is noted that as the proposed development is low density development it is able to have a minimum of 900mm from the side boundaries meaning the setbacks proposed are compliant.

### External Referrals

Nil

### Internal Referrals

#### Subdivision & Development Engineer

No objection was raised as part of the referral and conditions of consent have been provided.

#### Landscape Officer

The Landscape Officer has advised the following:

*“The revised architectural plans and arborist addendum report address previous objections except for Tree 9 Jacaranda and Tree 10 belonging to the neighbours behind. If a letter of confirmation to agree to canopy pruning of the Jacaranda and gum tree is produced then I have no further objections. Conditions of consent have been provided.”*

### The Public Interest

The proposal is considered to be consistent with Kiama LEP 2011 and largely the provisions of Kiama DCP 2012. The proposal is not likely to cause significant adverse impacts to the natural or built environment. Whilst the proposal will cause some overshadowing to the southern neighbours it is otherwise considered not to be likely to cause significant adverse social and economic impacts. The proposal is therefore considered to be generally 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 under Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposed development is consistent with Kiama LEP 2011 and is largely consistent with Kiama DCP 2012 except for the non-compliance discussed above.

It is considered that the applicant has taken appropriate steps to achieve compliance with Council’s requirements and addressed the concerns of objectors by supplying amended plans that increased the southern side setback, provide fix louvers along the windows and balcony on the eastern elevation and increase landscaping opportunities.

## Report of the Director Environmental Services

## 12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

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

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

The proposed development is considered acceptable and conditional approval is recommended.

### Draft Conditions of Consent

#### General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2019.42.1 dated xx/xx/xxxx except as amended by the following conditions:  
(g005.doc)
- (2) The development shall be completed in accordance with the approved Exterior Materials schedule. (g014.doc)
- (3) The developer shall provide and maintain temporary fencing around the development site to prevent unauthorised entry into the site by persons or livestock and shall remove the temporary fencing upon completion of all work.  
(g140.doc)

#### Prior to Commencement of Works

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:
  - i The licensee's name and contractor licence number;
  - ii That the licensee has complied with Part 6 of the Home Building Act 1989.
 In the case of work to be done by any other person, the Principal Certifying Authority:
  - a Has been informed in writing of the person's name and owner builder permit number;
  - or
  - b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989. (pt005.doc)
- (2) Under the provisions of the Act, work may not commence on the development until the following is carried out:
  - a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
  - b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and

## Report of the Director Environmental Services

## 12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

- c You **must** notify the Council of the appointment; and
- d You **must** give at least two (2) days' notice to Council of your intention to commence work.

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

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

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

(pt020.doc)

- (3) A contribution under Section 7.12 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 a Construction Certificate**. The total contribution required for the development is **\$13,260**.

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

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

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)

- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the issue of the Construction Certificate. (pt034.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

## Report of the Director Environmental Services

## 12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

- 
- c Stating that unauthorised entry to the work site is prohibited.

**Note:** Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee. (pt060.doc)

- (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)

### Demolition Works

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

(2) **Asbestos – Statement Required**

No later than seven days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be provided:

- (a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and
- (b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.

### Asbestos – Licensed Contractors

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

### Asbestos – Notification of Neighbours

Fourteen days prior to the commencement of any demolition works involving asbestos, all immediate neighbours should be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and provided to Council.

### Asbestos – Tip receipts

Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts shall be provided to Council prior to any further building works being undertaken on the site.



## Report of the Director Environmental Services

## 12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

**Asbestos – Clearance Certificate**

Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

**Asbestos – Less than 10m<sup>2</sup> of Bonded Asbestos Sheeting**

Demolition works involving the removal of less than 10m<sup>2</sup> of bonded asbestos sheeting may be carried out by a licensed builder who has completed an appropriate bonded asbestos removal course.

**Completion of demolition works**

Council will monitor and review the demolition of the structure to ensure all conditions of consent application to the removal of asbestos has been satisfied.

(dw015.doc)

**Stormwater Management**

- (1) Stormwater shall be connected to the existing system. (sm005.doc)
- (2) The stormwater drainage system shall be completed in accordance with the details approved by the accredited Certifying Authority.
- (3) All stormwater kerb and gutter connections to have a minimum of 40 millimetres cover of concrete finishing flush with the top of the existing kerb. Pipe size to achieve this should be 90 millimetres in diameter.
- (4) The developer shall provide stormwater outlets to kerb lines converting to 90 millimetre diameter uPVC for barrier kerbs and 127 x 64 x 4 millimetre steel rectangular hollow section hot dip galvanised or aluminium for roll kerb sections.
- (5) Prior to issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design.

**Access Construction**

- (1) 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.

**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)

## Report of the Director Environmental Services

## 12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

**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) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)
- (4) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)
- (5) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
 

Monday to Friday	- 7.00 am to 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)
- (6) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)
- (7) 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)
- (8) All excavations shall be enclosed with a temporary fence during construction of the pool. (bu255.doc)
- (9) The swimming pool shall not be filled with water until the permanent safety fence has been erected. (bu260.doc)
- (10) An instructional poster for resuscitation which bears the words “*Young Children Should Be Supervised When Using This Swimming Pool*”, together with details of resuscitation techniques for adults, children and infants shall be located in a prominent position within the pool enclosure. (bu265.doc)

**Erosion and Sedimentation Controls/Soil and Water Management**

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
  - a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.

## Report of the Director Environmental Services

## 12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

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

**Landscaping Works**

- (1) All landscape areas shown on the approved landscape plans L-01A – L-04A or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions.
- (2) Prior to release of the Occupation Certificate or Subdivision Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Councils Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent
- (3) Tree 10 Eucalyptus cinerea on the neighbour's property may be pruned, if required to clear the proposed dwelling, not exceeding 10% of the overhanging canopy, as described in the Aboricultural Assessment prepared by Allied Trees ref. D3724 and Addendum Ref. 3724.1. The tree will be pruned by a qualified arborist Tree 9 Jacaranda on the neighbour's property shall be pruned as directed by a qualified arborist upon written permission of the tree's owner that the pruning, and extent of that pruning, are agreed to as described in the Aboricultural Assessment prepared by Allied Trees ref. D3724 and addendum Ref. 3724.1. The tree will be pruned by a qualified arborist
- (4) Tree 3 Laurus nobilis, Tree 4 Callistemon viminalis and Tree A, shall be removed for the development, as described in the Aboricultural Assessment prepared by Allied Trees ref. D3724 and Addendum Ref. 3724.1.

**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)

## Report of the Director Environmental Services

## 12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions (cont)

---

**Prior to Occupation**

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

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

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


- (3) The 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 Section 6.9 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)

- (4) The developer shall complete all access and drainage works prior to the issue of any occupation certificate.



The Location Map



Site Boundary

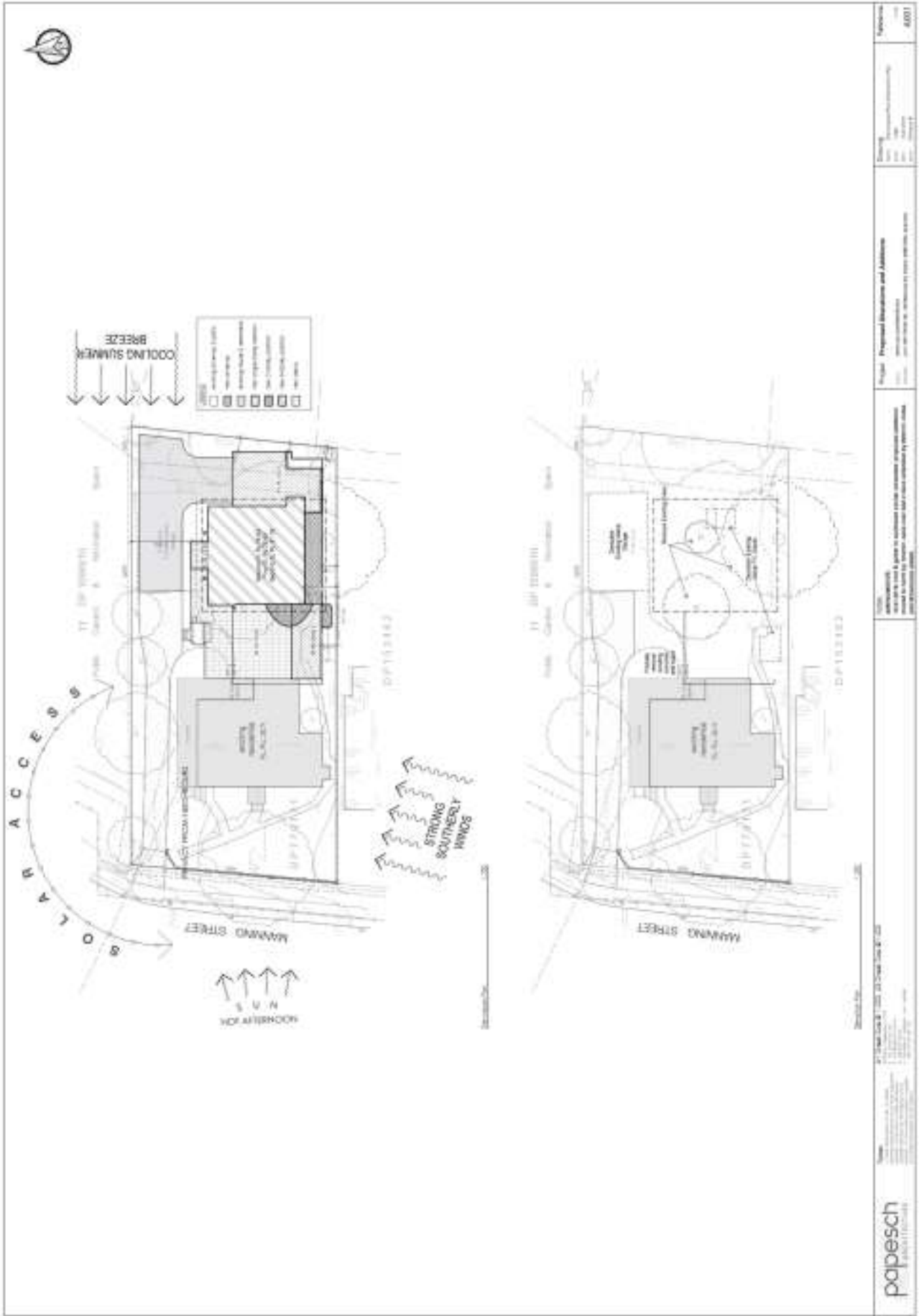
**General Notes**

- The contractor shall verify all dimensions and locate an iron pipe to ground level at each.
- It is the contractor's responsibility to check and verify all site boundaries prior to commencement of work.
- Proposed dimensions take precedence over aerial dimensions.
- All ground level surveys with AUSTLIM, AUSPOS, MAGNET, requirements and any other survey, constraints (BEPD or ADGAs).
- Carry out all works in accordance with the engineer's consent.
- All trees to remain to comply with ACT 1994.
- All foundations and retaining walls to be of good quality and conform with relevant Australian standards and standards (concrete code AS 3600).

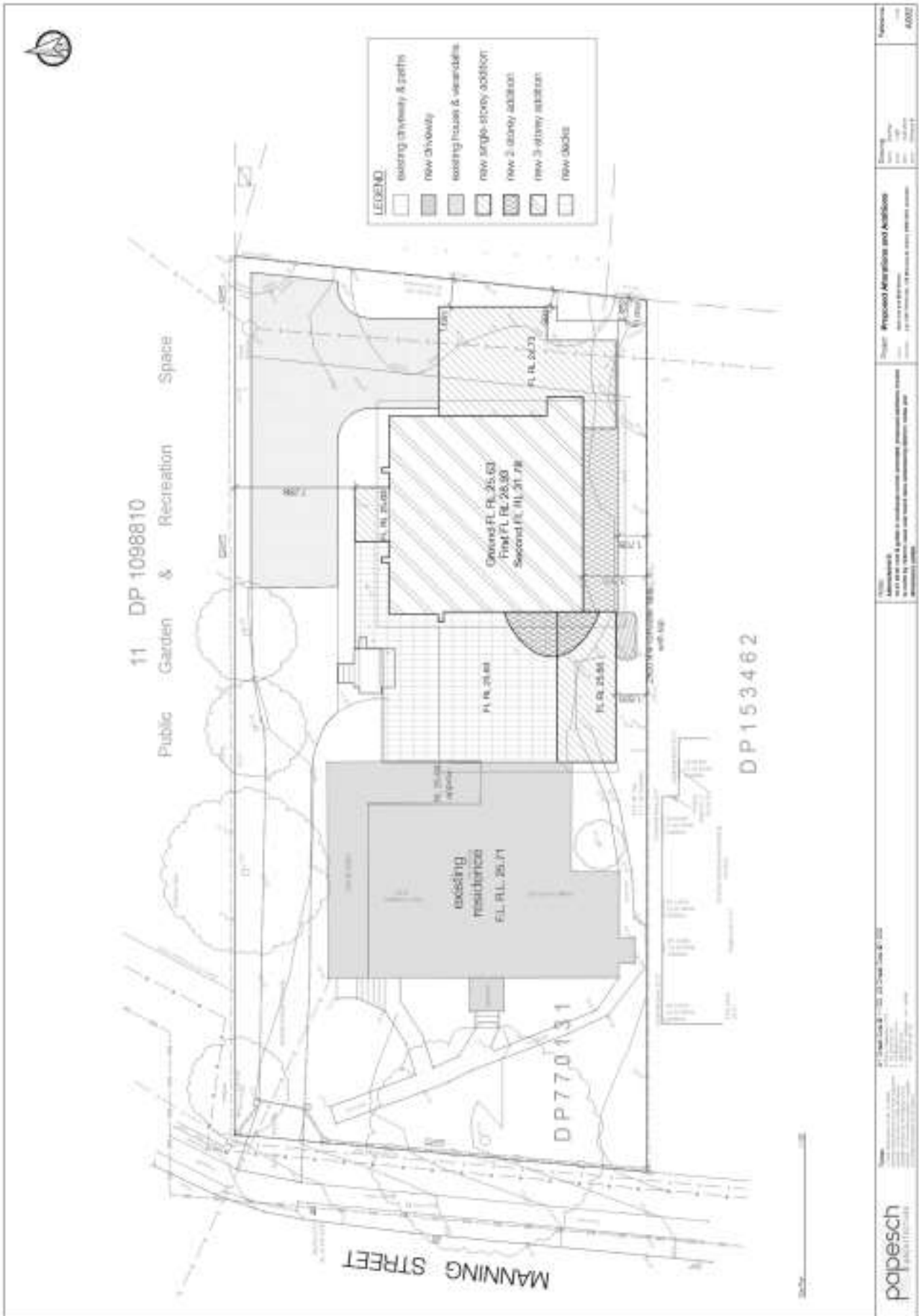
**Draining Definition**

**Shade**

- AS200 - Downfall Gutters & Localised Pits
- AS201 - Site Arterial Pits & Downfall Pits
- AS202 - Site Pits
- AS203 - Ground Trench & First Floor
- AS204 - Second Floor & Roof Drain
- AS205 - Downfall
- AS206 - Downfall
- AS207 - Downfall
- AS208 - Downfall
- AS209 - Downfall
- AS210 - Downfall
- AS211 - Downfall
- AS212 - Downfall
- AS213 - Downfall
- AS214 - Downfall
- AS215 - Downfall
- AS216 - Downfall
- AS217 - Downfall
- AS218 - Downfall
- AS219 - Downfall
- AS220 - Downfall
- AS221 - Downfall
- AS222 - Downfall
- AS223 - Downfall
- AS224 - Downfall
- AS225 - Downfall
- AS226 - Downfall
- AS227 - Downfall
- AS228 - Downfall
- AS229 - Downfall
- AS230 - Downfall
- AS231 - Downfall
- AS232 - Downfall
- AS233 - Downfall
- AS234 - Downfall
- AS235 - Downfall
- AS236 - Downfall
- AS237 - Downfall
- AS238 - Downfall
- AS239 - Downfall
- AS240 - Downfall
- AS241 - Downfall
- AS242 - Downfall
- AS243 - Downfall
- AS244 - Downfall
- AS245 - Downfall
- AS246 - Downfall
- AS247 - Downfall
- AS248 - Downfall
- AS249 - Downfall
- AS250 - Downfall



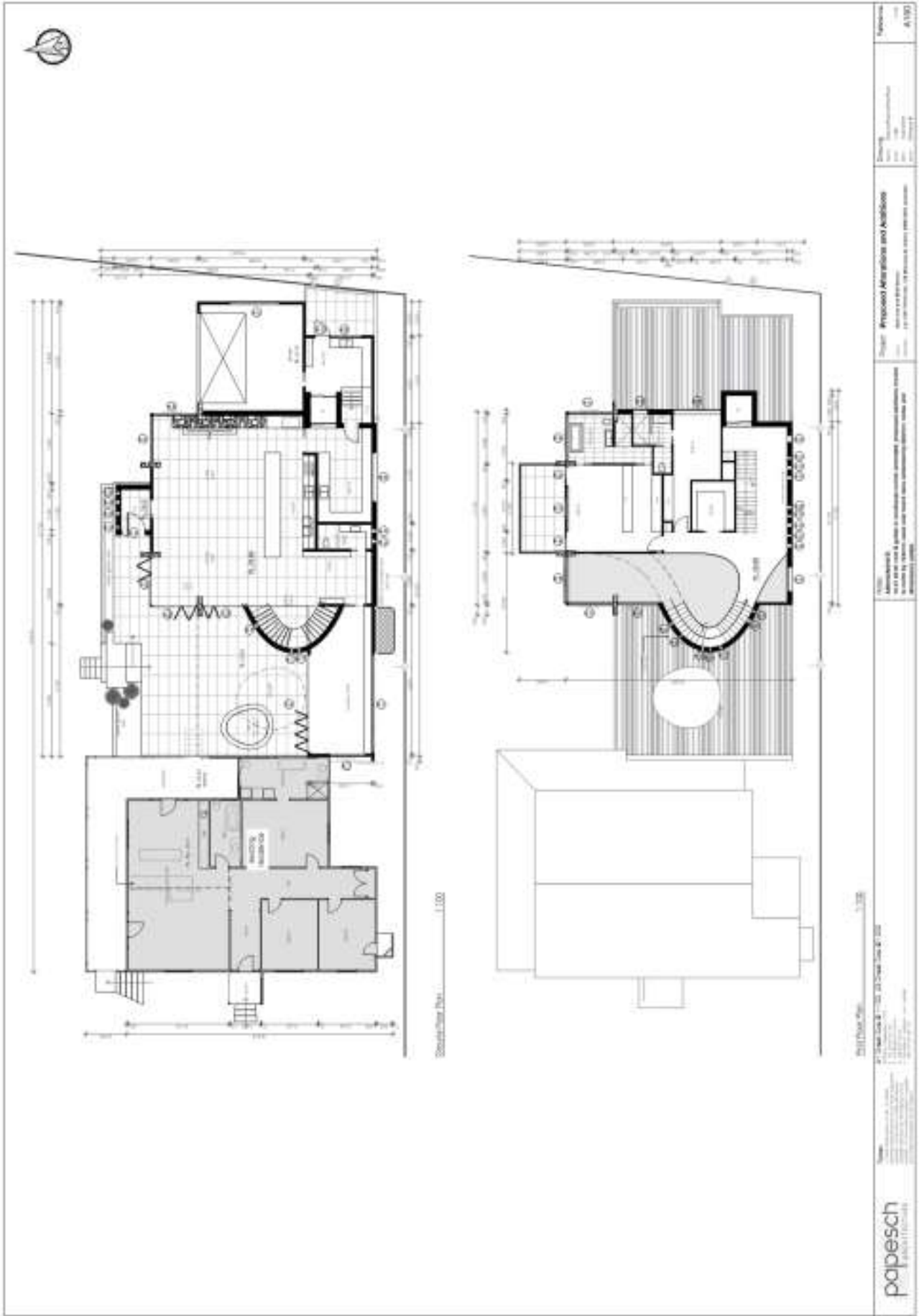
Attachment 1 Item 12.7



Attachment 1

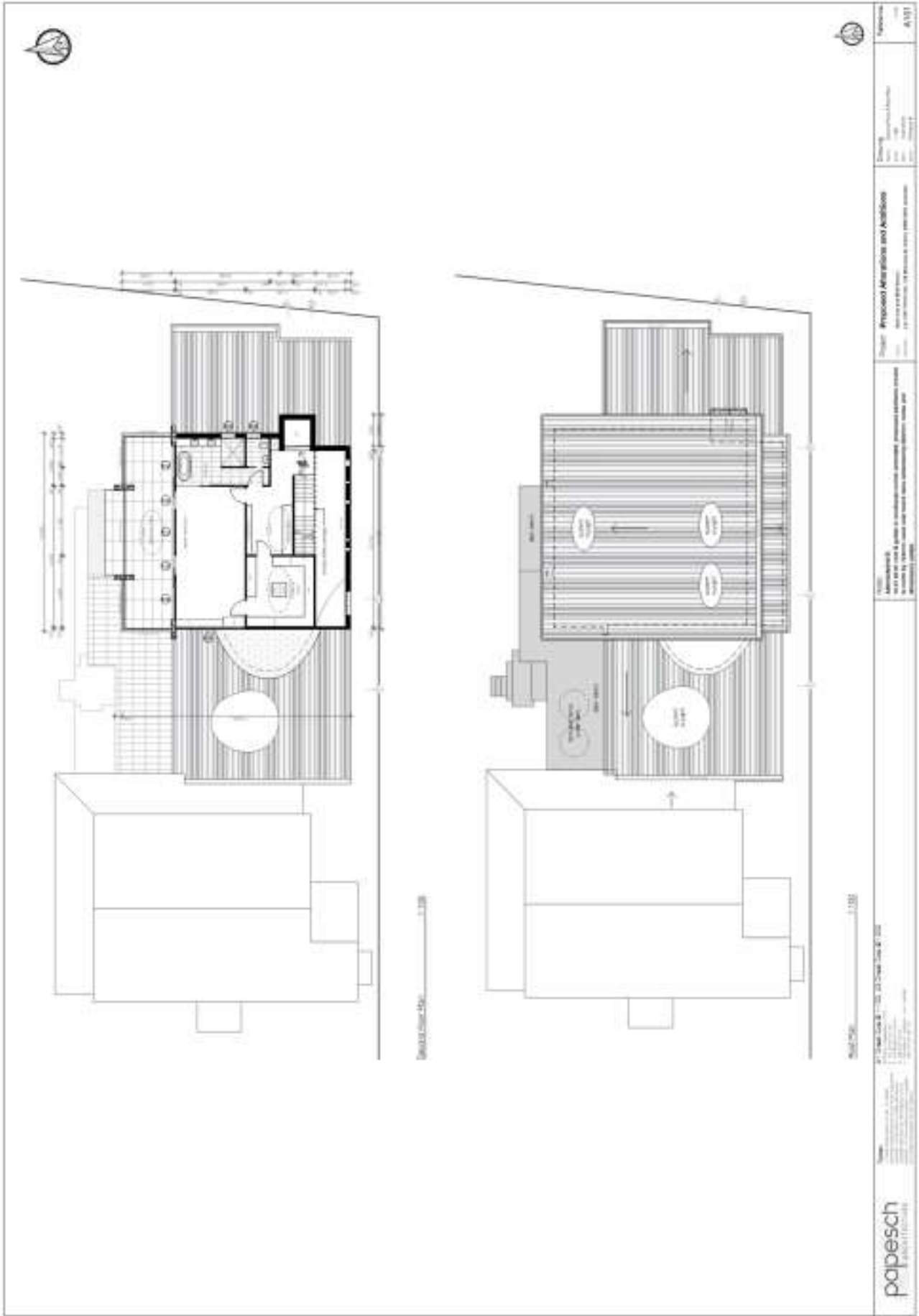
Item 12.7





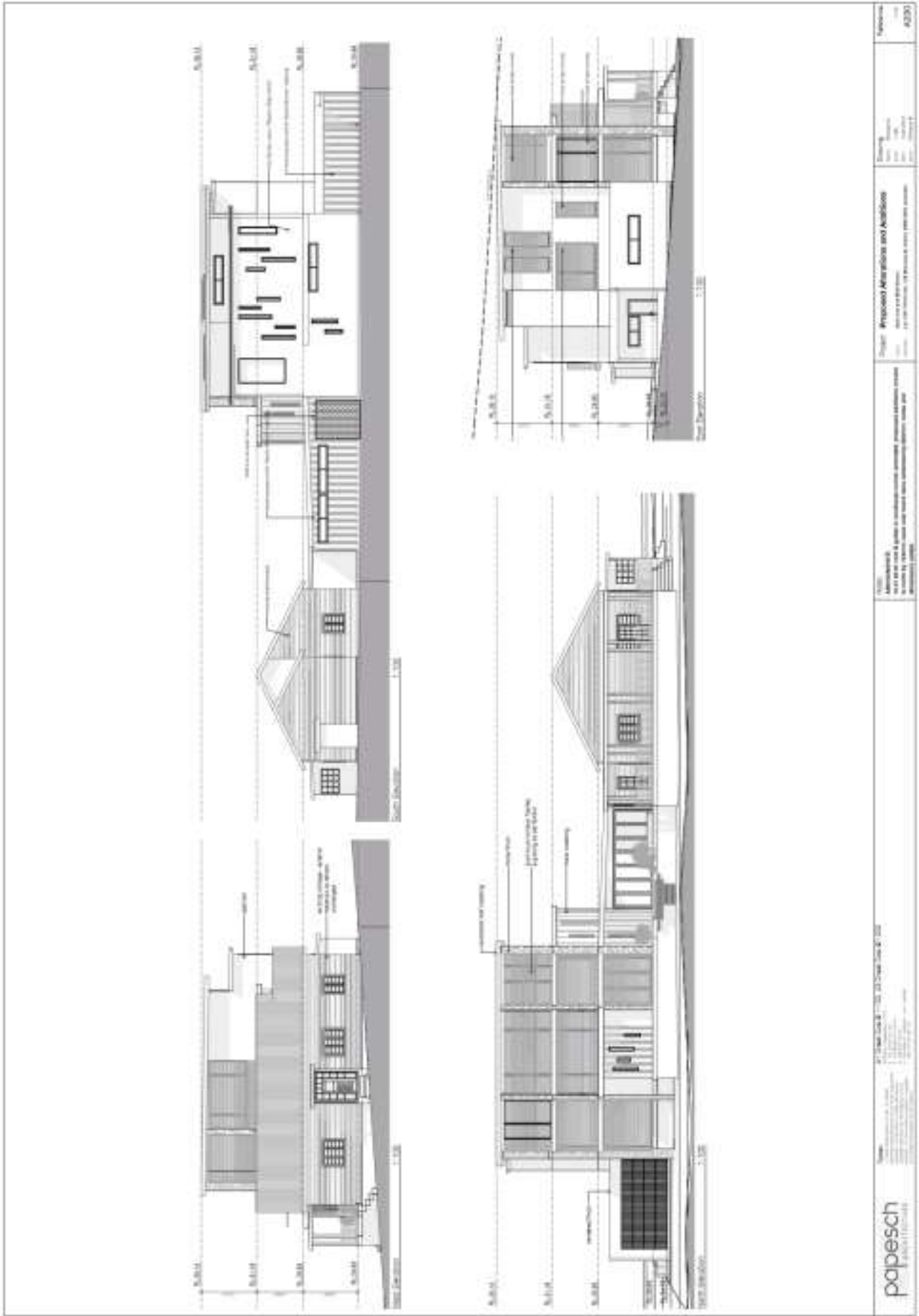
Item 12.7

Attachment 1



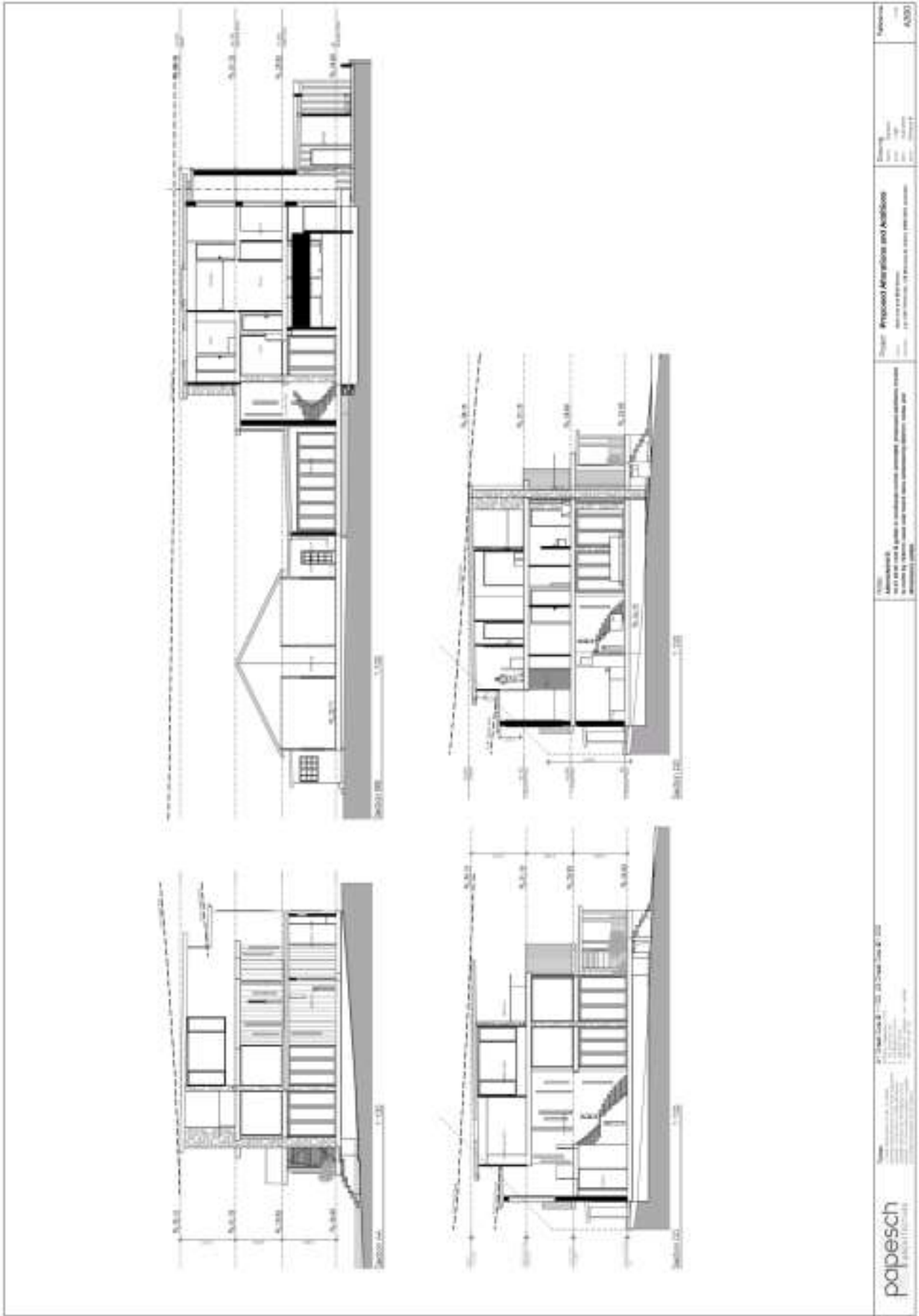
Item 12.7

Attachment 1



papesch ARCHITECTS	1/19/2019 10.2019.42.1 - Lot 1 DP 770131 - 148 Manning Street, Kiama	Project: Proposed Alterations and Additions Address: 148 Manning Street, Kiama Scale: 1:100 Drawing No: 1/19/2019.42.1 - Lot 1 DP 770131 - 148 Manning Street, Kiama	Drawing: Date: Author: Check: Scale: Drawing No:	Approved: Date: Signature: 42303

