



# ORDINARY MEETING OF COUNCIL

To be held at 5pm on

**Tuesday 26 June 2018**

Council Chambers

11 Manning Street, KIAMA NSW 2533

## Order of Business

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

## Members

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

## COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers  
11 Manning Street  
KIAMA NSW 2533

20 June 2018

To the Chairman and Councillors:

### NOTICE OF ORDINARY MEETING

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

**11 Manning Street, KIAMA NSW 2533** on **Tuesday 26 June 2018** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully



Kerry McMurray  
**General Manager**

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
<b>1</b>	<b>APOLOGIES .....</b>	<b>7</b>
<b>2</b>	<b>ACKNOWLEDGEMENT OF TRADITIONAL OWNERS .....</b>	<b>7</b>
<b>3</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>8</b>
	3.1 Ordinary Council meeting held on 15 May 2018 .....	8
	3.2 Extraordinary Council meeting held on 6 June 2018.....	26
<b>4</b>	<b>BUSINESS ARISING FROM THE MINUTES.....</b>	<b>31</b>
<b>5</b>	<b>PUBLIC ACCESS SUMMARY .....</b>	<b>31</b>
<b>6</b>	<b>MAYORAL MINUTE.....</b>	<b>32</b>
	6.1 NSW Rural Fire Service Awards .....	32
	6.2 Emeritus Mayor Sandra McCarthy, OAM .....	39
	6.3 Winifred Elizabeth Chittick (Betty), OAM.....	41
<b>7</b>	<b>MINUTES OF COMMITTEES.....</b>	<b>42</b>
	7.1 Catchment and Flood Risk Management Committee Meeting - 15 May 2018 .....	42
	7.2 Economic Development Committee Meeting - 22 May 2018 ....	46
	7.3 Minutes of Kiama Local Traffic Committee Meeting - 5 June 2018.....	50
	7.4 Youth Advisory Committee meeting held 7 June 2018 .....	55
	7.5 Planning Committee Minutes - 17 May 2018 .....	58
	7.6 Access Committee meeting held 1 June 2018 .....	64
<b>8</b>	<b>PUBLIC ACCESS REPORTS .....</b>	<b>67</b>
	Committee Of The Whole .....	67
<b>9</b>	<b>REPORT OF THE GENERAL MANAGER.....</b>	<b>68</b>
	9.1 Australian Chapter of the Alliance for Healthy Cities - nomination for election to steering committee.....	68
	9.2 8th Global Conference of the Alliance for Healthy Cities.....	73
	9.3 Delegations of the General Manager .....	76
	9.4 Illawarra Shoalhaven Joint Organisation Second Delegate and Alternates.....	82

9.5	Cities Power Partnership Summit   18-19 October 2018.....	84
9.6	2018-19 Draft Operational Plan .....	90
<b>10</b>	<b>REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES.....</b>	<b>175</b>
10.1	10.2018.55.1 - Lots 279 & 280 DP 30126 - 4 & 6 Elanora Road, Kiama Heights - Attached dual occupancy and 2 lot Torrens Title subdivision .....	175
10.2	Planning Committee - Terms of Reference (TOR) .....	219
10.3	Housekeeping Amendments to the Kiama LEP 2011 .....	224
10.4	10.2017.195.1 – Lot 189 DP 33904 - 5 Gwinganna Avenue, Kiama - Use of lower ground floor already converted into an attached dual occupancy .....	228
10.5	Amendments to the Kiama LEP 2011 to introduce dual occupancy and multi dwelling housing development standards .....	249
10.6	10.2017.286.1 - Lot 1 DP 1045061 - 35 Bele Place, Kiama - Detached Dual Occupancy Development .....	260
10.7	10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs - Demolition of Existing Carport and 2 Lot Torrens Title Subdivision.....	319
10.8	Submission Points for Cleary Bros. Modification Application ...	337
<b>11</b>	<b>REPORT OF THE DIRECTOR CORPORATE, COMMERCIAL &amp; COMMUNITY SERVICES .....</b>	<b>342</b>
11.1	2018 Youth Engagement Meeting at Kiama High School .....	342
11.2	Native Title Tribunal - Claimant Application - South Coast People.....	343
11.3	Request for CCTV cameras in Jamberoo .....	359
11.4	Renewal of Lease - Blowhole Point (R87397) Reserve Trust and Kiama Tennis Club Inc.....	361
11.5	Kiama Health Plan Review Report - results from the survey and consult.....	364
11.6	Statement of Investments - May 2018.....	401
11.7	Investment Policy Review .....	406
11.8	Kiama Cultural Board - meeting 24 May 2018 .....	419
11.9	Request for Partnership - Collaborative branding for Green Caffeen Project .....	422
11.10	Invitation for Council's Manager Community & Cultural Development to present in Singapore on the Dementia-friendly Kiama Project. ....	425
11.11	2018 Illawarra Business Awards Supporting Partnerships Sponsorship .....	429

<b>12</b>	<b>REPORT OF THE DIRECTOR ENGINEERING AND WORKS .....</b>	<b>431</b>
	Nil	
<b>13</b>	<b>REPORT OF THE DIRECTOR BLUE HAVEN.....</b>	<b>432</b>
	13.1 Blue Haven Historical decisions.....	432
<b>14</b>	<b>REPORTS FOR INFORMATION .....</b>	<b>451</b>
	14.1 Minutes: Central Precinct - April and May 2018 .....	451
	14.2 Question for future meeting: Building Certification by Private Certifiers.....	459
	14.3 Question for future meeting: Dual occupancy applications approved under delegation where minimum solar access has not been met .....	462
	14.4 Funding offer for completion of the Kiama Coastal Management Program from the Office of Environment and Heritage .....	464
	14.5 Minutes: Jamberoo Valley Ratepayers and Residents Association meeting - 1 May 2018 .....	465
	14.6 Parking Statistics - May 2018.....	471
	14.7 Design upgrade - Stationery and correspondence.....	472
	14.8 Seven Mile Beach Policy Review .....	481
	14.9 Question for future meeting: Markets and events conducted at Black Beach Reserve .....	482
	14.10 Renewal of Lease for Jamberoo Croquet Club .....	484
	14.11 Minutes: Minnamurra Progress Association meeting - 5 June 2018.....	485
	14.12 Question for future meeting: Waste bins .....	490
	14.13 Question for future meeting: Tree and Vegetation Vandalism Policy .....	492
	14.14 Licence for use of Part Lot 53 DP 884475, Fern Street, Gerringong .....	497
	14.15 Conference Report - Integrated Seniors Housing .....	500
	14.16 Minutes: South Precinct meeting - 17 May 2018.....	501
	14.17 Questions for Future Meetings Register as at 20 June 2018 ...	505
<b>15</b>	<b>ADDENDUM TO REPORTS .....</b>	<b>508</b>
<b>16</b>	<b>NOTICE OF MOTION.....</b>	<b>508</b>
	Nil	
<b>17</b>	<b>QUESTIONS FOR FUTURE MEETINGS.....</b>	<b>508</b>
<b>18</b>	<b>CONFIDENTIAL SUMMARY .....</b>	<b>508</b>

18.1 Exclusion Of Press And Public:.....508

**19 CONFIDENTIAL REPORTS.....510**

19.1 Blue Haven Advisory Committee .....510

19.2 Business Development Strategy - Werri Beach Holiday Park..510

19.3 Land and Environment Court Class 1 Appeals - Legal Status  
Report - June 2018 .....510

19.4 Proposed Road Closure - Noorinan Street, Kiama .....510

19.5 Surf School Operation - Seven Mile Beach Gerroa.....511

**20 CLOSURE .....511**

**AGENDA FOR THE  
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL  
TUESDAY 26 JUNE 2018**

**1 APOLOGIES**

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

#### **3.1 Ordinary Council meeting held on 15 May 2018**

##### **Attachments**

- 1 Minutes - Ordinary Council - 15/05/18 [↓](#)

##### **Enclosures**

Nil

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

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





# MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

**TUESDAY 15 MAY 2018**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 15 MAY 2018 AT 5PM**

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

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

**1 APOLOGIES**

Nil

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**3.1 Ordinary Council meeting held on 17 April 2018**

**OC-18/133**

**Resolved** that the Minutes of the Ordinary Council Meeting held on 17 April 2018 be received and accepted.

(Councillors Watson and Westhoff)

**4 BUSINESS ARISING FROM THE MINUTES**

Nil

**MINUTES OF THE ORDINARY MEETING**

15 MAY 2018

**5 PUBLIC ACCESS**

Cornelia Graf	10.2	10.2017.311.1 - Lot 23 Sec 11 DP 758563 – 36 Farmer Street, Kiama - Deferred Commencement - 4 Lot Torrens Title Subdivision
Kate Wooll	10.2	10.2017.311.1 - Lot 23 Sec 11 DP 758563 – 36 Farmer Street, Kiama - Deferred Commencement - 4 Lot Torrens Title Subdivision
Gabriel Thielbeer Brett Brown	10.3	10.2018.18.1 - Lot 651 DP 611087 & Lot 50 DP 880425, Belinda Street, Gerringong - Demolition of Existing Structures and Alterations and Additions to Existing Seniors Housing Development
Russell McGhee Colin Perry	16.1	Tree management - 107 Hillview Circuit, Kiama

**6 MAYORAL MINUTE**

Nil

**7 MINUTES OF COMMITTEES****7.1 Kiama Local Traffic Committee meeting held 1 May 2018***OC-18/134*

**Resolved** that the Minutes of the Kiama Local Traffic Committee Meeting held on 1 May 2018 be received and accepted.

(Councillors Way and Sloan)

**7.2 Health and Sustainability Committee - meeting held 10 April 2018 - Community Gardens Grants Round 1***OC-18/135***Resolved** that Council:

- note the Minutes of the Health and Sustainability meeting held on 10 April 2018.

---

**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

2. approve the following recommended Community Gardens Grants funding applications:
- a. Kiama Community Garden - \$711.71
  - b. Kiama Public School (auspiced by the DENNY Foundation) - \$4,000, on the condition that proof of financial viability and banking details are provided along with a letter from the School Principal supporting the project.
  - c. Jamberoo P&C Association - \$3,358

(Councillors Rice and Sloan)

**7.3 Destination Kiama Tourism Advisory Committee - meeting held 23 April 2018**

*OC-18/136*

**Resolved** that the Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 23 April 2018 be received and the recommendations therein accepted.

(Councillors Brown and Westhoff)

**COMMITTEE OF THE WHOLE**

*OC-18/137*

**Resolved** that at this time, 5.03pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

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

(Councillors Way and Steel)

**8 PUBLIC ACCESS REPORTS**

*OC-18/138*

**Resolved** that at this time, 5.03pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Way and Brown)

MINUTES OF THE ORDINARY MEETING

15 MAY 2018

10.2 10.2017.311.1 - Lot 23 Sec 11 DP 758563 - 36 Farmer Street, Kiama - Deferred Commencement - 4 Lot Torrens Title Subdivision

It was moved by Councillor Reilly and seconded by Councillor Way that Council defer this item until the June meeting to allow mediation between the parties and the exploration of alternative drilling methods

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

For: Councillors Reilly, Rice, Steel and Way

Against: Councillors Brown, Honey, Sloan, Watson and Westhoff

**OC-18/139**

**Committee recommendation** that Council approve Development Application 10.2017.311.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979 subject to conditions at the end of this report with the addition of the following:

That under Schedule A of the Conditions of Development Consent that the Applicant has 36 months from the date of this consent to forward to Council the necessary information as to the following matters:

This deferred commencement consent is issued pursuant to section 4.16(3) of the Environmental Planning and Assessment Act 1979. The consent is not operational until written notice is provided from Council, verifying the following matter has been satisfactorily addressed:

- A. Registration of a 1.5 metre wide drainage easement, under Section 88B of the Conveyancing Act 1919, over SP 81633 (34 Farmer Street) benefitting the subject site.
- B. Development Consent for the construction of the drainage works in 34 Farmer Street (SP 81633).

Further, that the operational consent lapse 5 years from the date of the notice of determination for the development application inclusive of the 36 month deferred commencement period.

(Councillors Sloan and Westhoff)

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

Against: Councillor Reilly

**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

**10.3 10.2018.18.1 - Lot 651 DP 611087 & Lot 50 DP 880425, Belinda Street, Gerringong - Demolition of Existing Structures and Alterations & Additions to Existing Seniors Housing Development**

**OC-18/140**

**Committee recommendation** that Council approve Development Application No 10.2018.18.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.

(Councillors Brown and Way)

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

Against: Nil

**16.1 Tree management - 107 Hillview Circuit, Kiama**

**OC-18/141**

**Resolved** that Council:

1. Note the massive size and inappropriate location of the Lemon Scented Gum tree, which is not a native tree to this area, in the northwest corner of 107 Hillview Circuit, Kiama, see attachment A for pictures of this tree.
2. Empathises with and understands the safety concerns of the land owners and occupants, the McGhee family of 107 Hillview Circuit, as well their neighbours, Mr and Mrs Perry of 105 Hillview Circuit, where the tree significantly overhangs their south eastern boundary.
3. Commend Mr McGhee for taking appropriate and persistent action to have this large tree removed to provide peace of mind to his family, and that of Mr and Mrs Perry, as well as seeking to remove a potential lethal hazard, and a potential hazard to property, should a limb of this tree, or the whole tree fall, see attachment B, being the letter Mr Perry sent Councillor Brown.
4. Note that a similar tree near these properties, which was adjacent to 101 Hillview Circuit, was successfully removed following representations from Councillors Brown, Watson and Reilly after Council initially refused its removal after an application from the owners of 101 Hillview Circuit.
5. Note Council's refusal to the removal of this tree, see attachment C from the authorised council officer.
6. Note, that due to the tree not being removed, Mr Perry has had to endure extra time and potentially a less efficient solar panel layout in the positioning of solar panels to his roof.
7. Request Council inform Councillors the relevant provision(s) of Kiama Councils' Tree Management Policy which were employed to determine that Mr McGhee not be allowed to remove this tree.

**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

8. Request a draft new Tree Management Policy which deletes, and/or amends, the provisions of the current Tree Management Policy to ensure that any future assessment and determination in relation to the removal of this particular tree will result in it being allowed to be removed upon further application.
9. Further request, in addition to point 8 above, that Council draft a new Tree Management Policy which will allow property owners, without the need for Council permission, to remove any tree on their property which has been planted by that property owner, as well as any other tree, except a tree which is:
  - native to this area; and
  - more than 6 metres high,subject to that property owner being an owner of residential zoned property which is less than 2,000 square metres.

Further, that Council approve the removal of the lemon scented gum in the north western corner of 107 Hillview Circuit, Kiama due to the dangerous nature and position of this tree in relation to the house and the adjacent property.

(Councillors Brown and Watson)

**9 REPORT OF THE GENERAL MANAGER**

**9.1 Draft Operational Plan 2018-19**

*OC-18/142*

**Committee recommendation** that Council:

1. places the *Draft Operational Plan 2018-19 and Delivery Program 2017-21 and draft Schedule of Fees and Charges 2018-19* on public exhibition for 28 days from Wednesday 16 May 2018 until 14 June 2018;
2. invites comments from the community on the content of the draft documents; and
3. receives a further report prior to 30 June 2018 giving consideration of any comments received during the exhibition period and putting forward a final *Operational Plan 2018-19 and Delivery Program 2017-21 and Fees and Charges 2018-19* for adoption.