Attachment 1  
Item 12.7



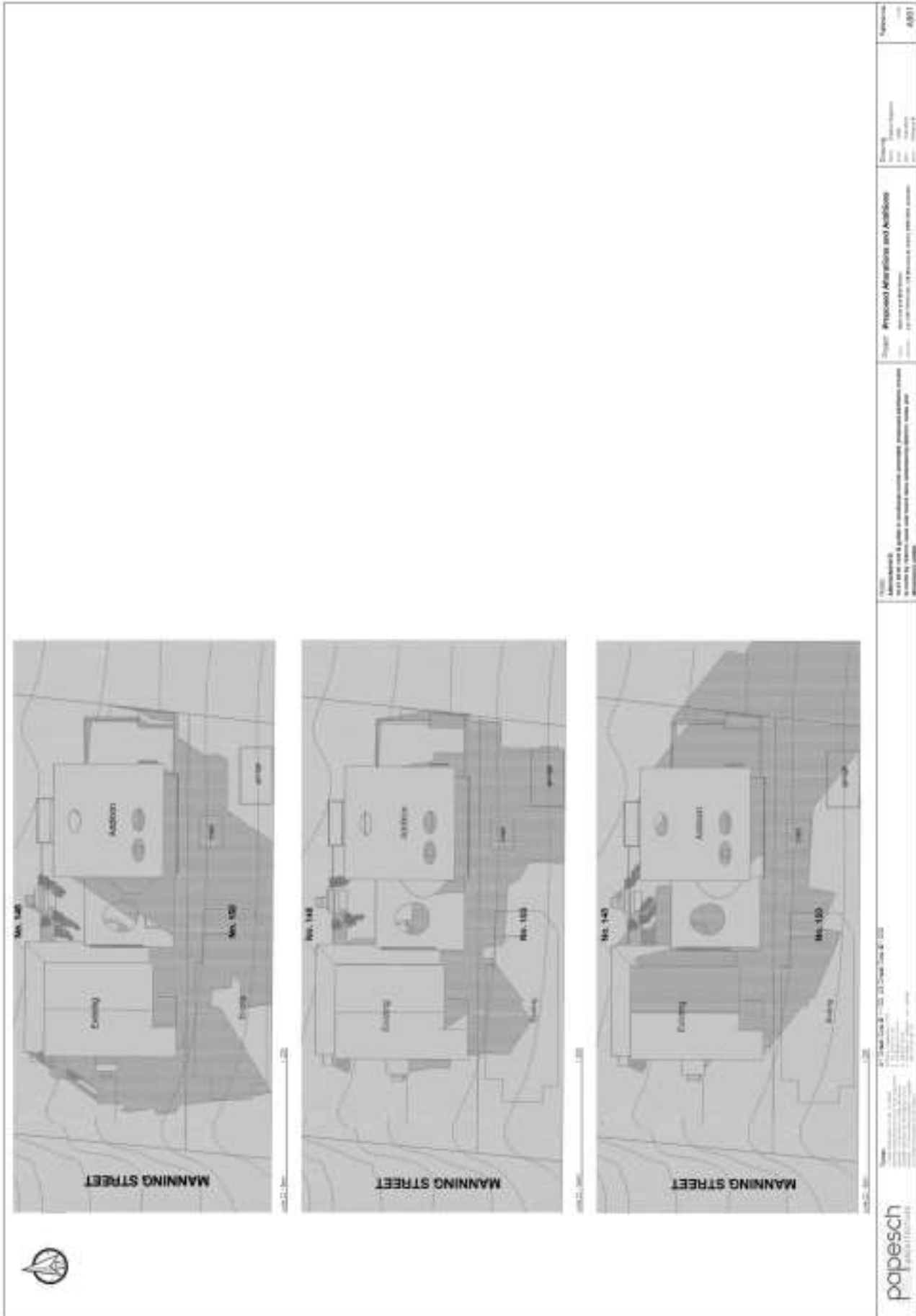
Attachment 1

Item 12.7

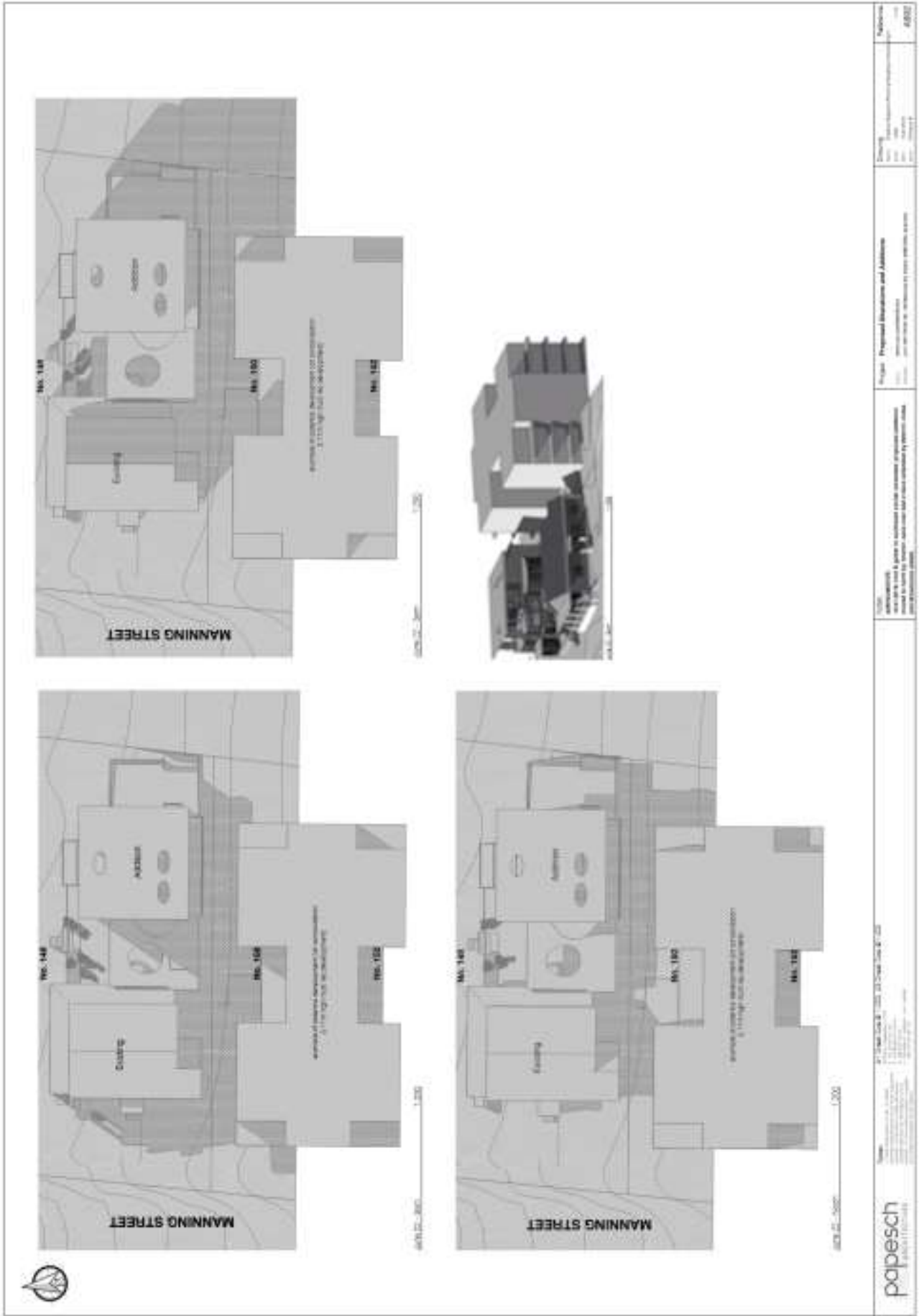


Attachment 1

Item 12.7

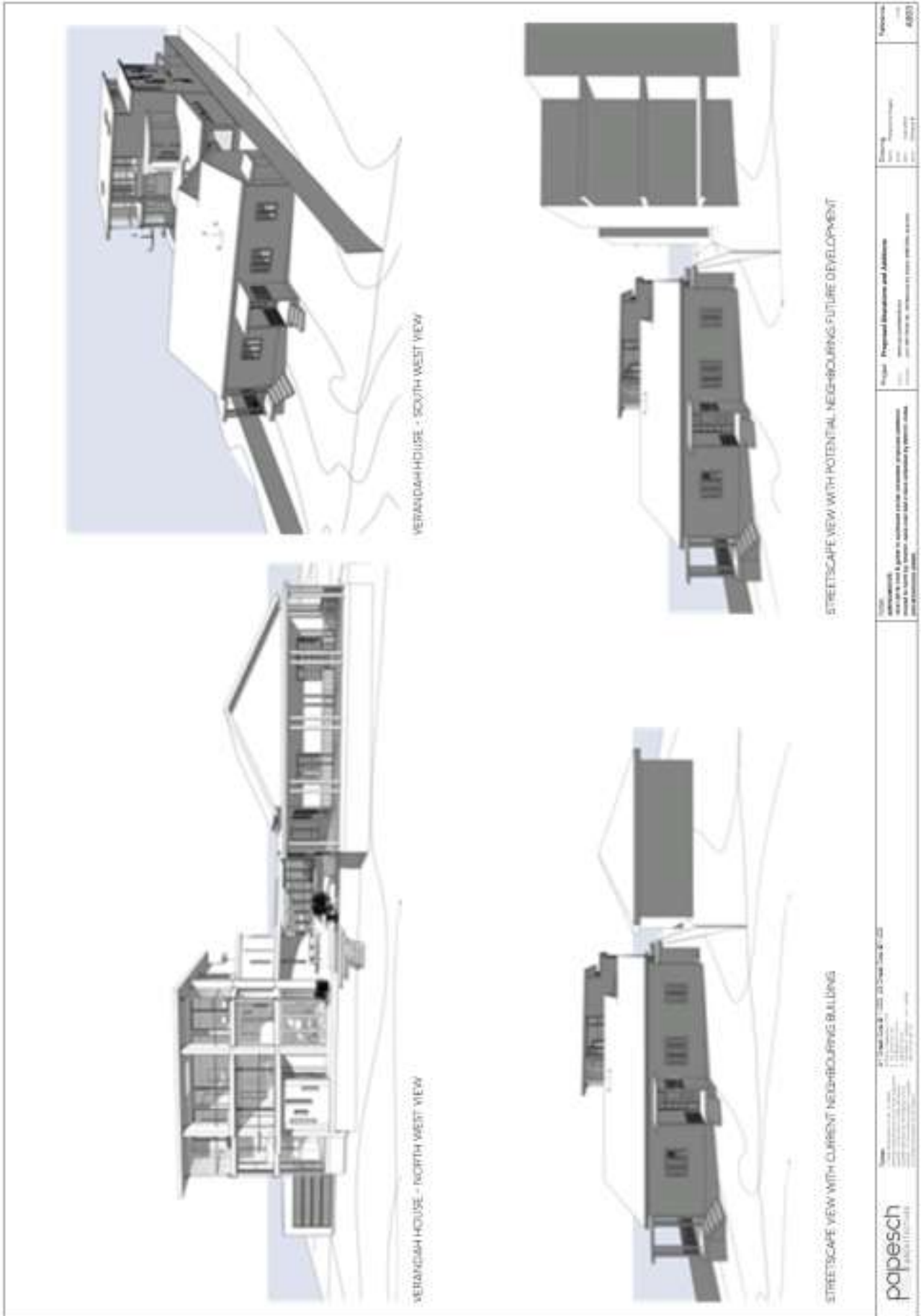


Attachment 1 Item 12.7

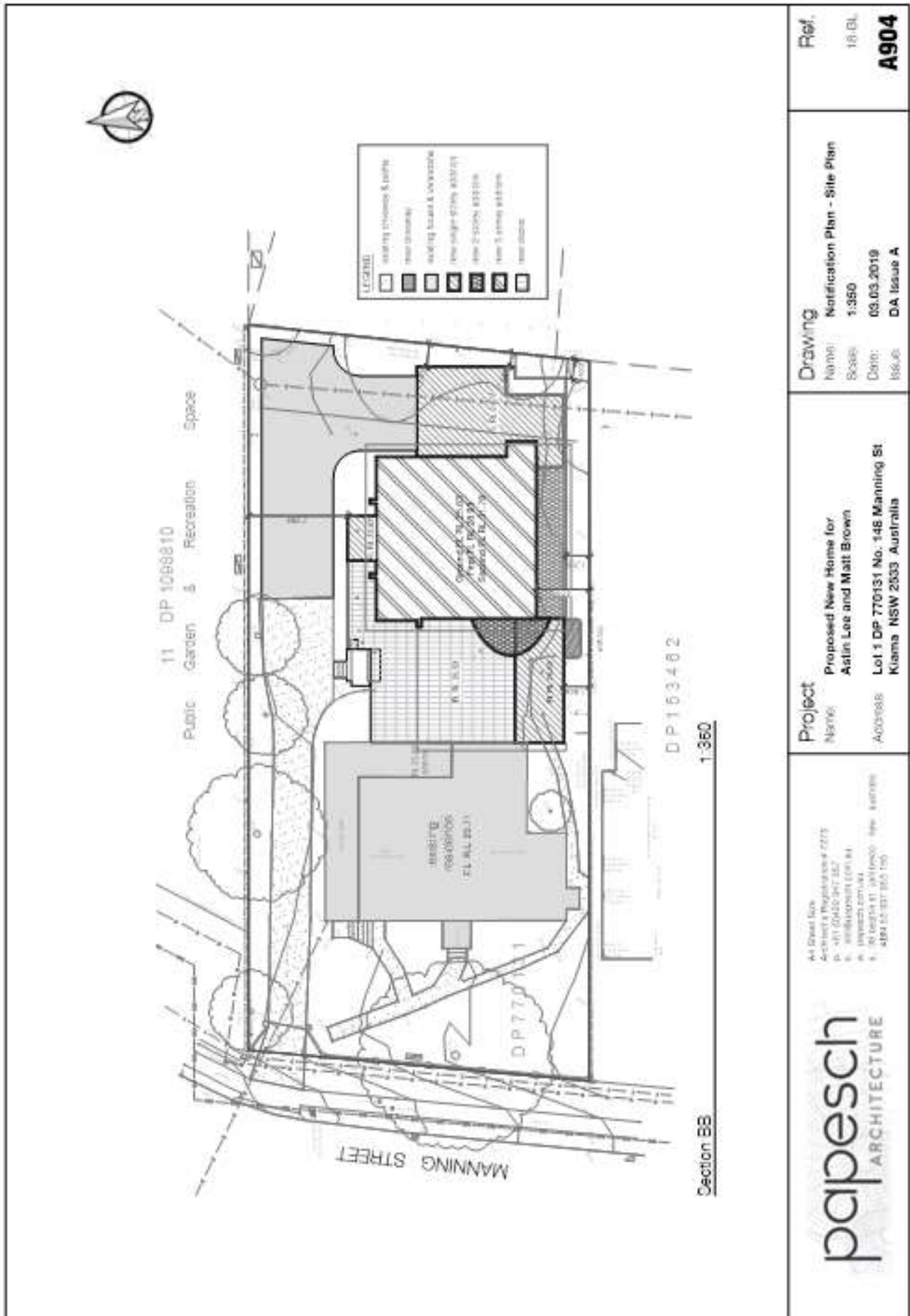


Attachment 1 Item 12.7



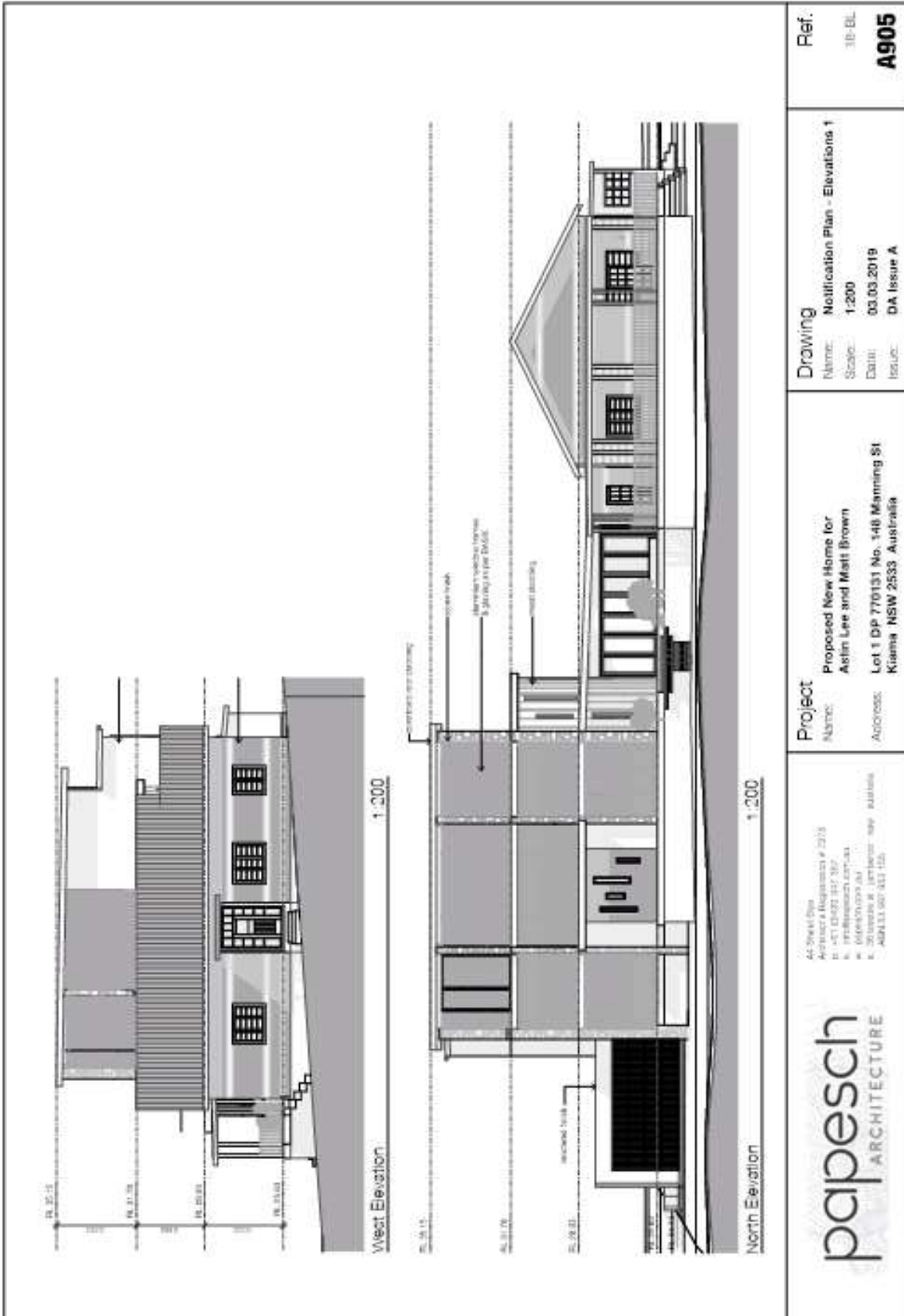


Attachment 1 Item 12.7



<p><b>papesch</b> ARCHITECTURE</p> <p>A1 Sheet Size Architect's Registration No. 2275 p. +61 (0)420 947 267 e. info@papesch.com.au w. papesch.com.au s. 10 Victoria St. Melbourne - Vic 3000 4844 53 137 955 150</p>	<p><b>Project</b> Name: Proposed New Home for Astin Lee and Matt Brown Address: Lot 1 DP 770131 No. 148 Manning St Kiama NSW 2533 Australia</p>	<p><b>Drawing</b> Name: Notification Plan - Site Plan Scale: 1:350 Date: 03.03.2019 Issue: DA Issue A</p>	<p><b>Ref.</b> 18 BL <b>A904</b></p>
--	---	---	--

Attachment 1 Item 12.7



<p><b>Project</b></p> <p>Name: Proposed New Home for Aslin Lee and Matt Brown</p> <p>Address: Lot 1 DP 770131 No. 148 Manning St Kiama NSW 2533 Australia</p>	<p><b>Drawing</b></p> <p>Name: Notification Plan - Elevations 1</p> <p>Scale: 1:200</p> <p>Date: 03.03.2019</p> <p>Issue: DA Issue A</p>	<p><b>Ref.</b></p> <p>10-BL</p> <p><b>A905</b></p>
---	--	--

44 Street Day  
 Architects & Designers # 2225  
 P. 451 0420 847 387  
 F. 02 9390 4271  
 M. 0438 500 000  
 K. 20 Lonsdale St. Sydney NSW Australia  
 ADMIN@PAPESCH.COM.AU



<p>East Elevation 1:200</p>	<p>South Elevation 1:200</p>	<p><b>Project</b>          Name: Proposed New Home for Arlin Lee and Matt Brown          Address: Lot 1 DP 770131 No. 148 Manning St Kiama NSW 2533 Australia</p>	<p><b>Drawing</b>          Name: Notification Plan - Elevations 2          Scale: 1:200          Date: 03.03.2019          Issue: DA Issue A</p>	<p><b>Ref.</b>          18-BL  <b>A906</b></p>
---------------------------------	----------------------------------	---	--	--

Attachment 1 Item 12.7



+61 (2) 4236 0434  
info@papesch.com.au

South Coast & Sydney  
www.papesch.com.au

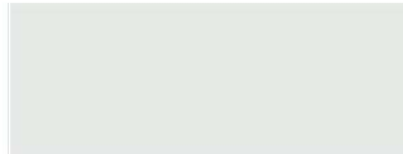
# exterior materials schedule

## 148 manning street, kiama

Item 12.7

Attachment 1

WALLS  
Stu Render  
Resene "Black White"



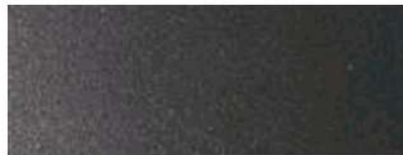
FEATURE PANELLING  
Nail Strip or Standing Seam Profile  
"Nordic Bronze"



FEATURE STONEWORK  
Eco Outdoors  
"Lichen Linear"



ALUMINIUM WINDOWS & DOORS/  
BALUSTRADES / EXTERNAL LOUVRES  
Powdercoated  
Interpon "Sablé Asteroid"



EXTERNAL LOUVRES  
Powdercoated  
Maxim Louvres "DV703"



ROOF  
Colorbond Klip-Lok Profile  
"Jasper"

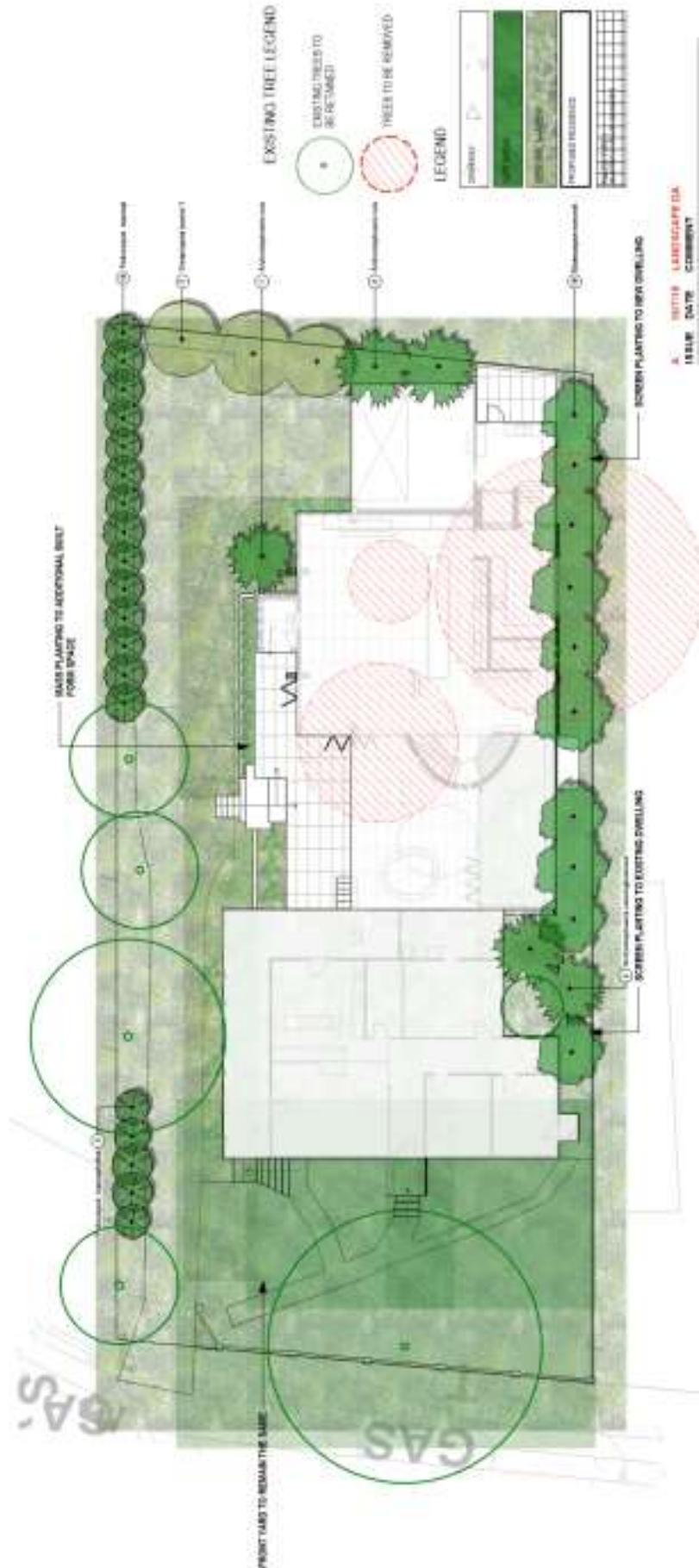




# LANDSCAPE DA

## 148 MANNING STREET, KIAMA

Drawing List	Sheet No.	Sheet Title	Rev.	Date	Project Title
1	1	148 MANNING STREET, KIAMA	1	15/07/20	148 MANNING STREET, KIAMA
2	2	148 MANNING STREET, KIAMA	1	15/07/20	148 MANNING STREET, KIAMA
3	3	148 MANNING STREET, KIAMA	1	15/07/20	148 MANNING STREET, KIAMA
4	4	148 MANNING STREET, KIAMA	1	15/07/20	148 MANNING STREET, KIAMA
5	5	148 MANNING STREET, KIAMA	1	15/07/20	148 MANNING STREET, KIAMA



**EXISTING TREE LEGEND**

● EXISTING TREES TO BE RETAINED

○ TREES TO BE REMOVED

**LEGEND**

Impervious

Grass

Perennial Grasses

Perennial Grasses

Perennial Grasses

**SITEDESIGN + STUDIOS**  
creating spaces to live, work and enjoy

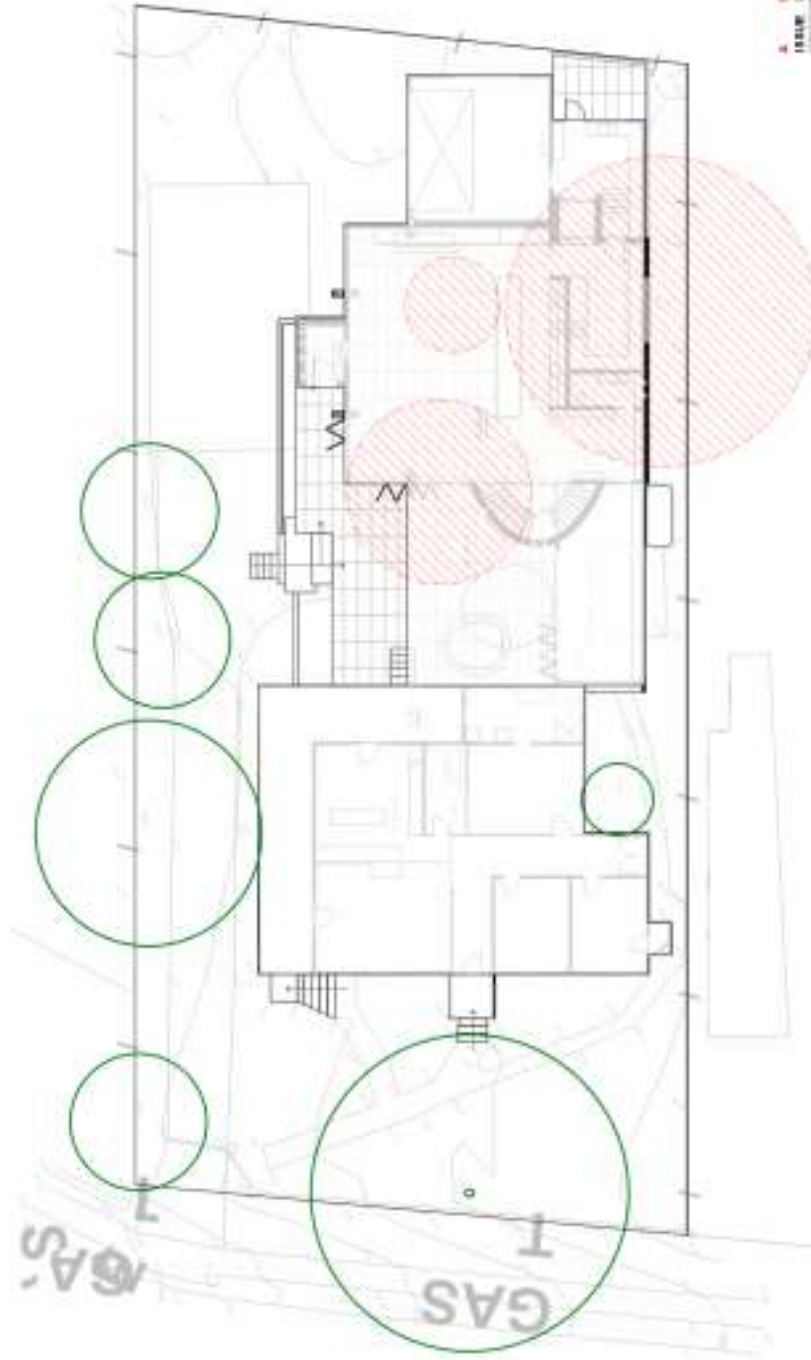
Project: 148 MANNING STREET, KIAMA  
Address: 148 MANNING STREET, KIAMA  
Drawing Title: THE SITE PLAN

Issue: 15/07/20  
Date: 15/07/20  
Issue: 15/07/20

Page: L-01 A

EXISTING TREE LEGEND

-  EXISTING TREES TO BE RETAINED
-  TREES TO BE REMOVED



**ISSUE LANDSCAPE DATA**  
**DATE COMMENT**  
**APPROPRIATE**

<p><b>SITEDESIGN + STUDIOS</b>                  creating spaces to live and enjoy</p> <p>10/101 STYBY VILLAGE                  CROOKVILLE VIC                  P. 03 9477 4155                  info@sitedesign.com.au                  www.sitedesign.com.au</p>		<p>Project: <b>ADDITIONAL DRIBBLING</b>                  Address: <b>148 MANNING STREET, KIAMA</b>                  Drawing Title: <b>EXISTING TREE</b></p>	<p>Page  <b>L-02 A</b></p>
<p>Scale: 1:100</p>		<p>Date: <b>18.7.19</b>                  Issue: <b>1 2019.07.23</b></p>	<p>Drawing No.</p>





# LANDSCAPE WORK SPECIFICATION

**1.1 INTRODUCTION**  
 The following work specification is intended to provide a clear and concise description of the work to be undertaken by the contractor. It is intended to be used in conjunction with the drawings and any other documents that may be referred to in this specification. The contractor is to ensure that the work is completed in accordance with the specifications set out in this document and to provide a high quality finish. The contractor is to ensure that the work is completed in a timely manner and to provide a high quality finish. The contractor is to ensure that the work is completed in a timely manner and to provide a high quality finish.

**1.2 SITE INFORMATION**  
 The site is located at 148 Manning Street, Kiama. The site is a residential lot and is currently occupied by a dwelling and a garage. The site is to be demolished and replaced with a new dwelling and a new garage. The site is to be demolished and replaced with a new dwelling and a new garage.

**1.3 WORK SPECIFICATION**  
 The work to be undertaken by the contractor is to demolish the existing dwelling and garage and to construct a new dwelling and a new garage. The work to be undertaken by the contractor is to demolish the existing dwelling and garage and to construct a new dwelling and a new garage.

**1.4 MATERIALS**  
 The materials to be used in the construction of the new dwelling and garage are to be as follows: concrete, brick, timber, and steel. The materials to be used in the construction of the new dwelling and garage are to be as follows: concrete, brick, timber, and steel.

**1.5 FINISHES**  
 The finishes to be used in the construction of the new dwelling and garage are to be as follows: paint, stain, and sealant. The finishes to be used in the construction of the new dwelling and garage are to be as follows: paint, stain, and sealant.

**1.6 SCHEDULE**  
 The schedule of work to be undertaken by the contractor is to be as follows: demolition, construction, and landscaping. The schedule of work to be undertaken by the contractor is to be as follows: demolition, construction, and landscaping.

**1.7 ADDITIONAL SPECIFICATIONS**  
 The contractor is to ensure that the work is completed in accordance with the specifications set out in this document and to provide a high quality finish. The contractor is to ensure that the work is completed in a timely manner and to provide a high quality finish. The contractor is to ensure that the work is completed in a timely manner and to provide a high quality finish.

**1.8 GENERAL NOTES**  
 The contractor is to ensure that the work is completed in accordance with the specifications set out in this document and to provide a high quality finish. The contractor is to ensure that the work is completed in a timely manner and to provide a high quality finish. The contractor is to ensure that the work is completed in a timely manner and to provide a high quality finish.

**1.9 SIGNATURES**  
 The contractor is to ensure that the work is completed in accordance with the specifications set out in this document and to provide a high quality finish. The contractor is to ensure that the work is completed in a timely manner and to provide a high quality finish. The contractor is to ensure that the work is completed in a timely manner and to provide a high quality finish.

**SITEDESIGN + STUDIOS**  
 creating spaces for life and joy

148 MANNING STREET  
 KIAMA NSW 2586  
 PH: 08 2333 1133  
 WWW.SITEDESIGN.COM.AU

Project: 148 MANNING STREET, KIAMA  
 Drawing Title: SPECIFICATION  
 Date: 18.12.19  
 Author: HARRIS

Page L-04 A

## 13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

### 13.1 Statement of Investments - July 2019

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.2 Identify opportunities to diversify and maximise funding sources

Item 13.1

#### Summary

This report recommends receipt and adoption of the Statement of Investments for July 2019.

#### 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

#### Communication/Community Engagement

N/A

#### Attachments

1 Statement of Investments - July 2019 [↓](#)

#### Enclosures

Nil

### **RECOMMENDATION**

That Council receive and adopt the information relating to the Statement of Investments for July 2019.

### **BACKGROUND**

Attached is a copy of the Statement of Investments for July 2019.

#### **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.

Report of the Director Corporate and Commercial Services

13.1 Statement of Investments - July 2019 (cont)

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 on 7 August 2019 has seen the cash rate lower to 1.00%.

Item 13.1

Graph of the Cash Rate



The CBA Bank is quoting the following term deposit rates:

3 Months	6 Months	9 Months	12 Months	24 Months
1.59%	1.55%	1.59%	1.54%	1.64%

As part of Councils medium-term investment strategy a Floating Rate Note has been added to the current portfolio. A Floating Rate Note (FRN) is a type of bond. Bonds are commonly called ‘fixed-income investments’. The interest payment is based on a fixed percentage above the BBSW, therefore referred to as ‘floating’ due to the BBSW rate being variable.

BBSW is an abbreviation for the ‘bank bill swap rate’. It is the wholesale interbank rate within Australia and is published by the Australian Financial Markets Association (AFMA). It is the borrowing rate among the country’s top market makers, and is widely used as the benchmark interest rate for loans.

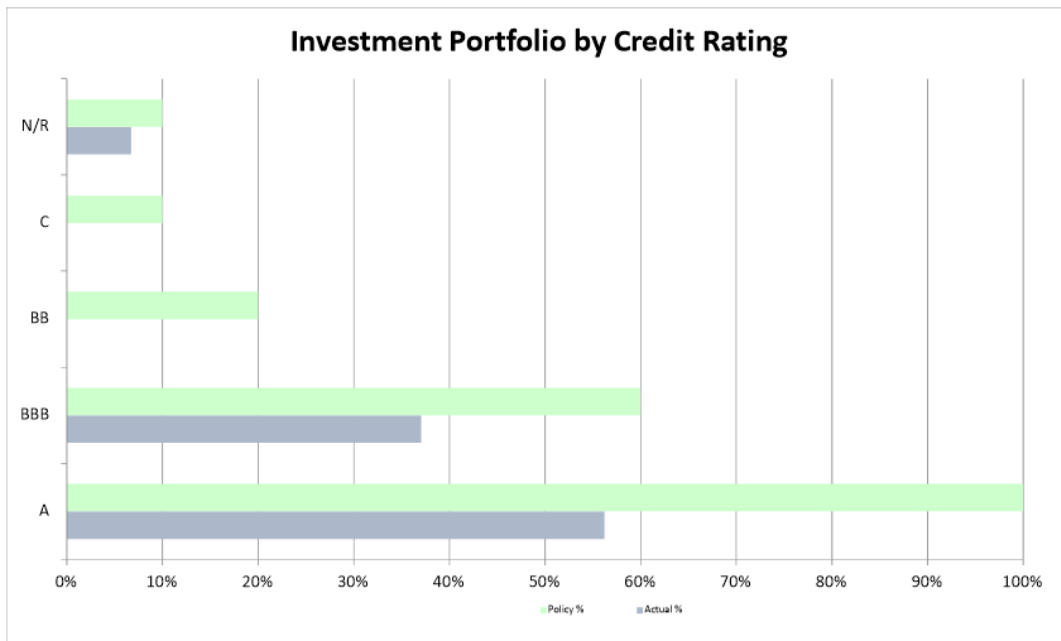
**Certification – Responsible Accounting Officer**

I, Robert Owens, 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 July, 2019

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	A	2,000,000	Term Deposit	18/02/19	14/08/19	177	2.80
AMP	A	1,000,000	Term Deposit	12/12/18	09/09/19	271	2.75
AMP	A	500,000	Term Deposit	24/10/18	21/10/20	728	2.85
Beyond Bank	BBB+	1,000,000	Term Deposit	17/07/19	15/10/19	90	1.83
Bankwest	A	4,000,000	Term Deposit	17/07/19	15/09/19	60	1.80
Bank of Qld	BBB+	1,500,000	Term Deposit	27/02/19	28/08/19	182	2.65
Bank of Qld	BBB+	1,500,000	Term Deposit	26/06/19	16/10/19	112	2.10
Bank of Qld	BBB+	1,000,000	Term Deposit	24/10/18	21/10/20	728	2.90
Bank of Qld	BBB+	2,000,000	Term Deposit	26/06/19	16/09/19	82	2.05
ING Bank (Australia)	A1/A	1,000,000	Term Deposit	02/11/18	21/10/20	719	2.88
Bendigo	BBB+	1,000,000	Term Deposit	10/07/19	10/07/19	182	2.65
Bendigo	BBB+	2,000,000	Term Deposit	15/05/19	14/08/19	91	2.25
Community Alliance Credit Union	N/R	1,000,000	Term Deposit	06/06/19	04/09/19	90	2.75
Judo Bank	N/R	500,000	Term Deposit	16/05/19	12/11/19	180	2.70
Judo Bank	N/R	500,000	Term Deposit	26/06/19	25/09/19	91	2.45
NAB	AA-	2,000,000	Term Deposit	24/10/18	23/10/19	364	2.75
Suncorp	A+	1,000,000	Term Deposit	17/10/18	16/10/19	364	2.65
Suncorp	A+	1,000,000	Term Deposit	06/02/19	10/07/19	154	2.70
Newcastle Permanent FRN	BBB	1,008,880	Floating Rate Note	28/09/18	06/02/23	1592	2.41
<b>Total Term Deposits &amp; FRNs</b>		<b>25,508,880</b>					<b>2.52</b>
TcorpIM Cash Fund	AAA	1,414,355	Cash Fund			AT CALL	<b>1.87</b>
Westpac	AA-	2,791,560	Bank Account	-		AT CALL	1.52
<b>Total 'At Call' Funds</b>		<b>4,205,915</b>					<b>1.52</b>
<b>TOTAL CASH &amp; INVESTMENTS</b>		<b>29,714,795</b>					
					Average Rate- Jul 2019		2.34
					Average Rate- Jul 2018		2.35
<b>TOTAL INVESTMENTS Jun 2019</b>		<b>33,670,239</b>					
<b>TOTAL INVESTMENTS Jul 2018</b>		<b>28,185,520</b>					
							-13.31% Change in total investment over prev 1 month
							5.43% Change in total investment over prev 12 months

Note: The Westpac Bank Account balance shown above of \$2.79M includes deposits at month-end not processed to Council's financial system and excludes cheques that have not been presented.



Long Term Credit Ratings (S&P or Moodys or Fitch)	Policy Maximum	Current Holding %	Current Investment \$
A- to AAA	100%	56%	\$16,705,915
BBB- to BBB+	60%	37%	\$11,008,880
BB- to B+	20%	0%	\$0
C - CCC	10%	0%	\$0
Not Rated (N/R)	10%	7%	\$2,000,000
			<b>\$29,714,795</b>

Item 13.1

Attachment 1



## (c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	5,115,009
	Grants	486,156
	Domestic Waste	2,813,863
	Waste & Sustainability	403,006
	Illawarra Shoalhaven Joint Organisation	2,241,750
Internally Restricted	Blue Haven ILU*	151,138
	Blue Haven Care-Residential*	1,417,602
	Risk Improvement Incentive	78,749
	Carer Respite Centre	1,216,663
	Land Development	3,823,466
	Waste Business Unit (Plant Replacement)	740,367
	Plant Replacement	2,160,252
	Employee Leave Entitlements	2,400,000
	Holiday Parks	2,741,301
	Contingencies*	1,000,514
	Computer	879,698
	Property Insurance	120,000
	Community Bus	365,086
	CACP	263,581
	Organisational Development	200,000
	Fleet Replacement*	40,300
	Council Election	100,000
	Leisure Centre Renewal	180,000
	Revolving Energy Fund	315,000
	Future Project Development	70,000
	Arts Precinct	59,000
	The Pavilion	113,149
Unrestricted Funds:	<b>Funds to meet current budgeted expenditure</b>	<b>164,145</b>
<b>TOTAL INVESTMENTS</b>		<b>29,714,795</b>

The above Application of Invested Funds reflects audited balances as at 30 June 2018. Actual movement in these balances are recorded at the end of the financial year.

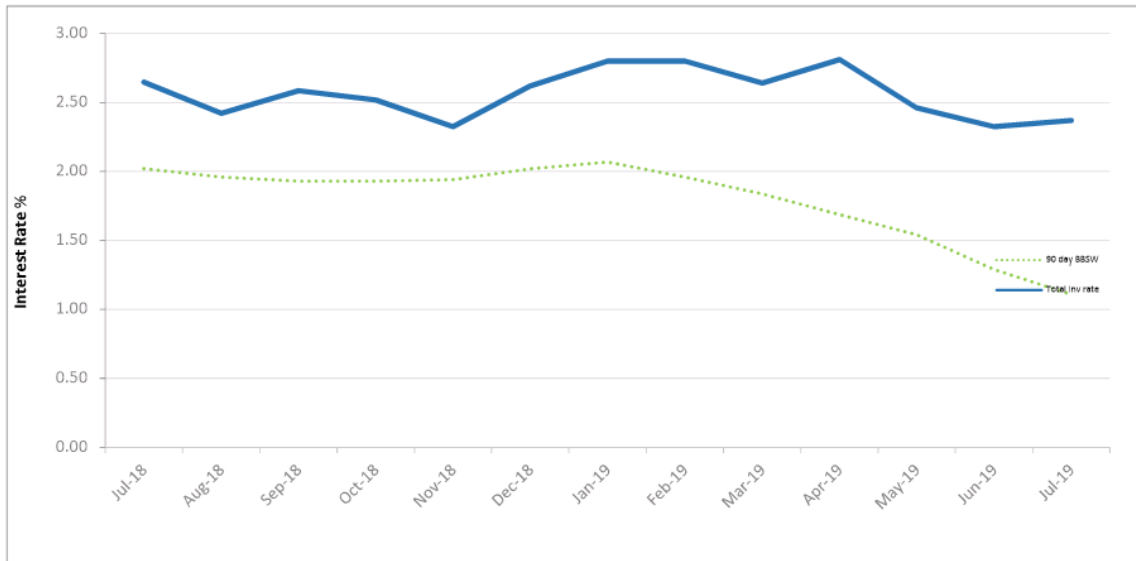
The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

(d) Investment Portfolio Performance

Investment Performance vs Benchmark

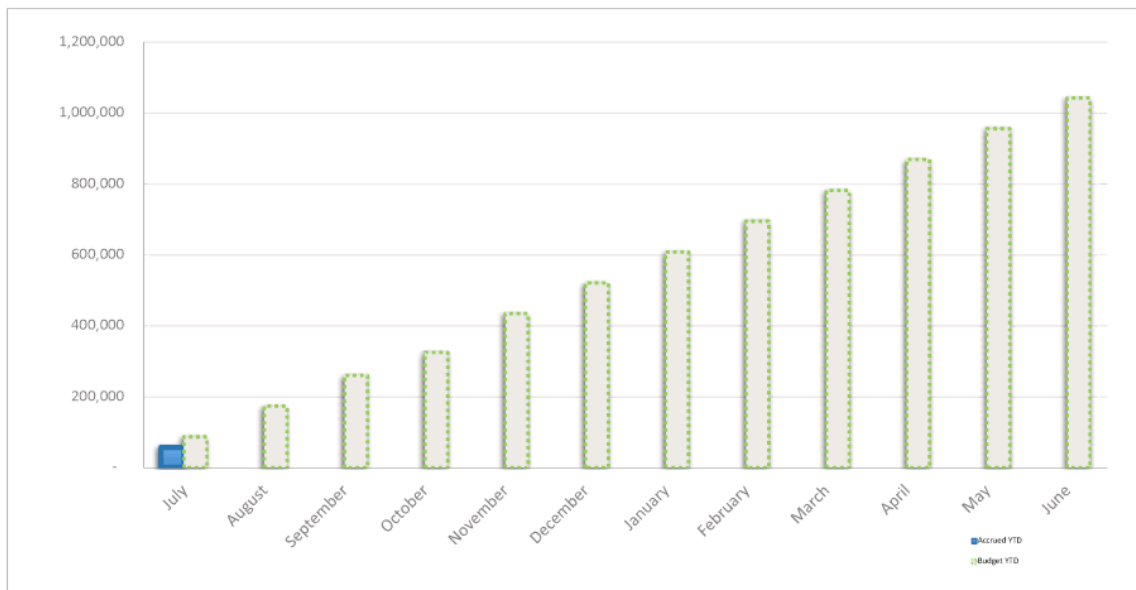
	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	2.34	1.11
3 months	2.38	1.31
6 months	2.57	1.57
12 Months	2.56	1.77

Investment Performance Compared to Benchmark



Council has been able to consistently perform above the Reserve Bank 90 day Bank Bill Index.

Accrued Interest Compared to Budget as at 31 July, 2019



**13.2 Revotes of Expenditure into 2018/19**

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.1 Meeting and reporting against IPART/Fit for the Future benchmarks

**Summary**

This report recommends the revote of expenditure for works not completed in 2018/19 to the 2019/2020 budget year.

**Finance**

Variations to Council's 2019/2020 Budget.

**Policy**

This report is a requirement under the Local Government Act 1993.

**Communication/Community Engagement**

N/A

**Consultations**

Engineering & Works

Community Services

Strategic Planning

Blue Haven – Independent Living Units

Life Saving Program

Economic Development

Tourism

Visitor Information Centre

GMs Unit

Holiday Parks

**Attachments**

1 Carryovers & Revotes to 2019/20[20](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council revote the expenditure items as listed to the 2019/20 budget year.

Report of the Director Corporate and Commercial Services

13.2 Revotes of Expenditure into 2018/19 (cont)

---

**BACKGROUND**

The purpose of this report is to advise of budget items from 2018/2019 that were not completed in that year and are proposed to be carried forward or for Council to revote to 2019/2020.

The works attached to this report were partially or wholly unexpended at the end of the last financial year, however, not all the funds are automatically carried forward and require Council resolution.

There is \$2,479,353 of works and services not commenced in 2018/2019 that are being requested for revote by Council into the 2019/2020 financial year. This mainly comprises of capital works that Council approved in the 2018/2019 budget.

There are a number of works and services that have been carried out or started in the 2018/2019 financial year that will carry over into the 2019/2020 financial year. A majority of these have been funded by restricted assets, grants or loans. All carried over works were budgeted for in the previous financial year with only the remainder of those budget amounts being spent in the 2019-2020 financial year. The total of the carryover works comes to \$39,855,925. which includes significant projects such as the Gerringong Library and Museum and the Surf Beach Holiday Park Upgrade.

REVOTES OF EXPENDITURE FROM 2018/2019 OPERATIONS		FUNDING SOURCE				
Projects	Budgeted	Revenue	Section 7.11/7.12	Grants/ Contrib.	Loans	Total
	Rollovers/ Revotes					
<b>Works &amp; Services Not Commenced (Revotes)</b>						
Bonaira Oval Sealed Parking Area & Drainage	24,880	24,880				24,880
Fern/Noble Sts Landscaping & Improvements	180,000	180,000				180,000
Jamberoo Valley Cycleway Land Acquisition	50,000	50,000				50,000
Jamberoo Valley Cycleway 18/19	36,716	36,716				36,716
Jamberoo School of Arts Drainage & Accessible Toilet	139,810	139,810				139,810
Cycleway and Footpath Way Finding Signage	24,933	24,933				24,933
Pedestrian Refuge Fern Street Gerringong	20,000	20,000				20,000
Figtree Lane Carpark Redesign & Development	345,668	345,668				345,668
Administration Building Air Conditioning	297,820	297,820				297,820
Administration Building LED Lighting	40,119	40,119				40,119
Stormwater Renewal Program	72,141	72,141				72,141
Leisure Centre Spa Room	41,000	41,000				41,000
Bombo Beach Amenities	247,500	247,500				247,500
Kiama SLSC Amenities	100,000	-		100,000		100,000
Lloyd Rees Amenities	76,684	76,684				76,684
Carpark (Kiama Harbour Cabins)	111,888	111,888				111,888
Camp Kitchen Refurb & Cabin Decks (Kendalls Beach Holiday Park)	130,195	130,195				130,195
Capital Purchase - cabins (Kendalls Beach Holiday Park)	40,000	40,000				40,000
Telecommunications Tower Saddleback	500,000	500,000				500,000
	<b>2,479,353</b>	<b>2,379,353</b>	-	<b>100,000</b>	-	<b>2,479,353</b>

Item 13.2

Attachment 1

Projects	REVOTES OF EXPENDITURE FROM 2018/2019 OPERATIONS		FUNDING SOURCE				
	Budgeted Rollovers/ Revotes		Revenue	Section 7.11/7.12	Grants/ Contrib.	Loans	Total
<b>Works &amp; Services commenced but not completed (carryovers)</b>							
Bombo Headland Stairs (\$500k Grant)	497,297	-	2,703		500,000		497,297
Kevin Walsh Oval Bench Seating	28,750		-		28,750		28,750
Footpath Churchill St - Cnr Gibson Cr, Allowrie St to Bridge	6,079		6,079		-		6,079
BMX Track Construction	20,000		20,000		-		20,000
Arthur Campbell Reserve Improvements	2,624		2,624		-		2,624
Keith Irvine Field Lighting Installation	87,055		-		87,055		87,055
Keith Irvine Oval Access Road Development	45,738		-		45,738		45,738
Keith Irvine Amenities	193,543		-		193,543		193,543
Jamberoo Parklands Croquet Stormwater Drainage Upgrade	16,549		-		16,549		16,549
Kevin Walsh Oval Drainage Upgrade	21,422		-		21,422		21,422
Minnamurra boat ramp fish cleaning bench	11,372		-		11,372		11,372
Emery Reserve Exercise Equipment	15,000		-		15,000		15,000
Kiama & Gerringong Cemetery - modular niches	13,600		13,600		-		13,600
Kevin Walsh Oval Amenities	1,210,679		814,811		395,868		1,210,679
Dog Pound Office (Enviro Services)	75,388		75,388		-		75,388
Gerringong Library & Museum	4,090,421		290,421		1,700,000	2,100,000	4,090,421
Kevin Walsh Oval Camping Area Fencing	12,103		-		12,103		12,103
Barney Street Box Culverts	593,413		593,413		-		593,413
Gerringong Boat Harbour Reserve Amenities	33,124		-		33,124		33,124
Kiama Cemetery Amenities	22,616		22,616		-		22,616
Kiama Library - Kitchen Refurb	40,000		40,000		-		40,000
Pavilion Refrigeration Room	36,957		36,957		-		36,957
Jubilee Park Playground	70,000		70,000		-		70,000
Crooked River Bridge	199,118		199,118		-		199,118
Jamberoo Youth Hall Refurb	287,500		-		287,500		287,500
North Street Reserve Amenities	31,444		-		31,444		31,444
Council Admin Building Upgrade	204,433		204,433		-		204,433
Disability Inclusion	5,944		5,944		-		5,944
Dementia Friendly Community Project	13,131		-		13,131		13,131
Community Gardens	4,500		4,500		-		4,500
Young Womens Group	8,897		-		8,897		8,897
Arts Precinct	38,722		38,722		-		38,722
Local Strategic Planning Statement	30,000		30,000		-		30,000
Heritage Study Review	40,000		25,000		15,000		40,000
Retaining Wall	213,692		213,692		-		213,692
Life Saving Tower	38,000		-		38,000		38,000
Economic Development - strategic planning	15,000		-		15,000		15,000
Destination Marketing	25,000		25,000		-		25,000
Visitor Information Website	30,000		30,000		-		30,000
Gerringong Town Hall Chairs replacement	29,002		29,002		-		29,002
Capital Renewal (Surf Beach Holiday Park)	4,400,000		-		-	4,400,000	4,400,000
KACCOE Project	26,949,330		4,030,158	2,200,000	9,917,723	10,801,449	26,949,330
Capital Renewal (Kendalls Beach Holiday Park)	39,109		39,109		-		39,109
Capital Renewal (Kiama Harbour Cabins)	4,884		4,884		-		4,884
Library Priority Program	6,000		-		6,000		6,000
Spring Creek - environmental project grant	1,091		0		1,091		1,091
Peace Park	4,500		4,500		-		4,500
Commercial recycling program	26,047		26,047		-		26,047
Blue Haven Organics Kiama Project	17,501		17,501		-		17,501
Drought Assistance Pest Weed Control	49,350		-		49,350		49,350
	<b>39,855,925</b>		<b>6,910,816</b>	<b>2,200,000</b>	<b>13,443,660</b>	<b>17,301,449</b>	<b>39,855,925</b>
	<b>42,335,278</b>		<b>9,290,169</b>	<b>2,200,000</b>	<b>13,543,660</b>	<b>17,301,449</b>	<b>42,335,278</b>

Item 13.2

Attachment 1



## 14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

### 14.1 Standard content for Illawarra District Weeds Authority updated Agreement

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: 2.2.1 Implement adopted Coastal Management Programs and legislative requirements

Item 14.1

#### Summary

The purpose of the Illawarra District Weeds Authority (IDWA) is to administer the Biosecurity Act 2015 and control priority weeds within the three local government areas of Wollongong City, Shellharbour City and Kiama Municipality. The IDWA operates under the auspices of the Illawarra Shoalhaven Joint Organisation (ISJO) on behalf of Kiama Council who is the nominated manager. The purpose of this report is to request that Council resolve to continue to exercise their weed control functions under the Biosecurity Act 2015 jointly as the IDWA and enter into an Agreement in perpetuity for the management of the IDWA by the Illawarra Shoalhaven Joint Organisation.

#### Finance

Funds are provided for the operations of the Authority by the NSW Government and constituent councils. Annual financial contributions are included in the adopted budget for 2019-20 and under the Agreement will be indexed to CPI on an annual basis.

#### Legal and Policy Implications

Section 355(1) of the Local Government Act enables the Councils to exercise their functions jointly.

Section 374(1) of the Biosecurity Act enables each Council to make arrangements with another person or body to assist in the exercise of any of its functions under the Biosecurity Act.

#### Consultation (Internal)

Illawarra District Weeds Authority Committee.

#### Communication/Community Engagement

N/A

#### Attachments

1 IDWA Deed of Agreement - Amended - 5/8/19 [↓](#)

#### Enclosures

Nil

Report of the Director Engineering and Works

14.1 Standard content for Illawarra District Weeds Authority updated Agreement  
(cont)

---

### RECOMMENDATION

That Council:

1. In accordance with Section 377 of the Local Government Act, exercise their weed control functions as the Local Control Authority under the Biosecurity Act 2015 jointly as the Illawarra District Weeds Authority, under the auspices of the Illawarra Shoalhaven Joint Organisation.
2. delegate to the General Manager the authority to finalise and execute the Illawarra District Weeds Authority Agreement and any other documentation required to give effect to this resolution.
3. grant authority for the use of the Common Seal of Council on the agreement and any other documentation, should it be required, to give effect to this resolution.

### BACKGROUND

The IDWA came into existence in 1992 when the three Illawarra councils decided to form a special purpose council to administer and control their weeds. Each council subsequently resolved to jointly exercise their functions under the previous Noxious Weeds Act as the Illawarra District Noxious Weeds Authority through a council resolution at the following meetings:

- Kiama Municipal Council – 9/03/1993
- Shellharbour City Council – 5/09/1994
- Wollongong City Council – 28/01/1993

Since then, on behalf of the nominated manager Kiama Municipal Council, the IDWA has been managed by the Southern Councils Group, then the Illawarra Pilot Joint Organisation and more recently the Illawarra Shoalhaven Joint Organisation.

Following the Illawarra Shoalhaven Joint Organisation (ISJO) being proclaimed a legislated local government entity on 11 May 2018, both ISJO and IDWA staff were transitioned from Kiama Municipal Council employees to the new ISJO entity in November 2018. To reflect these changes, an updated Agreement has been developed, in consultation with the IDWA Committee, which has technical staff and nominated Councillor representation from all three councils.

The Agreement outlines the joint venture relationship and outlines the roles and responsibilities of all parties under the Biosecurity Act 2015 and relevant regulations. IDWA Officers currently hold appointment from the General Manager as an authorised officer pursuant to section 372 of the Biosecurity Act 2015.

Priority weeds are outlined in the adopted IDWA Biosecurity Weed Control Policy and Management Plan 2018-2023. Priority weeds are determined through the following mechanisms:

## Report of the Director Engineering and Works

## 14.1 Standard content for Illawarra District Weeds Authority updated Agreement (cont)

- 
- *State Priority Weeds – are subject to specific regulatory measures as details in the Biosecurity Act 2015 and supporting regulations*
  - *Regional Priority Weeds - were determined by the South East Regional Weeds Committee in consultation with the community and stakeholders*
  - *Local Priority Weeds - the Biosecurity Act allows for the flexibility to respond to the protection of local assets and IDWA undertakes local inspection and control programs on these weeds aimed at strategic asset protection.*

Following receipt of the participating IDWA council resolutions, the ISJO Board intends to resolve at the 19 September 2019 Board meeting to allow the three Illawarra Councils to delegate their weed control functions pursuant to section 377(3) of the Local Government Act.

Item 14.1

**ILLAWARRA DISTRICT WEEDS AUTHORITY  
AGREEMENT**

**ILLAWARRA SHOALHAVEN JOINT ORGANISATION**

**KIAMA MUNICIPAL COUNCIL**

**SHELLHARBOUR CITY COUNCIL**

**WOLLONGONG CITY COUNCIL**

THIS AGREEMENT is made on ..... 2019

**1. PARTIES:**

- 1.1 **ILLAWARRA SHOALHAVEN JOINT ORGANISATION** of 24 Terralong Street, Kiama ("ISJO")
- 1.2 **KIAMA MUNICIPAL COUNCIL** of 11 Manning Street, Kiama ("KMC").
- 1.3 **SHELLHARBOUR CITY COUNCIL** of Shellharbour Civic Centre, 76 Cygnet Avenue, Shellharbour City Centre, ("SCC").
- 1.4 **WOLLONGONG CITY COUNCIL** of 41 Burelli Street, Wollongong ("WCC").

**2. RECITALS:**

- 2.1 Each Council is the Local Control Authority with functions to control weeds within its local government area pursuant to section 370 of the Biosecurity Act.
- 2.2 Section 355(1) of the LG Act enables the Councils to exercise their functions jointly.
- 2.3 Section 374(1) of the Biosecurity Act enables each Council to make arrangements with another person or body to assist in the exercise of any of its functions under the Biosecurity Act.
- 2.4 Section 375(1) of the Biosecurity Act enables each Council to delegate any of its functions to any officer or employee of the Local Control Authority under the Biosecurity Act other than its power of delegation.
- 2.5 The Councils have each made a resolution to exercise their functions as the Local Control Authority for each of their local government areas under the Biosecurity Act jointly as the IDWA pursuant to section 377 of the LG Act.
- 2.6 ISJO has resolved to allow the Councils to delegate their functions as the Local Control Authority to it pursuant to section 377(3) of the LG Act.
- 2.7 The Councils enter into this Agreement for the purposes of implementing those resolutions.

**3. DEFINITIONS:**

In this Agreement:

"**Agreement**" means this Agreement as amended from time to time.

"**Biosecurity Act**" means the Biosecurity Act 2015 as amended from time to time.

"**Commencement date**" means 1st July 2019.

"**Committee**" means the Committee constituted under clause 8 of this Agreement.

"**Council**" means KMC, SCC, or WCC.

"**Councils**" means KMC, SCC and WCC jointly.

"**Facilities**" means those assets, including computers, office equipment, vehicles, communications equipment or other items required for the administration of the IDWA.

“Financial Year” means each period of 12 months beginning on 1 July and ending on 30 June.

“IDWA” means the authority constituted as Illawarra District Weeds Authority.

“LG Act” means the *Local Government Act 1993* (NSW) as amended.

“Local Control Authority” means the council of a local government area in accordance with clause 370 of the Biosecurity Act.

“Manager” means ISJO or any manager appointed in substitution under clause 9.1 of the Deed.

“Weeds” means a plant that is a pest in accordance with the definition contained in the Biosecurity Act.

#### 4. JOINT VENTURE

- 4.1 The Councils agree to form and engage in a joint venture, as the IDWA, for the purpose of jointly carrying out their functions as the Local Control Authority for each of their local government areas under the Biosecurity Act.
- 4.2 The Councils agree that the purpose of the joint venture is limited to the contents and terms of this Agreement.
- 4.3 The Councils agree that:
  - 4.3.1 their functions under the Biosecurity Act are delegated to and are to be exercised by IDWA;
  - 4.3.2 the rights, duties, obligations and liabilities of the Councils in every case are several and not joint or joint and several;
  - 4.3.3 the relationship between the Councils is one of joint venturers and limited to carrying out their functions under the Biosecurity Act, so that nothing contained in this Agreement constitutes any of them as agent or partner of any other of them, or creates any agency or partnership for any purpose whatsoever; and
  - 4.3.4 except as otherwise specifically provided in this Agreement, a Council has no authority to act for, or to create or assume any responsibility or obligation on behalf of, any other Council.
- 4.4 Each Council must, within 30 days of the date of this Agreement, separately appoint an authorised officer pursuant to section 372 of the Biosecurity Act.

#### 5. CONTRIBUTIONS

- 5.1 The Councils agree to make annual financial contributions to IDWA for the duration of this Agreement, based on the following percentage breakdown of the total council contribution:

WCC – 46%  
KMC – 23%  
SCC – 31%

Contributions will increase by CPI on an annual basis, commencing 2020/21 subject to clause 5.2
- 5.2 The Councils acknowledge that the annual contributions at clause 5.1 of this Agreement are subject to review and endorsement by the Committee and may be calculated on a risk basis.