(Councillors Reilly and Sloan)

---

**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

---

**9.2 Operational Plan Quarterly Report - January to March 2018**

**OC-18/143**

**Committee recommendation** that Council receives the Operational Plan Quarterly Report for the period January to March 2018.

(Councillors Brown and Westhoff)

**9.3 Gerroa, Gerringong & Shoalhaven Heads Community Bank**

**Disclosure of Interest - Councillor Westhoff**

Councillor Westhoff declared a non-significant non-pecuniary interest in this matter as he is a member of the Steering Committee of the proposed community . Councillor Westhoff left the Chamber and took no part in discussion or voting on this matter.

**Disclosure of Interest - Councillor Rice**

Councillor Rice declared a significant pecuniary interest in this matter as she has pledged funds and is a shareholder of the proposed community bank. Councillor Rice left the Chamber and took no part in discussion or voting on this matter.

**Disclosure of Interest - Councillor Sloan**

Councillor Sloan declared a significant pecuniary interest in this matter as he has pledged funds and is a shareholder of the proposed community bank. Councillor Sloan left the Chamber and took no part in discussion or voting on this matter.

Councillors Westhoff, Rice and Sloan here left the Chambers 6.03pm

**OC-18/144**

**Committee recommendation** that Council advise its inability to pledge financial support of the Community Bank however, does support in principle the establishment of the Gerringong, Gerroa and Shoalhaven Heads Community Bank and will continue to provide opportunities to show its support through consideration of leasing opportunities.

That Council makes a financial contribution, on a dollar for dollar basis towards the cost of the required feasibility survey [up to \$10,000] for the formation of the Gerroa, Gerringong & Shoalhaven Heads Community Bank.

(Councillors Brown and Reilly)

Councillors Westhoff, Rice and Sloan here returned to the Chambers 6.08pm



**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

**10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**

- 10.1 10.2017.363.1 - Lot 97 DP 30126, 141 Attunga Avenue, Kiama Heights - Demolition of Existing Dwelling and Construction of an Attached Dual Occupancy and 2 Lot Torrens Title Subdivision**

**OC-18/145**

**Committee recommendation** that Council approve Development Application 10.2017.363.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Way)

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

Against: Councillors Rice and Sloan

- 10.4 10.2017.253.1 - Lot 90 DP 1206414 - 17 Fadden Street, Kiama - Attached Dual Occupancy and 2 Lot Torrens Title Subdivision**

**OC-18/146**

**Committee recommendation** that Council approve Development application 10.2017.253.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Way)

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

Against: Nil

- 10.5 10.2018.11.1 - Lot 3 DP 1181744 - 27 Surfleet Place, Kiama - Attached dual occupancy and 2 lot Torrens Title subdivision**

**OC-18/147**

**Committee recommendation** that Council approve Development Application number 10.2018.11.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.

(Councillors Brown and Steel)

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

Against: Councillors Rice and Sloan

**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

**10.6 10.2017.302.1 - Lot 28 DP 1206414 - 21 Fadden Street, Kiama - Detached Dual Occupancy**

**OC-18/148**

**Committee recommendation** that Council approve Development Application 10.2017.302.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Watson)

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

Against: Councillors Rice, Sloan and Westhoff

**11 REPORT OF THE DIRECTOR CORPORATE, COMMERCIAL & COMMUNITY SERVICES**

**11.1 Lease Renewal - Kiama (Jamberoo) Pre-School Incorporated - Allowrie Street, Jamberoo**

**OC-18/149**

**Committee recommendation** that Council:

1. Enter into a renewed lease agreement with Kiama (Jamberoo) Pre-School Incorporated on Lot 53 DP 623792, Allowrie Street, and Jamberoo as shown as an attachment to this report.
2. approve the renewed lease term be for five (5) years with a five (5) year option generally on similar terms to the current lease
3. approve the new rental amount of \$7,500.00 p.a. (excluding GST) with annual CPI increases.
4. approve that the lessee be responsible for lease preparation costs.
5. authorise the Mayor and General Manager to sign under seal or on behalf of Council as required.

(Councillors Way and Brown)

**11.2 Renewal of Lease for Gerringong Tennis Club Inc, Jamberoo Croquet Club, Kiama Swimming Club, Minnamurra Tennis Club and Jamberoo Tennis Club**

**OC-18/150**

**Committee recommendation** that Council:

1. enter into a five (5) year lease with the Gerringong Tennis Club Inc.

**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

2. enter into a five (5) year lease with the Jamberoo Croquet Club Inc.
3. enter into a five (5) year lease with the Kiama Swimming Club Inc.
4. enter into a five (5) year lease with the Minnamurra Tennis Club Inc.
5. enter into a five (5) year lease with the Jamberoo Tennis Club Inc.
6. endorse rental in accordance with Council's fees and charges.
7. delegate authority to the Mayor and the General Manager to sign under seal or on behalf of Council as required.

(Councillors Westhoff and Way)

**11.3 Statement of Investments - April 2018**

**OC-18/151**

**Committee recommendation** that Council receive and adopt the information relating to the Statement of Investments for March 2018 be received and adopted.

(Councillors Rice and Sloan)

**11.4 Financial Report for the period ending 31 March 2018**

**OC-18/152**

**Committee recommendation** that the revised budget for the period ending 31 March 2018 be received and adopted.

(Councillors Watson and Way)

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

Nil

**13 REPORT OF THE DIRECTOR BLUE HAVEN**

Nil

**14 REPORTS FOR INFORMATION**

**OC-18/153**

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

**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

- 14.1 Report on Local Government 2017
- 14.2 Online Rate Payments
- 14.3 Regional Illegal Dumping Investigations Officer's Quarterly Report 1 January 2018 to 31 March 2018
- 14.4 Parking Statistics - April 2018
- 14.5 Landcare Illawarra - meeting held 22 March 2018 - headlines
- 14.6 Minutes - Minnamurra Progress Association - meeting held 1 May 2018
- 14.7 Minutes - Central Precinct Committee - meetings held on 28 November 2017, 27 February 2018 and 27 March 2018
- 14.8 Minutes - South Precinct Committee - meeting held 19 April 2018
- 14.9 Minutes - Jamberoo Valley Ratepayers and Residents Association - 3 April 2018
- 14.10 Minutes - NSW Public Libraries Association - South East Zone quarterly meeting held on 23 February 2018
- 14.13 Question for Future Meetings: Attunga Avenue - walking track access
- 14.14 Question for Future Meetings: Stairway connecting the split levels of Noorinan Street
- 14.15 Question for Future Meetings: Minnamurra Boardwalk.

(Councillors Way and Westhoff)

**14.11 Questions for Future Meeting Register as at 8 May 2018**

**OC-18/154**

**Resolved** that Council provide a draft policy that allows more than one surf school to operate at Seven Mile Beach and the cost and revenue implications and opportunities of such a policy.

(Councillors Brown and Reilly)

**14.12 Question for Future Meeting: Photovoltaic system for Kiama Leisure Centre -**

**OC-18/155**

**Resolved** that Council seek all possible means to obtain grant funding to enable a 100KW photovoltaic system at the Kiama Leisure Centre.

(Councillors Reilly and Way)

**14.13 Question for Future Meeting: Attunga Avenue - walking track access -**

**OC-18/156**

**Resolved** that Council replace the barrier at the end of Attunga Avenue and include this in the annual renewal budget.

(Councillors Rice and Way)

---

**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

---

**RESUMPTION OF ORDINARY BUSINESS**

*OC-18/157*

**Committee recommendation** that at this time, 6.32pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Brown and Westhoff)

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

*OC-18/158*

**Resolved** that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 18/138 to 18/157 above.

(Councillors Steel and Watson)

**15 ADDENDUM TO REPORTS**

*OC-18/159*

**Resolved** that at this time, 6.33pm, Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Way and Steel)

**15.1 Blue Haven Advisory Committee meeting 9 May 2018**

*OC-18/160*

**Resolved** that the Minutes of the Blue Haven Advisory Committee meeting held on 9 May 2018 be received and accepted.

(Councillors Sloan and Rice)

**16 NOTICE OF MOTION**

16.1 This item was dealt with as part of the Public Access report.

**17 QUESTIONS FOR FUTURE MEETINGS**

---

**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

---

**17.1 Waste bins**

Councillor Sloan requested an update be provided about re-instating red bins near council carparks frequented by tourists and also on the potential re-location of the dog waste bin in front of 41 Tingira Cres to the off-leash area on the headland.

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

**17.2 Seating locations**

Councillor Rice requested a progress report which examines all factors to date on an item from a past Economic Development meeting that suggested documenting the best roadside locations for seating and/or picnic tables.

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

**18 CONFIDENTIAL SUMMARY**

**Public Representations:**

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

**18.1 Exclusion Of Press And Public:**

**OC-18/161**

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

**19.1 REQUEST FOR EXTENSION PROCESSING OF FOOD ORGANICS AND GARDEN ORGANICS (FOGO) CONTRACT TENDER NO. KT-290514 SOILCO PTY LTD**

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

**19.2 SEVEN MILE BEACH HOLIDAY PARK MANAGEMENT CONTRACT**

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

**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

**19.3 LOT 200 DP107091, LOT 100 DP1211389, LOT 1 DP50193 AND LOT 1 DP506764 (EXCLUDING LOT 3 DP40304) BETWEEN TERRALONG, AKUNA AND SHOALHAVEN STREETS, KIAMA**

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

**19.4 BLUE HAVEN BONAIRA - CONSTRUCTION UPDATE**

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

**19.5 INTERIM ORGANISATIONAL STRUCTURE**

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

(Councillors Sloan and Steel)

Councillors Rice and Way here left the Chambers at 6.36pm

**OC-18/162**

**Resolved** that at this time, 6.36pm, 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 Brown)

Councillors Rice and Way here returned to the Chambers at 6.38pm

**19 CONFIDENTIAL REPORTS**

**19.1 Request for extension Processing of Food Organics and Garden Organics (FOGO) Contract Tender No. KT-290514 SOILCO Pty Ltd**

**OC-18/163**

**Committee recommendation** that Council:

- 1) Grant the request of SOILCO Pty Ltd to extend the current Contract (Contract Tender No. KT-290514 SOILCO Pty Ltd) for a further four year period from 6 October 2018 to 5 October 2022 for the acceptance and processing of organics

**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

in accordance with the terms of existing Contract and at the scheduled fixed rate as outlined in this report.

- 2) Delegate to the General Manager the authority to finalise and execute the amendments to Contract (Tender Contract Documents No. KT-290514) 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 amended Contract documentation, should it be required, to give effect to this resolution.

(Councillors Brown and Reilly)

**19.2 Seven Mile Beach Holiday Park Management Contract**

**OC-18/164**

**Committee recommendation** that Council offers the contract for the management of Seven Mile Beach Holiday Park to Gordlees Pty Ltd at 24.95% of the net operating income for a term of 3 years with the option of a further 3 + 3 years from 1 July 2018.

(Councillors Westhoff and Brown)

**19.3 Lot 200 DP107091, Lot 100 DP1211389, Lot 1 DP50193 and Lot 1 DP506764 (excluding Lot 3 DP40304) between Terralong, Akuna and Shoalhaven Streets, Kiama**

**OC-18/165**

**Committee recommendation** that Council grant a final three-month extension option with a non-refundable fee of \$60,000 (GST exclusive) to Nicolas Daoud & Co Pty Ltd.

(Councillors Reilly and Sloan)

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

Against: Councillors Rice and Way

**19.4 Blue Haven Bonaira - Construction Update**

**OC-18/166**

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

(Councillors Brown and Watson)



**MINUTES OF THE ORDINARY MEETING**

**15 MAY 2018**

**19.5 Interim Organisational Structure**

*OC-18/167*

**Committee recommendation** that Council:

1. review the interim organisation structure in consultation with the General Manager
2. adopt the interim organisational structure
3. classify the position of Director Corporate and Commercial Services/Chief Financial Officer as a senior staff position.

(Councillors Brown and Watson)

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

*OC-18/168*

**Committee recommendation** that at this time, 7.01pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Reilly)

**Adoption of Report**

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

*OC-18/169*

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 18/163 to 18/168 be confirmed and adopted.

(Councillors Reilly and Sloan)

**20 CLOSURE**

There being no further business the meeting closed at 07.01pm

These Minutes were confirmed at the Ordinary Meeting of Council held on  
26 June 2018

.....  
Mayor

**3.2 Extraordinary Council meeting held on 6 June 2018**

**Attachments**

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

**Enclosures**

Nil

***RECOMMENDED***

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

Item 3.2



# MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

commencing at 10am on

## WEDNESDAY 6 JUNE 2018

Council Chambers  
11 Manning Street, KIAMA NSW 2533

Item 3.2

Attachment 1

---

MINUTES OF THE EXTRAORDINARY MEETING

6 JUNE 2018

---

MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF  
THE

MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,

KIAMA, ON WEDNESDAY 6 JUNE 2018 AT 10.08AM

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

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

**1 APOLOGIES**

Nil

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

**3 REPORTS FOR INFORMATION**

Nil

**4 CONFIDENTIAL SUMMARY**

**OC-18/170**

**Resolved** that at this time, 10.08am, 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 Way and Brown)

---

**MINUTES OF THE EXTRAORDINARY MEETING**

**6 JUNE 2018**

---

**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.

**4.1 Exclusion Of Press And Public:**

**OC-18/171**

**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 NOTICE OF RESCISSION MOTION - ITEM 19.3 LOT 200 DP 107091, LOT 100 DP1211389, LOT 1 DP50193 AND LOT 1 DP506764 (EXCLUDING LOT 3 DP40304) BETWEEN TERRALONG, AKUNA AND SHOALHAVEN STREETS, KIAMA ON 15 MAY 2018**

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

(Councillors Way and Brown)

**5 CONFIDENTIAL REPORTS**

**4.1 Notice of Rescission Motion - Item 19.3 Lot 200 DP 107091, Lot 100 DP1211389, Lot 1 DP50193 and Lot 1 DP506764 (excluding Lot 3 DP40304) between Terralong, Akuna and Shoalhaven Streets, Kiama on 15 May 2018**

**OC-18/172**

**Committee recommendation** that Council rescind committee recommendation OC-18/165 of the 15 May 2018 Council meeting.

(Councillors Brown and Reilly)

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

Against: Nil

**MINUTES OF THE EXTRAORDINARY MEETING**

**6 JUNE 2018**

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

**OC-18/173**

**Committee recommendation** that at this time, 10.10am, the Confidential Committee of the Whole revert to Open Council.

(Councillors Westhoff and Brown)

**Adoption of Report**

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

**OC-18/174**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered OC-18/171 to OC-18/173 be confirmed and adopted.

(Councillors Way and Watson)

**6 CLOSURE**

There being no further business the meeting closed at 10.11am.

These Minutes were confirmed at the Ordinary Meeting of Council held on 26 June 2018.

.....  
Mayor

**4 BUSINESS ARISING FROM THE MINUTES**

**5 PUBLIC ACCESS SUMMARY**

## 6 MAYORAL MINUTE

### 6.1 NSW Rural Fire Service Awards

#### Attachments

- 1 Illawarra District Medals Presentation - Rural Fire Service - Kiama recipients [↓](#)

#### Enclosures

Nil

#### **RECOMMENDED**

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

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

#### **REPORT**

At the Illawarra District Medals Presentation on 9 May 2018 a number of local Rural Fire Service members from our local brigades were presented with National Medals for their service. A comprehensive outline of their achievements is attached.

I extend my congratulations to each of these members on receiving such well-deserved recognition.



## Mayoral Minute

## 6.1 NSW Rural Fire Service Awards (cont)

---

The commitment and dedication of these members to the Rural Fire Service and their communities is greatly appreciated by Council and the Municipality. These volunteers are the real everyday heroes of our community, putting their lives at risk to save and protect others and their property.

We have 4 brigades in the Municipality at Gerringong, Foxground, Jamberoo and Carrington Falls and each of them not only carries out work locally but assists with other Districts across the state. From 1 July 2017 to 1 March 2018 the brigades have attended 494 incidents locally and assisted at 44 fires throughout NSW.

## ILLAWARRA DISTRICT MEDALS PRESENTATION

<b>Day &amp; Date:</b>	Wednesday, 9 May 2018
<b>Time:</b>	1900hrs – 2100hrs

<b>Venue:</b>	Illawarra District Fire Control Centre
<b>Address:</b>	37 Airport Road Albion Park Rail NSW 2527
<b>Dress Code:</b>	Tunic with Medals

<b>DTZ:</b>	Illawarra District	<b>Ph:</b>	02 4230 8200
<b>DTZ Manager:</b>	Greg Wardle	<b>Ph:</b>	0428 237 061

### Event Summary:

To present:

Thirteen (13) National Medals and/or Clasps

Twenty-three (23) Long Service Medals and/or Clasps

Within the Illawarra District.

Today, a total of **33** recipients will be presented with 36 Medals and/or Clasps, with a combined total of **740** Years of Service.

*Three recipients will be receiving both National and Long Service accolades.*

**KIAMA AWARD RECIPIENTS:**

<p><b>Gerard Blunden</b> Years of Service: 16</p> <p>Gerard Blunden joined the Jamberoo Rural Fire Brigade in 2002.</p> <p>Since he completed his basic fire fighter training, he has gone on to become proficient in Village Fire Fighter, Advanced Fire fighter and is currently progressing through the Crew Leader course. Along the way he has also completed numerous courses some include Senior First Aid, Breathing Apparatus Operator, Chain Saw Operator, Rural Fire Driver, Safe Working on Roofs and Air Base Operator.</p> <p>Gerard was the Brigade Equipment Officer from 2004 to 2008 and is a regular attendee to Brigade "call out" incidents. He has also assisted in a number of Section 44 Fires including the Halls Road Fire, Tamworth and fires in the Budderoo National park. As well as this, he has acted as an Air Base Operator throughout the State.</p> <p>Away from the fire line, Gerard is always ready to assist the Brigade, whether it is for maintenance, hazard reduction, community engagement or fundraising.</p> <p>Gerard is an asset to the Jamberoo Rural Fire Brigade and a worthy recipient of the National Medal for his 16 years of service.</p>	<p><b>National Medal</b></p>
--	------------------------------

<p><b>Brian (Terry) Sharman</b> Years of Service: 19</p> <p>Brian Sharman, known to his peers as Terry, began his service with the Lacmalac Brigade in 1999 shortly after transferred to Bombowlee Brigade near Tumut. After completing Basic Firefighter, Terry continued training and became qualified in Advanced Firefighter, then as a Crew Leader.</p> <p>Between 2005 and 2010, Terry held the position as Bombowlee Brigade Training Officer. The following year he was elected Deputy Captain and held that position for two years, before moving to Kiama and joining the Jamberoo Brigade.</p> <p>While at Bombowlee, Terry made himself available for local Brigade incidents where possible and attended the Bilo Road Tumut Section 44 fire as well as other Section 44 fires in the Shoalhaven area. Since transferring to the Jamberoo Brigade in 2014, Terry has regularly attended training sessions and has been a regular attendee to Jamberoo Brigade "call outs." He has also made himself available for local hazard reductions and some in neighbouring districts.</p> <p>Terry remains an active member of the Jamberoo Brigade and is always on hand to assist with community engagement activities, maintenance or brigade fundraising.</p> <p>Terry is a worthy recipient of the National Medal for his 19 years of service with the Lacmalac, Bombowlee and Jamberoo Rural Fire Brigades.</p>	<p><b>National Medal &amp; Long Service Medal 1<sup>st</sup> Clasp</b></p>
--	--

Item 6.1

Attachment 1

<b>Joanne Grant</b> <b>Years of Service: 21</b> Joanne Grant joined the Jamberoo RFB in 1997 as an administrative member and became an operational member in 2008.  Since completing her Basic Firefighter training, Jo has gone on to become proficient in First Aid and Village Firefighter. Joanne has held the positions of Brigade Assistant Treasurer, Brigade Catering Officer, and Brigade Fundraising Officer.  Over the years Jo has attended some major fires in the Budderoo National Park, as well as wind storm, flood and Tornado assistance in the Kiama/Jamberoo area. Joanne has also assisted with local hazard reductions and pile burns.  At Brigade level, Joanne assists whenever possible with community engagement and fundraising activities. Jo has given her time to many fundraising BBQ's and raffles or to cook the BBQ organised for after training activities and community engagement events.  Joanne is a worthy recipient of the National Medal and the Long Service Medal 1 <sup>st</sup> Clasp for her 21 years of service with the Jamberoo Rural Fire Brigade.	<b>National Medal &amp; Long Service Medal 1<sup>st</sup> Clasp</b>
--	---

<b>Snr Deputy Captain William (Bill) McParland</b> <b>Years of Service: 27</b> William (Bill) McParland joined the Jamberoo Rural Fire Brigade during October 1991.  Consistently over the last 18 years Bill has held the position of either Deputy Captain, Senior Deputy Captain or Captain and is currently the Senior Deputy Captain of the Jamberoo Brigade. He has also held the positions of Brigade Equipment Officer and Brigade Training Officer during this time.  Since completing Basic Firefighter, Bill has gained numerous qualifications including Advanced Firefighter, Village Firefighter, Rural Fire Driver, Safe work on Roofs, RFS Instructor, Live Fire Instructor, Senior First Aid, Breathing Apparatus Operator, Chainsaw Operator, and Crew Leader Village, Wildfire & Safety.  Bill is a worthy recipient of the National Medal 1 <sup>st</sup> Clasp for his 27 years of service with the Jamberoo Rural Fire Brigade.	<b>National Medal 1<sup>st</sup> Clasp</b>
---	--

<b>Deputy Captain Greg Ball</b> <b>Years of Service: 28</b>	<b>National Medal 1<sup>st</sup> Clasp</b>
<p>Greg Ball joined the Raby &amp; Lynwood Park Rural Fire Brigades in 1990 and transferred to Gerringong Rural Fire Brigade in 1995 where he has remained an active member ever since.</p> <p>After completing his basic fire fighter, Greg worked his way through Advanced fire-fighter, Village firefighter, Rural Fire Driver, Breathing Apparatus Operator, Senior First Aid, and Crew Leader Safety, Wildfire, Village and Supervision.</p> <p>Greg has attended numerous call outs over the years including house fires, grass fires, hazard reductions, and car accidents; as well as out of area commitments in places such as Canberra, Tenterfield, Coonabarabran, Tamworth, and Singleton.</p> <p>Over the years he has held the positions of Treasurer, Equipment Officer and Permit Officer and since 2006 Greg has held the positions of either Deputy Captain, Senior Deputy Captain, Captain and is currently a Deputy Captain.</p> <p>Greg is a passionate and committed member and a worthy recipient of the National Medal 1<sup>st</sup> Clasp for his 28 years of service with the Gerringong Rural Fire Brigade and is fittingly receiving this medal on his birthday, Happy Birthday Greg!</p>	

<b>Group Captain Andrew Sweeney</b> <b>Years of Service: 28</b>	<b>National Medal 1<sup>st</sup> Clasp</b>
<p>Andrew Sweeney joined the Currarong Rural Fire Brigade at the age of 15 in 1990 and became a Deputy Captain in 1996, a position he held until he transferred to Greenwell Point Rural Fire Brigade in 2000 where he quickly became a Deputy Captain.</p> <p>Andrew then joined Gerringong Rural Fire Brigade in 2001 where he held many positions over the years including: BA Officer, First Aid Officer, Secretary, Welfare Officer, OH&amp;S Officer, Deputy Captain, Senior Deputy Captain, and Captain. Andrew is currently a fire investigator and Group Captain for Illawarra Group 6 area. He is also a member of the Illawarra Support Brigade.</p> <p>From day one with the Gerringong Brigade Andrew became involved in all aspects and attended almost every incident that the Brigade was called to. He has been heavily involved in fundraising and has raised and donated to the brigade.</p> <p>Andrew is a passionate and committed member who has sat on many committees over the years and attended countless events, conferences and courses. Andrew represented the service and the Illawarra District on overseas deployments and is also a coordinator with the Illawarra RAFT unit.</p> <p>Andrew is a worthy recipient of the National Medal 1<sup>st</sup> Clasp for his 28 years of diligent service.</p>	

**Lawrence Knight** is receiving the **Long Service Medal** for **12 years' service** as a member of **Jamberoo Rural Fire Brigade**.

**Andy Mullan** is receiving the **Long Service Medal** for **13 years' service** as a member of **Jamberoo Rural Fire Brigade**.

**Thomas Conboy** is receiving the **Long Service Medal** for **19 years' service** as a member of **Carrington Falls and Illawarra Support Brigades**.

**Craig Downes** is receiving the **Long Service Medal 1<sup>st</sup> Clasp** for **21 years' service** as a member of **Jamberoo Rural Fire Brigade**.

**Cameron McInerney** is receiving the **Long Service Medal 1<sup>st</sup> Clasp** for **21 years' service** as a member of **Jamberoo Rural Fire Brigade**.

**Debra Murphy** **Long Service Medal 2<sup>nd</sup> Clasp**  
**Years of Service: 31**

Debra began her service in the Rural Fire Service as an active member of the Bogee Brigade.

While with the Bogee brigade, Debra continued to train to increase her skills in Advanced Firefighting, first aid and as a Rural Fire Driver, and attended a number of local call-out incidents as well as some Section 44 fires at Rylestone, Cudgegong and Clandulla. Debra also assisted other brigades with hazard reductions in the Rylestone area.

While with the Bogee Brigade, Debra filled a number of roles; most notably she was the Brigade Secretary, Treasurer, Call-Out Officer and the Brigade First Aid Officer until transferring to the Illawarra in 2015.

In November 2015, Debra moved to Kiama and transferred to the Jamberoo Brigade. Although work commitments and distance from the station limits Debra's availability to attend a lot of call out incidents, Debra is a regular at Jamberoo Brigade training, fundraising and community engagement activities.

Debra has contributed to the NSW Rural Fire Service in either operational or administrative positions for over 31 years and is a worthy recipient of the Long Service Medal 2<sup>nd</sup> Clasp.

**6.2 Emeritus Mayor Sandra McCarthy, OAM****Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDED**

That Council formally congratulates Sandra McCarthy on receiving the Order of Australia award.

**REPORT**

It is very pleasing that Emeritus Mayor, Mrs Sandra McCarthy has been awarded an Order of Australia for service to local government and to the community of Kiama.

Sandra served as a Councillor on the Kiama Municipal Council from 1995 to 2012. She served as Deputy Mayor from 1995 to 1999 and Mayor from 2000 to 2012 when she retired from Council as Emeritus Mayor.

Sandra is the longest serving Mayor of Kiama Council and during her role as Mayor a number of major projects were completed including a new municipal library, the Kiama Pavilion, the highly significant Kiama to Gerringong Coastal Walk, Gerringong Town Centre Old School Park, Kiama Leisure Centre extensions and at a cost of \$44 million, 88 independent living units as part of Blue Haven.

During her period as Mayor, Sandra also chaired from 2008 to 2012 the Southern Councils Group which comprised Wollongong City Council, Shellharbour City Council, Kiama Municipal Council, Shoalhaven City Council, Eurobodalla Shire Council and Bega Valley Shire Council.

A major focus of the Southern Councils Group during her period as Chair was the funding and upgrade of the Princes Highway to reduce road fatalities and improve transportation. An effective campaign led to significant National and State Government funding support for the upgrade of unsafe sections of the highway.

She also served on many Council and Regional Committees including the Illawarra Noxious Weeds Authority and Healthy Cities Illawarra.

In her role as Mayor and Councillor Sandra was particularly passionate and proactive about promoting and supporting community health. As a Councillor and Mayor, Sandra drove the preparation of the Municipal Health Plan which was the first of its kind in NSW and attracted a National Heart Foundation Award. The plan focused on preventative health initiatives. A number of programs under the Health Plan have been successfully implemented and have also attracted National and State Awards and recognition including smoke free areas, garden to table food programs and the Kiama Community Dementia Friendly Program.

Mayoral Minute

6.2 Emeritus Mayor Sandra McCarthy, OAM (cont)

---

Sandra's commitment to sustainable community health lead to her being the President of Healthy Cities Illawarra, and President of the Australian Chapter of the International Alliance of Healthy Cities. She has participated in and presented papers at the inaugural Healthy Cities Alliance (World Health Organisation) Conference held in Borneo in 2004 and Taipai Healthy Cities Conference and Mayors' Round Table in 2005. She was also a keynote speaker at the 2012 Healthy Cities Symposium in South Korea.

At the 2016 Global Conference of the Alliance for Healthy Cities held in Korea as Chair of the Australian Chapter of Healthy Cities, Sandra McCarthy received a Certificate of Appreciation for her contribution to the healthy cities movement. This follows her receiving in 2002 the Leading Pioneer Expert Award.

In addition to her significant roles as Mayor, Deputy Mayor, Councillor and member of the Healthy Cities Alliance, Sandra has also carried out significant voluntary work including being Chairperson of the Kiama District Health Watch (1993-2001) and being a long term member of the Gerringong Rotary Sunrise Club. Sandra is currently serving on the steering committee for the proposed Gerringong District Community Bendigo Bank.

In 2017 Sandra was the recipient of a University of Wollongong Fellowship recognising her exceptional service to the University and the local community.

Sandra McCarthy is a very worthy recipient of the Medal of the Order of Australia.



**6.3 Winifred Elizabeth Chittick (Betty), OAM****Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDED**

That Council formally congratulates Mrs Betty Chittick on receiving the Order of Australia award.

**REPORT**

It is with great pleasure that I congratulate Ms Winifred Chittick (Betty), a Jamberoo resident on being awarded an Order of Australia for her outstanding service to the Kiama community.

As well as her tireless work with the local and district Hockey Association, Betty is a foundation member and life member of the Jamberoo Golf Club and of the Jamberoo Combined Sports Association.

Betty is a life member and committee member of the Kiama Show Society and continues to devote many hours to fundraising at the Kiama Show.

Betty has also volunteered at the Kiama Family History Centre for 30 years.

Betty was a director on the Board for the Warrigal Aged Care Village at Barrack Heights before becoming one of the foundation directors on the Board of the Kiama Blue Haven Aged Care facility from 1974 to 1987.

Betty received the Kiama Citizen of the Year award in 2010.