- 5.3 The Councils acknowledge and agree that they own the assets of the IDWA as tenants in common in accordance with their percentage interest outlined at clause 5.1 of this Agreement above.

**6. TERM AND TERMINATION:**

- 6.1 This Agreement commences on the Commencement Date and terminates:
- 6.1.1 on the date the Councils and ISJO by resolution mutually agree to terminate the Agreement; or
  - 6.1.2 at the end of the Financial Year following service of a notice of intention to terminate by a Council or ISJO on the other parties.
- 6.2 On termination of this Agreement, all of the assets of the IDWA must be:
- 6.2.1 distributed to, or held for the benefit of, the Councils in whatever manner as the Councils mutually agree; or
  - 6.2.2 sold with the net proceeds of sale divided among the Councils on a pro rata basis in accordance with their proportionate interest in the asset.

**7. RELEASE AND INDEMNITY**

- 7.1 Each Council irrevocably and unconditionally indemnifies and agrees to keep indemnified each other Council and its representatives from and against any and all liability, loss, harm, damage, cost or expense (including legal fees) that the Council suffers, incurs or sustains as a result of any act or omission of, or any purported assumption of any obligations or responsibility by, the Council or any of its Councillors, officers, employees, agents or representatives, done or omitted to be done, or undertaken, or apparently done or omitted to be done or undertaken, on behalf of the Indemnitee in connection with the joint venture and not authorised under this Agreement.
- 7.2 If at any time a Council incurs a liability for the purposes of the joint venture to an extent greater than its obligations by reason of its interest, then each other Council must indemnify and account to that Council so that all council's share that liability in the proportions of their respective interests.
- 7.3 If any Council becomes liable to any other person for any tort committed in the course of exercising functions under the Biosecurity Act or arising from the ownership of the IDWA assets, except when that liability arises due to negligence or default of that Council, each Council must promptly discharge its proportion of that liability according to its interests and must indemnify and account to each other Council to the extent that it does not do so.
- 7.4 The Manager is not responsible to the Councils for any liability, loss, harm, damage, cost or expense (including legal fees) that the Councils may suffer, incur or sustain and arising out of the activities of the Manager in performing its duties or obligations under this Agreement, except to the extent that such liability, loss, harm, damage, cost or expense arises directly from the Manager's willful misconduct.
- 7.5 The Councils irrevocably and unconditionally indemnify and undertake to keep indemnified and saved harmless the Manager from and against any and all liability, loss, harm, damage, cost or expense (including legal fees) that the Manager suffers, incurs or sustains as a result of any suit, claim or demand brought or made against the Manager and arising out of the activities of the Manager in performing its duties or obligations under this Agreement, except to the extent that such liability, loss, harm, damage, cost or expense arises directly from the Manager's willful misconduct.



- 7.6 In this clause 7 references to the "Manager" include references to the servants, employees and sub-contractors of the Manager.
- 7.7 For the purposes of this clause 7, "wilful misconduct" includes a failure to obtain the Committee's instructions prior to exercising any powers at clause 10.2
- 7.8 The Manager must effect professional indemnity insurance for an amount not less than the amount specified by the Committee from time to time and the premiums for such insurance are to be part of the IDWA's expenses.

**8. COMMITTEE**

**8.1 Formation**

The parties agree to form a Committee for the management of IDWA.

**8.2 Committee Membership**

- 8.2.1 Each Council must appoint one (1) staff member as its representative on the Committee.
- 8.2.2 Each Council can appoint one (1) alternate staff member as its representative on the Committee from time to time as required.
- 8.2.3 Each Council must appoint a Councillor representative to the Committee.
- 8.2.4 The Manager must give notice to Councils of the appointment of Committee members.
- 8.2.5 An alternate Committee member can act only if the Committee member for whom they are appointed alternate is not present at a meeting of the Committee, in which event, he/she is for the purposes of this Agreement deemed to be that member and can exercise all powers of the member for whom they are appointed alternate to the extent that the member has not exercised them.
- 8.2.6 Each Council can change any of its Committee members and alternate Committee members at any time by notifying the Manager to that effect.

**8.3 Chairperson**

- 8.3.1 The Committee must from time to time appoint one of the Committee members to be Chairperson.
- 8.3.2 On appointment by the Committee, the Chairperson holds office for a term of one (1) year and can be reappointed.
- 8.3.3 In the event of an equality of votes, the Chairperson has a casting as well as a deliberative vote.
- 8.3.4 Any casual vacancy occurring in the position of Chairperson must be filled at the next meeting of the Committee, who holds office until the expiration of the term of the appointment of the Chairperson whom they replaced.
- 8.3.5 If at any meeting the Chairperson is not present at the time appointed for holding the meeting, the Committee members present can choose one of their number to preside at that meeting.

**8.4 Secretary**

- 8.4.1 The Manager must appoint a person, to act as Secretary of the Committee.
- 8.4.2 The Secretary must attend all meetings of the Committee.
- 8.4.3 The Secretary is not entitled to vote in the Committee unless they are a Committee member.
- 8.4.4 The Manager can at any time remove the Secretary from office and appoint another Secretary in their place.

**8.5 Quorum**

- 8.5.1 The quorum for each meeting of the Committee is two (2) Committee members from different councils and the Chairperson.
- 8.5.2 If a quorum is not present within one (1) hour after the arranged time for a meeting, the meeting must stand adjourned for one (1) week at the same place.
- 8.5.3 If at the time fixed for the commencement of the adjourned Committee meeting a quorum is not present, the meeting is to be abandoned.

**8.6 Proceedings at Committee Meeting**

- 8.6.1 The Committee has full and complete power and authority and the Councils empower and direct the Committee to give all approvals and to make all decisions and determinations required or permitted to be given or made by the Councils under this Agreement with respect to the exercise of their functions under the Biosecurity Act, including the power:
  - 8.6.1.1 to adopt (with or without amendment) or modify annual programs; and
  - 8.6.1.1 to supervise the activities of the Manager.
- 8.6.2 All approvals, decisions and determinations given or made by the Committee are to be binding on each of the Councils.
- 8.6.3 All approvals, decisions and determinations at a meeting of the Committee are to be made by a simple majority vote of the votes cast at the meeting.
- 8.6.4 The Committee must meet whenever called upon seven (7) days' written notice, or such lesser period as the Committee members may agree, to be given by the Secretary of the Committee whenever any member or the Manger request the Secretary to do so.
- 8.6.5 The Committee must meet at least once in each Financial Year to consider a proposed annual program for the following Financial Year.
- 8.6.6 Each notice convening a meeting must enclose the agenda for the meeting and must be sent by email.
- 8.6.7 Not less than three (3) days prior to the meeting, a Committee member can request that an item be included in the agenda and the agenda must be amended accordingly. A copy of the amended agenda must be given or sent to each Committee member not less than one day prior to the meeting in accordance with this sub-clause. Any matter not included in the agenda cannot be dealt with at the meeting unless all Committee members present agree.

- 8.6.8 A written record of decisions made at each meeting of the Committee must be kept by the Secretary of the Committee who must distribute copies of the record to each Council as soon as practicable following the meeting. If a Council has not commented on the written record within 14 days of receipt, it is deemed to have accepted that written record as an accurate recording of the decisions noted in the record.
- 8.6.9 On the written record being accepted by Councils under this sub-clause and being signed by the Chairperson, it becomes prima facie evidence of the decisions and proceedings of the meeting to which it relates.
- 8.6.10 An approval, decision or determination which the Committee is competent to give or make can be submitted to the Committee members for consideration and vote, without holding a meeting, and the vote is treated as a vote made at a meeting of the Committee, if:
  - 8.6.10.1 each Committee member is given written notice of such matter;
  - 8.6.10.2 each Committee member or their alternate has a period of a least five (5) days after receiving notice of the matter (or such other agreed period) to vote on the matter; and
  - 8.6.10.3 within that period, no Committee member requests that the matter be considered at a Committee meeting. Whenever a matter is so submitted, each Committee member can vote by giving written notice of his vote to the Secretary of the Committee and any matter which received unanimous approval of the votes so cast becomes binding on each Council as if the resolution had been passed at a meeting of the Committee. The written record of each decision made under this sub-clause must be kept by the Secretary and a copy of the record must be distributed to each Council as soon as practicable after the vote is taken.
- 8.7 The Committee can establish such sub-Committees as the Committee deems appropriate.
- 8.8 The functions (which are advisory only) of each sub-Committee must be determined by the Committee.
- 8.9 Meetings of the Committee are to be held at such place as the Committee from time to time decides.
- 8.10 The costs and expenses incurred by the Councils relating to the attendance of their respective members at meetings of the Committee must be borne by them and are not part of the IDWA's expenses.

**9. APPOINTMENT AND DUTIES OF MANAGER**

- 9.1 The Councils hereby appoint ISJO as the Manager to administer IDWA for an on behalf and account of the Councils for the term of this Agreement.
- 9.2 ISJO hereby accepts its appointment as Manager in accordance with clause 9.1 of this Deed.
- 9.3 Subject to the timely provision of funds by the Councils, the Manager must, either itself or through agents or employees it engages, do all things necessary or advisable for the efficient and economic administration of the IDWA.
- 9.4 ISJO agrees that it will carry out its duties and obligations as Manager in accordance with:
  - 9.4.1 this Agreement;
  - 9.4.2 the Councils legal requirements of the LG Act and Biosecurity Act; and

9.4.3 such instructions as it receives from the Committee.

**10. POWERS OF MANAGER**

10.1 The Manager is to have possession and control but not ownership of the IDWA's assets and have charge of, and responsibility for, the administration of the IDWA.

10.2 Subject to a prior resolution of the Committee, the Manager is to have the following powers, functions and authority from the Councils as are necessary to enable the Manager to carry out its duties and obligations set out in clause 9 including the power of:

10.2.1. employ, engage, appoint and contract with agronomists, engineers, solicitors, barristers and other professional or technical advisers, consultants, contractors and experts to do all things usual or desirable to be done for the purpose of exercising the IDWA's functions;

10.2.2. negotiate and enter into (and renew, extend or vary) Agreements for the supply (by purchase or lease) of materials, equipment and services in connection with those functions;

10.2.3. institute, prosecute, defend and compromise legal proceedings in the name of the Council or Councils in respect of which or to whose area those proceedings relates;

10.2.4. dispose of the IDWA's assets whether by sale or otherwise; and

10.2.5. do any other act or thing which may be required by the Manager by this Agreement or which the Councils may authorise or require.

10.3 The Manager has such power and authority to:

10.3.1. repair and maintain the IDWA's assets;

10.3.2. in the case of any emergency or accident, take such action as is necessary for the protection of life and property;

without first receiving instructions from the Committee, but must report all steps in relation to these powers and authority at the next available meeting of the Committee.

10.4 The grant of powers, functions and authority under sub-clause 10.2 and 10.3 is not revocable or variable without the resolution of the Councils and ISJO.

10.5 Except as authorised by a resolution of the Councils, the Manager must not encumber any of the IDWA's assets.

**11. RESPONSIBILITIES OF MANAGER:**

11.1 The Manager must deliver a quarterly progress report to the Committee:

11.1.1 outlining the work performed on behalf of the IDWA during the period of three (3) months immediately preceding the report;

11.1.2 summarising all expenses incurred or accrued during that period;

11.1.3 comparing the actual expenses recorded against the estimate made in any relevant annual program; and

11.1.4 outlining the plans for the further work to be performed in the current Financial Year.

- 11.2 The Manager must provide to the Committee such statements and other information relating to the IDWA as the Committee may reasonably request from time to time.
- 11.3 The Manager shall work within the financial limitations as approved by the Committee.
- 11.4 The Manager shall not incur reputational risk to the Councils.

**12. RECORDS AND ACCOUNTS**

12.1 The Manger must:

12.1.1 keep or cause to be kept comprehensive, true and accurate records and accounts of the IDWA and of the Manager's performance of its duties under this Agreement, and of all property belonging to, and of all transactions entered into by, or on behalf of, the Councils in connection with the IDWA (so far as is known to the Manager) and of the costs and expenses of those transactions;

12.1.2 maintain proper systems of internal control to enable the IDWA's assets to be adequately controlled and accounted for and to provide reasonable control of transactions;

12.1.3 ensure that all invoices and financial settlements, financial reports and billings rendered by the Manager to the Councils reflect properly the facts of all activities and transaction handled for the account of the Councils; and

12.1.4 keep all such records and accounts in accordance with generally accepted accounting principles in Australia, consistently applied, and in particular for Local Government.

12.2 Upon not less than 14 days' prior notice to the Manager, a Council can, by its servants or agents and at its sole cost, inspect and obtain copies of all documents, records and accounts under the control of the Manager relating to the IDWA.

12.3 The Manager must furnish to the Councils a statement of account audited by the Manager's auditor, reflecting for that Financial Year at the Annual General Meeting:

12.3.1 all transactions in connection with the IDWA during the Financial Year, as disclosed by the records and accounts kept or caused to be kept by the Manager under clause 11.1;

12.3.2 all expenses incurred or accrued by the IDWA during the Financial Year; and

12.3.3 all the IDWA assets in the custody or control of the Manager as at the end of the Financial Year.

**13. REMUNERATION AND EXPENSES OF MANAGER**

13.1 The Manager is not entitled to claim or receive any remuneration, management or other fee or other profit for, or in connection with, the administration of the IDWA and its services, and the payments referred to in sub-clauses 13.2 and 13.3 constitute full and complete compensation for the Manager's services under this Agreement.

13.2 The Councils must pay to the Manager for the Manager's services a fee as determined by the Committee.

13.3 The Councils must pay or reimburse the Manager for all expenses incurred on behalf of the IDWA.

**14. EFFECT OR AGREEMENT**

14.1 This Agreement:

14.1.1 comprises the entire Agreement between the Councils and no earlier representation or Agreement, whether oral or in writing, in relation to any matter dealt with in this Agreement has any effect from the date of this Agreement; and

14.1.2 cannot be varied in any way except with the resolution of the Councils and ISJO.

14.2 Each Council undertakes to each other to do or cause to be done or refrain from doing all such acts or things necessary to give effect to this Agreement.

14.3 This Agreement may be executed in any number of counterparts and those counterparts when executed and taken together constitute this Agreement.

14.4 None of the terms or conditions of this Agreement, or any act, matter or thing done under this Agreement or any other Agreement, instrument or document, or judgement or order of any court of judicial proceeding, operates as a merger of any of the rights and remedies under this Agreement, and these rights and remedies at all times continue in force.

14.5 If any provision of this Agreement is void or voidable or unenforceable in accordance with its terms, but would not be void, voidable, unenforceable or illegal if it were read down and, it is capable of being read down, that provision is to be read down accordingly.

**15. WAIVER**

15.1 The failure, delay or omission by a Council to exercise any power or right conferred on that Council by this Agreement does not operate as a waiver of that power or right; nor does any single exercise of any such power or right preclude any other or future exercise of the power, or the exercise of any other power or right under this Agreement.

15.2 A waiver of any provision of this Agreement, or consent to any departure by a Council from any provision of this Agreement, must be in writing and executed by all Councils and is effective only to the extent for which it is given.

**16. NOTICES**

16.1 Any notice, request, consent or other communication ("Communication") to be given to a Council under this Agreement must be in writing addressed to the address of that Council appearing in this Agreement or to such other address for that Council as is notified in writing by that Council to the other Councils.

16.2 Each Communication must be delivered by hand, or sent by email provided that a Communication sent by email is immediately confirmed in writing by return email.

16.3 A Communication is deemed to be received:

16.3.1 if hand delivered, on the next following business day;

16.3.2 if posted, on the second business day after posting; and

16.3.3 if sent by email, on the next following business day unless the receiving Council has requested re-transmission before the end of that business day.

**17. GOVERNING LAW AND INTERPRETATION**

- 17.1 This Agreement is to be governed by and construed in accordance with the law for the time being in force in New South Wales and the Councils, by agreeing to enter into this Agreement, are deemed to have submitted to the non-exclusive jurisdiction of the courts of that State.
- 17.2 In this Agreement, except to the extent that the context otherwise requires:
  - 17.2.1 any term defined in the statement of the names and descriptions of the participants has the meaning there defined;
  - 17.2.2 reference to any legislation or any provision of any legislation includes any modification or re-enactment of the legislation and statutory instruments and regulations issued under the legislation;
  - 17.2.3 words denoting the singular include the plural and vice versa;
  - 17.2.4 words denoting individuals or persons include bodies corporate and trusts and vice versa;
  - 17.2.5 headings are for convenience only and do not effect interpretation;
  - 17.2.6 reference to a clause or sub-clause is a reference to a clause or sub-clause in this Agreement;
  - 17.2.7 reference to any document or Agreement includes reference to that document or Agreement as amended, novated, supplemented, varied or replaced from time to time;
  - 17.2.8 words denoting any gender include all genders;
  - 17.2.9 where any word or phrase is given a definite meaning in this Agreement any part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
  - 17.2.10 where, by virtue of the provisions of the Agreement, the day on or by which any thing is to be done is a Saturday, a Sunday or a public holiday in the place in which that thing is to be done, then that thing must be done on the next succeeding day which is not a Saturday, a Sunday or a public holiday.

**18. DISPUTE RESOLUTION:**

- 18.1 If a dispute arises out of or relates to this Agreement, including any dispute as to breach or termination of this Agreement or as to any claim in tort, in equity or under any statute ("Dispute"), a Council or ISJO cannot commence any court or arbitration proceedings relating to the Dispute unless that Council or ISJO has complied with the following sub-clauses, except where that Council seek urgent interlocutory relief.
- 18.2 A Council or ISJO claiming that a Dispute has arisen must give notice to the other parties specifying the nature of the Dispute.
- 18.3 On receipt of that notice by those other parties, the parties together must endeavour in good faith to resolve the Dispute expeditiously using informal dispute resolution techniques such as mediation, expert evaluation or determination or similar techniques agreed by them.
- 18.4 If the parties do not agree within seven (7) days of receipt of the notice or such further period



as agreed in writing by them, as to:

18.4.1 the dispute resolution technique and procedures to be adopted;

18.4.2 the timetable for all steps in those procedures; and

18.4.3 the selection and compensation of the independent person required for that technique;

the parties must mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales and must request the President of the Law Society of New South Wales or the President's nominee to select the mediator and determine the mediator's remuneration.

**Item 14.1**

**Attachment 1**

**EXECUTION**

---

Signed for and on behalf of **WOLLONGONG CITY COUNCIL (ABN 63 139 525 939)** in accordance with authorities delegated under the *Local Government Act 1993* and not withdrawn pursuant to a resolution of Council on 2019:

Signature of authorised person

Signature of Witness

---

Name of authorised person:

---

Name of Witness:

Office Held:

---

**Item 14.1**

**Attachment 1**

**EXECUTION**

---

Signed for and on behalf of **SHELLHARBOUR CITY COUNCIL (ABN 78 392 627 134)** in accordance with authorities delegated under the *Local Government Act 1993* and not withdrawn pursuant to a resolution of Council on 2019:

Signature of authorised person

Signature of Witness

\_\_\_\_\_  
Name of authorised person:

\_\_\_\_\_  
Name of Witness:

Office Held:

**EXECUTION**

---

Signed for and on behalf of **KIAMA MUNICIPAL COUNCIL (ABN 22 379 679 108)** in accordance with authorities delegated under the *Local Government Act 1993* and not withdrawn pursuant to a resolution of Council on 2019:

\_\_\_\_\_  
Signature of authorised person

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of authorised person:

\_\_\_\_\_  
Name of Witness:

Office Held:

**EXECUTION**

**SIGNED** for on behalf of **ILLAWARRA SHOALHAVEN JOINT ORGANISATION (ABN 69 340 886 426)** in accordance with authorities delegated, and not withdrawn:

\_\_\_\_\_  
Signature of authorised person

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of authorised person:

\_\_\_\_\_  
Name of Witness:

Office Held:

**15 REPORT OF THE DIRECTOR BLUE HAVEN**

Nil

## 16 REPORTS FOR INFORMATION

### 16.1 Financial Assistance Grant program 2019–20

Responsible Director: Corporate & Commercial Services

In the 2019-20 Budget, the Australian Government brought forward \$1.3 billion of the Financial Assistance Grant program 2019–20 estimate for payment in 2018–19. This \$1.3 billion was paid to states and territories on 17 June 2019. The remaining 2019-20 allocation to states and territories will be determined early in 2019-20.

The advance payment will represent approximately 52% of the amount council is entitled to. Further adjustments will need to be made to the remaining payments to take into account:

1. the determination by the Commonwealth Treasurer of the final adjustments for 2018-19
2. the Grants Commission's recommendations for 2019-20

Jurisdiction#	General purpose	Local roads	Total
New South Wales	\$282,220,097	\$113,692,045	\$395,912,142
Victoria	\$229,027,027	\$80,788,186	\$309,815,213
Queensland	\$177,157,331	\$73,420,958	\$250,578,289
Western Australia	\$91,426,781	\$59,916,584	\$151,343,365
South Australia	\$61,114,587	\$21,535,582	\$82,650,169
Tasmania	\$18,629,849	\$20,766,023	\$39,395,872
Northern Territory	\$8,646,119	\$9,179,345	\$17,825,464
Australian Capital Territory	\$14,892,973	\$12,565,289	\$27,458,262
<b>Total</b>	<b>\$883,114,764</b>	<b>\$391,864,012</b>	<b>\$1,274,978,776</b>

Kiama Municipal Council received an advance payment of \$879,307 on the 18<sup>th</sup> June 2019. In the 2019/20 financial year Kiama Municipal Council has budgeted \$1,703,262 with an expectation to receive another advance payment in June 2020 as per previous years.



Reports for Information

16.1 Financial Assistance Grant program 2019–20 (cont)

---

	<b>19/20 Budget</b>	<b>18/19</b>	<b>17/18</b>	<b>16/17</b>	<b>15/16</b>
Financial assistance	\$1,703	\$1,727	\$1,641	\$2,260	\$1,420
Pensioners' rates subsidies – general component	\$240	\$229	\$238	\$175	\$247

**Item 16.1**

**16.2 Reserves and Street Naming**Responsible Director: Engineering and Works

---

As per the minutes of the Kiama Streets and Reserves Naming Committee meeting held on 5 November 2018, the following streets and reserves have been approved by the Geographical Names Board (GNB):

1. Stobo Road – the road along Kiama Harbour up to the rock pool
2. Fry's Creek Lane – the unformed lane off Jamberoo Mountain Road

Signage is currently being arranged for these roads.

Konda Park, the proposed name for the reserve at Croft Place in Gerringong has been placed on hold. This name was selected by the Committee based on information which identified 'Konda' as the name for Cabbage Tree Palm, a local plant species in the park. The Aboriginal Lands Council have since advised that the generally accepted word for Cabbage Tree Palm that the community of this region use is 'Thuruwal', not 'Konda'. This matter will be referred back to the Kiama Streets and Reserves Naming Committee for reconsideration.

Binum Reserve, the proposed name for the Reserve on Renfrew Road, Warri Beach has also been placed on hold. 'Binum' was suggested in a community submission to mean "plenty of She-Oaks". Again the Aboriginal Lands Council have advised that this name is not consistent with the local indigenous language. The term for Plenty of She-Oaks in the local indigenous language, is 'Dahl-wah' or 'Billagin'. This matter will also be referred back to the Kiama Streets and Reserves Naming Committee for reconsideration.

John Hanigan Oval, the proposed name for the oval next to Keith Irvine Oval, Jamberoo (informerly known as "Keith Irvine #2"), has been submitted to the GNB, who have organised for the proposal to go on public exhibition. The GNB is waiting on any submissions against the name before it is formerly gazetted. An update to Council will follow in the coming months.

**16.3 Kiama Arts Honour Roll**Responsible Director: Environmental Services

---

Council is advised that no nominations were received for the 2019 Kiama Arts Roll. The 2019 nomination round opened on Friday 31 May 2019 and closed midnight Sunday 14 July 2019.

The Kiama Arts Honour Roll honours outstanding achievements of individual artists, of all genres, from the Kiama community. These individuals are, or have been, an important part of our area's cultural arts makeup and history.

Previous inductees to the Arts Honour Roll are:

2013	Lloyd Rees	Painter
2015	Charmian Clift	Author
	Orry Kelly	Costume Designer
	Dennis Koks	Founder Kiama Jazz & Blues Club
	John Downton	Painter
2016	Eleanor Weston	Performer
2018	Bert Flugelman	Painter and Sculptor

Nominations for the Kiama Arts Roll will again be called in 2020.

**Communication/Community Engagement**

Promotion of the round was undertaken through the Kiama Cultural Arts Network social media, cultural arts network and Council's Kimunico newsletter throughout this period.

**16.4 Question for Future Meeting: local job growth**

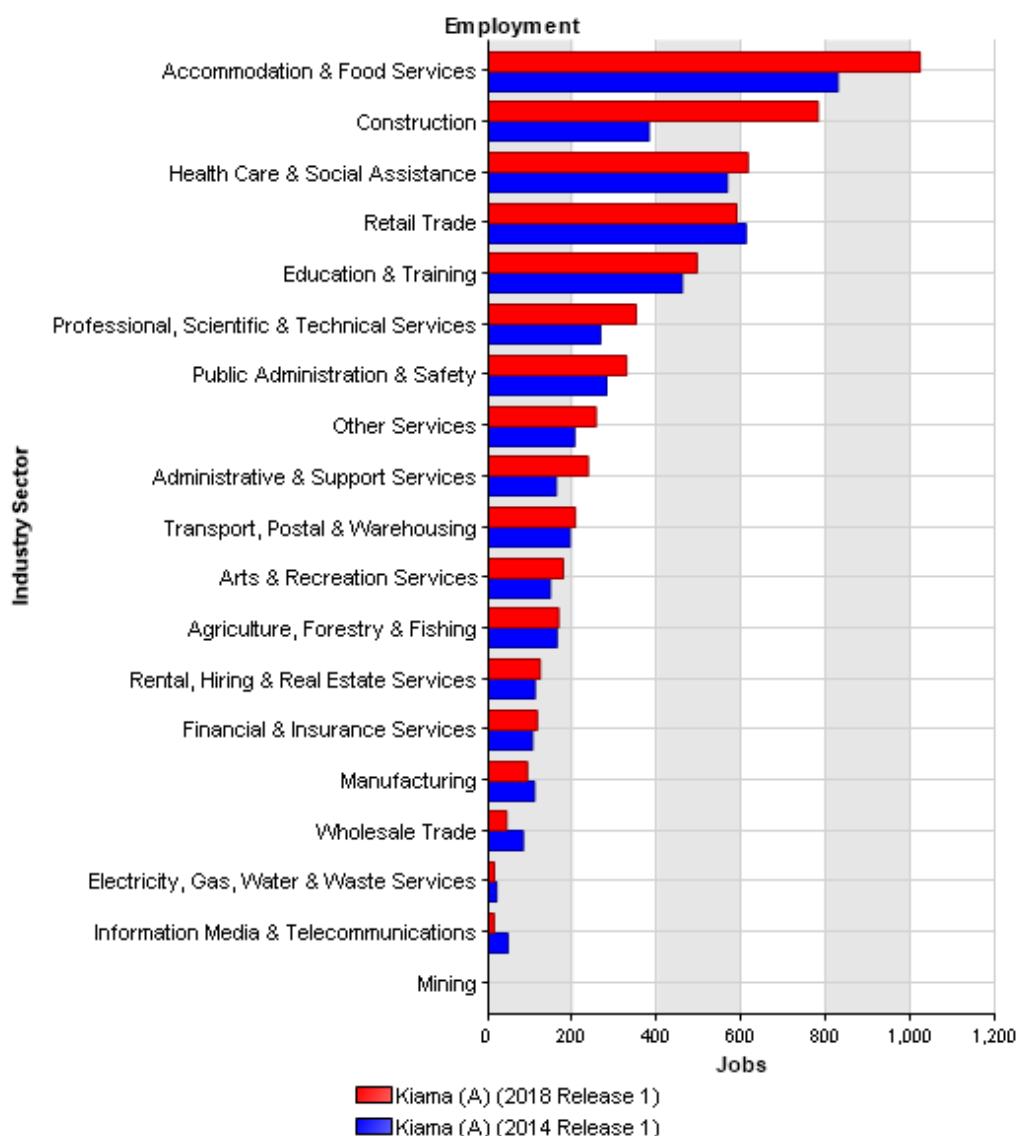
Responsible Director: Corporate & Commercial Services

Item 16.4

At the ordinary council meeting of 16 July 2019 Councillor Rice requested a report that specifies the types of local jobs that are increasing in Kiama through growth in our tourism sector and also provides details of those jobs that are increasing or likely to increase through expansion in the priority growth sectors of the Illawarra Shoalhaven Regional Plan.

The following table shows the number of employees whose place of work is located within the Kiama LGA. In 2018 the total employment estimate for the Kiama LGA is 5620 jobs. By comparison in 2014 the total employment estimate was 4726 an employment growth of approx. 20%.

The table shows that employment in the Accommodation and food sector has grown by approximately 25%.



## Reports for Information

## 16.4 Question for Future Meeting: local job growth (cont)

Industry Sector	Kiama (A) (2018 Release 1)		Kiama (A) (2014 Release 1)	
	Jobs	%	Jobs	%
Accommodation Food Services	1,023	18.2%	828	17.5%
Construction	781	13.9%	380	8.0%
Health Care Social Assistance	615	10.9%	566	12.0%
Retail Trade	588	10.5%	610	12.9%
Education Training	494	8.8%	459	9.7%
Professional, Scientific Technical Services	350	6.2%	265	5.6%
Public Administration Safety	327	5.8%	280	5.9%
Other Services	255	4.5%	204	4.3%
Administrative Support Services	236	4.2%	160	3.4%
Transport, Postal Warehousing	206	3.7%	193	4.1%
Arts Recreation Services	177	3.1%	146	3.1%
Agriculture, Forestry Fishing	166	3.0%	162	3.4%
Rental, Hiring Real Estate Services	122	2.2%	110	2.3%
Financial Insurance Services	115	2.0%	104	2.2%
Manufacturing	92	1.6%	109	2.3%
Wholesale Trade	43	0.8%	82	1.7%
Electricity, Gas, Water Waste Services	14	0.2%	19	0.4%
Information Media Telecommunications	13	0.2%	46	1.0%
Mining	3	0.1%	3	0.1%
<b>Total</b>	<b>5,620</b>		<b>4,726</b>	

Item 16.4

## Reports for Information

## 16.4 Question for Future Meeting: local job growth (cont)

**Disclaimer**

All figures, data and commentary presented in this report are based on data sourced from the Australia Bureau of Statistics (ABS), most of which relates to the 2016, 2011, 2006 and 2001 Censuses, and data sourced from the National Visitor Survey (NVS) and International Visitor Survey (IVS) published by Tourism Research Australia.

Using ABS datasets and an input / output methodology industrial economic data estimates for defined geographic regions are generated.

This report is provided in good faith with every effort made to provide accurate data and apply comprehensive knowledge. However, REMPLAN does not guarantee the accuracy of data nor the conclusions drawn from this information. A decision to pursue any action in any way related to the figures, data and commentary presented in this report is wholly the responsibility of the party concerned. REMPLAN advises any party to conduct detailed feasibility studies and seek professional advice before proceeding with any such action and accept no responsibility for the consequences of pursuing any such action.

The Illawarra Shoalhaven Regional Plan aims to capitalise on the region's "knowledge based" assets such as the University of Wollongong, the Innovation Campus and the defence industries at Nowra.

The Plan builds on the regions existing economic strengths and identifies the following priority growth sectors:



As at 2018 the employment profile of Kiama LGA residents was reflective of the wider Illawarra/Shoalhaven Region. However our residents were less inclined to be employed in the industries of manufacturing and retail.

Kiama has the right conditions and attitude to continue to participate in and grow the Tourism; Health, Disability and Aged Care; ICT/Knowledge Services; and Education and Training sectors.

**Tourism:** this sector is already a significant contributor to local employment with 18.2% of local jobs being in tourist related sectors. Council has developed a tourism opportunity plan that seeks to identify new tourism experiences and infrastructure requirements and to facilitate and encourage investment. Council is aware that the swelling of our population during the peak holiday season impacts on the amenity of local residents and so the policy focus is to increase the value of tourism rather than to further increase visitor numbers.

**Health, Disability and Aged Care:** With around an additional 3750 residents aged 60+ over the next 20 years, employment and demand for space in the allied health and other aged care/seniors services will increase. Council's own Blue Have Care is a major local player in this sector and offers a true continuum of aged care services and a wide range of disability services for people in the Illawarra region.

**ICT/knowledge services:** Due to the liveability and attractiveness of residing in the Kiama LGA, this is having the effect of business owners wanting to locate and grow their technology businesses which has seen significant growth in ICT jobs growth which brings with it higher value jobs and associated economic multiplier benefits.

Reports for Information

16.4 Question for Future Meeting: local job growth (cont)

---

Education and Training: The nature of jobs in this sector would complement and be in alignment with our current labour force. We have a comparatively high proportion of our labour supply having completed year 12 or equivalent and a high proportion hold formal university qualifications. There are 1238 of our residents currently employed in the Education and training sector making it the second highest occupation of employment of our residents behind the Health Care and social assistance sector (1343).

However further growth of local jobs in this sector would require significant additional investment in new educational and training facilities.

**Communication/Community Engagement**

Manager of Tourism and Events

Director of Environmental Services

**Item 16.4**



**16.5 Question for Future Meeting: Council Committee for Business Unit**Responsible Director: Corporate & Commercial Services

---

At the ordinary Council Meeting of 20 November 2018, Councillor Brown requested advice as to whether it could be beneficial to have a Council Committee looking over the Council Business Units.

In terms of Council's *Code of Conduct for Councillors* (adopted by Council on 25 June 2019), Section 7 outlines the obligations of Councillors.

Specifically, under Section 7.1 the role of the Councillors is described as follows –

*The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.*

Further, Section 7.2 states that Councillors must not –

- a) *direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA*
- b) *in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate*

Given the above, it would appear that, in terms of Council's *Code of Conduct for Councillors*, it would not be appropriate to have a Council Committee overlooking the Council's business units.

**Communication/Community Engagement**

Nil

**16.6 Feral Rabbit Control Program – Release of K5 strain Calicivirus**Responsible Director: Environmental Services

---

Kiama Council, in partnership with NSW Local Land Services and Feral Solutions, undertook a targeted feral rabbit control program throughout March, April and June in response to community concerns and evidence of environmental impacts caused by feral rabbits.

Kiama Council, as a land manager, has a responsibility to the community to minimise risks to public safety and loss of amenity caused by feral rabbits.

The following sites were identified:

- Lloyd Rees Reserve – Warri Beach;
- Stan Miller Reserve – Warri Beach;
- Bungulla Reserve – Warri Beach;
- Birriebungle Reserve – Warri Beach;
- Gerringong Cemetery and Headland – Gerringong;
- Rest Park drainage reserve located between Fern and Greta Streets – Gerringong; and
- Black Head Reserve – Gerroa.

The management control activities recently undertaken by Feral Solutions included:

- The use of the Rabbit Haemorrhagic Disease Virus K5 (RHD k5). This resulted in a 90% knockdown in targeted areas
- Three subsequent shooting operations were performed (midnight to 2am) which resulted in 23 rabbits and one fox being eliminated. Many of the rabbits were along the reserve areas Pacific Avenue Warri Beach.

Council will continue to monitor the presence of feral rabbits and take further action as required.

**16.7 Parking Statistics - July 2019**

Responsible Director: Environmental Services

<b>Patrols conducted</b>	50
<b>Infringements Issued</b>	26
<b>Total Infringement Value</b>	\$7298
<b>Vehicle Spaces Inspected</b>	1792
<b>CRM requests received and actioned</b>	8

<b>Timed Zones</b>	<b>No. of patrols</b>	<b>PINS Issued</b>	<b>School Zone Patrols</b>	<b>No. of patrols</b>	<b>PINS Issued</b>
Kiama CBD East	1	0	St Peter & Pauls	1	0
Kiama CBD West of Railway Pde	14	14	Kiama High	2	1
Gerrington CBD	5	0	Kiama Public	0	0
Other Parking	13	7	Jamberoo Public	4	0
Bonaira St, Holden Ave, William St, Taylor St & Reid St	17	5	Minnamurra Public	2	0
			Gerrington Public	2	0

**Pro-active Patrols**

<b>Offence</b>	<b>PINS Issued</b>	<b>offence</b>	<b>PINS Issued</b>
No Stopping	5	No Stopping (School Zone)	1
Path/Strip/Ramp	1	No Parking	1
Unbroken Yellow Edge Line	1	Disabled Parking Zone	0
Driveway	1	Bus Zone	2
10m from intersection	0	Motor Cycle Parking	0
Mail Zone	0	Vehicle in Reserve	0

**16.8 Question for future meeting: Crooked River Winery events - traffic impacts**Responsible Director: Environmental Services

---

At the 16 July 2019 Council meeting, Councillor Sloan requested a report on how traffic can better be managed for large events being held at the Crooked River Winery, given that delays to local residents of up to 45 minutes were reported at the time of the last Festival.

The Director Environmental Services and Manager Development Assessment met with the owners of Crooked River Wines on Friday 2 August 2019 to discuss future events and activities planned for the property.

The owners have engaged a traffic management company to control the traffic and parking for the upcoming "Day on the Hill" event. Traffic control on Council roads require a road occupancy permit under S138 of the Roads Act which needs to be accompanied by a traffic management plan. The owners have been advised to submit this application as soon as possible to ensure sufficient time to process the application.

Crooked River Winery plans to continue to host a number of festival type events each year to compliment the winery, restaurant and smaller events that are undertaken on the property. Given the scale and regularity of these larger events, Council has advised the owners that a development application should be lodged to capture all activities proposed for the property. This DA would enable matters such as transport management (traffic, car parking, special event buses), waste and recycling, on-site amenities, acoustic impacts, security and the like to be assessed as appropriate for the scale and nature of events.

**16.9 Question for Future Meeting: Local Housing Strategy and the Local Strategic Planning Statement**Responsible Director: Environmental Services

---

At the July 2019 Council meeting, Councillor Rice requested a report on the role played by a local housing strategy in future strategic planning, including how necessary a local housing strategy is towards ensuring that the housing vision of the Local Strategic Planning Statement.

**Local Housing Strategy**

A local housing strategy is a document prepared by a Council which addresses the strategic planning issues relating to the future needs of a local government area.

Councils are to prepare a local housing strategy if required by the relevant regional or district plan. Currently, this includes all metropolitan Councils and some regional Councils.

The Illawarra-Shoalhaven Regional Plan does not require Councils in the region to prepare a local housing strategy. While Kiama Council is not required to prepare a local housing strategy, we may choose to prepare one at any time.

**Local Strategic Planning Statement**

All Councils are required to prepare a local strategic planning statement (LSPS) that will set out:

- a 20 year vision for land use in the local area.
- the special characteristics which contribute to local identity.
- shared community values to be maintained and enhanced.
- how growth and change will be managed into the future.

The Council endorsed program for the development of the Kiama LSPS closely aligns with the NSW Government's Local Strategic Planning Statements Guideline for Councils. While it has never been intended to prepare a local housing strategy to inform the development of the LSPS, considerable analysis of available housing data will inform its development.

To date Council has gathered a wide range of information in relation to housing and development in Kiama. The amount and nature of information is considered to be sufficient to inform the development of the LSPS. This information is summarised below.

**LSPS - Residential Development Evidence Base**

Key theme technical papers are being prepared for the upcoming phase 2 LSPS community consultations. The "Residential Development" technical paper is aiming to include the following housing and development related information:

1. Relevant outcomes from the phase 1 community engagement process.
2. Link to the Community Strategic Plan.
3. Summary of relevant sections of the Illawarra Shoalhaven Regional Plan:

## Reports for Information

## 16.9 Question for Future Meeting: Local Housing Strategy and the Local Strategic Planning Statement (cont)

- 
- i. Direction 2.1 provide sufficient housing supply to suit changing demand;
  - ii. Action 2.1.1 review housing opportunities in Kiama;
  - iii. Direction 2.2 support housing opportunities close to centres;
  - iv. Action 2.1.1 investigate the policies, plans and investments that would support greater housing diversity in centres;
  - v. Direction 2.5 monitor the delivery of housing to match supply with demand
  - vi. Action 3.3.2 support council-led revitalisation of centres;
4. Illawarra-Shoalhaven Urban Development Program.
  5. Kiama Urban Strategy.
  6. 20-Year Economic Vision for Regional NSW.
  7. Kiama and Gerringong Infill Residential Potential.
  8. Review of NSW Population and Housing Projections.
  9. Summary of Kiama Population and Housing Information.
  10. Identification of Future Housing Opportunity (Bombo Quarry).
  11. Kiama Town Centre Initiatives.
  12. Built Form Considerations.
  13. Servicing.

LSPS - Residential Data – Highlights

Some highlights from the residential information currently compiled includes:

- ✓ Current housing projection is for 2,850 houses over the 20 years to 2036.
- ✓ Current greenfield housing supply (under the Illawarra Urban Development Program) is 617 lots. If South Kiama is included in this figure, greenfield housing supply is 1,072 lots. This data also captures the remaining greenfield capacities identified under the Kiama Urban Strategy (excluding Bombo Quarry).
- ✓ There is considerable theoretical infill housing capacity under current zonings and development controls however only a percentage of this will translate to actual housing.
- ✓ A total of 1,136 dwellings were completed in Kiama over the 10 years from 2008/09 to 2017/18. This was made up of:
  - 656 dwellings in existing urban areas (58%);
  - 480 dwellings in new release areas (42%).
- ✓ Assuming the same splits between infill and greenfield housing are maintained into the future, 1,197 dwellings will be provided in new release areas over the next 20 years.

## Reports for Information

## 16.9 Question for Future Meeting: Local Housing Strategy and the Local Strategic Planning Statement (cont)

- 
- ✓ Given the capacity of existing identified release areas (potentially 1,072 lots) it is argued that no additional large release areas will be required to meet growth. Some small areas of additional housing may be appropriate subject to merits based assessments.
  - ✓ The State government is currently undertaking a routine review of population projections. Given the limited new release areas identified for future development, Council has submitted to the government that “**we would expect that the rate of population growth will slowly decline from recent historical population trends**”.
  - ✓ Of all occupied private dwellings in Kiama, 19% are rented according to the 2016 census. This is significantly below the NSW rental rate of 31.8%.
  - ✓ Unoccupied private dwellings are often used as an indicator for holiday housing. According to the 2016 census, 17.6% of dwellings in Kiama are unoccupied (Note: in 2006 Kiama had 19.3% unoccupied dwellings). This is significantly higher than the NSW unoccupied dwelling figure of 9.9%.
  - ✓ According to the Australian Bureau of Statistics’ 2016 Socio-Economic Indexes for Areas (SEIFA), Kiama is among the least disadvantaged local government areas in Australia. This reflects a population where more people have qualifications, fewer households have low incomes and fewer people are in low skilled occupations.
  - ✓ Kiama is among the least affordable local government areas to rent in. Approximately 36% of income is required to pay median rent in Kiama which places those households in rental stress.
  - ✓ Kiama residents are concerned that over-development will ruin local character and want to see modest growth and appropriately designed housing. They also value the distinction between towns and villages and our unique heritage and architecture.
  - ✓ A survey of non-Kiama regional residents shows that the rest of the region also do not want to see further residential development in Kiama and they agree that our existing heritage and agricultural lands should be protected.

**Emerging Key Policy Drivers**

Based on the outcomes from engagement and analysis at this stage, key policy drivers that relate to the growth and residential development narrative for Kiama are emerging as:

- Moderate Growth – lower growth projection than current trajectory.
- Bombo Quarry – medium to long term housing opportunity.
- No more large release areas beyond those already identified.
- Some increased density around key centres.
- Implement Kiama Town Centre housing outcomes.



## Reports for Information

## 16.9 Question for Future Meeting: Local Housing Strategy and the Local Strategic Planning Statement (cont)

- 
- Embrace existing character and heritage.
  - Maintain separation of towns and villages – protect scenic landscapes.

**Relationship between Local Housing Strategy & Local Strategic Planning Statement**

The LSPS is to include actions and an implementation program to support the outcomes of the Statement. The data collected to date would indicate that no additional large release areas will be required to meet projected growth and that there is considerable theoretical infill housing capacity under current zonings and development controls. It is therefore unlikely that a Local Housing Strategy would be required. However, Council is able to identify the development of a Local Housing Strategy as an action for future implementation if it is considered necessary to provide a deeper understanding of local housing requirements. Such an action would be considered when adopting the final LSPS.

**16.10 Question for future meeting: Sculptures by the Sea hosting**Responsible Director: Office of the General Manager

---

At the 16 July 2019 Council meeting Councillor Way requested a report on the possibility of Kiama hosting "Sculptures by the Sea" in conjunction with Destination Kiama in light of recent media publicity that has indicated a potential move out of Sydney for this event. The matter was referred to the General Manager for investigation and report.

Enquiries were made with Sculptures by the Sea on 19 July 2019 and we were advised that an Expressions of Interest document was being prepared. A copy of the EOI document was received on 7 August 2019.

An initial meeting with Sculptures by the Sea will be attended by Council's Manager Tourism and Events and Councillor Brown.

A further report will be provided to Council at the conclusion of the EOI process.

**Communication/Community Engagement**

N/A

**16.11 Alcohol and Other Drugs Procedure for Councillors - administrative amendment**Responsible Director: Office of the General Manager

---

At the 25 June 2019 meeting Council endorsed the Alcohol and Other Drugs Policy for Councillors and the Alcohol and Other Drugs Procedures for Councillors.

Minor administrative changes to the Procedures are required to provide clearer definition of roles and interpretation of procedure. The following changes have been made:

**Clause 8.1.3:**

Additional delegations have been included where testing is requested under suspicion allowing for the process to be implemented in the unexpected absence of the Mayor.

**Clause 9.0 i):**

A definition of "refused test" provides a clearer definition to avoid any misinterpretation in the meaning of 'refused test'.

**Clause 19.0:**

Delegated Responsible Person has been as been added to the definitions table as a result of the change to Clause 8.1.3.

A marked-up version of the Procedure is attached for Councillors' information.

**Communication/Community Engagement**

As the changes to the Procedures were administrative only there is no requirement for the document to be further endorsed by Council, so no public exhibition is required.

**Attachments**

- 1 Alcohol and Other Drugs Procedures for Councillors - adopted 25/06/19 - with administrative amendments [↓](#)



# Alcohol and Other Drugs Procedure for Councillors



Item 16.11

Attachment 1



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

<b>Date adopted</b>	25 June 2019
<b>Resolution number</b>	19/225OC
<b>Date effective</b>	25 June 2019
<b>Date last reviewed</b>	New Policy
<b>Next review date</b>	1 June 2021
<b>Department</b>	Office of the General Manager
<b>Author</b>	Risk Management Coordinator
<b>TRIM reference</b>	19/63186
<b>Supporting documents</b>	Alcohol and Other Drugs Policy for Councillors

**Item 16.11**

**Attachment 1**

**Table of contents**

1.0 Purpose ----- 5

2.0 Objectives ----- 5

3.0 Scope----- 5

4.0 References ----- 5

5.0 Duty of care, responsibilities and obligations ----- 5

    5.1 General requirements ----- 6

    5.2 Specific requirements: ----- 6

    5.3 Usage of council vehicles: ----- 7

    5.4 Approved work related social events: ----- 7

    5.5 Approved work related social event at a council worksite: ----- 7

    5.6 Conferences, training courses or seminars: ----- 7

6.0 Education and training----- 8

    6.1 Information for mayor and general manager ----- 8

    6.2 Information for workers ----- 8

7.0 Supportive culture and employee assistance ----- 8

    7.1 Identifying other workers whose behaviour is risky to themselves and others ----- 8

    7.2 Rehabilitation----- 9

    7.3 Worker assistance ----- 9

    7.4 Mitigating factors ----- 9

    7.5 Prescription/ over the counter medication ----- 10

8.0 Alcohol and other drugs testing program-----10

    8.1 Testing methods----- 10

9.0 Testing procedure – alcohol-----12

    9.1 Prescribed concentration levels of alcohol ----- 12

10.0 Testing procedure – other drugs -----13

11.0 Confirmatory testing-----13

    11.1 Confirmatory testing is non-negative and consistent with medication ----- 14

    11.2 Confirmatory testing is non negative and not consistent with medication ----- 14

    11.3 Confirmatory test is negative ----- 14

12.0 Procedure for non-negative results-----14

13.0 Tampering with samples -----14

14.0 Dealing with aggressive behaviour -----15

15.0 Confidentiality and record keeping -----15

    15.1 Confidentiality ----- 15

    15.2 Record keeping----- 15

16.0 Unlawful activities associated with alcohol and drug use -----15

17.0 Grievances/ disputes relating to this procedure -----16

18.0 Review .....	16
19.0 Definitions .....	17
20.0 Document control .....	18
21.0 Signature .....	18
Appendix 1 – self disclosure rehabilitation flowchart.....	19
Appendix 2 – alcohol and drug rehabilitation plan.....	20
Appendix 3 – alcohol testing flowchart .....	22
Appendix 4 – drug testing flowchart.....	23
Appendix 5 – disciplinary action flowchart.....	24



## **1.0 Purpose**

The purpose of this procedure is to:

- a) Manage alcohol and other drugs and their effect on workers' fitness for work whilst performing duties at Council; and
- b) Ensure that Council has a mechanism to appropriately manage the misuse of alcohol and other drugs in the workplace through training, education and where required, rehabilitation.

## **2.0 Objectives**

The objective of this procedure is to:

- a) Eliminate the risks associated with the misuse of alcohol and other drugs in the workplace, thereby providing a safer work environment;
- b) Reduce the risks of alcohol and other drugs impairment in the workplace; and
- c) Promote a supportive culture that encourages a cooperative approach between mayor and councillors and builds on the shared interest in workplace health and safety.

## **3.0 Scope**

This policy applies to the mayor, councillors and general manager (referred to as 'worker' throughout this policy for consistency with standard WHS practice and legislation) within council.

## **4.0 References**

This document should be read in conjunction with:

- a) Council's Alcohol and Other Drugs Policy for Councillors;
- b) Work Health and Safety Act 2011 (NSW);
- c) Work Health and Safety Regulations 2017 (NSW);
- d) Alcohol and Other Drugs Policy and Procedure Local Government Association (NSW);
- e) Council's Code of Conduct for Councillors;
- f) Council's Procedures for the Administration of the Code of Conduct;
- g) Road Transport Act 2013;
- h) NSW Local Government Alcohol and Other Drugs Policy and Procedure; and
  - i) Australian Standards:
    - i) AS3547:1997 – breath alcohol testing devices for personal use
    - ii) AS4760:2006 – procedures for specimen collection and the detection and quantitation of drugs in oral fluid

## **5.0 Duty of care, responsibilities and obligations**

Council recognises its responsibility to ensure the health, safety and welfare at work of workers (including contractor/ sub-contractors, consultants and volunteers) and visitors, and is committed

to providing a safe, healthy and productive workplace that is free from hazards relating to alcohol and drug use.

### 5.1 General requirements

The following **general requirements** apply to all workers on a council worksite:

- a) At all times workers will present themselves for work, or resume duties in a 'fit for work' condition, that is, not under the influence of alcohol or other drugs except where the drug is legally prescribed by a doctor for the purposes of treating a medical condition and their work is not likely to be affected by the drug;
- b) No worker will ingest, inhale or inject any drug at work except where the drug is legally prescribed by a doctor (or able to be purchased legally over the counter). All workers have a duty of care to ensure that any prescribed/ over the counter medication will not affect their ability to work safely; and
- c) All workers will refer any alcohol and/ or drug related and/ or welfare concerns likely to pose a safety hazard to any person or property to mayor. If the issues are not resolved it should be referred to the general manager.

### 5.2 Specific requirements:

#### 5.2.1 Mayor:

- a) Report to work in a fit state, unimpaired by any substance, including when they return to work following scheduled breaks.
- b) Ensure the implementation and adherence of the alcohol and other drugs procedure throughout the councillor's workplace.
- c) Ensure workers are aware of their responsibilities and are provided with adequate information, instruction and training.
- d) Ensure compliance with the requirements of this procedure.
- e) Ensure the provision of confidentiality are adhered to.
- f) Advise the general manager if they, or any other worker is known to be, or suspected of being unable to perform their duties due to the effects of alcohol and/ or drugs.

#### 5.2.2 Councillors:

- a) Report to work in a fit state, unimpaired by any substance, including when they return to work following scheduled breaks.
- b) Ensure the law is adhered to in relation to the possession and consumption of any substances including alcohol.
- c) Advise the mayor if they, or any other worker, including the general manager is known to be, or suspected of being unable to perform their duties due to the effects of alcohol and/ or drugs.
- d) Question their doctor or pharmacist in regard to the effect or side effect, if any, their medications may have on work and/ or safety performance.
- e) Recognise that performance of their duties could be affected by alcohol or drugs and instigate appropriate risk control measures if required.
- f) Not undertake duties if their ability to perform their duties safely, competently and professionally is affected by alcohol or drugs.
- g) Observe all directions from the mayor in regards to this procedure.
- h) Not possess, distribute or otherwise consume any prohibited substance or deliberately misuse substances while on duty or on council's premises.

5.2.3 General Manager:

- a) report to work in a fit state, unimpaired by any substance, including when they return to work following scheduled breaks.
- b) ensure the implementation and adherence of the alcohol and other drugs procedure throughout council workplace and operations.
- c) make all workers aware of, and understand, the alcohol and other drugs procedure and the provision therein.
- d) ensure provisions of confidentiality in this procedure are adhered to.
- e) address concerns or issues relating to the procedure, promptly and proactively to ensure the health and safety of all workers.
- f) ensure support is provided to workers who request/ require assistance with issues around substance abuse as appropriate.

5.3 Usage of council vehicles:

- a) In circumstances where workers are required to operate council vehicles, workers have an obligation not to drive these vehicles whilst under the influence of alcohol, illegal drugs or prescription/ over the counter medication (if their side effects of the prescription/ over the counter medication prohibit safety usage of vehicle/ plant).
- b) Workers may be personally liable where their actions in these circumstances lead to injury or property damage.
- c) All legal limits for the operation of vehicles will be adhered to.

5.4 Approved work related social events:

- a) The mayor may grant permission for the consumption of alcohol at social events, meetings or civic functions.
- b) Workers attending any council approved function will demonstrate moderation, maintain professional conduct at all times and ensure they and other workers are not adversely affected by alcohol.
- c) No worker will ingest, inhale or inject any drug at work except where the drug is legally prescribed by a doctor (or able to be purchased legally over the counter). All staff have a duty of care to ensure that any prescribed/ over the counter medication will not affect their ability maintain professional conduct.

5.5 Approved work related social event at a council worksite:

- a) In the event that the mayor permits alcohol to be consumed at a council owned facility the function must be held away from any machinery or vehicles that are being, or may be, operated.
- b) Council approved work related social events at a council worksite are to occur at the end of the working day away from the immediate work area.

5.6 Conferences, training courses or seminars:

- a) Workers attending a council approved function or representing council at conferences, training courses or seminars must ensure they act in a reasonable and responsible manner when consuming alcohol.
- b) No worker will ingest, inhale or inject any drug at work except where the drug is legally prescribed by a doctor (or able to be purchased legally over the counter). All workers have a duty of care to ensure that any prescribed/ over the counter medication will not affect their ability to work safely.

## **6.0 Education and training**

Council recognises that it is important to develop a safe workplace culture in relation to the use of alcohol and other drugs, through education; where workers are prepared to encourage each other to be safe and not under the influence or impaired at work.

### **6.1 Information for mayor and general manager**

Council will provide practical guidelines and training for:

- a) responsibilities for the implementation of alcohol and other drugs protocol and procedure
- b) management of strict confidentiality of test results and/or referral for assistance
- c) communication with persons who may be affected by alcohol and other drugs
- d) correct application of disciplinary action
- e) reintegration of a worker into the workplace upon completion of rehabilitation
- f) creation and maintenance of suitable records.

### **6.2 Information for workers**

Workers will receive information through further training, intranet and council briefings on the following topics:

- a) council's Alcohol and Other Drugs Policy and Procedures
- b) the health implications of consuming alcohol and other drugs
- c) the effects of alcohol and other drugs on safety and performance
- d) the early detection of problems related to the use of alcohol and other drugs
- e) council's management of privacy and confidentiality of test results and referrals for assistance.

## **7.0 Supportive culture and employee assistance**

A key feature of the way alcohol and other drug use (as it impacts upon the workplace) is managed is by providing supportive culture where open and honest conversations on this subject can be had between the mayor and Councillors.

It is vital all Kiama Council workers understand that first and foremost Council's preferred option is to provide assistance to staff with an alcohol and/ other drug dependence. It should be noted however that this procedure does provide a process for disciplinary action should repeated non-adherence occur.

### **7.1 Identifying other workers whose behaviour is risky to themselves and others**

- a) It is recognised that there may be reasons why workers feel uncomfortable about identifying fellow workers whose behavior is risky to themselves and others
- b) Council supports workers and will provide assistance through a rehabilitative approach to manage these issues.
- c) Under no circumstances is it permissible to discriminate against a worker who raises a safety issue relating to alcohol and other drug use; nor a worker suspected of breaching this procedure. *Refer to Appendix 1 – Self Disclosure Flowchart.*
- d) At all times the matter of alcohol and other drug use (as it impacts upon the workplace) is to be managed in a confidential and sensitive manner.



## 7.2 Rehabilitation

- a) The mayor may where appropriate work with the worker to develop a rehabilitation plan to manage their fitness for work issue.
- b) The details of the plan should be agreed between the parties and may include the aim of the plan, the actions to be taken, the progress reporting procedure, the review date and timeframe for return to work.
- c) The parties may also include a representative of their choice to assist in the development of this plan.
- d) With the approval of council, unpaid leave may be available to the worker undertaking alcohol and/ or other drugs rehabilitation or counselling. Such approval shall not be unreasonably withheld.
- e) A rehabilitation plan template is included in this procedure. *See Appendix 2.*
- f) If a worker has previously been under a rehabilitation plan and subsequently breaches council's Alcohol and Other Drugs Policy and Procedure or the workers actions represent gross misconduct, support for rehabilitation may not be available and supported by council. Council reserves the right to take other appropriate action, which could include disciplinary action in accordance with the Policy and Procedure Code of Conduct.

## 7.3 Worker assistance

- a) If a worker has issues of concern including those related to alcohol and other drugs, council encourages workers to make use of the Employee Assistance Program (EAP) and seek appropriate support and assistance.
- b) Council will provide appropriate education, information, instruction and counselling necessary for workers to understand the risks associated with the use and abuse of alcohol and other drugs at work.

## 7.4 Mitigating factors

Mitigating factors will be taken into consideration for each instance that a worker does not appear to be in a fit state for work. All workers will be given an opportunity to explain their behaviour (keeping in mind that a person may appear to be impaired from alcohol or other drugs but not necessarily have taken any such substances).

- a) The symptoms of impairment consistent with alcohol and other drugs use may also be similar to other health issues. These may include psychological, behavioural, environmental or medical issues (all of which can have a detrimental effect on council's ability to provide a safe workplace). In these instances the strength of the relationship between mayor and councillors is critical because if a trust relationship is not formed the worker will not feel comfortable discussing these sensitive issues.
- b) Council strongly encourages (but cannot force) workers to disclose any issues they may be suffering which has the potential to adversely impact upon themselves or other workers.
- c) It is expected that if a worker voluntarily discloses psychological, behavioural, environmental or medical personal information that this information is treated with a strict adherence to confidentiality/ privacy principles.
- d) Mitigating factors include things such as, but not limited to:
  - i) unexpected impairment from prescription or over the counter medication;
  - ii) side effects from medical treatment or an illness or injury;
  - iii) impairment from fatigue to a personal trauma, sleep deprivation or other issue; or

- iv) any similar factor that may cause impairment but is not the result of inappropriate alcohol or other drug consumption.

#### **7.5 Prescription/ over the counter medication**

Certain medication may cause impairment whilst at work and return a non-negative result during alcohol and other drug testing. Workers are therefore encouraged to inform the mayor if they are taking any medication that may either return a result that would indicate impairment or more importantly hinder their ability to perform their duties safely.

- a) Workers should seek advice from their doctor and/or pharmacist if they believe the pharmaceutical and/ or prescribed medication may impact their own and others safety at work,
- b) It is recommended that workers seek alternative medication from their doctor and if not available, ask for information regarding the medication. It is recommended to keep medication packaging on hand while at work.
- c) Whilst taking any form of medication the level of consumption should not be in excess of the recommended dose.
- d) If a worker is taking a medication which hinders their ability to work safely, standing the worker down for that shift should be considered. Should the latter be required, assistance will be given to the worker to ensure they arrive home safely.

#### **8.0 Alcohol and other drugs testing program**

Council has established a program of testing that will discourage people from entering a council workplace where they may be unfit for work because of alcohol or other drugs. Additionally, council's alcohol and other drugs testing program will assist in identifying people who may be unfit for work.

Council's testing program will:

- a) provide workers with information about the effect of alcohol and other drugs
- b) discourage people from coming to work where they may be unfit for work because of alcohol or other drugs
- c) assist in identifying workers who may be unfit for work.

#### **8.1 Testing methods**

- a) Voluntary
- b) Random
- c) Reasonable suspicion
- d) Return to work targeted.

##### **8.1.1 Voluntary testing**

- a) Voluntary testing provides workers with the ability to volunteer to be tested for alcohol and other drugs before attending work.
- b) A breath analysis device and/ or oral swab test will be used to conduct the screening in accordance with the Australian Standard.
- c) Workers should request a voluntary test if in doubt, prior to commencing duties.
- d) Any worker who voluntarily undergoes an alcohol and other drugs screening will not be subject to disciplinary action, however they will be encouraged to refer themselves to an EAP provider.

- e) Continued absence from work after returning non-negative results to voluntary screening can invoke disciplinary action.

**8.1.2 Random testing**

- a) Random testing for alcohol and/ or other drugs for workers may be conducted at any time throughout the workers hours of work (including overtime and/or on-call staff).
- b) Testing will be carried out by a suitably qualified personnel in a private area which contains the adequate facilities for testing.
- c) Random testing may be undertaken with little or no notice and all workers will be eligible for selection for random testing.
- d) Workers will be selected for testing by using a simple random selection process involving the selection of a worker, location or group of workers located in a specific area.
- e) Workers may be randomly selected using the following methods;
  - i) a simple random number generator may be used to randomly select worker identification numbers; or
  - ii) alternatively, an entire work site may be randomly selected with all staff at work at that particular site that day being tested.
- f) Workers who are selected will be required to present themselves for testing immediately.
- g) Testing will be conducted in an appropriate area which contain adequate facilities for testing.

**8.1.3 Reasonable suspicion**

- a) Reasonable suspicion testing is used in instances where information is received or inappropriate behaviours are observed that may indicate that a worker is not in a fit state to be on a Council worksite.
- b) The worker will be requested to undergo an alcohol and other drug test under the direction of the Mayor; **General Manager or Delegated Responsible Person**.

**8.1.4 Return to work targeted testing**

- a) The mayor is accountable for monitoring the frequency of targeted random testing for a worker who provides a non-negative confirmatory result. The mayor will determine the appropriate action.
- b) Targeted random testing will only be required:
  - i) for drugs, where the non-negative confirmatory result was not in accordance with declared prescribed medication levels; and
  - ii) for alcohol, where a non-negative result above the relevant blood alcohol limit applicable to the worker has occurred.
- c) If a worker has returned a confirmed positive alcohol and other drug test; as part of the return to work process, they must submit to a targeted alcohol and other drug test.
- d) Workers on the targeted random testing program have either;
  - i) previously given a confirmed positive test result for alcohol and/ or other drugs; and/ or
  - ii) unreasonably refused a test for alcohol and/ or other drugs as a result of a random screening program.