Betty has always shown herself to be a selfless contributor to the local community. She has put in many hours of hard work providing assistance in her many roles.

Betty is a very worthy recipient of the Medal of the Order of Australia.

## 7 MINUTES OF COMMITTEES

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

Responsible Director: Engineering and Works

---

Item 7.1

#### Attachments

- 1 Catchment and Flood Risk Management Committee Minutes - Meeting 15 May 2018 [↓](#)

#### Enclosures

Nil

#### **RECOMMENDED**

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

#### **BACKGROUND**

Enclosed are the minutes of the Catchment and Flood Risk Management Committee meeting held on the 15 May 2018 for information.

**Catchment and Flood Risk Management Committee Meeting**

Kiama Council RSL Room – Tuesday 15 May 2018, 3pm – 4:00pm

Attendance: Clr Andrew Sloane, Clr Mark Westhoff, Darren Brady (KMC), Byron Robinson (KMC), , Graham Pike, Warren Holder, Leenie Walsh, Ben Pinch

Apology: Aimee Beardsmore (OEH), Andrew Williams (OEH), Danny Weicek (OEH), John Murtagh (OEH)

<p>1. Minutes of previous meeting</p>	<p>Minutes of the previous meeting held on 20 March 2018 were accepted as accurate by the committee.</p> <p>Moved MW, Seconded WH</p>
<p>2. Flood study related issues</p>	<p>DB updated the committee on the current status of the Ooaree Creek / Werri Lagoon flood study. DB advised that there had been little reportable progress for the project, as the consultant was developing and testing the flood models. The project is still on track to provide the report by the end of the year. Once the draft flood study is publicly exhibited and the flood extents mapped, there are likely to be more affected residents wanting to engage in the process. If Council proceeds to the subsequent Flood Risk Management Study &amp; Plan opportunities will arise for further consultation with residents.</p>
<p>3. Update on progress of Minnamurra River boardwalk / walkway</p>	<p>DB informed the committee that following assessment of 9 tenders for the investigations, environmental assessment and design options for the boardwalk, Cardno NSW Pty Ltd had been appointed to undertake the work. They showed a good understanding of the project area, the constraints and risks, are highly skilled and locally based in Nowra &amp; Wollongong and were considered as the most suitable applicant.</p> <p>A meeting was held on site the previous week between the the environmental officers of Cardno and Council. Cardno were having ecologists walk and kayak through the site at both high and low tide to assess the environmental assets and the constraints along the proposed route(s). Biosis had also been subcontracted by Cardno to complete the heritage survey of the site, with a preliminary site walkthrough and assessment completed as well.</p> <p>Cardno are arranging a meeting with state agency stakeholders to discuss the proposal, any identified constraints and seek feedback from the relevant authorities. Agencies invited include Crown Lands, DPI Water, DPI Fisheries, RMS, Office of Environment and Heritage.</p> <p>AS asked if there was any indication an EIS was required. DB noted that Cardno were aware of and had identified this possibility in their application and had a good understanding of the process. Requirements for an EIS had been included in the project timeframe and budget.</p>

	<p>GP asked if Council knew whether or not the project was designated development? DB was unsure but this would all be identified during the constraints analysis by Cardno.</p> <p>GP asked if there was a date or time that the committee would be engaged in the process? DB advised that there is no exact date at this stage, but it had already been identified to address this committee in the consultation process.</p> <p>GP requested if a committee meeting could be called outside of the scheduled meeting date to consider the information and have Cardno present to the committee should the timing be earlier than the next meeting.</p> <p><b>Motion:</b> That an extraordinary Committee meeting be held if required, to participate in the consultation phase of the Minnamurra boardwalk proposal with Cardno consultant.</p> <p>Moved by AS Seconded by WH Unanimously supported by the committee.</p> <p>AS asked if all options were going to be tabled when meeting with the committee? DB explained that the route options would be presented to the committee based on the constraints identification, both environmental and physical / engineering once they had been established by the consultant.</p> <p>GP asked how long public exhibition would be? DB responded that it would be the standard period for public exhibition which is 28 days.</p> <p>Discussion was held by committee around the scale of the proposed 4m wide board walk. The committee felt that the width was prohibitive and possibly excessive in comparison to other shared pathways in the municipality, the required standard width of 2.5m for shared pathways and environmental constraints of the site.</p> <p><b>Motion:</b> Without pre-empting the environmental assessment and public exhibition, the committee recommends that the maximum width of the boardwalk should be 2.5m, and where environmentally sensitive areas are encountered, this width be made narrower.</p> <p>Moved WH Seconded GP Unanimously supported by the committee.</p>
4. Other business	BR informed the committee that the UOW had been invited to attend to discuss current research in the Minnamurra and potentially Crooked River catchments, as well as how to get research identified in the CZMPs happening as research projects.

	<p>GP enquired if University of NSW or Western Sydney University had been approached about research projects. BR indicated that they had not, but there was nothing preventing this. UOW call for projects in September each year so there was still time for representatives to attend the meeting.</p> <p>BR to invite UoW to next meeting.</p> <p>WH asked if there had been any update on Cleary Brothers proposed extension to the sand mine.</p> <p>AS indicated that nothing had come through Council that he was aware of but would follow up and inform the committee.</p> <p>Meeting closed 4:00pm</p>
5. Next Meeting	<p>The next meeting was set for Tuesday 21 August 2018, 3:00pm in the RSL Room. Meeting will be called at short notice should Cardno come back with public consultation material prior to 21 August.</p>

**Item 7.1**

**Attachment 1**

**7.2 Economic Development Committee Meeting - 22 May 2018**

Responsible Director: Corporate, Commercial & Community Services

---

**Attachments**

- 1 Economic Development Committee Minutes 22 May 2018 [↓](#)

**Enclosures**

Nil

***RECOMMENDED***

That the Minutes of the Economic Development Committee Meeting held on 22 May 2018 be received and the recommendations therein accepted.

**BACKGROUND**

The draft minute of the Kiama Economic Development Committee held on 22 May 2018 are attached for review and endorsement.

---

**Minutes of the Kiama Municipal Council Economic Development Committee meeting  
held on 22 May 2018 in the Council Chambers**

---

- 1 Present:** Councillor Mark Honey, Councillor Don Watson, Councillor Warren Steel, Roy Schmidt, Steve Thomas, Matt Brown, Geoff Pratt, Sandy Rendel, Andrew Waugh  
**Attending:** Megan Hutchison, David Mead (Acting Director Corporate, Commercial and Community Services)  
**Apologies:** Gavin McClure, Michael Hatfield, Kerry McMurray  
**Invited Guest:** Karen Ronning – Manager Tourism and Events

**2 Acceptance of previous Minutes**

- Moved: Matt Brown  
Seconded: Roy Schmidt

**3 Business Arising**

NIL

**4 Tourism Opportunities Plan – Destination Kiama Presentation**

The Chair of the Kiama Advisory Committee Councillor Matt Brown, gave a comprehensive presentation on the Kiama Tourism Opportunities Plan that is currently being developed. The plan has the following objectives:-

1. To define the Regions “hero” experiences
2. To identify and prioritise new tourism products that respect our vision, will grow overnight visitor expenditure and meet future visitor expectations and demand
3. To identify future infrastructure requirements that support the ongoing sustainable development of tourism in our Municipality, and
4. Provide a focal document for tourism development in our Municipality

The Plan will focus on opportunities in:-

- Arts and Culture
- Surfing, bodyboarding, beach life and culture
- Nature and wellbeing
- Culinary and beverage
- Precincts and Rejuvenation

The Committee were encouraged to complete the survey which will be distributed in the near future. An electronic version of the presentation will be distributed to Committee members.

**5 Kiama Town Centre Study**

Prior to the meeting the draft consultants’ brief for the Kiama Town Centre Study was distributed to the Committee for comment.

The feedback was that it was generally not broad enough to capture all elements of urban design for the town centre and the vision for the town centre was not sufficiently articulated. It was also felt that there needed to be a broader focus on the potential for architectural design

excellence and for ensuring that there was more focus on big picture outcomes for the town centre.

Furthermore The Committee is concerned that:-

1. Business, retail and office space is being lost in the Kiama Town Centre because developer/applicants are exploiting the permissible use for "shop top housing" and the decision of Sheehan J in *Hrsto v Canterbury City Council (No 2)* [2014] NSWLEC 121 14 August 2014 – NSW Land and Environment Court.
2. The permitting of shop top housing, as it is presently categorised by application of Hrsto, is inconsistent with the objectives of the B2 Local Centre Zone which are:-
  - To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
  - To encourage employment opportunities in accessible locations.
  - To maximise public transport patronage and encourage walking and cycling.
3. The many studies carried out by consultants and adopted by Council cannot be used to defend the main intent of the B2 local Business Zone (and by extension the B1 Neighbourhood Centre Zone), nor (on advice from Council's Director of Planning) can standards inserted in the DCP provide adequate protection. The Committee questions the value of carrying out these studies if they do not then help to shape Council's planning controls in an effective way.
4. The Committee notes that "Shop Top Housing" was removed as a permitted land use in zone B7 Business Park of the Marrickville LEP 2011 by approval by Minister or Delegate on 3 April 2017 because it was inconsistent with the main intent of that zone.

*Recommendation:*

*That Council ask the Director of Planning to provide the Economic Development Committee with advice on the desirability of amendments to Kiama LEP 2011 and to the Kiama Town Centre DCP and provide some feedback and commentary on the opportunity or mechanisms that may be put in place, for example local clauses to impose development standards to ensure that loss of further business, retail and office space (existing and potential) be limited.*

Moved: Sandy Rendel

Seconded: Steve Thomas

## **6 Kiama Regional Development Strategy**

This agenda item will be held over to the next meeting

## **7 Easy to do Business Program**

At the April 2018 Council meeting, Council agreed to join the *Easy to do Business Program* which is a joint initiative between the Office of Small Business Commissioner, and Service



NSW that brings together agencies, local councils and industry bodies to make the process of opening or expanding a small business simpler and faster.

The initiative was initially piloted at the City of Parramatta Council on May 2016 focussing on the cafe, restaurant and small bar sector and in February 2017 the pilot program was expanded to incorporate Dubbo regional, Georges River and Northern Beaches councils.

Businesses wanting to open a café, restaurant or small bar will be provided with a single point of contact and a concierge service via Service NSW to provide a streamlined approach to opening a new business. To find out more about this program, contact Council's Economic Development manager or go directly to [www.mybusiness.service.nsw.gov.au/how-to-open-or-grow-a-café](http://www.mybusiness.service.nsw.gov.au/how-to-open-or-grow-a-café)

**Meeting closed at 7.00pm and the Next meeting will be 5.30pm on 24 July 2018 in the RSL Rooms.**

**7.3 Minutes of Kiama Local Traffic Committee Meeting - 5 June 2018**

Responsible Director: Engineering and Works

---

**Attachments**

- 1 Minutes of Kiama Local Traffic Committee Meeting - 5 June 2018 [↓](#)

**Enclosures**

Nil

***RECOMMENDED***

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

**BACKGROUND**

The Minutes of the Kiama Local Traffic Committee meeting held on 5 June 2018 are attached for information.



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

commencing at 10.05am on

**TUESDAY 5 JUNE 2018**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

Item 7.3

Attachment 1

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

5 JUNE 2018

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 5 JUNE 2018 AT 10.05AM

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

1 Apologies

Nil

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**3.1 Kiama Local Traffic Committee meeting on 1 May 2018**

**Resolved** that the Minutes of the Kiama Local Traffic Committee Meeting held on 1 May 2018 be received and accepted.

(Councillor Honey and Amy Thompson)

**4 BUSINESS ARISING FROM THE MINUTES**

Following concerns raised by Mr Clingan regarding speeding traffic in Bridges Road Gerringong, (item 7.3 of the may 2018 meeting), council placed traffic counters to record vehicle volumes and speeds for a fortnight at the location. As seen in the results below, the 85<sup>th</sup> percentile speeds are generally in accordance with the posted speed limits. Based on these results, no further action is proposed for this street at this time.

Summary results for traffic counts taken on Bridges Rd, Gerringong  
17/5/18 – 30/5/18

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

5 JUNE 2018

AADT	1143 veh/day
Posted speed limit	50 kph
85% speed (eastbound)	51 kph
85% speed (westbound)	53 kph
Peak time (east)	Wed 4-5pm
Peak time (west)	Sat 9-10am
% of vehicles speeding	19%
Max recorded speed	72 kph (east)

Item 7.3

Attachment 1

**5 REPORT OF RMS DELEGATED FORMAL ITEMS**

**5.1 Installation of linemarking – Belinda Street / Tasman Drive, Gerringong**

**Resolved** that the Committee approve the installation of centreline marking and warning signs at the bend in Belinda Street and Tasman Drive (opposite the Gerringong Cemetery carpark) as per the attached signage and line marking plan.

RMS support this resolution provided that it meets the minimum road width of 5.5m

(Councillor Honey and Darrell Clingan)

**5.2 No Stopping Restrictions and regulatory line marking - Croft Place, Gerringong**

**Resolved** that an existing 'No Stopping' zone be emphasized through the installation of regulatory signage and kerbside unbroken yellow line marking at Croft Place, Gerringong.

(Councillor Honey and Darrell Clingan)

**5.3 No Parking signage installation at Devonshire Street, Kiama**

**Resolved** that if consultations with the owners of 10 and 12 Devonshire Street, Kiama does not relieve the parking issues for the neighbouring houses a "No Parking" zone will be created at 10 to 12 Devonshire Street, Kiama through the installation of regulatory signage.

**MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE**

**5 JUNE 2018**

(Councillor Honey and Amy Thompson)

**6 GENERAL BUSINESS**

Mayor Honey present to the committee an email from a concerned resident over the money allocated (\$10,000) to improving Bong Bong Streets traffic concerns. Gino added that this was a suitable value for the recommended works and the Committee agreed. Amy added that the street would not meet the requirements for a pedestrian crossing and therefore does not require that extensive of works.

**7 CLOSURE**

There being no further business the meeting closed at 10.31am

These Minutes were confirmed at the Ordinary Meeting of Council held on 10 July 2018

.....  
.....  
Mayor

Director Engineering & Works

Item 7.3

Attachment 1

**7.4 Youth Advisory Committee meeting held 7 June 2018**

Responsible Director: Corporate, Commercial & Community Services

---

This report provides the minutes of the Youth Advisory Committee meeting held 7 June 2018 at Kiama High School.

**Attachments**

- 1 Minutes of the Kiama Youth Advisory Committee meeting held on 7 June 2018 at Kiama High School [↓](#)

**Enclosures**

Nil

---

**Minutes of the Kiama Youth Advisory Committee meeting held on Thursday 7<sup>th</sup> June 2018 at Kiama High School at 10:47am**

---

**Present:** Andrew Chatfield (Kiama Municipal Council, minutes), Nicholas Gregory (Chair), Aribah Amal, Jayden Wilshire, Josie Mansell, Amelia Beahan, Bethany Chapman, Georgia Juhass, Simon Case, Cyrus Piggott.

**1. Apologies:** Clr. Mark Westhoff (Kiama Municipal Council), Clr Kathy Rice (Kiama Municipal Council), Nick Guggisberg (Kiama Municipal Council), Valentine Crome (Kiama Municipal Council Library Services), Jane Littrich (Kiama High School staff), Carly Abbott, Lauren Perry, Alexander Wunsch, Emilio Goytizolo, Alira Morgan.

**2. Minutes of previous meeting:**  
Moved by Aribah Amal and seconded by Simon Case. CARRIED

**3. Business arising from previous meeting:**

*3.1 Road Safety/Intersection concerns*

Alexander Wunsch raised concerns at the April meeting regarding the intersection on the corner of Bong Bong and Shoalhaven Streets and that it is hard to see oncoming traffic due to the cars parked on Bong Bong Street. Josie Mansell agreed and stated that she has seen accidents in the past.

**ACTION:** Clr Westhoff to seek information and report back next meeting.

**4. Reports**

*4.1 SENTRAL programs*

Andrew Chatfield provided an update on current programs and activities at SENTRAL during Term 2 including; Barista training each Wednesday from 4 – 6.30pm, fitness programs continue with group training on Wednesdays from 3.30pm and Yoga on Thursdays from 3.30pm. Munch Out starts on Thursday 31st July from 5 – 8pm and will run for 8 weeks covering topics relating to sourcing and cooking healthy meals and the impact of nutrition on the mind, body and soul.

*4.2 Blue Haven Care Ipod donation program*

Andrew Chatfield reported on a new initiative from Blue Haven Care involving the donation of ipods and mp3 players as part of a 'music therapy' program for residents. Andrew asked if the YAC could help promote and collect any unwanted music players that had been handed in to the front office.

*4.3 SENTRAL Gym*

Andrew Chatfield reported that SENTRAL is currently in negotiations with Kiama High Executive Committee regarding a SENTRAL Gym to be available at KHS during lunch and recess. SENTRAL



has purchased gym equipment and is hopeful KHS will provide a room to house the equipment and to run SENTRAL programs during school times. Andrew to keep the committee updated.

#### 4.4 KHS Programs

Andrew Chatfield provided information on current joint programs with Kiama High School students during Term 2 2018 including; Youth Advisory Committee, KHS Volunteers program, Event Management and Youth Worker at KHS mentoring program.

#### 4.5 PFLAG meetings at SENTRAL

Andrew Chatfield provided information on a support group for parents and friends of lesbian and gay people which occur on the first Wednesday of each month at SENTRAL from 6 – 8pm. More information on PFLAG is available from SENTRAL.

**Committee recommendation:** That the information be noted.

### 5. General Business:

#### 5.1 Youth Engagement meeting

Andrew Chatfield informed the students of the date for the next Council meeting at KHS, being Thursday 2<sup>nd</sup> August and to start thinking about any presentations you would like to make. Simon Case indicated that he would like to follow up on the compost issue raised last year. Bethany Chapman also reminded the Committee that the SRC elections are being held at the beginning of Term 3 and that there will be a new SRC hosting the Youth Engagement meeting. Andrew asked Bethany to keep him updated on the elections.

**ACTION:** Andrew to communicate with current SRC regarding the changeover of members.

#### 5.2 SENTRAL Promo

Simon Case would like to see more advertising and general promotion of SENTRAL programs around Kiama. The committee all agreed that programs offered by SENTRAL are not being promoted as effectively as they possibly could be.

**ACTION:** Andrew to draft some additional promotional strategies and seek feedback from the YAC.

**There being no further business the meeting closed at 11.40am**

**7.5 Planning Committee Minutes - 17 May 2018**

Responsible Director: Environmental Services

---

Attached for Councillors' information are the minutes of the Planning Committee meeting held on 17 May 2018.

**Attachments**

- 1 Planning Committee - Minutes - 17 May 2018 [↓](#)

---

**Minutes of the Planning Committee meeting held on Monday 17 May 2018 at Kiama Council, Commencing at 9am**

(18/46789)

**Present:** Mayor, Clr Mark Honey (Chair), Clr Kathy Rice, Clr Mark Way, Clr Andrew Sloan, Linda Davis, Mark Lyndon, Mark Hitchcock, Darryl Smith, Megan Hutchison and Karen Renkema-Lang.

**Apology:** Clr Mark Westhoff, Kerry McMurray, Nick Guggisberg, and Penny Morris.

---

**Item 1 - Attending/Apologies**

As above.

**Item 2 - Minutes of Previous Meeting – 11 December 2018**

There were no matters arising from the minutes. Moved: Karen Renkema-Lang/Seconded: Clr Kathy Rice.

**Item 3 - Planning Committee – Terms of Reference (TOR)**

A copy of the current TOR was circulated to members. Linda advised that the Planning Committee was formed from 3 separate Committees (Council Report 18 October 2016), being:

- Commercial Centres and Community Safety Committee;
- Development Industry Committee; and
- LEP Committee (sunset clause).

Linda gave an overview of the existing TOR including changes that could be applied. The Mayor advised that the benefit of the Committee was to discuss strategic processes and not to be involved in operational matters.

Discussion about the establishment of new TOR included:

- The purpose is primarily about providing a forum for communication/information sharing with the ability to discuss and inform Council about strategic planning issues to be considered in relevant decision making processes.
- Over the short to medium term the focus should be about establishing a new strategic narrative for the Municipality, including setting the goals, processes and strategic issues that will provide a long term strategic direction.
- Embedding the strategic narrative or vision into future reviews of LEP, DCP and Urban Strategy.
- Alignment of Council's strategic planning, economic and safety related programs and outcomes – may need to revisit the Committee's role in safety issues in the future as membership may not be appropriate for this objective.
- Megan advised that any work through the Economic Development Committee will be discussed in the Planning Committee where necessary.
- To provide open communication to the forum to provide input into establishing appropriate community engagement processes.
- The relationship between the Committee objectives and Council's CSP.

- Providing an opportunity for feedback about issues that arise from assessment processes such as parking, traffic and streetscape issues.
- Information sharing about major planning, economic and safety projects (not every DA) as well as significant legislative changes. This could be a standing agenda item.

**Recommendation:** Linda to draft up changes to the document and circulate to members for comment and then report back to Council.

#### Item 4 - Legislation Update

It was advised that new legislation, which is due to come into force on 6 July 2018, includes:

- The new Greenfields Housing Code; and
- Low Rise Medium Density Housing Code.

Discussion about the implications of the new Codes raised a number of concerns, particularly in relation to the Low Rise Medium Density Housing Code, including that it:

- will allow dual occupancies to be built on lots as small as 400m<sup>2</sup> as complying development without approvals from council or any notifications to neighbours;
- introduces new forms of development called manor houses and terrace houses that may also be complying development if designs comply with set parameters – along with dual occupancies these are all forms of multi-dwelling housing;
- will allow densities that are out of keeping with many of our residential areas;
- will undermine place based character controls that have been developed in collaboration with local communities such as the Jamberoo DCP;
- will undermine general controls, such as minimum frontage, that have been put in place to improve design outcomes for medium density development;
- will lead to an increase in the number of complaints Council receives from the community about complying developments and private certifiers – the Code in conjunction with the design guide presents new complexity for private certifiers to consider and administer;
- represents further erosion of local planning autonomy.

The Mayor advised that he will be discussing this matter with Gareth Ward and requesting his support in making representations to the Minister for Planning. He is concerned that the new Code will allow developments to be built that are out of character to the area and that it is out of alignment with other State Government initiatives that are encouraging Councils to better manage quality urban design and local character outcomes.

Linda advised that she and her staff are liaising with colleagues from other Councils in the region about the new Codes. She is also liaising directly with the Department of Planning and Environment about options for the deferred commencement of the Codes or exemptions for all or parts of Kiama where specific local urban design and character outcomes have been developed.

The ISJO Board considered a motion about the introduction of the Codes at its last meeting and resolved to write to DPE to request reconsideration of the applicability of these Codes in rural and regional areas of the State.

Linda advised that the Minister had put a hold on the introduction of the Code in Canterbury and Ryde due to the limitations of infrastructure to support the additional growth. For Kiama it is more about the character and identity of the towns rather than infrastructure capacity.

**Motion:** Cllr Sloan/Seconded: Darryl Smith that this Committee opposes the implementation of the Codes in the LGA and supports the delegation of the Mayor and Senior Planning Officers to seek an exemption to the Codes and make deputation to the Local Member and Planning Minister. The Motion was unanimously adopted.

#### **Item 5 - Bus Tour**

It was agreed that following the establishment of a strategic narrative and vision for the Municipality, a bus trip be organised to visit places of relevance. Potential places mentioned include the depot, Bombo Quarry, Blue Haven Bonaire site, potential major development sites, streetscapes, headlands/green hills and medium density areas.

Megan advised that Lendlease has offered to host the Committee at their Sydney Office and give a tour around Barangaroo and a talk about the principles used in its development. Although the scale is completely different, the principles and the decision making around the appropriate commercial/residential mix and feasibility may be of interest for Kiama.

#### **Items 6 - Bombo Quarry Update**

Linda gave a brief update and advised that there is not a statutory role for Council at this stage. The quarry companies are doing their own due diligence to determine their preferred end uses. Council and a small number of State agencies are members on the Committee however there has been little activity for two months - Department of Premier and Cabinet has advised that representations will be made to Transport (Sydney Trains & Boral) to see what is happening.

Megan advised that she was concerned about the mix between residential, commercial and industrial land and that the employment opportunities should not be lost.

#### **Item 7 - Future Expansion Areas – Gerringong, Jamberoo, Kiama, Kiama Downs**

Issues were discussed by the Committee regarding future expansion areas in the Municipality.

Cllr Sloan noted that some greenfield sites identified under the Kiama Urban Strategy are still available. Linda advised that a Planning Proposal for the West Kiama area between Saddleback Road and Weir Street is expected to be lodged in the near future (400 lots).

#### **Items 8 – Update on the Status of the Kiama Masterplan**

Linda advised that a draft Kiama Town Centre Study brief has been prepared by Council's consultant and was informed by a Councillor briefing session.

The principles that have been developed for the process are:

- Ensuring improved building design outcomes;
- Protecting heritage and local character;
- Accommodating higher density development in justified locations;
- Increasing availability of commercial and retail space in commercial core;
- Enhancing street activation;
- Only significant view corridors will be protected;
- Encourage underground parking in new development;
- Encourage anchor development to create “bar-bell” effect for retail activity;
- Improve financial feasibility for desired land use;
- Support more night time activity and on-street dining;
- Accommodate the needs of an ageing population;
- Encourage residential accommodation that is accessible and adaptable;
- Improve the visual quality of centre infrastructure;
- Incorporate health, accessibility and sustainability outcomes into urban design.

Karen noted her disappointment that the Committee had not been engaged in the development of the brief and requested that a copy of the draft brief be distributed to committee members for input. It was agreed that the draft brief be circulated to Committee members with a 1 week timeframe for feedback to be provided.

#### **Items 9 – Population and Dwelling Projections for the Kiama LGA**

Karen commented that there had been a lot of community interest from the Kiama Central Precinct and the Combined Community Action Group about:

- How many dwellings are we trying to fill in the next 10 years?
- What is the methodology for tracking it?
- What is the definition of a dwelling?
- How do you report those to State Government?

Linda distributed a slide presentation that was given to the last Central Precinct meeting about this matter and briefly discussed the details behind each slide.

#### **Item 10 – Revision of Kiama Urban Strategy (KUS)**

Linda advised that the revision of the KUS would follow the strategic narrative planning process. A high level project plan for the full strategic review process, including the review of the LEP, DCP and KUS, will be available for discussion at the next meeting.

Clr Rice left the meeting at 11am.

#### **Item 11 – Revision of Chapter 27 DCP – Gerringong Town Centre**

Megan advised that this matter was discussed at the September Economic Development Committee where it was resolved:

*“Recommendation for the next Planning Committee meeting:*

*That following completion of the Kiama Town Centre masterplan that Council commence planning to implement a Place Making Strategy for the Gerringong Town Centre which will then inform the revision of the Gerringong Town Centre DCP.”*

The Committee noted this recommendation.

#### **Item 12 – Local Precinct Groups**

Karen advised that a new Combined Community Action Group (CCAG) has been formed and she is the current chair – the Terms of Reference (TOR) for the Group will be circulate to the Committee for information.

In response to concerns expressed by Cllr Way, Karen advised that the Group only focusses on issues that are relevant to all precinct groups and does not exert any influence or represent on issues that are specific to a particular precinct area.

Karen advised that the CCAG has made 3 submissions to Council:

- 1) Community engagement in general – concern about the effectiveness and how well this was happening.
- 2) Following in line with (1) above, Council invited the CCAG to provide input into the Operational Plan. The issues that were brought to the table were from all the precinct groups (22 recommendations).
- 3) An ongoing issue about Council’s website and the DA

#### **Item 13 - Date of next meeting**

Date to be set approximately 6 weeks’ time. Deb to schedule a suitable meeting date and circulate.

**There being no further business  
the meeting closed at 11am**

**7.6 Access Committee meeting held 1 June 2018**

Responsible Director: Corporate, Commercial & Community Services

---

This report provides the minutes of the Access Committee meeting held 1 June 2018 for Councillors' information.

**Attachments**

- 1 Minutes of the Kiama Access Committee meeting held 1 June 2018 [↓](#)



---

**MINUTES OF THE KIAMA ACCESS COMMITTEE MEETING HELD AT COUNCIL  
CHAMBERS COMMITTEE ROOM 1, ON FRIDAY 1 JUNE 2018**

---

1. **Present:** Darren Brady, Nick Guggisberg, Chris Cassidy, Beryl Batten, Janelle Burns, Clr. Rice, Merryn Joske, & Dr Puris (arrived 10.48).

**Apologies:** Clr. Reilly, Mel Gorman, Graham Fairbairn

2. Minutes of the previous meeting held 2 February 2018

**Motion:** that the minutes of the previous meeting held 2 February 2018 be accepted as a true and accurate record of the meeting.

**Moved:** Chris Cassidy    **Seconded:** Merryn Joske    **Carried**

3. **Business Arising:**

Participation of Manager Development Assessment – suggestion from Clr Rice regarding place the agenda item of relevant DA's to first item of business and that he attends as needed (straight after business arising).

Invite the Manager of DA to attend next meeting to discuss what DA's should be referred to the committee for comment.

- 3.1 Top Shops on Manning Street, Kiama - Corflute advertising is still around the bollards.  
Fixed

- 3.2 Access to Kiama Rock Pool.

Darren explained the complexity and difficulties in creating access

The committee felt that given there is accessible access at the school flat ocean pool that providing disability access to this pool is not cost efficient nor required.

- 3.3 Driverless Shuttle Bus

February/March application submitted for Kiama to participate in a trial – no answer yet. Janelle emphasised with the committee that safety would be the first priority for the project and the trial would be implemented in 3 stages, i.e. Starting in less populated areas and eventually reaching stage 3 in town linking 2 aged care centres.

- 3.4 Parking in Manning St

Traffic Committee has recommended that all parking in CBD and south along Manning to the church will be restricted to 2 hours. Regarding Tradies parking, Darren reported that with the introduction of 2 hrs parking this issue has been resolved.

- 3.5 Falls risk in Collins Street near Bombo Clothing

Action: Darren reported that he will get paint applied to the edges.

- 3.6 Accessible Parking locations

Dealt with in correspondence.