- e) Workers will still be included in the random test program.
- f) Where a worker presents a negative result or result lower than the acceptable levels identified in this procedure, the person will be permitted to commence or resume their normal duties.

#### 9.0 Testing procedure – alcohol

- a) Workers identified to participate in alcohol testing will be required to carry out a supervised alcohol test using a calibrated breath testing device in accordance with AS3547:1997 Breath Alcohol Devices for Personal Use
- b) Testing will be administered by a suitably qualified person
- c) An alcohol test will be conducted at a suitable private location in the workplace. The worker has the right to have a nominated representative present during the test and a right to change their mind and refuse the alcohol test
- d) Unless medically required, no food or drink is to be consumed for 15 minutes prior to the test. Smoking shall also not be permitted as it may distort the results
- e) In the event that a non-negative result is registered, a subsequent test will be carried out 15 minutes after the initial test. During this period, the worker is to be supervised continually at all times by the person conducting the tests
- f) Workers with a non-negative second breath analysis test result will be presumed unfit for work until arrangements will be made to transport the person to their home.
- g) Workers with a non-negative second breath analysis will then be required to submit for a further test at the first available opportunity on the next working day before being able to resume normal working duties
- h) If the worker does not wish to have the initial and/or second test, it will be presumed to be treated as though a second non-negative result was achieved and it may invoke disciplinary action in accordance with the KMC Code of Conduct Policy and Procedure
- i) Refusal to undertake a test will be recorded as a “refused test.” **It will be presumed to be treated as a non-negative result.** Repeated refusal to undertake a test may be referred to the Office of Local Government.
- j) Refer to Appendix 3: Alcohol Testing Flowchart
- k) A confirmatory breath test result is equal to the limits set in prescribed concentration levels of alcohol.

#### 9.1 Prescribed concentration levels of alcohol

Council’s acceptable Prescribed Concentration of Alcohol levels (based on the NSW Governments blood alcohol concentration levels) are as follows:

##### 9.1.1 0.00% applies to:

- Learner drivers
- Provisional 1 drivers
- Provisional 2 drivers
- Visitor drivers holding an overseas or interstate learner, provisional or equivalent licence.

##### 9.1.2 Under 0.02% applies to:

- Drivers of vehicles of ‘gross vehicle mass’ greater than 13.9 tonnes

- Drivers of vehicles carrying dangerous goods
- Drivers of public vehicles such as taxi or bus drivers
- Workers engaged in the operation of major and/ or minor plant
- Workers undertaking activities specified as hazardous under WHS Act 2011 and WHS Regulations 2011.

9.1.3 Under 0.05% applies to:

- All other workers who do not meet any of the above criteria including those who are not required to drive as a part of their employment or who are unlicensed.

**10.0 Testing procedure – other drugs**

- a) Workers identified to participate in a drug test will be required to undergo an oral swab test as per the Australian Standard AS4760:2006 – Procedures for specimen collection and the detection quantitation of drugs in oral fluid.
- b) This test will be administered by a suitably qualified person.
- c) Where practicable the tester shall provide a list of medications which may provide a false positive result.
- d) Any worker required to undertake drug testing can choose to declare any medication taken immediately prior to the test being conducted or can declare following the test if an initial non-negative result is obtained. Such information is to be kept confidential and only to be used in determining if such medication has contributed to or caused a false positive.
- e) If the worker declares the medication prior to any testing being conducted and the drug class(es) declared is consistent with the drug class(es) detected at the initial screening test, then no disciplinary action is to be taken.
- f) If the worker did not declare the medication prior to the testing being conducted, or if the drug class(es) declared is inconsistent with the drug class(es) detected or there are methamphetamines present, then the person will be assessed as unfit for work and arrangements will be made to transport the person to their home or a safe place.
- g) Refer to Appendix 4 – Other Drugs Flowchart.
- h) Refusal to undertake a test will be recorded as a “refused test”. Repeated refusal to undertake a test will be managed by council in accordance with the Code of Conduct Policy and Procedure. Repeated offences may be referred to the Office of Local Government.

**11.0 Confirmatory testing**

- a) Confirmatory testing is a second analytical test performed to identify the presence of alcohol and/or other drugs in accordance with AS3547:1997 and AS4760:2006.
- b) In instances where confirmatory testing supports the findings of the preliminary test, the worker may be subject to disciplinary action.
- c) Where confirmatory testing is required, it will be undertaken by a suitably qualified person.
- d) If an external party is utilised for confirmatory testing they may require a sample of urine be taken from the worker and screened for alcohol and other drugs.

**11.1 Confirmatory testing is non-negative and consistent with medication**

- a) A confirmatory non-negative test result for other drugs will be determined by the Australian Standard AS4760:2006.
- b) The accredited testing laboratory will forward all test results to the general manager in writing, identifying the confirmatory test was positive but consistent with medication declared.
- c) If the worker has been stood aside pending the confirmatory tests, the general manager will contact the worker and request that they return to work once the results have been received. On return to work the mayor in consultation with the general manager will reassess their suitability for duties.

**11.2 Confirmatory testing is non negative and not consistent with medication**

- a) The accredited testing laboratory will forward all results to the general manager.
- b) The worker and the mayor will be advised in writing that the confirmatory test was non-negative but inconsistent with the medication disclosed by the worker.
- c) The letter of confirmation will set out a nominated time and date when the worker and if required, their representative, will discuss further action with the mayor.
- d) As a part of the further actions discussion a worker may request access to leave.

**11.3 Confirmatory test is negative**

- a) The accredited testing laboratory will forward the results to the general manager who will then advise the worker and the mayor that the confirmatory test was negative.
- b) If the worker has been stood down pending the outcome of the confirmatory test, the general manager will contact the worker to arrange the workers return to work.

**12.0 Procedure for non-negative results**

- a) The mayor will afford the worker procedural fairness and discuss the non-negative result with the person. The mayor will provide an opportunity for the worker to provide any information or comments that may be a mitigating factor when considering the confirmatory test result.
- b) Workers will be advised of counselling services available through the Employee Assistance Program (EAP).
- c) Before returning to work, a worker will be required to provide a negative test result. Whilst this result is being achieved, workers may be asked to leave the workplace.
- d) Council may initiate disciplinary actions in accordance with the Code of Conduct Policy and Procedure.
- e) *Refer to Appendix 5 – Disciplinary Action Flowchart*

**13.0 Tampering with samples**

Any attempt to tamper with samples and introduce or alter the concentration of alcohol or other drugs in their own or another's saliva or breath will constitute serious misconduct and will be dealt with according to council's Code of Conduct Policy and Procedure

#### **14.0 Dealing with aggressive behaviour**

- a) If a worker displays aggressive or violent behaviour when required to undertake an alcohol and/ or other drug test, the mayor should remain calm and not argue with or mirror the workers behaviour.
- b) Emphasis should be placed on getting the worker to calm down and discussion kept away from personal issues. The worker should be asked to comply with the direction and be informed that the worker will have the opportunity to dispute the decision through the normal grievances process utilised by council.
- c) If the worker refuses to modify their behaviour, the worker should be advised that the discussion is terminated and they must leave the workplace immediately. The worker should be reminded that acts of aggression or violence in the workplace are in breach of the Code of Conduct and not in line with council's values
- d) In the case of actual or apprehended violent behaviour, the worker is to be advised that the police will be called. This will be utilised as a last option.

#### **15.0 Confidentiality and record keeping**

##### **15.1 Confidentiality**

- a) Confidentiality is fundamental to dealing with problems in the workplace that are related to the misuse or abuse of alcohol and other drugs.
- b) All information regarding counselling or treatment will be treated confidentially. Workers must give their permission in writing for information to be disclosed by their counsellor. Only work-related information may be disclosed and will be used to support the most effective management of work performance and the reintegration of the worker into the workplace.
- c) In most cases, no information is to be released to a third party, without the written consent of the worker unless it is considered that the matter, if neglected could endanger persons/ property or the matter concerned is subject to a police/ relevant regulator investigation.
- d) In the event of conflict between the maintenance of confidentiality and duty of care, the mayor has the authority to determine the most appropriate course of action.

##### **15.2 Record keeping**

- a) The mayor must keep written records of any discussions relating to alcohol and other drug use in the workplace.

#### **16.0 Unlawful activities associated with alcohol and drug use**

- a) Being affected by alcohol and other drugs at work, particularly in a high risk work environment, can seriously compromise the health, safety and welfare of workers, volunteers, contractors and visitors.
- b) Impairment by alcohol and other drugs can reduce an individual's ability to perform their work safely, competently and professionally.
- c) Council is committed to the following factors regarding illicit alcohol and drug use:
  - i) Unlawful conduct arising from alcohol and drug use will be referred to the police
  - ii) All legal limits for the operation of plant, equipment will be adhered to

- iii) All workers are required to report to work in a fit state at all times, unimpaired by any substance
- d) Council will not tolerate:
  - i) consuming alcohol at work (except in circumstance where the mayor has given prior approval for a work related function);
  - ii) possessing, selling, distributing or consuming prohibited drugs in the workplace; or
  - iii) being affected by alcohol and other drugs, including medically prescribed and over the counter drugs, such that they are unable to work safely, competently and professionally in accordance with Council's Code of Conduct.
- e) Under the Work, Health and Safety Act 2011 (NSW):
  - i) council has a duty to ensure the health, safety and welfare of their workers and other people in the work place (s19);
  - ii) workers have a duty of care to take reasonable care for their own health and safety, as well as other people in the workplace and to cooperate with their employer in providing a safe working environment (s28).
  - iii) other persons at a workplace must take reasonable care for his or her own health and safety, take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and comply, so far as the person is reasonably able, with any reasonably instruction that is given by the employer to allow the employer to comply (s29).
- f) There are penalties under legislation for employers and through the application of disciplinary procedures in accordance with the Code of Conduct and for workers who fail to take their work, health and safety responsibilities seriously.
- g) It is an offence under Road Transport Act 2013 to drive or attempt to drive a motor vehicle, truck or mobile equipment when under the influence of alcohol or other drugs in excess of legal limits.

#### **17.0 Grievances/ disputes relating to this procedure**

Any dispute relating to the application of this procedure shall be settled in accordance with the Grievance and Dispute Settlement Procedure

#### **18.0 Review**

This protocol was formally adopted by Council on 26 June 2019.

Council reserves the right to review or vary this procedure in consultation with the representatives of workers affected by this protocol.



19.0 Definitions


For the purpose of this document the following definitions apply:

alcohol	includes all food, beverages, medications and any other product containing alcohol
authorised function	means a mayor approved social event or function
authorised organisation	means an appointed organisation that can demonstrate it meets the Australian Standard requirements for collectors who will be used for the collection of specimens for alcohol and other drug testing and further analysis of results will require an independent National Association of Testing Authorities (NATA) certified collection agency
chain of custody	means the chronological documentation or paper trail, showing the collection, transfer, receipt, analysis, storage and disposal of the sample taken
Delegated Responsible Person	Means a person who is appropriately trained in the Alcohol and Other Drugs Policy and Procedure for Councillors and in the assessment of fitness for work.
drug	means every substance or article which is a dangerous drug under and within the meaning of the Narcotics Drugs Act 1967 (Cth) or any other substance, article, preparation or mixture (with the exception of alcohol) whether gaseous, liquid, solid or in any other form which may alter the fitness for work of a person
negative	means the result at or below the nominated or target concentration used for initial testing
non-negative	means the initial positive test as yet unconfirmed by confirmatory testing by a designated collector
over the counter medication	means medicines available through a pharmacy without prescription
social events	means any endorsed event by the mayor, general manager or council, including council meetings
suitably qualified person	means a person from the authorised organisation who has been trained and assessed as competent in the use of alcohol and/ or drug testing equipment in accordance with the Australian Quality Training Framework (AQTF) requirements. For drug screening a designated collector also needs to hold NATA certification
workers	means the mayor, councillors, general manager undertaking work for, with, or on behalf of council. This excludes any person, volunteer, contractor undertaking work for, with or on behalf of council. Please refer to Alcohol and Other Drugs Protocol and Procedure

**20.0 Document control**

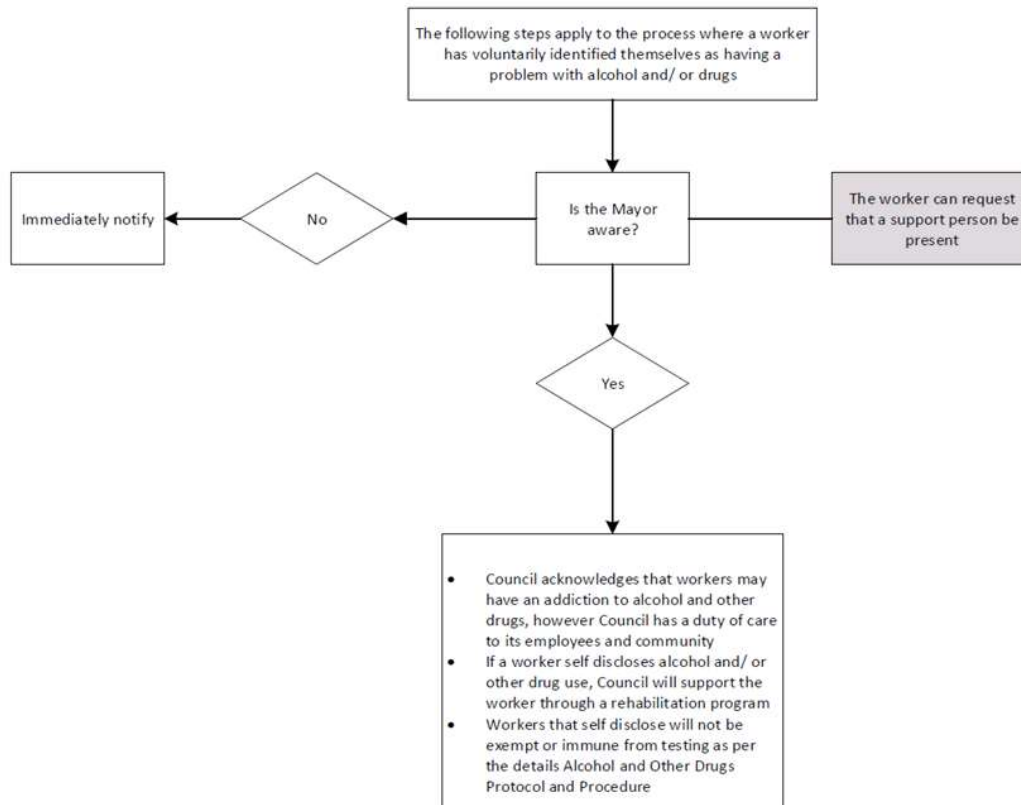
Date reviewed	Date adopted	Amendment
New Policy	25 June 2019	V1
7 August 2019	25 June 2019	V2 – administrative changes to 8.1.3 (additional delegations included), 9.0 i) (definition of "refused test" added) and 19.0 (definition of Delegated Responsible Person added) – no Council adoption required

**21.0 Signature**

<b>Name: Kerry McMurray – General Manager</b>	<b>Date: 26 June 2019</b>
Signature: 	



Appendix 1 – self disclosure rehabilitation flowchart



Item 16.11

Attachment 1

Appendix 2 – alcohol and drug rehabilitation plan

**Alcohol and/or Other Drugs Rehabilitation Plan - Confidential**

The following Rehabilitation Plan has been developed for:

<b>Employee:</b>	<b>Phone:</b>
<b>Goal:</b> To present to work and during work to be in a fit state without impairment that would prevent them from being able to undertake their duties in a manner that is safe and to current legislation.	

**Current rehabilitation issues:** *can be what has been tested positive for, concerns or issues that they have with their addiction etc*

**Steps that have been agreed:** *for example, to take time off for an initial review of their addiction, factors affecting their addiction, make appointments with EAP provider, seek further counselling/intervention from organisations that may provide more specific addiction counselling such as alcoholic anonymous, a time frame for these steps to be commenced, review and completion*

**Agreed costs:** *what the council has agreed to fund, eg fees for extra counselling above normal EAP sessions, type of leave to be accessed etc*

**Persons involved:** *who are the personnel involved with this rehabilitation plan that will have access to information contained, who can authorise (with the person's permission) additional persons etc*

**Comments:**

The following parties have agreed to the above Rehabilitation Plan:

Employee: \_\_\_\_\_ Date: / /

Supervisor/Manager: \_\_\_\_\_ Date: / /

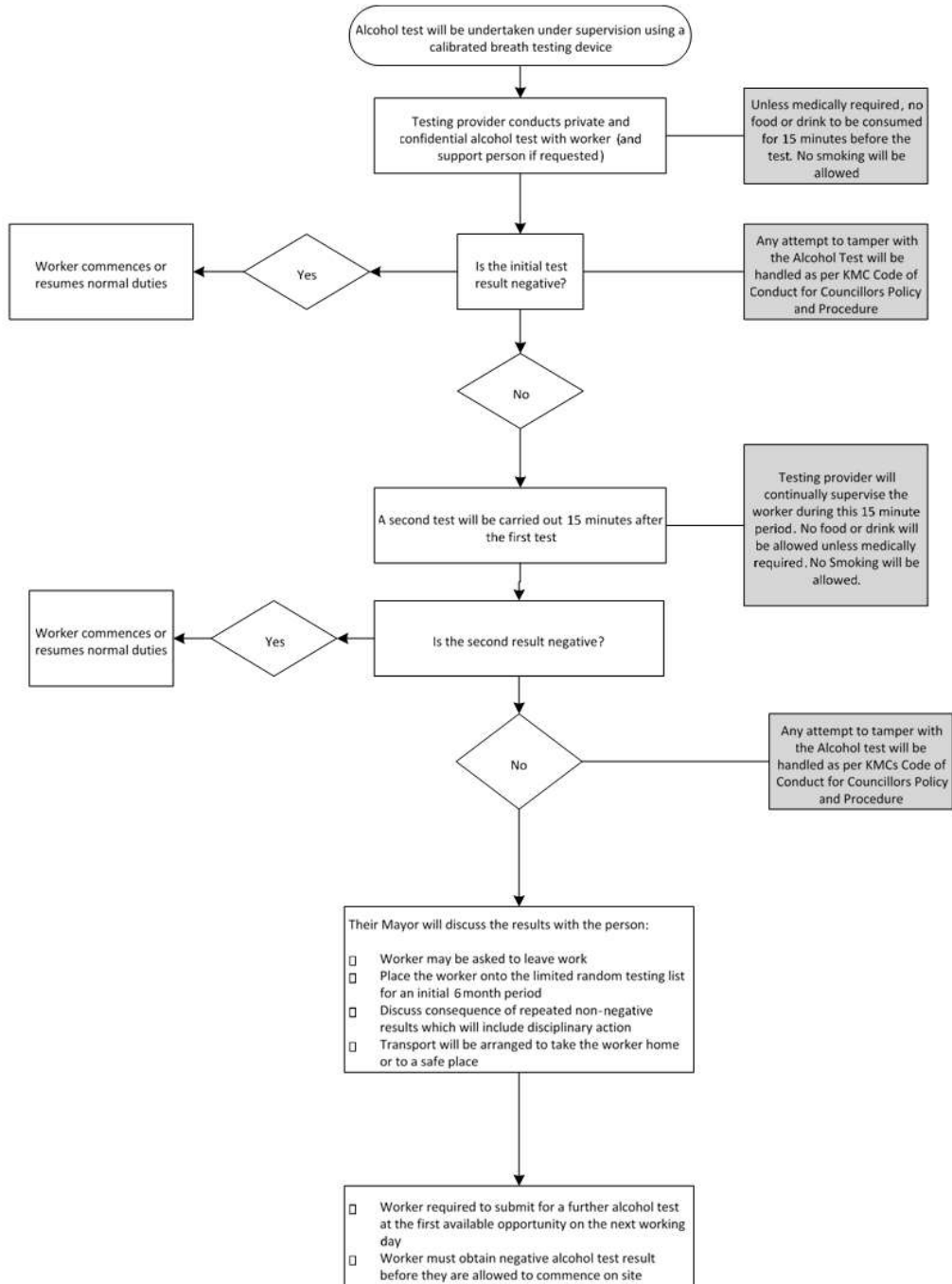
HR Manager (or authorised HR representative): \_\_\_\_\_ Date: / /

Doctor (if applicable): \_\_\_\_\_ Date: / /

**Item 16.11**

**Attachment 1**

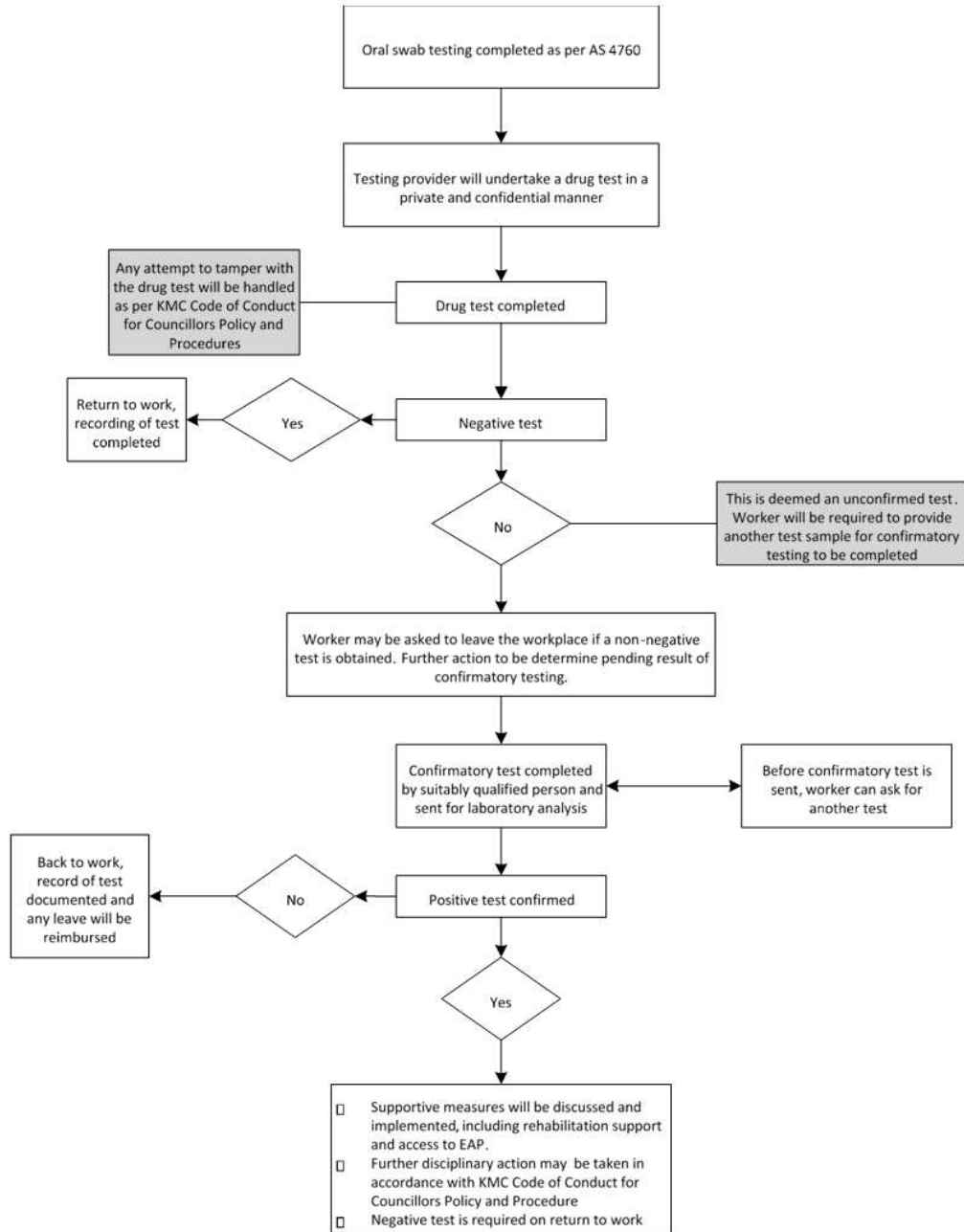
Appendix 3 – alcohol testing flowchart



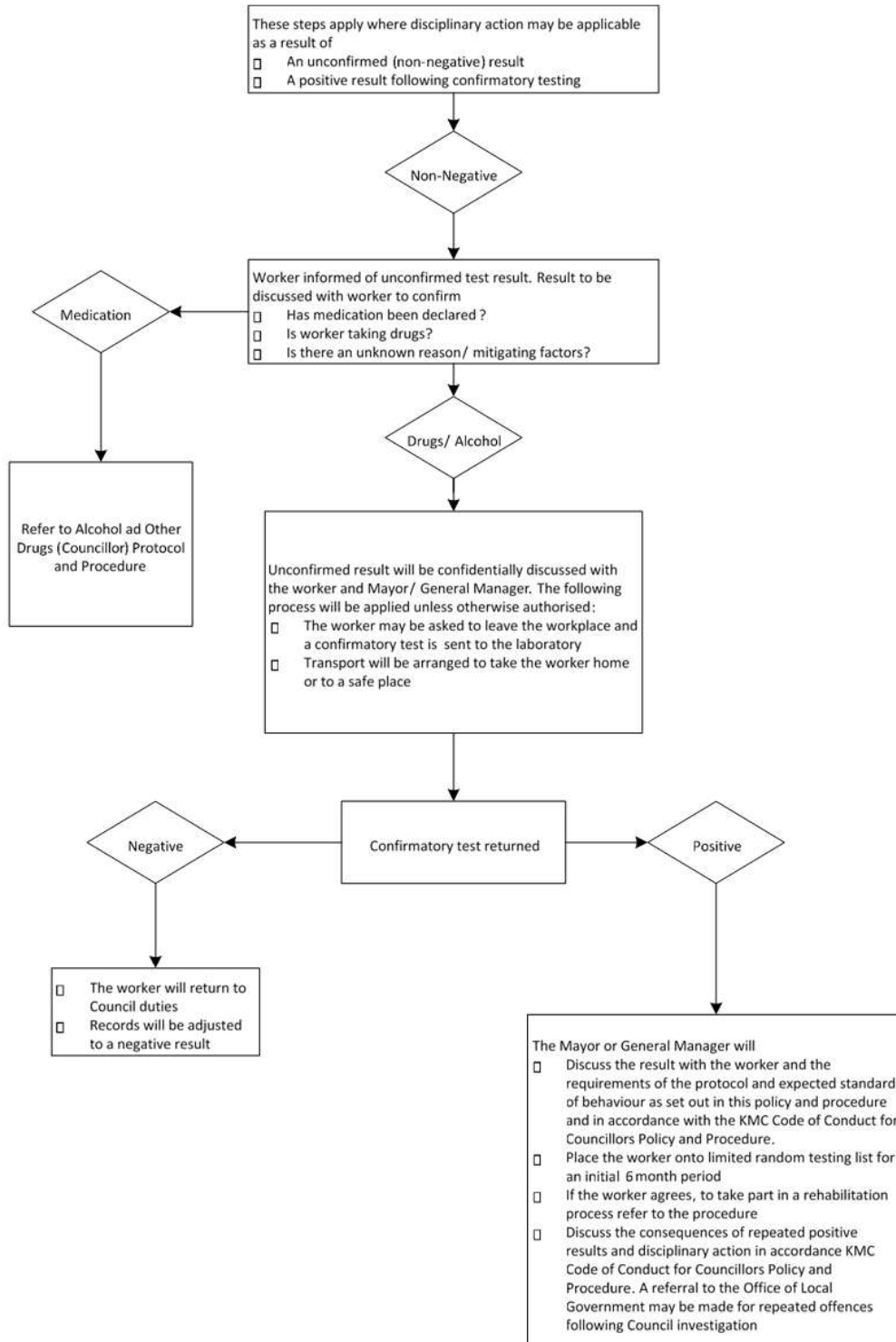
Item 16.11

Attachment 1

Appendix 4 – drug testing flowchart



Appendix 5 – disciplinary action flowchart



**How to contact Council**

**Post**

General Manager  
Kiama Municipal Council  
PO Box 75  
Kiama NSW 2533

**Telephone**

+61 (02) 4232 0444

**Facsimile**

+61 (02) 4232 0555

**Online**

Email: [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au)  
Website: [www.kiama.nsw.gov.au](http://www.kiama.nsw.gov.au)

**Office hours**

Our Administration Building located at  
11 Manning Street Kiama is open 8.45 am to 4.15 pm  
Monday to Friday (excluding public holidays)



**KIAMA MUNICIPAL COUNCIL**  
your council, your community



**16.12 Minutes: Central Precinct meeting - 25 June 2019 and 23 July 2019**

Responsible Director: Office of the General Manager

---

The minutes of the Central Precinct meetings held on 25 June 2019 and 23 July 2019 are attached for Councillors' information.

**Communication/Community Engagement**

Councillors and staff regularly attend and address Precinct meetings.

Meeting dates are published on Council's website.

**Attachments**

- 1 Minutes: Central Precinct Meeting - 25/06/19 [↓](#)
- 2 Minutes: Central Precinct Meeting - 23/07/19 [↓](#)

***Kiama Central Precinct Meeting***

***25<sup>th</sup> June 2019***

***Chair: Karen Renkema-Lang***

1. Welcome to everyone. Council representatives absent due to Council Meeting.
2. Acknowledgement made to the traditional owners of the land on which we meet. Respects were paid to the elders past and present.
3. Apologies  
Vicki Murray, Andrew Sloan, Kathy Rice, Gary James, Libby Eggins, Annette Pust, Margaret Watson, Neil Reilly.
4. Attendees  
Kim Elder, Anne Greaves, Mark Greaves, Chris Murray, Sue Eggins, Heather Hill, Joan Johnson, Chris Johnson, Geoff Wilson, Mike Stabui, Rebecca Stabui, Annette Levering, Peter O'Neill, Heather O'Neill, Karen Lang, Warren Simpson, Fran Carter.
5. Minutes of the last meeting  
The minutes were accepted - Chris Murray and Sue Eggins
6. Correspondence
  - Letter sent to Gareth Ward requesting a meeting with a representative from the Department of Premier and Cabinet and Peter O'Neill in relation to the Bombo Quarry.  
Gareth has forwarded this request to The Honourable Andrew Constance – Member for Transport.  
A response from the Minister is yet to be received.
  - A letter from Council to Peter O'Neil (as previous president) on the submission he had lodged objecting to the demolition of 47 Thomson Street and the construction of a multi dwelling building consisting of 12 units.  
KCP members support for Peter's original submission will be confirmed by writing another letter to Council – Attention Karen Renkema – Lang.  
The Historical Society will also send a letter of objection to Council.

**Item 16.12**

**Attachment 1**

*KCP submissions to Council*

- *Operational plan 2019-20*
  - Some recommendations against specific sections of the operational plan have been taken up, but not a lot.
  - It is not evident how certain actions and performance indicators will lead to outcomes that are beneficial to the community.
  - There is a need for transparency so as to see who will benefit.
  - Important to identify and prioritise community indicators.
  - There is a need for the reinforcement of Heritage issues.
  - It was noted that the operational plan sets the Council budget (Kiama Council has a \$75M budget).
  - Discussions ongoing.
- *Kiama Town Centre Study*
  - Positive working document which can be amended or changed, particularly as Council staff change.
  - KCP identified that heritage properties in the Town Centre be identified and incorporated into the LEP heritage listing. This strengthens the LEP.
  - The Kiama Town Centre Study can be viewed on the Council web site. In addition a presentation on the Kiama Town Centre Plan is available on the Australian Coastal Councils website. This was presented<sup>1</sup> and was provided by StudioGL, the consultants who developed the plan, at the Australian Coastal Conference held in March 2019.
- *Bombo Quarry Infill*
  - Peter sent an email to Gareth Ward requesting if he could facilitate a meeting between Boral, Council and State Rail to enable Boral to access their site through State Rail land.
  - The KCP preferred mode of transport of fill is by train rather than by truck and road due to safety and environmental grounds. However if road delivery is part of the solution then the delivery route should be via A1 overpass turning east through State Rail road access and not along Riverside Drive, under the A1 via Panama Street.
  - Request that community representatives be involved in meetings that will develop future land use proposals. In particular looking for community land to be identified as well as residential land.
- *Surfleet Place*
  - This development is for the demolition of existing structures (including a heritage farm house) and construction of 62 apartments.
  - The old farm house is currently not heritage listed.
  - Building setbacks have been taken from Surfleet Place; however, the buildings will face South Kiama Drive and thus will be highly visible.
  - Council staff favouring development.

- To date no decision to the submission has been received from Council.

## 7. General Business

### *Combined community group submissions to Council*

#### *Planning Proposal Amended kiama LEP 2011 and Council Response*

- The planning proposal will amend the Local Environment Plan so as to introduce a minimum lot size for dual occupancy, manor house and multi dwelling housing development in the R2 and R3 zones.
- The planning proposal to amend the LEP is the result of new government planning laws aimed to fast track complying medium density housing and encourages greater diversity in design.
- This planning proposal amendment is State driven.
- It is noted that as a result of these new development codes, complying medium density dwellings could occur in any street without neighbours being able to comment on the developers' plans.
- Complying Manor houses do not need Council approval and for example could consist of one large 'house' with 4 units inside.
- A letter received from Council advised that a report on this Planning Proposal is to be presented to Council's Meeting on 25<sup>th</sup> June 2019.
- Peter spoke at the public access meeting and sent a submission to Council (on behalf of the CCAG and KCP) on this issue, recommending that as Council has not developed a system to establish future dwelling numbers, that minimum lot sizes should not be reduced.

#### *Proposed precinct guidelines changes*

- Issues of concern under proposed changes include:
  - Restructure/reform related to which external organisations KCP can work with.
  - Communication to be with Council on major issues that have been identified by them, rather than initiated by precincts.
- Negotiation continuing with General Manager.
- An important role of Precincts is to operate as advisory committees to Council to help the community bring issues of concern, through formal and informal means.
- Issue of insurance (public liability and volunteer) has not been addressed by Council.
- Suggested response to precinct guideline changes:
  - 'Combined precinct groups continue to negotiate and the KCP will revisit after negotiations.'

8. KCP / Council engagement

*Kiama community participation plan*

- The community participation plan sets out how planning authorities will engage with their communities. The plans must meet the minimum requirements for community participation. Unless otherwise specified this could be limited to the 28 day public exhibition exposure draft.
- There is only a minimal amount of time as the community participation plan has to be completed by 1<sup>st</sup> December 2019, however, community participation has not started. Suggested that this be put on the agenda for regular updates.
- Write letter to council to find out where they are up to regarding the strategies they have for participating in planning discussions/decisions and community involvement during development of the community participation plan (attention Karen Renkema-Lang)

*Novel community engagement*

- Plan with physical 'serious game' using a range of pieces that help you create your future suburb on a scaled model.
- Engage with other Councils for ideas.

9. Kiama Council – current public exhibitions

*Aerial spraying of Bitoui Bush*

- No action, just for attention.

*Draft code of meeting practice*

- Link broken – notify Council of broken link (att. Karen Renkema-Lang).

10. Micro –plastic surveys

- Karen Renkema-Lang and Fran Carter did a workshop training day learning how to identify and classify micro-plastic (samples taken off Black Beach).
- Council has offered support with these surveys.
- A meeting with those who have already expressed interest will be called.
- Call for additional volunteers.

11. Kiama Matters (KCP Facebook site)

- Would like to encourage more members to join KCP Facebook site.
- Currently 28 out of 144 members on Facebook.
- Email to be sent to all members advising them of Facebook page (att. Karen Renkema-Lang).

12. Future themes

*Changes to local government and planning laws*

- Letter received from 'Better Planning Network Inc.' which provides a summary of the changes to the Ministers and departments following the recent NSW elections and highlights the structure of the NSW planning bodies.
- It was noted that the 'Office of Environment and Heritage' has been abolished.
- A suggestion was made to try and get someone from the Better Planning Network or State Government or Council for discussions on this subject.
- Combined Community Action Group (CCAG) to investigate and report back.

*Short Term Rental Issues*

- Open for discussion at next meeting on 23<sup>rd</sup> July 2019
- Presentation on this topical topic, with an emphasis on practical solutions to problems arising from uncontrolled rentals of whole houses or apartments.

*Environmental Matters*

- The 2019 Australian Coastal Councils Conference was held at Kiama and hosted by Kiama Council. Council could be asked to speak at an upcoming meeting on coastal planning legislation that applies to Kiama.

*Solar and Battery scheme to help reduce bills.*

- This is a **registration of interest only**, in the Empowering Homes program, which could save hundreds of dollars in power bills. The program will support the roll out of solar-power and battery systems across NSW by providing interest free loans.
- Registration of interest can be made on line which will give some indication of demand.
- Link for more information is below:  
<https://energy.nsw.gov.au/renewables/clean-energy-initiatives/empowering-homes>

13. Next Meeting – **23<sup>rd</sup> July 2019, 7pm.** *Please let affected friends and neighbours know we will be discussing solutions to short term rental problems.*

## ***Kiama Central Precinct Meeting***

***23<sup>rd</sup> July 2019***

***Chair: Kim Elder***

1. Welcome to everyone.
2. Acknowledgement made to the traditional owners of the land on which we meet.  
Respects were paid to the elders past and present.
3. Apologies  
Andrew Sloan, Mark Way, Matt Brown, Libby Eggins, Wendy Reilly, Gary Jones, Vicki Murray, Chris Murray.
4. Attendees  
Kim Elder, Anne Greaves, Mark Greaves, Heather Hill, Heather Bell, Gordon Bell, Bruce Elder, Pamela Wilson, Peter Meaney, Heather O'Neill, Ingrid Runge, Tom Runge, Geoff Wilson, Peter O'Neill, Sue Eggins, Sofia Capodanno, Jill Lambert, Jeromy Martens, Linda Brazier, Stephen Brazier, Peter Lyall, Cathy Law, Monica W Pannell, Andrew W Pannell, Matt Lamb, Helen Stirling, Neil Reilly, Karen Renkema-Lang, Kathy Rice, Judy Watson, Keith Watson, Jac Hancox, Perrie Croshaw, Rebecca Stabui, Michael Stabui, Linda Simpson, Warren Simpson.
5. Correspondence
  - Correspondence In
    - 28<sup>th</sup> June 2019 – Letter from the General Manager Kiama Council in response to the KCP submission on the 2019-2010 Operation Plan. Some of our recommendations were adopted but others were noted more as strategic planning outcomes and could be considered in the local strategic planning statement. The latter to be addressed at future KCP meetings.
    - 8<sup>th</sup> July 2019 – Email from Kiama Council with new Precinct Guidelines that will be tabled at the Kiama Council Meeting in August – most of the changes recommended by all the precincts via the CCAG have ***not*** been included. This is on the agenda of the CCAG on 23<sup>rd</sup> July 2019.
    - 15<sup>th</sup> May 2019 – Letter received from Kiama Council regarding a DA for alterations and additions to existing Kiosk located on Blowhole Point Road at Blowhole Point. These premises were previously occupied by Milk and Honey.



- 19<sup>th</sup> July 2019 – Letter receive from Kiama Council regarding a DA for the installation of an LED advertising sign on the awning of the Leagues Club. The advertising sign will be 1280mm high and 3200mm long and will face Terralong Street.

➤ Correspondence Out

- 2<sup>nd</sup> July 2019 – Letter to the General Manager requesting the KCP be involved in development of the Community Participation Plan and that Council staff attend the August meeting to inform the KCP the purpose of the plan.
- 2<sup>nd</sup> July 2019 – Follow up submission opposing DA for demolition of 47 Thompson Street and construction of a residential building consisting of 12 units.
- 3<sup>rd</sup> July 2019 – Email sent to The Rotary Club of Kiama advising that the KCP is in the process of establishing a local citizen science project to conduct micro- plastic surveys on specific Kiama beaches under the umbrella of AUSMAP (Australian Micro-plastic Assessment Project) – a nation-wide citizen science initiative, surveying Australian beaches for micro-plastic pollution.  
An invite was made for Rotary members and friends to participate in the surveys and in addition to see if Rotary would fund the purchase of kits needed to undertake the surveys (approx. \$400).
- 5<sup>th</sup> July 2019 – Email sent to Meares Place Resident Action Group in response to request for advice on lodging a submission on the revised Development Application for the Kiama Village extensions.

6. General Business

➤ **Precinct Guidelines – Peter O'Neill**

- As mentioned previously precincts operate as advisory committees to council to help the community bring issues of concern, through formal and informal means.
- Most of the changes recommended by all precincts via the CCAG have not been included in the new version prepared by Council.
- The Kiama community needs more inclusiveness with council; however, there is concern that the proposed guideline changes create a loss of input by the community.
- A meeting has been arranged with the Mayor and General Manager to discuss concerns regarding proposed precinct guideline changes.

➤ **Planning Proposal – Rezoning of land between Weir Street and Saddleback Mountain Road.**

- The development proposes 285 residential allotments, 140 small residential allotments and 30 townhouse sites.
- Council opposed rezoning.
- This rezoning has been decided by the Southern Regional Planning Panel (SRPP) that the proposal should be submitted for a Gateway Determination.
- As a result, the minister decides on the rezoning, based on a report from the SRPP. This requires Council and community input.
- Council has agreed to be the Planning Proposal Authority (PPA).
- The SRPP supported rezoning because in their view Kiama is not able to meet projected housing needs identified in the Illawarra Shoalhaven Regional Plan. The panel is therefore not convinced that sufficient dwellings will be available without rezoning.
- KCP believe the site is unsuitable for up to 1,700 more people and Kiama will have sufficient dwelling numbers if the effect of additional medium dwellings was taken into account, along with brownfield sites such as Bombo Quarry.
- Additional details are available under the Council business papers for 16<sup>th</sup> July 2019. ([16 July 2019 - Ordinary Council - Supplementary Agenda](#))
- Meeting agreed to write a letter to Council asking them to explain their role as Planning Proposal Authority for Weir Street and Saddleback Mountain Road. What will be the procedures and time frame? How will the community be involved? Will the Council still be able to oppose the rezoning?

➤ **Coastal Management Program**

- Kiama council are interested in hearing from people who use and enjoy Kiama's beautiful coastline, this will aid in developing a Coastal Management Program.
- Council has engaged consultants who will be gathering community ideas about Kiama's coast.
- Three drop in sessions for locals and visitors will be held at the end of July or alternatively an online survey is available.  
Details can be obtained from the Council web site below:  
<http://www.kiama.nsw.gov.au/your-council/news/latest-news/work-begins-on-coastal-management-plan>

➤ **Short Term Rental Accommodation (STRA)**

- STRA offers accommodation over a limited time period.
- In the Kiama Council Local Government Area, STRA is allowed to operate in a privately owned dwelling **without** having to obtain any Development Consent or being registered.
- Currently the operation of a STRA business 'requires' the property owner/operator to comply with:
  - ❖ Clause 6.10 of the Kiama Local Environment Plan (LEP) 2011.

- ❖ Kiama Municipal Council 'Short Term Rental Accommodation' policy – Chapter 12 of the Kiama Development Control Plan (DCP) 2012.
- ❖ Other Codes of Conduct.
- Council has undertaken a revision of their current Chapter 12 DCP and have created a stand-alone draft 'Short Term Rental Accommodation Policy'. This is yet to be adopted, as the new NSW government ACT related to Short-term Holiday rentals has yet to be enacted and the 'code of conduct for STRA has yet to be written.
- The Kiama Council Local Government Area is predominately a coastal community and hence, STRA businesses are increasing at a rapid rate. As a result many people in the community are affected by their operation.
- While most STRA are well managed, a number of STRA properties, particularly large homes with no host present, have negatively impacted neighbourhood amenity and local residents.
- These 'rogue' STRA party house properties often host to loud, late parties and events such as weddings, 'hens parties', 'buck's nights', strippers and prostitutes.  
In addition, there is general nuisance noise such as loud talking and laughing going through the night.  
There is also evidence of large congregations of people in general, joining up with people from other nearby STRA properties, and partying at one of the other properties.  
Due to the excessive number of cars parked and vehicle congestion in and around these properties there is an increased risk to public safety.
- Accountability and enforcement of Council's Short Term Rental Accommodation Policy is a key issue that needs to be addressed.
- Complaints/issues related to STRA properties which are breaches and therefore non-compliance to Council policy, should be documented so as appropriate action can be taken against the owner/s of any offending property.
- Members asked why Council couldn't enforce the current rules under Section 12 of the DCP?

7. Motions
  - a. KCP write a letter requesting that Council confirm the status of Chapter 12 Kiama Development Control Plan 2012 – Short Term Rental Accommodation (adopted by Council in 2015). If it is still in force that Council be asked to assign resources to enforce the controls specified in the DCP. Regardless of the status of the DCP, council be asked that as a minimum, a register of complaints/issues on STRA properties be maintained and regularly be reported on so that the nature and extent of the problem is known.  
(Attention: Karen Renkema-Lang).  
  
Moved: Karen Renkema-Lang  
Second: Sue Eggins
  - b. Meeting agreed to write a letter to Council asking them to explain their role as Planning Proposal Authority for Weir Street and Saddleback Mountain Road. What will be the procedures and time frame? How will the community be involved? Will the Council still be able to oppose the rezoning?
8. Next Meeting – **27<sup>th</sup> August 2019, 7pm.**

**16.13 Minutes: South Precinct meeting - 18 July 2019**

Responsible Director: Office of the General Manager

---

The minutes of the South Precinct meeting held on 18 July 2019 is attached for Councillors' information.

**Communication/Community Engagement**

Councillors and staff regularly attend and address Precinct meetings.

Meeting dates are published on Council's website.

**Attachments**

- 1 South Precinct meeting minutes - 18/07/19 [↓](#)

**MINUTES OF THE SOUTH PRECINCT MEETING  
held on Thursday 18 July 2019 at Gerringong Town Hall**

**Meeting Opened:** 7:30 pm

**Attendance:** 25 as per attendance book

**Chair:** Chris Cassidy

**Minutes:** Shane Douglas

*"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."*

**Apologies:** Cr Mark Westhoff, Jeff & Sandra McCarthy, Alma Macpherson, Shirley Coady, Steve & Linda Brazier, and L Wiley.

**Minutes of Previous Meeting**

**Moved:** that the minutes of the ordinary meeting of Thursday 20 June 2019 be accepted.  
Warren Holder/ Roy Schmidt **carried**

**Business Arising From Minutes:**

NIL

**Correspondence IN:**

1. KMC minutes June and July Ordinary Meeting.
2. Precinct Operational Guidelines
3. Email from Trevor Cuthbertson seeking clarification on Hand Rail Fig Tree Lane leading to IGA.
4. Confirmation from KMC that work is not complete on Fig Tree Lane Hand Rail.

**Correspondence OUT:**

1. KMC Clarification of hand rail and completion in Fig Tree Lane.
2. June minutes to KMC & July Agenda.

**Executive Report**

1. Chris updated meeting regarding Surf Schools There has been an appeal lodged with Land & Environment Vs KMC and no further discussion on this matter until decision made.
2. Strengthening affiliation with Gerringong Association with Dereck McMahon nominated as South Precinct Rep working with Gerringong Association.

**Council Papers/Development Applications (Raewyn Thomson)**

1. Operational Plan 2019-20 and Delivery Program 2017-21, including Budget and Fees & Charges
2. Capital Works projects removed from Draft Budget:
  - Street and Reserve Furniture – various: \$6,000 – proposed asset not aligned to asset management strategy
  - Water Bubbler Station – South Werri Headland: \$13,000 – proposed asset not aligned to asset management strategy
  - Coal Street, Belinda Street to Jupiter Street Road, Reseal: \$33,602
  - Miller Street, Pacific Avenue to Renfrew Road, Road Reseal: \$16,833
  - Renfrew Road, Sandy Wha Road to Pacific Avenue, Road Reseal: \$189,59

3. Report of the Director Environmental Services

- 11.7 10.2018.287.1 - Lot 103 DP 561082 - 96 Rose Valley Rose Valley
- KMC Coastal Management Plan

We want to hear how you use and enjoy our beautiful coastline, to help develop a Coastal Management Program (CMP). The CMP will be a long term strategy for managing our open coastal areas from Minnamurra in the north to Seven Mile Beach at Gerroa in the south. We are interested in the special places you value and wish to see looked after, including what you think are the issues, challenges and opportunities for our coastline.

We've organised a series of drop-in sessions with independent consultants who are gathering the thoughts of residents about our beaches and headlands. There's also an online survey for those who can't make the sessions.

More details on our website: [www.kiama.nsw.gov.au](http://www.kiama.nsw.gov.au)

Please come and have a say on managing the coastline risks. If you live close to sea level or just love being at sea level please come to one of the following sessions:

Werri Beach Progress Hall, Tuesday 30 July, 2:30pm-5:30pm

4. It was resolved that the following projects be included for 2019/20:

- Allocating \$80,000 to the upgrade of the bitumen and line marking at the Kiama Downs car park and removing project Footpath Burke Parade – Riverleigh Avenue to Stafford Street from the capital new program.

**Traffic Committee:**

It was noted at the meeting the increase in skating classes on Public Roads, and the dangers associated, in and around Gerringong and Gerroa.

**Treasurer's Report**

Spent \$200 on Planning Alerts Donation.

Balance as at 19 July 2019: \$146.92

**General Business**

1. Presentation by Kent Ladkin regarding Town Charrette.
2. Leanne Mitchell presentation regarding Gerringong Community Bank. Bendigo State Community Manager confirmed approval has been given for a Branch to open in Gerringong. Leanne also confirmed she has been appointed as Chair of Gerringong Community Bank Committee and the role of the committee will be accepting grant submissions from our Community. With General Manager KMC present the night before at the Community meeting, he confirmed KMC was awaiting DA to be submitted for approval, and he had permission from KMC Councillors, that he had discretionary power to approve DA to be submitted. Leanne finished by explain that \$5 million Business needed to be acted upon with our Gerringong Bendigo bank Branch, and with this in place Bendigo Corporate would then open in town.
3. Patrick Mahedy from Executive Gerringong Association gave an update, with the main project working with Council, Kiama business Chamber, to hold the next Customer Service Certificate training to be held in Gerringong at the Mecure.



4. Warren Holder & Richard Maitland gave an update regarding Boral Sand Mining and the application to extend current Sand Mining at Dunmore. It is claimed that current sand reserves will be expired within 18 months. They then went on and presented if the work is approved to expand, the impact/ damage to surrounding habitat and environment.
5. Rusty Moran gave a presentation on the impact of 5G network being installed in community. He then proposed a motion that had 5 points. Motion was seconded by Warren Holder.

For: 33 Against: 2

**Meeting closed:** There being no further business the Chair closed the meeting at 9.05 pm

**Next Meeting:** Thursday 15 August 2019.

**Item 16.13**

**Attachment 1**

**16.14 Minutes: Jamberoo Valley Ratepayers and Residents Association - 6 August 2019**Responsible Director: Office of the General Manager

---

The minutes of the Jamberoo Valley Ratepayers and Residents Association annual general meeting and general meeting held on 6 August 2019 are attached for Councillors' information.

**Communication/Community Engagement**

Councillors and staff regularly attend and address Association meetings.

Meeting dates are published on Council's website.

**Attachments**

- 1 Jamberoo Valley Ratepayers and Residents Association JVRRA - Annual General Meeting Minutes - 06/08/19 [↓](#)
- 2 Jamberoo Valley Ratepayers and Residents Association JVRRA - General Meeting Minutes - 06/08/19 [↓](#)

*Jamberoo Valley Ratepayers and Residents Association Inc.*

*PO Box 146*

*JAMBEROO, NSW 2533*

**Minutes of the Annual General Meeting  
6 August 2019  
Club Jamberoo, Allowrie Street, Jamberoo**

**Attendees**

Beth Downes, Mary Lou Reid, Geoff Reid, Bob Neilson, Ros Neilson, Glenys Day, John Zimmer, Chris Lavers, Mark Lavers, Kay Brennan, Michael Brennan, Tom Supple, Helen Supple, Cheryl Harris, Greg Harris, Rob McKinnon, Ros McKinnon, Beryl Ackroyd, Susie Nash, Vivienne Marris, Max Brennan, Gloria Jeffrey, Ken Jeffrey, Robyn Letham, Graham Letham, Ross Warren, Sandra Withers, Doug Withers, Marilyn Hodgson, Bill Hodgson, Hazel Lewis, Phil Lewis, Tristram Miall, Stan Judd, Peter Brown, Brian Dixon, Penny Morris, Paul Morris, Margaret Stephens, Paddy Byrne, Helen Cochran, Geoff Boxsell, Viv Boxsell, Julie Clough, Greg Clough, Carole Harrison, Ian Harrison, Margaret Leisk, Alan Leisk, Jeannie Lyall, Paul Rogers, Sandra Dingle, Jim Dingle, Vic East, Roger Lyle, Julie McDonald, Geoff Wilson, Fran Geraghty, Neill Reilly, Ian Facey, Barbara Jakeman, Leo Paternoster, Ray Nolan, Cathy Law, Patrick Byrne, Fran Jeffrey, Graham Pike, Anne Pike, J. Staniforth, Marea Gardner, Veronica Baker, Sidney Baker.

**Apologies**

John Friedmann, Lesley Friedmann, Allison Butler, Gordon Streek, Colin Hollis, Shirley Dixon, Garry Cochran, Sally Rogers, Greg Walsh, Bruce Robertson.

Chair Rob McKinnon declared the AGM open at 7.40 p.m., and welcomed JVRRRA members and guests.

1. The [Minutes of the JVRRRA Annual General Meeting of 7 August 2018](#) as circulated were accepted (moved Bob Neilson, seconded Sandra Dingle).

2. The [Chair's Annual Report](#) was presented.

3. The [Treasurer's Annual Report and Auditor's Report 2018-2019](#) were accepted (moved Roger Lyle, seconded Geoff Boxsell.)

In response to a question from a member, clarification was provided regarding the movement of funds during the year related to the transitioning of Jamberoo Markets from JVRRRA to Jamberoo Red Cross management.

4. The [NSW Fair Trading Annual Report](#) was tabled.  
Roger Lyle agreed to continue to act as Public Officer.

**5. Determination of Annual Fees for 2019-2020**

It was resolved that annual fees should remain at their present level of \$20 per household, as stipulated on the Membership Application Form, due at the end of the financial year (moved Ros Neilson, seconded Margaret Stephens).

**Election of Office Bearers 2019-2020**

The following nominations had been received by close of nominations, 30<sup>th</sup> July:

Chair: John Friedmann, Graham Letham, Vivienne Marris

Vice Chair: Peter Brown, Graham Pike

Treasurer: Mary Lou Reid

Secretary: Ros Neilson

Publicity Officer: Glenys Day

The meeting adjourned while ballots were counted (Returning Officer: Rob McKinnon, Scrutineers: Geoff Reid and Bob Neilson).

The following candidates were elected:

**Chair: Vivienne Marris**

**Vice Chair: Peter Brown**

**Secretary: Ros Neilson**

**Treasurer: Mary Lou Reid**

**Publicity Officer: Glenys Day**

**Changes to Bank Account Signatories**

Following the election under the Rules of the Association, for the JVRRA IMB bank account BSB 641-800 Account Number 004506852, PO Box 146, Jamberoo 2533, the JVRRA bank signatories are:

Peter Bailey Brown, 46 Macquarie Street, Jamberoo

Vivienne Marris, 19 Chapel Lane, Jamberoo

Roslyn Neilson, 15 Minnamurra Lane, Jamberoo

Mary Lou Reid, 8 Hyam Place, Jamberoo

Glenys Day, 475 Fountaindale Road, Jamberoo

Rob McKinnon and Graham Pike were removed as signatories.

At the conclusion of the meeting, retiring Chair Rob McKinnon was presented with a gift in appreciation of his service to the Association and the community, and good wishes were extended to Rob and his family as they move into Kiama.

The AGM closed at 8.30 p.m.

Signed as a true record of the 2019 AGM:

Chair (retiring): Rob McKinnon .....

Date: .....

Treasurer: Mary Lou Reid .....

Date: .....

**Item 16.14**

**Attachment 1**

**JAMBEROO VALLEY RATEPAYERS AND RESIDENTS ASSOCIATION Inc.**

PO Box 146, JAMBEROO, NSW 2533

[jvrrasecretary@gmail.com](mailto:jvrrasecretary@gmail.com)

**Minutes of the JVRRRA General Monthly Meeting  
Tuesday 6 August 2019 at Club Jamberoo**

**Attendees**

Beth Downes, Mary Lou Reid, Geoff Reid, Bob Neilson, Ros Neilson, Glenys Day, John Zimmer, Chris Lavers, Mark Lavers, Kay Brennan, Michael Brennan, Tom Supple, Helen Supple, Cheryl Harris, Greg Harris, Rob McKinnon, Ros McKinnon, Beryl Ackroyd, Susie Nash, Vivienne Marris, Max Brennan, Gloria Jeffrey, Ken Jeffrey, Robyn Letham, Graham Letham, Ross Warren, Sandra Withers, Doug Withers, Marilyn Hodgson, Bill Hodgson, Hazel Lewis, Phil Lewis, Tristram Miall, Stan Judd, Peter Brown, Brian Dixon, Penny Morris, Paul Morris, Margaret Stephens, Paddy Byrne, Helen Cochran, Geoff Boxsell, Viv Boxsell, Julie Clough, Greg Clough, Carole Harrison, Ian Harrison, Margaret Leisk, Alan Leisk, Jeannie Lyall, Paul Rogers, Sandra Dingle, Jim Dingle, Vic East, Roger Lyle, Julie McDonald, Geoff Wilson, Fran Geraghty, Neill Reilly, Ian Facey, Barbara Jakeman, Leo Paternoster, Ray Nolan, Cathy Law, Patrick Byrne, Fran Jeffrey, Graham Pike, Anne Pike, Joy Staniforth, Marea Gardner, Veronica Baker, Sidney Baker.

**Apologies**

John Friedmann, Lesley Friedmann, Allison Butler, Gordon Streek, Colin Hollis, Shirley Dixon, Garry Cochran, Sally Rogers, Greg Walsh, Bruce Robertson.

**The meeting was opened at 8.15p.m. by incoming Chair, Vivienne Marris.**

**JVRRRA Committee 2019-2020**

Welcome to new committee members: Chair Vivienne Marris, Vice Chair Peter Brown. Other committee positions unchanged: Treasurer Mary Lou Reid, Secretary Ros Neilson, Publicity Officer Glenys Day.

Ros Neilson discussed the importance of having members who are able to carry out minute-taking and other secretarial duties if she herself is away or ill. Ros will be away on holiday for both the September and the December 2019 meetings, so this is urgent. Some IT experience is essential, including the ability to work with Windows and Microsoft Word. Ros can provide instruction on the other simple but necessary IT skills, and Roger Lyle is available for further IT mentoring.

**ACTION for all members:** Please consider contacting Ros if you would like to discuss what is involved in helping out.

**Minutes of the previous JVRRRA General Meeting of Tuesday 2 July 2019**

The [Minutes of the 2 July 2019](#) meeting as published were carried with no dissent.

**Matters arising from the previous Minutes not listed elsewhere in the Agenda**

There were no matters arising.

**Correspondence IN:**

- From Council re clarification of references to JVRRA within the Kiama Municipality Precinct Guidelines that are currently under review.
- From Council re road conditions at Burra Creek Road and Budderoo Track, Gerringong Falls.

**Correspondence OUT:**

- To Council re swimming pool toilet facilities – decision re locking facilities postponed.
- To Council re clarification of Kiama Precinct Guidelines references to JVRRA
- Contact with office of Fiona Phillips, sitting member for Gilmore – contributing to database of community groups.

**Matters Arising from the Correspondence not listed elsewhere in the Agenda**

- Budderoo Track Repairs: The Road is reportedly in a dangerous condition for both locals and the many tourists. Council has indicated that they are not able to act because this is a National Parks and Wildlife Road, and provided a contact number at the NPW Nowra Office to report the issue. Despite repeated attempts to reach the contact number, the phone has been unattended. Suggestions: Try Fitzroy Falls.

**ACTION:** Ros Neilson to pursue issue of maintenance of Budderoo Track.

**Treasurer's Report for month ending 30 June 2019**

The [Treasurer's Report for Month ending 30 June 2019](#) as circulated and distributed was accepted with no dissent.

**Code of Conduct for JVRRA**

The [Draft Code of Conduct for JVRRA Committee Members](#) developed by the sub-committee of Roger Lyle, John Friedmann and Bob Neilson was presented.

Bob Neilson spoke to the draft, stating that it referred to Committee Members only. He said that he saw it as a simple document, setting out basic principles by which the committee members would work. He said that having a code of conduct would bring JVRRA in line with other similar organisations, and pointed out that its intention was to set up a conciliatory approach to resolving perceived breaches. He argued that the effect of having an explicit code would be to establish guidelines that would make it easier to discuss problems when they did arise, and it would allow for greater freedom of speech within the committee if confidentiality were ensured. Roger Lyle said that the sub-committee saw the Code of Conduct as a living document that could be adapted in the future by the general meeting of the Association if and when the need arises.

Graham Pike spoke against the draft, expressing the opinion that a Code of Conduct was unnecessary, could lead to unwanted legal actions, would erode the free expression of ideas, and would mean the end of the collegiate, friendly feel of the association.



Graham Letham pointed out that the motion as reported in the previous month's minutes referred to a Code of Conduct affecting members as well as committee members. Ros Neilson said that although this was indeed the wording of the original motion as stated in the minutes, it had been made clear in the discussion at the July meeting and in the supporting statement from Roger Lyle that was linked to the July minutes, that the intention of the sub-committee was going to be to draft a code affecting committee members.

Motion (moved Geoff Boxsell, seconded Vic East):

*Committee Members as drafted.*

The motion was carried.

**ACTION:** [JVRRA Code of Conduct dated August 2019](#) to be filed in JVRRA Public Documents

#### **Combined Community Action Group (CCAG) News**

- The following JVRRA members have self-nominated as current CCAG Representatives: Roger Lyle (currently CCAG Chair), Ros Neilson (currently CCAG Secretary), and Graham Pike.
- It was noted that the terms of reference adopted by CCAG requires up to three Representatives from each Precinct or Ratepayer Group.
- Roger Lyle reported on a meeting held on 30 July with the Kiama Mayor and General Manager and representatives from each of the four participating CCAG groups, to discuss the current adaptation of the Precinct Guidelines. These Precinct Guidelines do not directly affect JVRRA, as we are an independent association, but the guidelines policy is certainly relevant to the flow of communication between all the community groups and Council. The outcome of the meeting with Council was felt to be very positive, with general agreement that Council could help to support community groups by providing clear information and explanations of policies. It was also agreed at the meeting that the Precinct groups were free to consult with outside organisations when issues were not under the responsibility of Kiama Council. The General Manager and Mayor responded positively to CCAG having adopted its own Code of Conduct.

#### **Discussion: Locking of Jamberoo Swimming Pool toilet block facilities**

Ros Neilson reminded the meeting of the discussion held at the July meeting regarding possible locking of the toilet facilities at Jamberoo swimming pool at night or in winter, in order to avoid vandalism. General discussion at this present meeting supported the argument that it was important to keep the facilities open for the general public.

Motion (proposed Graham Pike, seconded Hazel Philips):

The motion was carried.

**ACTION:** Letter to Council advising that JVRRA thanks Council for providing the facilities, and requests that the facilities stay open year-round to serve the needs of the community.

#### **DA Discussion: [Developments at Jamberoo Action Park.](#)**

A [letter from Peter Kennedy](#) was read out, arguing that the colour scheme of the proposed development was inappropriate and inconsistent with other aspects of the Action Park.

Peter suggested that instead of referencing the outback, the proposed 'gorge' jumping and waterslide could usefully reference the sandstone gorges of Jamberoo Valley and its surrounds, and that local rainforest vegetation established alongside the ride could not only be very attractive but could also provide useful local habitats for flora and fauna, enhancing the Action Park's environmental and conservation credentials.