4. **Correspondence**

a) Clr Rice reported that she responded in writing to Mr Dopper (2 emails) on 2 February. Accessible parking in Gerringong - 7 out of 201 parking spots are accessible. The accessible standards are silent on absolute ratios, but in general, 1 in 100 appears to be average.

---

MINUTES OF THE KIAMA ACCESS COMMITTEE – 1/6/2018

---

**MINUTES OF THE KIAMA ACCESS COMMITTEE MEETING HELD AT COUNCIL  
CHAMBERS COMMITTEE ROOM 1, ON FRIDAY 1 JUNE 2018**

---

Darren stated that he is happy to supply a map identifying the spots near Blooms Pharmacy area of Gerringong. Darren pointed out that in addition, there are more accessible parking spots provided on private premises.

**Action:** Clr Rice will write back to Paul and Darren and Nick will arrange for him to be sent a copy of the maps.

b) Request for Railing outside Terralong St Surgery near stone garden.  
Darren reported that a small handrail will be installed.

**Action:** Nick to talk with Peter Luke and then write to the correspondent to inform her of the outcome.

**5. Any Relevant DA Applications**

N/A

**6. General Business**

(a) Traffic at Blue Haven Stage 5 - Merryn reported that the general public are using the lane behind Blue Haven to access the Leisure Centre.

**Action:** matter to be referred to the Blue Haven Residents Committee, Merryn will write to Steve Dawson.

(b) Footpath at terrace houses in Collins Street – Merryn reported that she’s heard of several people falling on the footpath including someone breaking her neck. The issue is the brick paving. Darren reported he will follow up this issue.

**Action:** Darren to follow up.

Clr Rice reported that some of the pavers have moved out the front of Speak n Easy too.

**Action:** Darren to follow up.

(c) Beryl – out the front of the Library for pickups – requested that an official pick up and drop off be created.

**Action:** Darren to investigate the issue and place the item on the agenda of the next Traffic Committee meeting.

(d) Chris Cassidy informed the committee that he has noted the lighting out the front of the Pavilion is very poor.

**Action:** Nick to refer the matter to the Pavilion.

**Next Meeting:** 3 August 2018

**There being no further business the meeting closed at 11.25am**

## 8 PUBLIC ACCESS REPORTS

### Committee Of The Whole

#### *RECOMMENDATION*

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

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

## 9 REPORT OF THE GENERAL MANAGER

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

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.1 Improving the liveability of Kiama for those with diverse backgrounds and abilities

#### Summary

The Steering Committee of the Alliance for Healthy Cities is seeking nominations for members and it is proposed that Kiama nominate as a candidate for the Australian Chapter.

#### Finance

Funding for attendance at the annual Steering Committee Business Meeting, and the Global Conference and General Assembly held biennially can be funded from the Healthy Cities budget.

#### Policy

Kiama Health Plan

#### Communication/Community Engagement

Media opportunities would arise from a successful nomination.

#### Attachments

- 1 Alliance for Healthy Cities - Steering Committee Election Process 2018-2022 [↓](#)

#### Enclosures

Nil

### **RECOMMENDATION**

That Council:

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

### **BACKGROUND**

A Healthy City aims to reduce the health issues associated with urbanisation by managing the social, economic and physical environments to improve overall amenity and liveability. Through the Healthy Cities initiative, the World Health

## Report of the General Manager

## 9.1 Australian Chapter of the Alliance for Healthy Cities - nomination for election to steering committee (cont)

---

Organisation encourages local governments to incorporate health issues and health concerns into all aspects of public policy.

The Alliance for Healthy Cities (AFHC) is an international network of healthy cities, national governments, international agencies, NGOs, private sector and academic institutions, all of whom support the Healthy Cities approach. The Alliance promotes the interaction of people and information exchange, research development, and capacity building programs. Within the Alliance the experiences of member cities or individuals are exchanged to guide members in improving the health of urban residents in their cities and towns.

Over the past 8 years, the CEO of Healthy Cities Illawarra (HCI), a regional body with representation from Wollongong, Shellharbour, Kiama and Shoalhaven Councils, has held a position on the AFHC Western Pacific Region Steering Committee and contributed to regional decisions and policy. Membership of the Steering Committee has also provided access to a global network that has enriched the knowledge base in the Illawarra and positioned the region well for visitation and cultural exchange. This year HCI are not eligible to contest another term and another expression of interest from Australia is being sought. A copy of the Election Process is attached.

Kiama has been a member of the Alliance for 10 years and throughout this time, our work has gained the respect of cities throughout the AFHC Western Pacific Region. The Kiama Health Plan and Dementia Friendly Program have both received international recognition and an annual visit from UNSW students investigating Healthy Cities has occurred for well over 10 years. We are highly regarded for our health related initiatives and we are continuing to be innovative in our current health promotion projects. Our programs arising from the Kiama Health Plan, for example those regarding aged care and food continue to arouse the interest of our Asian neighbours. These programs alone could be used to promote Health Plan related tourism.

Kiama could also help lead the movement towards local governments becoming recognised and resourced for their crucial role in delivering the United Nations Sustainable Development Goals. This was promoted at the 2017 Commonwealth Local Government Conference in Malta and is a current interest of the Healthy Cities Movement. Healthy Cities Illawarra is working to raise awareness of the Sustainable Development Goals and Australia's obligation to them. Kiama's representation on the steering committee will legitimise and provide recognition for continuing this work.

The call for an Australian expression of interest in the steering committee is a valuable opportunity for Kiama. Since we are already well regarded throughout the region we have a good chance of being elected to the role. Stepping up into the steering committee would put us on the world stage and provide an excellent resource to Council. Committee membership would also assist recognition of our work in the health arena by State and Federal Governments. The committee representative would need to be an elected member, but the resources uncovered through the committee membership and regional network would be accessible for Council staff.

## Report of the General Manager

## 9.1 Australian Chapter of the Alliance for Healthy Cities - nomination for election to steering committee (cont)

---

The committee's general meetings occur quarterly via email and through its network a whole range of academic ideas, practical achievements and Healthy City proposals are shared. It reviews emerging research in health planning and the latest information from the research of member cities. At the Global Conference which is already budgeted for by Community Services, the committee receives guest presentations regarding the worldwide development of sustainable cities. If other workshops arise, they occur at no greater than annual frequency with videoconferencing likely to develop as an option.

This is an exciting opportunity that will arouse interest in Kiama from the Western Pacific Region and position Kiama alongside regional thought leaders.

It is proposed that Kiama Council nominate as the member for the 2018-2022 term. Nominations can be submitted from 1 June to 31 July 2018 with voting by the full members of AFHC occurring at the 8<sup>th</sup> General Assembly in October 2018.

[SC21 6 1]

**ELECTION PROCESS: STEERING COMMITTEE MEMBERS 2018-2022**

Nomination Committee for Election 2018 will be formed by the Steering Committee 2016-2020. The members are [City] Owariasahi, Japan; Gangdong-gu, Republic of Korea; Kuching, Malaysia; [National Agency] Department of Health National Capital Regional Office (DOH NCRO).

Nomination Committee for Election 2018 will call for a nomination for a member of the Steering Committee. Nominations will be accepted June 1 – July 31, 2018, and then secret ballots are collected. If the number of candidates is equal to or less than the number of positions to be filled, The General Assembly may appoint each candidate as a steering committee member by passing a separate resolution at the meeting.

Every two years, half of the members of the Steering Committee of the Alliance for Healthy Cities (AFHC) are replaced by election. At the 8<sup>th</sup> General Assembly of AFHC in 2018 in Kuching, Malaysia, the following seats are subject for the election.

- [City – 4 seats]
- [NGO – 1 seat]
- [Academic Institution – 1 seat]
- [International Agency – 1 seat]\*
- [Private Sector/ Business – 1 seat]\*

(\* Decision on if the committee calls for SC member for this category will be made by the nomination committee, subject to the number of active membership within that category.)

Owariasahi (City), Gangdong-gu (City), Kuching, Malaysia (City), and Department of Health National Capital Regional Office (DOH NCRO) (National Agency) continue to be members of the Steering Committee until the General Assembly in 2020 (their term is 2016-2020).

A member of the Steering Committee will serve a four-year term for a maximum of two terms after which a two-year period must elapse before serving in the Steering Committee again. Therefore, the cities/organizations whose terms expire in 2016 (Illawarra, Shatin, Marikina, Healthy City Support Organization) can NOT serve as the members of the Steering Committee for 2018-2022.

The Nomination Committee also applies a rule that “each country shall have a limit of one city at a time as a city member seat of the Steering Committee.” Therefore, for this nomination, cities from Japan, Republic of Korea, and Malaysia are not eligible for the City seats in 2018.

Full or associate members of AFHC which had wished to nominate themselves or others, submitted their nomination to the Nomination Committee for Election 2018 between June 1 and July 31, 2018.

Cities and organizations nominated by 2 or more members, including self-nomination, are recognized by the Nomination Committee as candidates. After closing the submission of nomination, the Nomination Committee will announce candidate cities and organizations. By the 8<sup>th</sup> General Assembly, voting by the full members of AFHC will be carried out, and the final results will be announced at the General Assembly.

**Schedule**

Dates	
March-April 2018	Nominee for the Chair/ Draft Call for nomination
May 2018	The Nomination Committee announces to general members of AFHC of schedule of election and call for nomination.
June 1-July 31, 2018	Nominations are accepted by the Secretariat.
August 1-September 30, 2018	The Nomination Committee develops a list of nominees and sends this list and official ballot paper to all full members of AFHC by email. Secret ballots are collected.
September 30, 2018	Receipt of absentee ballots is closed.
October 2018	Onsite voting.
October 2018	The Nomination Committee opens the ballots.
October 2018	Report of the results at the 7 <sup>th</sup> General Assembly of AFHC

[SC21 6 1]

**Citation from the Charter of the Alliance for Healthy Cities**

**Section 4.2.** Steering Committee - will serve as the policy-making arm of the Alliance and will be elected by the General Assembly. It shall be composed of twelve full members and associate members of the Alliance who will serve a four-year term for a maximum of two terms after which a two-year period must elapse before serving in the Steering Committee again. Seven full members will be cities and five associate members will represent each of the following sectors: NGO, international organizations, academe, private sector/business and national government agencies. To ensure continuity, the first Steering Committee will be composed of two groups with six members each. The half of the Steering Committee members will serve for two years. The other half of the Steering Committee members will serve for four years. In the succeeding biennium, the half of the Steering Committee members who completed two-years tem will be replaced by six members elected to serve a four-year term. Thereafter, at the beginning of each biennium, six new members of the Steering Committee will be elected to serve for four years. In the event where a member of the Steering Committee is unable to complete the term, replacement can be appointed by the Steering Committee in consultation with the Chair City.

**Memorandum: Roles and duties of members of the Steering Committee of the Alliance for Healthy  
Cities (AFHC)**

- 1.1 Each Member of the Steering Committee serves for four years as a member of the Steering Committee.
- 1.2 The mayor (of a full member) or representative of the organization (of an associate member) is the representative of a member of the Steering Committee.
- 1.3 In case the mayor or representative of a member of the Steering Committee is replaced during a member's term as Steering Committee member, that person's successor will represent the city or organization.
- 1.4 Members of the Steering Committee should attend the Steering Committee Business Meeting. These meetings are normally called to gather once every year somewhere where a member of AFHC is located.
- 1.5 Members of the Steering Committee should obtain their travel funds by themselves when they attend the Steering Committee Business Meetings.
- 1.6 Rotation Steering Committee Business Meetings are held via e-mail. Members of the Steering Committee should participate in these meetings and they are requested to send comments by e-mail.
- 1.7 The business of Steering Committee is conducted in English.



**9.2 8th Global Conference of the Alliance for Healthy Cities**

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 advises Council of the 8<sup>th</sup> Alliance for Healthy Cities Global Conference to be held in October 2018 in Kuching Sarawak, Malaysia and requests that Council nominate a delegate to attend.

**Finance**

Early bird registration, open until 16 August 2018, is USD200 (approximately AUD260) plus airfares and accommodation costs.

**Policy**

Kiama Public Health Plan

Payment of Expenses and Provision of Facilities Policy

**Communication/Community Engagement**

There are positive media opportunities around attending the conference, bringing the profile of Healthy Cities Illawarra, the Kiama Health Plan and the Dementia Friendly Program to the forefront and media around any other projects we are undertaking to meet the Alliance's Charter.

**Attachments**

- 1 Invitation - Alliance for Healthy Cities Global Conference General Assembly 2018 - Kuching Sarawak - 17/10/18-20/10/18 [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council nominate a Councillor to attend the 8th Global Conference of the Alliance for Healthy Cities.

**BACKGROUND**

Kiama Council is a member of the Alliance for Health Cities (AFHC). An invitation (attached) to attend the Global Conference General Assembly from 17 October 2018 to 20 October 2018 has been received. In order to represent the interest of Kiama in the Alliance it is recommended that the Mayor or a delegate attend the Global Conference that occurs every 2 years. This year the conference will be held at the

Report of the General Manager

9.2 8th Global Conference of the Alliance for Healthy Cities (cont)

---

Borneo Convention Centre, Kuching, Sarawak, Malaysia from 17 October 2018 to 20 October 2018. A detailed program is not yet available.

There is a budget for Healthy Cities for the purpose of paying membership, conference attendance and other Healthy Cities related activities.

As an indication of costs, using [Booking.com](http://Booking.com), accommodation for 5 nights can range from \$240 to \$400. A search of [webjet.com.au](http://webjet.com.au) reveals flights from Sydney to Kuching return would cost approximately \$900.

Item 9.2



STATE PLANNING UNIT  
CHIEF MINISTER'S DEPARTMENT  
6<sup>th</sup> & 7<sup>th</sup> Floor, Wisma Bapa Malaysia  
Petra Jaya, 93502 Kuching  
Sarawak, MALAYSIA



Tel: +6082 - 319 387 Fax: +6082 - 449481 / 442536 Website: <http://www.spu.sarawak.gov.my>

Ref: (75)JKM/SPU/702-1/2

11<sup>th</sup> April, 2018

Councillor Mark Honey  
Mayor of Kiama Municipal Council  
c/- Kiama Municipal Council  
PO Box 75  
KIAMA NSW 2533

Dear Sir,

**INVITATION TO ATTEND THE 8<sup>TH</sup> ALLIANCE FOR HEALTHY CITIES (AFHC) GLOBAL CONFERENCE AND GENERAL ASSEMBLY 2018, 17<sup>TH</sup> -20<sup>TH</sup> OCTOBER 2018 IN KUCHING, SARAWAK, MALAYSIA**

Reference is made to the above-mentioned subject.

2. I am pleased to inform you that the Sarawak Government and Kuching City will be organising the 8<sup>th</sup> Alliance for Healthy Cities (AFHC) Global Conference and General Assembly on 17<sup>th</sup> - 20<sup>th</sup> October 2018 at Borneo Convention Centre Kuching, Sarawak, Malaysia. The Conference with the theme **"Our Cities, Our SDGs, Our Journey"** will bring together prominent local and international experts as well as member cities of the AFHC to share their ideas and experiences on the healthy cities programmes, projects and initiatives in line with the aspiration of the Sustainable Development Goals (SDGs). On behalf of the Main Organising Committee, it is a great pleasure for me to invite you and your delegation to attend the conference and general assembly. We also welcome you to share your experience in implementing the Healthy City programmes/projects and present it during the parallel session or in the form of poster exhibition.

3. We look forward to your participation in this event. The detailed information about the conference is made available through our website at <https://afhc2018.sarawak.gov.my>. Should you require further information and clarification, please do not hesitate to contact Mr. Julin Alen (+6082-319421 and email [juline@sarawak.gov.my](mailto:juline@sarawak.gov.my)) or Mr. Thomas Ramli Sutu (+6082-313631 and email [thomas.rs@sarawak.gov.my](mailto:thomas.rs@sarawak.gov.my)) of the State Planning Unit.

Thank you.

**"BERSATU BERUSAHA BERBAKTI"**

**"AN HONOUR TO SERVE"**

**(BUCKLAND BANGKI)**

Director

State Planning Unit  
for Sarawak State Secretary

### 9.3 Delegations of the General Manager

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

CSP Strategy: 4.2 Council embraces good governance and better practice strategies

Delivery Program: 4.2.2 Manage an effective workforce in an environment of continuous improvement

#### Summary

Following the recent appointment by Council of Kerry McMurray as the General Manager, Council must now endorse the provision of delegations to the incoming General Manager in order for the General Manager to fulfil the duties and functions associated with the role.

#### Finance

As listed in the delegations below.

#### Policy

Council must endorse the provision of delegations to the General Manager.

#### Communication/Community Engagement

Not applicable.

#### Attachments

Nil

#### Enclosures

Nil

### **RECOMMENDATION**

That Council endorse the delegations listed in this report.

### **BACKGROUND**

Section 377 of the Act provides that Council may, by resolution, delegate to the General Manager or another person or body (not including another employee of the Council) any of the functions of the Council other than those specifically prohibited in Section 377. There are some delegations to Council from outside bodies which require the approval of both Council and the General Manager under Section 378(3) of the Local Government Act.

Set out below are the statutory roles and functions for the General Manager together with the current delegations which require endorsement by Council.

#### **Role of the General Manager**

Section 335 of the Act provides as follows:

## Report of the General Manager

## 9.3 Delegations of the General Manager (cont)

- (1) The general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.
- (2) The general manager has the following particular functions:
  - to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report
  - the day-to-day management of the council
  - to exercise such of the functions of the council as are delegated by the council to the general manager
  - to appoint staff in accordance with an organisation structure and resources approved by the council
  - to direct and dismiss staff
  - to implement the council's equal employment opportunity management plan.
- (3) The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.

Clause 209 of the Local Government (General) Regulation 2005 provides that the General Manager must also ensure that:

- (a) the provisions of the Act, this Regulation and any other written law relating to councils' financial obligations or the keeping of accounts by councils are complied with, and
- (b) effective measures are taken to secure the effective, efficient and economical management of financial operations within each division of the council's administration, and
- (c) authorising and recording procedures are established to provide effective control over the council's assets, liabilities, revenue and expenditure and secure the accuracy of the accounting records, including a proper division of accounting responsibilities among the council's staff, and
- (d) lines of authority and the responsibilities of members of the council's staff for related tasks are clearly defined.

### **Delegations to the General Manager (Mr Kerry Stuart McMurray)**

Subject to the provisions of the Local Government Act 1993 and the Regulations attached thereto, Council should delegate the general power to exercise the functions of the Council to Kerry Stuart McMurray (General Manager) except for those functions excluded in Section 377 of the Act.

Council should also approve of the following specific delegations to the General Manager, Kerry Stuart McMurray:

- (1) To authorise appropriate Officers of Council to receive and deal with representations regarding proposals for Orders to be issued under Section 133 and 134 of Local Government Act 1993;
- (2) Under Section 378 of the Local Government Act 1993, to delegate powers and

## Report of the General Manager

## 9.3 Delegations of the General Manager (cont)

---

functions to Council Officers by way of schedules, such delegations to be in accordance with statutory requirements and Council policies;

- (3) To review the Performance Agreements for Senior Officers, to report to the Council's Review Panel and to report at least annually thereon to Council.

The **general delegation** detailed above includes the following:

- (4) (a) To carry on the regular services, functions and operations of Council in accordance with any resolution or policy of Council, including the exercise of all discretionary powers which Council is capable of delegating and is not prohibited from so doing under Section 377 of the Local Government Act, 1993 but excluding any powers which may, by resolution of Council, be reserved to Council.
- (b) Included in the delegations approved under Clause 4 (a) are the following:
- Authority to approve of late payment of rate instalments under the Local Government Act;
  - Authority to accept grants to Council under the normal conditions of acceptance;
  - Authority to approve of applications for extensions of time to pay rates, charges or accounts if a substantive case can be made by the debtor;
  - Authority to take action at any time for the recovery of overdue rates and debtor accounts;
  - Authority to approve of disposal and/or destruction of records in accordance with the provisions of the Local Government Act 1993, State Records Act 1998 and the Regulations attached thereto.
- (5) To obtain quotations and authorise the purchase of goods, works and services to the limits authorised by Council or in the estimates adopted by Council.
- (6) In conjunction with the Mayor, to alter the Order of Business at Council Meetings as required.
- (7) To approve, subject to Council's policy (or to refuse) collections from the public by charitable organisations.
- (8) To accept, subject to Governor's approval, loan offers up to the amount approved by the Council (at interest rates not exceeding the indicative interest rate as calculated by the New South Wales Treasury Corporation) for the purpose and amounts adopted by specific resolution of Council when fixing or amending its annual loan budget.
- (9) To make application to the Governor for approval to raise loans as referred to in Clause 8 hereto and to sign and seal such application and loan mortgage documents.
- (10) To authorise action to be taken to comply with any policy of Council or any provision of the Local Government Act or of any other law, statutory or otherwise, affecting the Council.
- (11) To invest surplus cash that is available from time to time.

## Report of the General Manager

## 9.3 Delegations of the General Manager (cont)

- 
- (12) In relation to Staff:
- (a) To make decisions in all office matters in dispute.
  - (b) To re-arrange or re-organise office staff in all departments.
  - (c) To hear appeals by employees against decisions of employees, in regard to industrial disputes, and give rulings thereon.
  - (d) To instruct staff to take necessary action in connection with any complaints or requests received.
  - (e) To hear disputes between members of the staff and give rulings thereon.
- (13) To approve the attendance of employees of Council to Conferences and pay out-of-pocket expenses for attendance at such conferences to Council's approved maximum amount. To approve the attendance of staff to training seminars and the like, subject to such delegation being exercised and being kept within the votes of Council as may be authorised from time to time and further that authority be granted to the General Manager or to his delegate to attend conferences subject to final sanction of the Mayor.
- (14) To write off monies due to Council up to and including the amount of \$2,500 provided such writing off is in accordance with the provisions of the Act.
- (15) To approve contributions towards legal expenses sought by the Local Government NSW providing such payments do not exceed \$1,000.
- (16) To waive the replacement cost of domestic waste garbage and recycling bins due to extenuating circumstances following investigations being undertaken in relation to a claim.
- (17) Under authorisation pursuant to Section 381(3) of the Local Government Act 1993 to exercise or perform each of the powers, authorities, duties and functions conferred or imposed on the Director General of New South Wales Department of Health under Part 5 of the Food Act 2003, being improvement notices and prohibition orders.
- (18) To declare a dog to be dangerous under Part 5 of the Companion Animals Act 1998.
- (19) The power to concur in the making of a direction under Section 82(3) of the Act when determining an application for approval where the General Manager is satisfied that an objection lodged with the Council under Section 82(1) of the Act to a local approvals policy of Council is well founded.
- (20) The power to determine objections against the imposition of local orders in relation to applications for approval to carry out an activity prescribed under Section 68 of the Local Government Act.
- (21) The power to concur in the making of a direction under Section 82(3) of the Act for the modification of the provisions of Clause 51 or Clause 52 of the Local Government (General) Regulation 2005, when determining an application for approval in the circumstances stated in the Director General's Delegation dated 14 March 1996.
- (22) The power to negotiate prices with prospective purchasers of Council land within

## Report of the General Manager

## 9.3 Delegations of the General Manager (cont)

---

parameters set by Council, subject to approval by Council.

- (23) Pursuant to Section 381(3) of the Local Government Act 1993, the authority to authorise Council officers to issue penalty notices under Section 224 of the Protection of the Environment Operations Act 1997 and Regulations.
- (24) Pursuant to Section 381(3) of the Local Government Act 1993, the authority to authorise Council officers under the provisions of the Protection of Environment Operations Act 1997, Food Act 2003, Local Government Act 1993, Companion Animals Act 1998, Roads Act 1993, Impounding Act 1993, Swimming Pools Act 1992, Public Health Act 2010, and the Regulations attached thereto, to exercise and perform each of the powers, authorities, duties and functions conferred on behalf of Council as specified in those Acts and Regulations.
- (25) The authority to approve all forms under the Local Government Act 1993 which are not prescribed by regulation or approved by the Director General.
- (26) Subject to compliance with the requirements of the Local Government Act 1993 and regulations thereunder and subject to any express policy or direction of Council, the authority to exercise and perform on behalf of Council all functions, powers, authorities, duties and in respect of risk and asset management of parks and reserves, recreational facilities, foreshores, boat ramps, disused quarries and cemeteries and other Council assets.
- (27) To approve or refuse applications for market days, street fairs and the like within Council's commercial areas.
- (28) To exercise and perform the powers, authorities, duties and functions conferred to Council applicable under the Crown Lands Act 1989 and the Crown Lands Regulation 2006 pursuant to Section 381(3) of the Local Government Act 1993.
- (29) The authority to authorise nominated persons to sign documents relating to matters arising from the Aged Care Act 1997 and the Retirement Villages Act 1999.
- (30) The authority to authorise officers and appropriate persons to enter on private lands in actions taken under the Environmental Planning and Assessment Act 1979.
- (31) The authority to delegate to appropriate officers the authority to sign Section 88 Certificates and all other certification in relation to the Waste Levy and requirements of the Protection of the Environment Operations Act 1997.
- (32) The authority to appoint officers to exercise the powers and functions of the Protection of the Environment Operations Act 1997 under Section 187 of that Act.
- (33) The Authority to delegate to authorised officers to exercise the powers and functions as applicable under the Road Transport Act 2013 and Regulation.
- (34) The authority to:
- Approve development applications up to a value of \$2,000,000 where a proposal complies with statutes planning instruments and Council's policies and codes and where no more than 3 objections are received except:
    - a) where developments are for subdivisions of over 30 allotments;



## Report of the General Manager

## 9.3 Delegations of the General Manager (cont)

- 
- b) where a Councillor requests that the matter be put before Council; and
  - c) the development application is very likely to attract significant public interest and community input in relation to the preservation of coastal and scenic landscapes.
- Approve development applications reliant on the application of SEPP No 1 and clause 4.6 of the Kiama Local Environment Plan 2011 where the variation to the development standard sought is a minor nature or effect.
  - Approve development applications seeking minor variations to Council's Development Control Plans when the variations sought are of a minor nature or effect.
  - Refuse development applications once where approval of such application is prohibited under the Local Government Act or Regulation or Environmental Planning Instrument or where the application is so far outside Council's code or policy requirements that conditions to rectify deficiencies cannot be embodied in an approval.
  - Approve (but not refuse) applications for extensions of time for development applications previously approved by Council or its officers where the planning position remains unchanged.
- (35) The authority to take appropriate action and if necessary commence legal proceedings and/or issue a penalty infringement notice in relation to unauthorised development.
- (36) The authority to:
- a) Delegate "appropriate persons" under Division 1 Part 164 of the Local Government (General) Regulation 2005 (NSW); and
  - b) Appoint "authorised officers" under Section 372 of the Biosecurity Act 2015.

**9.4 Illawarra Shoalhaven Joint Organisation Second Delegate and Alternates**

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: 4.2.3 Council, the Illawarra Shoalhaven Joint Organisation and our neighbour councils working together

**Summary**

This report seeks endorsement of the appointment of delegates and alternate(s) to the Illawarra Shoalhaven Joint Organisation (ISJO) Board

**Finance**

Not applicable

**Policy**

Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018

**Communication/Community Engagement**

Not applicable

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

That:

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

**BACKGROUND**

The Illawarra Shoalhaven Joint Organisation (ISJO) has now been enacted through the Local Government (General) Amendment (Regional Joint Organisations)

## Report of the General Manager

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

---

Regulation 2018. In preparation of the first Board meeting and the adoption of the draft Charter, Council is required to nominate delegates to the Board.

At the commencement of the first ISJO Board meeting, membership of the board will comprise voting representatives (the mayor of each member council) and a non-voting representative (a person nominated by the Secretary of the Department of Premier and Cabinet).

A draft Charter has been prepared and the ISJO Board intends to resolve through the adoption of the draft Charter that an additional councillor from each council be a voting representative of that member council on the Board. The number of voting representatives from each council must remain equal at all times. Only councillors can be voting representatives.

The Regulations specify that a member council may also choose to appoint an alternative representative from its councillors. For the Mayor, this may or may not be the deputy mayor. While acting in the place of a voting representative on the board, a person has all the functions of a representative, including voting. Member councils that choose to appoint an alternate representative must notify the joint organisation of that person's name and position and term of appointment.

As the Deputy Mayor, Councillor Rice has been the alternate delegate on ISJO prior to the organisation being proclaimed. The General Manager was also listed as an alternate however, the role of alternate is a voting role when necessary and must be filled by a councillor.

To ensure consistent representation the ISJO has recommended that the alternate be appointed for the term of the Council.

**9.5 Cities Power Partnership Summit | 18-19 October 2018**

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

CSP Strategy: 4.2 Council embraces good governance and better practice strategies

Delivery Program: 4.2.4 Develop strategic partnerships with regional and other organisations to advance local community priorities

Item 9.5

**Summary**

This report seeks endorsement for councillor representation to attend the Cities Power Partnership Summit 2018 being held 18-19 October at The Pavilion Kiama.

**Finance**

Conference Registration early bird rate closes on 30 June 2018 and is \$675. Registration fees would come from the Councillors' Members Expenses budget. Three complimentary Summit registrations and complimentary attendance at the awards ceremony for a table of 10 guests is part of the sponsorship packaged

**Policy**

Payment of Expenses and Provision of Facilities Policy

**Communication/Community Engagement**

There will be considerable media opportunities surrounding this Summit as it is a national event being held locally.

**Attachments**

- 1 Cities Power Partnership Summit - Draft program [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council recommend Councillor attendance to the Cities Power Partnership Summit held in Kiama on 18-19 October 2018.

**BACKGROUND**

The Cities Power Partnership is Australia's biggest climate program for local government. The Partnership was launched in July 2017 and has almost 100 member councils, representing over 8 million Australians and 250 towns/cities. Kiama Council is one of the founding members.

This Summit is the premier Australian Summit focused on connecting and supporting local towns, cities and regional council to unlock the huge opportunities available for carbon emissions reduction projects.

Kiama Council has nominated 5 pledges across the areas of renewable energy, energy efficiency, transport and work together and influence. The Summit is themed

Report of the General Manager

9.5 Cities Power Partnership Summit | 18-19 October 2018 (cont)

---

“Accelerating Local Action” and aims to inspire and deliver practical information to assist councils in implementing their pledges.