Ken Jeffreys argued that children like bright colours, and if local residents couldn't actually see the new developments, we shouldn't be asking the developer to change the colours. Members pointed out that we are not sure just what will be visible from outside the Action Park.

The consensus was that we should request that the Jamberoo Action Park developers consider changing their colour scheme to be more consistent with residents' previous requests regarding fitting in with the local landscape.

**ACTION:** Submission to Council requesting consideration of adapting the colour scheme to allow the new section to reflect the local context and environment.

#### JVRRRA Insurance

Motion (proposed Ros Neilson, Seconded Vivienne Marris):

Motion carried.

Greg Walsh and Associates was thanked for the community discount they have provided this year.

Ros Neilson stated that Greg Walsh reminded her when they were discussing insurance that if JVRRRA members are doing maintenance or gardening work on Council property, they are not covered by JVRRRA insurance. Greg advises that members should check their own personal insurance policies to make sure they are covered.

#### **Infrastructure**

- Residents are very pleased to see that the Hyams Creek pedestrian footpath over the bridge has been completed. It was suggested that we should invite the Mayor to do a ribbon cutting ceremony to celebrate its completion, and perhaps invite some schoolchildren to the photo opportunity, to showcase the safe walking route to school.  
**ACTION:** Council to be contacted to discuss arranging a formal opening of the footpath across the bridge.
- Roger Lyle informed the meeting that the new towers that have appeared on a hillside alongside Minnamurra Lane are part of the new NBN fixed wireless service. Michael Brennan asked if neighbours had been informed about the installation of the towers; no one seemed to have received information.
- Vivienne Marris commented positively on the traffic mirror that Council has provided to assist motorists exiting Chapel Lane onto Churchill Street.

#### **Jamberoo Music Festival**

Ros Neilson asked the meeting to confirm that residents wanted to congratulate Erica Warren and the Jamberoo Music Festival Directors on another successful day. There was very strong agreement.

**ACTION:** Letter to Erica Warren.

**General Business**

Vivienne Marris suggested establishing a JVRRRA Suggestion Box to be placed on the signing-in table at the entrance when General Meetings are held. This could encourage people who do not want to introduce formal motions, to make suggestions (even anonymously if they prefer to do so).

**ACTION:** Suggestion Box system to be discussed further by the committee.

**Potential Guest Speakers**

- Peter O’Neill, from the Kiama Central Precinct, has offered to speak at the JVRRRA October 1 meeting on a ‘Epicentre’ proposal, to include a community-based entertainment area, as part of the re-development of Bombo Quarry.

Peter has provided the following information:

““Bombo Quarry is coming to the end of its useful life and when redeveloped, could address much of our future housing, commercial and industrial needs. Boral has put in a DA to remediate their section of the site. State Rail is expected to follow suit in a few years. This will be followed by civil and infrastructure work and finally construction of facilities.

To encourage the production of major festivals and events in the Illawarra, the Kiama Central Precinct is proposing that a permanent council owned and community/commercially managed cultural, festival and event area be also identified and established as an environmentally sustainable Epicentre in Bombo Quarry. Through attracting more patrons and tourists it would offer alternative employment options, with major festival and event activities, a cultural centre with a focus on local resilience and be environmentally sustainable, with open natural space incorporating community gardens and recreation areas for children and adults.”

The meeting agreed that Peter O’Neill’s presentation would be of interest.

**ACTION:** Confirm with Peter O’Neill re October Guest Speaker.

- Vivienne Marris suggested that Fiona Phillips could be considered as a potential Guest Speaker.

**ACTION:** Committee to continue compiling a list of potential guest speakers.

**Date of next JVRRRA General Meeting: Tuesday 3 September 2019.**

**Close of meeting: 9.20 p.m.**

**16.15 Minutes: Minnamurra Progress Association - 6 August 2019**

Responsible Director: Office of the General Manager

---

The minutes of the Minnamurra Progress Association meeting held on 6 August 2019 are attached for Councillors' information.

**Communication/Community Engagement**

Councillors and staff regularly attend and address Association meetings.

Meeting dates are published on Council's website.

**Attachments**

- 1 Minutes: Minnamurra Progress Association - meeting 06/08/19 [↓](#)

---

MINNAMURRA PROGRESS ASSOCIATION -- MINUTES 6<sup>th</sup> AUGUST 2019

**PRESENT:** 27 PERSONS. Sarah BLAIR, Graeme COLLINSON-SMITH, Russell and Robyn COOMBS, Ian DODSWORTH, Kevin GODWIN, Selwyn HOLLAND, Cliff MASON, Rae McCLYMONT, Pat PHELAN, Ayden SKORULIS, Ray SMITH, Arthur SMITHERS, Vicki and Murray STEELE, John WILLIAMS, Phil WILLIAMS, Andrew and Patricia WILSON, Nellie DELHAAS, John HASELTINE, Wayde SIEMSEN.

Visitors: Fiona PHILLIPS, Stuart LARKINS, Richard MAITLAND, Will CHYRA, Iain SCOTT.

APOLOGIES: Cheryl COLLINSON-SMITH, Bob and Noelene SINCLAIR, Robyn Smithers, Lana and Barry MAHONEY, Mark WAY, Phil WILLIAMS

Apologies accepted - Moved: Ray S/Seconded Ian D. CARRIED.

---

MEETING OPENED 7.20 PM. CM chaired meeting and requested persons sign in and buy a raffle ticket to assist funds. He acknowledged the traditional owners of the land.

MINUTES 2<sup>nd</sup> JULY: Moved: Ian D, Seconded: Trish W., CARRIED.

Business Arising:

\* Rally opposing Boral sand mine was attended by MPA members (and many others). Motion at rally opposing sand mine was moved by Richard Maitland and seconded by Cliff Mason.

\* We nominated Aapo Skorulis as the Progress representative on the Boral sand mining consultative panel, but not yet advised to Shellharbour Council.

\* Cliff has written to KMC and Gareth Ward re parking at Minnamurra train station.

---

GUEST SPEAKER: President Cliff deferred remaining business and welcomed the guest speaker Fiona Phillips, the newly elected federal member for Gilmore. Ms Phillips gave an entertaining and informative talk about her introduction to the Australian Parliament which covered a number of topics including:

\*Her maiden speech, which covered topics such as the role of volunteers, issues confronting pensioners and the progressive nature of the electorate's namesake, Dame Mary Gilmore.

\*Question time – the "Theatre of Parliament",

\*Committees she is appointed to. These include:

- Agriculture and water
- Regional NBN
- Internal committees including as Secretary of the "Sustainable Australia" C'tee

\*The electoral office, which is situated at the same premises as previous in Nowra. It deals with any federal issues such as assistance with grant programs, statements on behalf of Associations, advocacy for Pensioners and NDIS and ministerial representations.

Ms Phillips fielded a number of questions and some commentary from the floor. Questions included:

- \*What is the best way to communicate with the electoral office? (Depends but usually email)
  - \*Princes Highway upgrades? (feedback given including bridge renewal program)
  - \*Federal government role in health? (feedback given)
  - \*Will "shop front" and other visits continue? (yes)
  - \*Is there continuity of records at the electoral office with a change of local member? (no)
- Cliff proposed a vote of thanks to Fiona which was carried with acclamation.

---

CORRESPONDENCE: President Cliff listed the following Correspondence:

- \* Cliff wrote to KMC and Gareth Ward re parking at Minnamurra train station.
- Cliff wrote to KMC re the concern mentioned last meeting on dumping of blue metal in the river.
- \*Cliff wrote to RMS re mooring issue. No response to date.
  - \*Cliff wrote to Boral regarding the sea eagle nesting site near the proposed sand mine, which had not been found in Boral's original site investigation. Cliff provided photos, metadata and screen shots which demonstrated the location of the nest. Boral responded and thanked him for the information and advised that they were undertaking further investigations.
  - \* Richard Maitland informed the MPA of 2 resolutions presented at the anti sand mine rallies. These were supported by both Kiama and Shellharbour Councils and were presented to Gareth Ward who supports the community position and was speaking on the subject in the house tonight. Richard stressed the importance of maintaining pressure on the government and encouraged people to attend and present at the planning committee (IPAC) meeting. Representations have been made to Gareth Ward to have the Kiama Mayor added to the IPAC panel for this review. Information on the relevant issues is available from Richard or Will Chyra.
  - \*Councillor Way has circulated a KMC proposal for a bike park in Minnamurra quarry and encouraged members to vote for their grant application.
  - \*A new coastal management plan is being prepared and includes an on line survey on the KMC website. Cliff encouraged members to participate in the survey.
  - \*KMC guidelines for Precinct Committees have been circulated. Cliff encouraged members to review and comment.
  - \*A renewal of the public liability insurance policy has been received. The premium of \$504 covers the 12 month period from 31/8/2019 which is slightly less than the current year.
- Motion to renew insurance moved Ray S, seconded Pat P, CARRIED.

---

TREASURERS REPORT: Presented by Ayden

47 members as at 6 August 2019  
2 July raffle raised \$22.00  
Deposited \$97.00 on 3 July 2019 and \$65.00 on 12 July 2019

We have:  
\$1,113.75 in a term deposit trust account  
\$1,628.19 in our cheque account and  
\$16 in cash  
- a total of \$2,757.94  
Our registration with NSW Govt for \$46.00 was paid on 15 July 2019.

Aapo is overseas and will return next meeting.

Report accepted - Moved: Ray S, Sec: Pat P, CARRIED.

---

GENERAL BUSINESS:

1. John Williams raised the issue of excessive damage to trees ("environmental vandalism") in Railway Avenue, caused by Endeavour Energy contractors. Not interested in maintaining tree condition and poor attitude to locals. John to provide details for further action by MPA.
2. Cliff will be away for next 2 meetings. He can arrange flyers for the September meeting but not the October meeting – Vicki S volunteered to arrange flyers for October meeting.
3. Suggestions for speaker at next meeting were discussed. Possibly KMC to present on boardwalk – detailed design should be available soon. {A number of other suggested speakers were mentioned over supper}
4. Tea was hosted by Trish Wilson with thanks. September meeting will be hosted by Cheryl C-S and October meeting will be hosted by Vicki S.

The Raffle was drawn by Fiona and won by Ian Dodsworth.

MEETING CLOSED 8.35 PM FOR SUPPER.

---



**16.16 Minutes: Country Mayors' Association meeting held on 2 August 2019**

Responsible Director: Office of the General Manager

---

The minutes of the Country Mayors' Association meeting held on 2 August 2019 are attached for Councillors' information.

**Attachments**

- 1 Minutes: Country Mayors Association of NSW - 2 August 2019 [↓](#)



# Country Mayors Association of NEW SOUTH WALES

Chairperson: Cr Katrina Humphries  
PO Box 420 Moree NSW 2400  
02 6757 3222  
ABN 92 803 490 533

## MINUTES

### GENERAL MEETING

FRIDAY, 2 AUGUST 2019 THEATRETTE, PARLIAMENT HOUSE, SYDNEY

The meeting opened at 8.50 a.m.

#### 1. ATTENDANCE:

Armidale Regional Council, Cr Bradley Widders  
Bega Valley Shire Council, Cr Kristy McBain, Mayor  
Bellingen Shire Council, Cr Dominic King, Mayor  
Bland Shire Council, Cr Brian Monaghan, Mayor  
Bland Shire Council, Mr Ray Smith, General Manager  
Blayney Shire Council, Cr Scott Ferguson, Mayor  
Blayney Shire Council, Ms Rebecca Ryan, General Manager  
Broken Hill City Council, Cr Darriea Turley, Mayor  
Broken Hill City Council, Mr James Roncon, General Manager  
Cabonne Shire Council, Cr Kevin Beatty, Mayor  
Cabonne Shire Council, Mr Brad Byrnes, General Manager  
Carrathool Shire Council, Cr Peter Laird, Mayor  
Coolamon Shire Council, Mr Tony Donoghue, General Manager  
Cootamundra-Gundagai Regional Council, Cr Abb McAlister  
Dubbo Regional Council, Cr Ben Shields, Mayor  
Dungog Shire Council, Cr Tracy Norman, Mayor  
Dungog Shire Council, Ms Coralie Nichols, General Manager  
Federation Council, Cr Patrick Bourke, Mayor  
Federation Council, Mr Adrian Butler, General Manager  
Forbes Shire Council, Cr Phyllis Miller, Mayor  
Forbes Shire Council, Mr Steve Loane, General Manager  
Gilgandra Shire Council, Cr Doug Batten, Mayor  
Gilgandra Shire Council, Mr David Neeves, General Manager  
Glen Innes Shire Council, Cr Carol Sparkes, Mayor  
Goulburn Mulwaree Council, Cr Bob Kirk, Mayor  
Goulburn Mulwaree Council, Mr Warrick Bennett, General Manager  
Griffith City Council, Mr Brett Stonestreet, General Manager  
Gunnedah Shire Council, Cr Jamie Chaffey, Mayor  
Gunnedah Shire Council, Mr Eric Growth, General Manager

Page 2

Item 16.16

Attachment 1

Gwydir Shire Council, Cr John Coulton, Mayor  
Gwydir Shire Council, Mr Max Eastcott, General Manager  
Hilltops Council, Cr Brian Ingram, Mayor  
Kempsey Shire Council, Cr Liz Campbell, Mayor  
Kiama Municipal Council, Cr Mark Honey, Mayor  
Kyogle Council, Cr Danielle Mulholland, Mayor  
Leeton Shire Council, Cr Paul Maytom, Mayor  
Leeton Shire Council, Ms Jackie Kruger, General Manager  
Lithgow City Council, Cr Ray Thompson, Mayor  
Lithgow City Council, Mr Andrew Muir, Acting General Manager  
Moree Plains Shire Council, Cr Katrina Humphries, Mayor  
Moree Plains Shire Council, Mr Lester Rogers, General Manager  
Murray River Council, Cr Christopher Bilkey, Mayor  
Murray River Council, Mr Des Bilske, General Manager  
Narrandera Shire Council, Mr George Cowan, General Manager  
Narromine Shire Council, Cr Craig Davies, Mayor  
Oberon Shire Council, Cr Kathy Sajowitz, Mayor  
Oberon Shire Council, Mr Garry Wallace, General Manager  
Orange City Council, Cr Reg Kidd, Mayor  
Parkes Shire Council, Cr Ken Keith, Mayor  
Parkes Shire Council, Cr Barbara Newton, Deputy Mayor  
Shellharbour City Council, Cr Marianne Saliba, Mayor  
Shoalhaven City Council, Cr Amanda Findley, Mayor  
Shoalhaven City Council, Mr Paul Keech, Director Assets and Works  
Snowy Monaro Regional Council, Cr John Rooney, Mayor  
Snowy Valleys Council, Cr James Hayes, Mayor  
Temora Shire Council, Cr Rick Firman, Mayor  
Temora Shire Council, Mr Gary Lavelle, General Manager  
Tenterfield Shire Council, Cr Peter Petty, Mayor  
Upper Lachlan Shire Council, Cr John Stafford, Mayor  
Uralla Shire Council, Cr Michael Pearce, Mayor  
Uralla Shire Council, Mr David Aber, Acting General Manager  
Walcha Council, Cr Eric Noakes, Mayor  
Walcha Council, Mr Jack O'Hara, General Manager  
Warren Shire Council, Cr Milton Quigley, Mayor  
Warren Shire Council, Mr Glen Wilcox, General Manager  
Warrumbungle Shire Council, Mr Roger Bailey, General Manager  
Yass Valley Council, Cr Rowena Abbey, Mayor  
Yass Valley Council, Mr Chris Berry, Acting General Manager  
LGNSW Cr Linda Scott, President  
LDNSW Ms Tara McCarthy, Chief Executive

**APOLOGIES:**

As submitted

**SPECIAL GUESTS:**

Hon Mark Coulton MP, Minister for Regional services, Decentralisation and Local Government, Assistant Trade and Investment Minister

Hon Adam Marshall MP, Minister for Agriculture and western New South Wales  
Geoff McKechnie APM, Assistant Commissioner, Commander, Western Region,  
New South Wales Police Force  
Richard Colbran, Chief Executive Officer, NSW Rural Doctors Network

**2. ADOPTION OF MINUTES OF PREVIOUS MEETING:**

RESOLVED that the minutes of the General Meeting held on 31 May 2019 be accepted as a true and accurate record (Parkes Shire Council /Tenterfield Shire Council).

**3. Matters Arising from the Minutes**

Cr Peter Petty Tenterfield Shire advised that the Waste Levy Group was to meet with the Minister for Energy and Environment, to discuss the dot points outlined in the Associations resolution of 31 May

**4. CORRESPONDENCE**

Outward

- (a) Mr Gordon Hinds, Managing Director, Better Energy Technology, thanking him for his presentation on 31 May 2019
- (b) The Hon Matt Kean MP, Minister for Energy and Environment, regarding the need for increased fire management issues
- (c) The Hon Adam Marshall MP, Minister for Agriculture and Western NSW, regarding the need for increased fire management issues
- (d) The Hon Matt Kean MP, Minister for Energy and Environment, requesting support for the prioritisation of electricity grid connections at substations
- (e) The Hon Angus Taylor MP, Minister for Energy and Emissions Reductions, requesting support for the prioritisation of electricity grid connections at substations
- (f) The Hon Dominic Perrottet MP, Treasurer, calling on the NSW Government to implement a "Royalties for Regions" program based upon a set percentage of royalties being returned to Local Government
- (g) Cr Bruce Miller, Chair of Board, Local Government Super, thanking him for his presentation on 31 May 2019
- (h) The Hon Shelley Hancock MP, Minister for Local Government, thanking her for her presentation on 31 May 2019
- (i) The Hon Brad Hazzard MP, Minister for Health and Medical Research, thanking him for his presentation on 31 May 2019
- (j) Mr Andrew Roberts, Chief Executive Officer, Field Solutions Group, thanking him for his presentation on 31 May 2019
- (k) The Hon Shelley Hancock MP, Minister for Local Government, expressing the Associations concern about the proposed increase in RFS contributions
- (l) The Hon Gladys Berejiklian MP, Premier, expressing the Associations concern about the proposed increase in RFS contributions
- (m) Mr Shane Fitzsimmons, Commissioner NSW RFS, asking for a stay on implementation of the requirements under the Rural Fire Act 1997, that covers grasslands and non-curing crops to allow further assessments to take place, and inviting him to attend the November meeting

*Page 4*

NOTED

5. **FINANCIAL REPORT**

RESOLVED That the financial reports for the last quarter were tabled and accepted (Moree Plains Shire Council / Tenterfield Shire Council)

6. **Hon Mark Coulton MP, Minister for Regional Services, Decentralisation and Local Government, Assistant Trade and Investment Minister**

We live in a country underpinned by trade and the government has opened up more trade deals. India is the hardest to get a trade deal with which is important due to its growing middle class and insatiable appetite for energy. Getting into Mexico and other Latin American countries is important. Australia is negotiating with the European Union and waiting to see what happens with Brexit. Any China United States agreement could be bad for Australia. Maldistribution of health professionals is a major problem and \$550 million over 10 years is being put into a strategy including funding a generalist pathway. Telstra has raised issues about telecommunications and mobile black spots. There is a digital connectivity package to beef up data into country towns to produce greater speed and capability. There is no use moving people to country areas unless you can provide education, health and digital technology. The inland railway will foster country area development. Raising FAG's to 1% is not going to be of great assistance to country areas as most of it will go to metropolitan areas. There needs to be reform of the existing formula. The Minister is prepared to have the fight and do the work.

7. **Benefit Cost Ratios**

RESOLVED That the Association write to the Premier requesting the removal of Benefit Cost Ratios for funding programs (Shoalhaven City Council/Kyogle Council)

8. **Hon Adam Marshall MP, Minister for Agriculture and Western New South Wales**

Drought is affecting 96% of the State either severely or affected. All Country areas have been affected and people have been laid off work not only farmers and farm workers but also town support and service workers. Legal action for outstanding environmental cases are to be assessed under new laws rather than under laws that have not been in force for two years. Farm trespass laws are now being put in place and are to be enforced. An Agriculture Commissioner is to be appointed to protect rights to a farmer to farm. There is a need to look at how we manage the land to protect viable agricultural land from inappropriate development.

9. **Geoff McKechnie APM, Assistant Commissioner, Commander, Western Region, New South Wales Police Force**

The Stock Squad in 1947 dropped off but it has been reinstated in the last 5 or 6 years in response to rural crime. Its mission is look after "Incidents of Crime that Impact on the Functions of Pastoral, Agricultural and Aquaculture Industries" Members of the squad are detectives. It has three Zone Coordinators under the State Rural Crime Coordinator. Current direction is Education of Front Line Police, Increased Social Media, Advanced Community Engagement, Focused Operations and Investigations, and Developing Strategic Stakeholder Engagement. Local Government are huge stakeholders in policing. In 2018 losses to primary producers were 1,454 head of cattle worth \$1.376 million and 1,769 head of sheep worth \$1.885 million. Future direction is centered on Enhanced Communication, Multi Force Operations, Increased Investigative Capacity, Targeting Hardening Research, Sale Yard Security, Stock Identification and Recruitment.

10. **Richard Colbran, Chief Executive Officer, NSW Rural Doctors Network**

The Rural Doctors Network is now 30 years old. There are four goals in the Strategic Plan 2019-2022, Build and Sustain Shovel Ready Workforce, Response to Community Need, Evidence Based Rural Health Policy and RDN Excellence. Customers are health workers, communities, organisations, the sector that represents the workforce and communities and RDN. Targeted priorities include Regional Workforce Coordination and Collaboration, Workforce Organizational and Community Capability, Adaption to New Workforce Models, Targeted Recruitment Campaigns and Trust. Key initiatives are Rural NSW Annual Health, Workforce Needs Assessment, Regional Workforce Coordination Projects, Community/town Based Workforce Projects, Aboriginal Health and Service Model Co-funded Role Trials. Rural Health Pro is a personalised digital experience to network, nurture, support, recognize and reward rural health professionals

11. **RFS Contribution Increase**

RESOLVED That Country Mayors write to the Premier and to Minister Elliott requesting urgent response to our letter dated 3 June 2019 and copies be forwarded to LGNSW and the Minister for Local Government (Moree Plains Shire Council/Tenterfield Shire Council)

12. **Model Code of Conduct**

RESOLVED That Country Mayors write to the Minister for Local Government requesting that the Model Code of Conduct be reviewed to set the same limitation on Councillors that applies to Members of Parliament in respect to attending community functions (Shellharbour City Council/Tenterfield Shire Council)

**13 FAG Grants**

RESOLVED That Country Mayors write to LGNSW supporting the ALGA resolution to remove the minimum per capita requirement and the Local Government Grants Commission be advised of the decision (Kyogle Council/Bega Valley Shire Council)

**14. IPART Review of Local Government Election Costs**

RESOLVED That in relation to IPART's review of local government election costs the Country Mayors' Association does not support the funding hierarchy recommended by IPART and its allocation of costs between the NSW Government and councils for the provision of election services of the NSW Electoral Commission (Moree Plains Shire Council/Tenterfield Shire Council)

**15. Essential Energy Proposed Job Cuts**

RESOLVED That Country Mayors write to Essential Energy objecting to the proposed job cuts (Moree Plains Shire Council/Tenterfield Shire Council)

**16. IPART Rating Review**

Cr Sajowitz, Oberon Council reported that of particular significance to Oberon and other Councils who form part of the Unratable Land Working Party are the recommendations that:

- General exemptions should be based on land use not land ownership, and land used for commercial or residential purposes should not be exempt regardless of who owns it. This would help to ensure that land used mainly to deliver private benefits pays its fair share of rates
- Some explicit exemptions should be retained or amended as they are consistent with the general exemptions. For example, these include those for land used by a religious body for that purpose, land vested in the NSW Aboriginal Land Council, and land owned by a hospital and used for that purpose.
- Some explicit exemptions should be removed on the basis that the land is used for a commercial or residential purpose. For example, these include those for land owned or vested in a water authority, land below the high water mark used for the cultivation of oysters, and land used for commercial fishing

Submissions to the rating recommendations are due mid-September

RESOLVED That Country Mayors gives authority to the Unratable Land Working Party to prepare a submission on behalf of the Country Mayors Association to the IPART Rating Review (Oberon Council/Moree Plains Shire Council)

There being no further business the meeting closed at 12.55pm.

Cr Katrina Humphries  
Chair – Country Mayor's Association of NSW



**16.17 Appreciation letters: Kiama Red Cross | Kiama District Sports Association**Responsible Director: Office of the General Manager

---

Council has recently received the following letters of appreciation:

**Kiama Red Cross**

The attached letter of thanks and appreciation was received from the Kiama Red Cross for Council's sponsorship of the 2019 fun run. Council provided sponsorship of \$2,000 towards this successful event. In the attached letter the Red Cross also pay tribute to the work of the outdoor staff in preparing the route.

**Kiama District Sports Association**

As part of the 2019/2020 budget, Council endorsed the contribution of \$6,000 to the Kiama District Sports Association project to install interpretative plaques at sporting venues within the Municipality. Attached is a letter of appreciation from the Association.

**Communication/Community Engagement**

Not applicable.

**Attachments**

- 1 Thank you - Support for Kiama Fun Run Sponsorship - Kiama Red Cross [↓](#)
- 2 Appreciation letter - sporting venue plaques - Kiama District Sports Association [↓](#)



14 McBrien Drive  
Kiama Downs 2533

Date Received

21 JUN 2019

The General Manager  
Mr K. McMurray  
Kiama Municipal Council  
PO Box 75  
Kiama 2533

Kiama Municipal Council

21<sup>st</sup> June 2019

Dear Kerry

Kiama Red Cross would like to thank Kiama Municipal Council for its support of the Kiama Fun Run held on 9<sup>th</sup> June 2019. Kiama Council was very generous in sponsoring the Fun Run with \$2,000. We were very appreciative of this financial backing.

As well, we were very grateful for the great support given to us by Council employees helping with: cleaning of the route and park areas; organising garbage removal; organising and lending marquees and other equipment and assisting with administrative requirements. All of which were done very professionally.

The Kiama Fun Run was held on the long weekend with the best weather for many years. The Fun Run was one of the best we have organised. We had many entrants extolling the virtues of the Kiama Coastal Walk and the friendliness of the people of Kiama. Many of the entrants were from outside the Kiama district and will be commending Kiama to others.

Another great aspect of the 2019 Kiama Fun Run was the coming together of the Kiama community. Many local businesses supported the Fun Run by way of donations with many participants supporting these businesses after the event. As well Kiama Red Cross was able to obtain the support of local service clubs and other volunteers to assist with the running of the event.

Kiama Red Cross is very grateful for the support of Kiama Municipal Council and we hope the relationship between Council and Red Cross continues for many years to come.

Yours faithfully,

Judi O'Brien  
President  
Kiama Red Cross



**KIAMA DISTRICT SPORTS ASSOCIATION**

30 Hughes Cres, KIAMA DOWNS NSW 2533

12 July 2019

Mr Kerry McMurray  
General Manager  
Kiama Municipal Council

**THANK YOU**

Dear Kerry,

On behalf of the Kiama District Sports Association I would like to thank Kiama Council for its generous contribution of \$6 000 towards to the installation of interpretative plaques at 10 sporting venues within the Municipality.

This will allow our association to proceed with this important initiative that will identify those individuals who have made significant contributions to the sporting history of the Kiama district.

Our President, Col Rathbone is compiling the relevant information and will liaise with council's Acting Director Engineering and Works, Darren Brady to progress this project.

On behalf of the member clubs and associations that form Kiama District Sports Association I would again like to thank Kiama Council and its staff for their assistance in not only this project but the provision of sporting opportunities for the young and not so young members of our district.

Yours in sport,

John Dawson  
SECRETARY  
Kiama District Sports Association  
0417 287 367

By email: Kiama Mailbox (Kiama Municipal Council), Col Rathbone

---

President: Col Rathbone 0408 321 638      Secretary: John Dawson 0417 287 367

**16.18 Questions for Future Meeting Register as at 13 August 2019**

Responsible Director: Office of the General Manager

---

Attached for Councillors' information is the Questions for Future Meetings Register as at 13 August 2019.

**Attachments**

- 1 Questions for Future Meetings Register as at 13/08/19 [↓](#)

**Questions for Future Meetings Register**

16/73192

No	Details	Actions
<b>20 November 2018</b>		
17.5	<p><b>Council Committee for Business Unit</b> Councillor Brown requested advice as to whether it could be beneficial to have a Council Committee looking over the Council Business Units. The Mayor referred this item to the Director Corporate and Commercial Services for investigation and report.</p>	Reporting to the August Council meeting
<b>16 July 2019</b>		
18.1	<p><b>Riverside Drive – Installed Posts</b> Councillor Steel requested investigation on the posts that have recently been installed along Riverside Drive. The matter was referred to the Acting Director Engineering &amp; Works for investigation and report.</p>	Reporting to the September Council meeting
18.2	<p><b>Crooked River Winery Events – Traffic Impacts</b> Councillor Sloan requested a report on how traffic can better be managed for large events being held at the Crooked River Winery, given that delays to local residents of up to 45 minutes were reported at the time of the last Festival. The matter was referred to the Director Environmental Services for investigation and report.</p>	Reporting to the August Council meeting
18.3	<p><b>Overview of Rental Housing Market</b> Councillor Rice requested a report that provides an overview of the rental housing market in Kiama that includes data such as number of properties being rented long term, characteristic length of tenure, the overall long term rental vacancy rate and commentary on how well the need for rental housing availability is being met. The matter was referred to the General Manager for investigation and report.</p>	To be reported to the September 2019 Council meeting
18.4	<p><b>Local Housing Strategy and the Local Strategic Planning Statement</b> Councillor Rice requested a report on the role played by a local housing strategy in future strategic planning, and identifies how necessary a local housing strategy is towards ensuring that the housing vision of the Local Strategic Planning Statement has been comprehensively generated. The matter was referred to the Director Environmental Services for investigation and report.</p>	Reporting to the August Council meeting
18.5	<p><b>Local Job Growth</b> Councillor Rice requested a report that specifies the types of local jobs that are increasing in Kiama through growth in our tourism sector and also provides details of those jobs that are increasing or likely to increase through expansion in the priority growth sectors of the Illawarra Shoalhaven Regional Plan. The matter was referred to the Director Corporate and Commercial Services for</p>	Reporting to the August Council meeting

No	Details	Actions
18.6	<p>investigation and report.</p> <p><b>Sculptures by the Sea Hosting</b>                      Councillor Way requested a report on the possibility of Kiama hosting "Sculptures by the Sea" in conjunction with Destination Kiama in light of recent media publicity that has indicated a potential move out of Sydney for this event. The matter was referred to the General Manager for investigation and report.</p>	Reporting to the August Council meeting

**17 ADDENDUM TO REPORTS****18 NOTICE OF MOTION**

Nil

**19 QUESTIONS FOR FUTURE MEETINGS****20 CONFIDENTIAL SUMMARY****CONFIDENTIAL COMMITTEE OF THE WHOLE**

Submitted to the Ordinary Meeting of Council held on 20 August 2019

**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.

**20.1 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.

**21.1 KEVIN WALSH OVAL AMENITIES BUILDING RENWAL, JAMBEROO**

**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. .

**21.2 LIONS CLUB OF KIAMA INCORPORATED - LEASE OF 105-109 SHOALHAVEN STREET KIAMA**

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

**21.3 SURF BEACH HOLIDAY PARK - CIVIL CONSTRUCTION CONTRACT WORKS**

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



## 21 CONFIDENTIAL REPORTS

### 21.1 Kevin Walsh Oval Amenities Building Renwal, Jamberoo

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

#### **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.*

---

### 21.2 Lions Club of Kiama Incorporated - lease of 105-109 Shoalhaven Street Kiama

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

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.4 Manage other assets and infrastructure through the Other Asset and Infrastructure Asset Management Plan

#### **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 competitor of the council.*

---

### 21.3 Surf Beach Holiday Park - civil construction contract works

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

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.4 Manage other assets and infrastructure through the Other Asset and Infrastructure Asset Management Plan

**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 competitor of the council.*

---

**22 CLOSURE****Item 21.1 CONFIDENTIAL**