As part of Council’s host sponsorship package we receive 3 complimentary summit registrations and a complimentary summit and awards ceremony table for 10 guests.

There will be at least 4 staff members attending from the Environmental Services and Engineering & Works directorates. There is a 20% group discount available for a group of 3 or more, for the 2 day ticket.

A copy of the [draft program](#) is attached.

Item 9.5



Draft Program (subject to change)

**Thursday 18 October 2018**

8:30 am - 9:00 am	<i>Registration and arrival coffee</i>	
9:00 am - 9:15am	<b>Acknowledgement of country</b>	
9:15am - 9:25 am	<b>Welcome</b> Councillor <a href="#">Mark Honey</a> , Mayor, Kiama Municipal Council	
9:25am - 9:35 am	<b>Summit MC overview</b> <a href="#">Bruce Roberts</a> , News Anchor & Journalist, Win Television	
9:35 am - 10:20 am	<b>International Keynote address: speaker TBC - Topics - Inspirational low carbon wins/low carbon city leadership</b>	
10:20 am - 10:50 am	<i>Morning Tea</i>	
10:50 am - 11:20 am	<b>Climate science update - impacts for towns and cities</b> <a href="#">Professor Lesley Hughes</a> , Climate Councillor and Distinguished Professor of Biology, Macquarie University	
11:20 am - 12:20 am	<b>Establishing carbon reduction or carbon neutral targets</b> <ul style="list-style-type: none"> <li>• Where to start - how to get Councillors on board?</li> <li>• What are the information needs?</li> <li>• Setting targets within the context of council change</li> <li>• Delivery on targets - what are the data management &amp; reporting protocols</li> <li>• Broadening to community wide emissions - what's involved?</li> </ul>	
12:20 pm - 1:30 pm	<i>Lunch</i>	
1:30 pm - 1:30 pm	<b>LOCAL ACTION IN FOCUS</b>	
1:31 pm - 3:00 pm	<p><b>Power Partner Best Practice Case studies</b> How innovative local government carbon emission reduction projects have either demonstrated leadership, a novel approach or overcome barriers</p> <p><b>Renewable Energy</b> How Council's 25 year Environment &amp; Livability Strategy underpinned its 15MWh Solar Farm development &amp; demand management initiatives <i>Sunshine Coast Council, QLD</i></p> <p><b>Energy Efficiency</b> <i>Switch your thinking</i> is a regional approach developed and led by local governments to reduce administration and pursue ambitious mitigation projects</p>	<p><b>Summit Workshop: Climate Media Spokesperson Training Workshop</b> <b>2:00pm until 5:30pm</b></p> <p>Run by the Climate Media Centre on site &amp; in conjunction with the plenary summit program, this free session for Mayors, elected representatives / delegated media spokesperson will assist in messaging for media opportunities including:</p> <ul style="list-style-type: none"> <li>• Policy or strategy launches</li> <li>• Responding to climate disruption (eg extreme weather events)</li> <li>• Climate solutions &amp; new initiatives</li> </ul>

Item 9.5

Attachment 1

across Metropolitan Perth. Working collectively with 16 Local Governments the licenced program services 1.1 million residents, 90,900 businesses and 300 schools. Efficiency projects include early adoption of green building practices, revolving energy funds, demand response alerts, negotiation of community purchase incentives and innovative residential trials.  
*Switch your thinking, WA*

Numbers are strictly limited so submit your request early to avoid disappointment. Prospective delegates will be asked to complete a pre-training survey outlining your previous experience to help with the session planning. Preference will be given to less experienced media performers or under-resourced councils.

[Download Workshop Flyer](#)

**Sustainable Transport**

Overview of the ACT's Transition to Zero Emissions Vehicles Action Plan 2018-2021, fleet electrification, charging infrastructure rollout and electric / hybrid bus & e-bike fleet trials  
*Climate Change Policy Team, ACT Government*

**Work Together & Influence**

Solar my School Program, a free Council-run initiative designed to help primary and secondary schools "go solar" through feasibility, funding, installation, promotion & education assistance. In 12 months 36 of 64 schools are participating representing 1.3MW of identified and installed solar  
*Anthony Weinberg - Regional Environment Program Coordinator & Nicola Saltman, Engagement Lead, 3 Council Regional Environment Program - Waverley, Woollahra & Randwick, NSW*

3:00 pm - 3:30 pm

*Afternoon Tea*

3:30 pm - 3:30 pm

**KNOWLEDGE SHARING AND COMMUNICATION**

3:31pm -4:15 pm

**CPP Buddy breakdown**

- Buddy activity profiling - national action
- What have we learned
- What have been the benefits?
- Advice for new buddy program participants

4:15 pm - 5:15 pm

**Participating in the voluntary carbon market**

To implement a carbon neutral certification or to meet an emissions reduction target, Councils are increasingly active in the voluntary carbon market.

- Performance to date - how are Australian councils tracking?
- Where to start - setting up carbon offset purchasing guidelines
- Understanding the cost of calculation of carbon offsets
- International v domestic offsets
- Audits - making the process easier
- Can councils be both proponents and purchasers of carbon offsets?

5:15 pm - 5:30 pm

**Closing Remarks**

5:30 pm - 7:00 pm

*Networking drinks*

7:00 pm - 10:30 pm

**Power Partner Inaugural Awards**

Award categories:

- Renewable Energy Achievement Award
- Energy Efficiency Achievement Award

- Sustainable Transport Achievement Award
- Community Engagement Award
- Best Buddies Award
- CPP Ambassador (individual)

**Friday 19 October 2018**

8:30 am - 9:00 am

*Registration and arrival coffee*

9:00 am - 9:30 am

**Local Keynote Presentation**

[Minister Shane Rattenbury MLA](#), Minister for Climate Change & Sustainability , ACT Government

Role of Local government action, COAG & NEG update, ACT progress on carbon neutral 2050 & 100% renewable energy targets.

9:30 am - 10:00 am

**Understanding and managing climate liability for councils**

[Professor Karen Hussey](#), Climate Councilor & Director, Public Policy Unit, University of Queensland

- How much can we assess climate risk & exposure?
- Overview of risk management assessments
- Climate models
- Mitigation & adaptation activities

10:00 am - 11:00 am

**Case study: managing energy price & carbon risk**

**Melbourne Renewable Energy Project (MREP) Power Purchase Agreement**

- MREP Overview - who, when, how & why
- The appeal of linking electricity retail contracts to carbon neutrality
- What were the decision making steps Councils had to undertake to join the City of Melbourne led initiative of 14 members
- How did members measure and assess risk and financial impacts & environmental benefits
- What are the key learnings & opportunities for local government

**Panelists**

- *John Griffiths, Senior Sustainability Officer, Urban Sustainability, City of Melbourne*
- *Lisa Paton, Coordinator Sustainable Programs | Sustainability & Transport, City of Port Philip*
- *Sue Vujcevic, Manager City Strategy & Design, Moreland City Council (invited)*

11:00 am - 11:30 am

*Morning Tea*

11:30 am - 12:30 pm

**Sustainable Transport - What role for electric vehicles?**

- The state of EVs in Australia, an update - *Claire Painter, Implementation Manager, ClimateWorks Australia*
- Public charging infrastructure & council fleet electrification-what are the key considerations for Councils? - *Carbon Neutral Adelaide (invited)*
- Funding opportunities

12:30 pm - 1:30 pm

**Low Carbon Project Financing Options**

- Wait for grant or act now - understanding the opportunity costs - *Greg Bourne, Climate Councilor & former Chair ARENA*
- Overview of the CEFC \$250m Local Government Financing program lending options & project funding evaluation criteria - *Victoria Adams, Director, Clean Energy Finance Corporation*
- Case study: Council developed mid scale 5MWh solar farm on former landfill site - the funding story - *Adam Clarke, Projects & Infrastructure Co-ordinator, Newcastle City Council*

1:30 pm - 2:20 pm

*Lunch*



2:20 pm - 2:50 pm

**Becoming Pitch Perfect**

- Tips for generating local media interest in your climate projects
- Finding the angle brainstorm
- Driving social media engagement
- Developing engaging content
- Training of council media spokespersons for responding to climate disruption (eg extreme weather events) climate solutions & new initiatives
- The role of video in telling a climate action story
- How the Cities Power Partnership team can help.

**Facilitator**

Fiona Ivits Cities Power Partnership Media Advisor, Climate Council

2:50 pm - 3:20 pm

**Closing panel discussion: Cities Power Partnership reflections on year 1**

- How has participating in the CPP benefited our emissions reduction mission
- Where to from here - what would we like to see in year 2 & beyond?

3:20 pm - 3:30 pm

**Summary remarks**

**Item 9.5**

**Attachment 1**

## 9.6 2018-19 Draft Operational Plan

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

This report recommends adoption of Council's 2018-19 Operational Plan, including Budget and Fees and Charges, which has been on public exhibition for 28 days in accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*. Submissions from the community have been received and are attached to this report.

### Finance

This report includes the full Budget and Fees and Charges for the 2018-19 financial year.

### Policy

This report is in accordance with the Integrated Planning and Reporting requirements of the *Local Government Act 1993*.

### Communication/Community Engagement

The Draft Operational Plan 2018-19 was placed on public exhibition and submissions were invited on its contents. Initially the Draft Plan was placed on exhibition from 16 May to 14 June 2018. However, after additional budget detail was added on 23 May, the period was extended until 20 June 2018, to allow for a full 28-day exhibition period.

### Attachments

- 1 Submission - Peter Bowman - Surf Lifesaving Services [↓](#)
- 2 Submission - Mark & Anne Greaves - Traffic Management Shoalhaven & Bong Bong Sts [↓](#)
- 3 Submission - Clr Mark Way - Footpath Bombo Beach [↓](#)
- 4 Submission - Clr Mark Way - Mini Breakwall Kiama Harbour [↓](#)
- 5 Submission - Clr Mark Way - Mini Breakwall Diagram [↓](#)
- 6 Submission - Vlado Damjanovski - Noise Signage [↓](#)
- 7 Submission - Minnamurra Progress Association - Various matters [↓](#)
- 8 Submission - Clr Mark Way - Blue Haven [↓](#)
- 9 Submission - Margaret Bodie - Pedestrian safety [↓](#)
- 10 Submission - Noelene & Bob Sinclair - Charles Avenue resurfacing [↓](#)
- 11 Submission - Mark Greaves - Bong Bong Street traffic management [↓](#)

## Report of the General Manager

## 9.6 2018-19 Draft Operational Plan (cont)

- 
- 12 Submission - Anne Greaves - Bong Bong Street traffic management [↓](#)
  - 13 Submission - Gwenneth Wishart - Public facilities Gerringong [↓](#)
  - 14 Submission - Asha Mazzella - Weed eradication [↓](#)
  - 15 Submission - Kim Elder - Parking study [↓](#)
  - 16 Submission - Col Rathbone - KDSA [↓](#)
  - 17 Submission - Clr Neil Reilly - Bong Bong St PAMP [↓](#)
  - 18 Submission - Clr Neil Reilly - Noorinan Street steps [↓](#)
  - 19 Submission - Libby Eggins & Paul Elser - Bong Bong St PAMP [↓](#)
  - 20 Submission - Peter Stuckey - Bong Bong Street PAMP [↓](#)
  - 21 Submission - Peter Stuckey - PAMP 2 [↓](#)
  - 22 Submission - Clr Mark Way - Viewing Platform [↓](#)
  - 23 Submission - Minnamurra Lions Club - Viewing Platform [↓](#)
  - 24 Submission - KDSLC - carpark [↓](#)
  - 25 Submission - Clr Mark Way - KDSLC carpark map [↓](#)
  - 26 Submission - Clr Mark Way - KDSLC carpark additional [↓](#)
  - 27 Submission - Clr Mark Way - KDSLC carpark [↓](#)
  - 28 Submission - Kerry McGaw - Kiama Showground [↓](#)
  - 29 Submission - John Mountford - Various matters [↓](#)
  - 30 Submission - Peter Masterson - Operational Plan [↓](#)
  - 31 Submission - Kiama Farmers' Markets - stallholder fee [↓](#)
  - 32 Submission - CCAG - 2018-19 Operational Plan various matters [↓](#)
  - 33 Submission - Sandra McCarthy - Various matters [↓](#)

**Enclosures**

- 1 Operational Plan 2018-19 and Delivery Program 2017-21 [⇒](#)
- 2 Fees & Charges 2018-19 [⇒](#)

**RECOMMENDATION**

That Council:

- 1) Notes, in accordance with Sections 402 to 406 of the *Local Government Act 1993*, that Council is required to prepare Integrated Planning documents with respect to:
  - a) a Community Strategic Plan for 10 years
  - b) a Delivery Program for four years
  - c) an Operational Plan for one year

## Report of the General Manager

## 9.6 2018-19 Draft Operational Plan (cont)

---

and also notes that the Community Strategic Plan 2017-27, and the Delivery Program 2017-21 were adopted by Council on 22 June 2017.

- 2) Notes that the Draft Operational Plan 2018-19 and the Delivery Program 2017-21 were placed on public exhibition at various locations for a period of 28-days as required under the *Local Government Act*. The community was advised that written submissions could be made to Council at any time during the exhibition period, also in accordance with legislation.
- 3) Resolves to adopt the Operational Plan 2018-19 (including Budget and Revenue Policy) in accordance with Sections 402 to 406 of the Local Government Act 1993, including the following amendments:
  - a) account 0056. CID Office Equipment – Original budget \$699,709 reduced by \$50,000 to \$649,709 as part of the program has been delayed until the 2019-20 financial year
  - b) account 0071. Civic activities – Mayoral Allowance – Original budget \$42,962 increased by \$208 to \$43,170 in accordance with the Local Government Remuneration Tribunal decision to increase Councillor and Mayoral fees by 2.5% for 2018-19
  - c) account 0072. Civic activities – Members Fees – Original budget \$177,266 increased by \$846 to \$178,112 in accordance with the Local Government Remuneration Tribunal decision to increase Councillor and Mayoral fees by 2.5% for 2018-19
  - d) account 0073. Civic activities – Members Expenses – Original budget \$0 increased by \$36,000 to a total of \$36,000 to provide sufficient available funding to achieve the Office of Local Government requirements for elected members
  - e) account 2346. Environmental administration – original budget \$0 increased by \$35,000 to a total of \$35,000 for the Kiama Coastal Management Program – 50/50 matching for grant program
  - f) account 3640. Plant running expenses control – original budget \$1,533,750 increased by \$18,908 to \$1,552,658 due to proposed contributions from insurance provider
  - g) account 0030. Finance and admin insurance premiums – original budget \$225,495 increased by \$23,680 to \$249,175 due to proposed contributions from insurance provider
  - h) account 7060. Land development – other – original budget (\$5,268,000) decreased by \$5,268,000 to a total of \$0 to correct error however; this change does not affect the Income Statement/Budget Statement for 2018-19.

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

- 4) Resolves to adopt the Fees and Charges for 2018-19 as proposed in the Draft Operational Plan 2018-19, with the following variations:

## Report of the General Manager

## 9.6 2018-19 Draft Operational Plan (cont)

- 
- a) Corporate and Commercial Services, Miscellaneous Charges, Photocopies A4 from \$2.00 to \$1.50 due to administrative error.
  - b) Strategic Planning, Certificate Section 10.7 (2) & (5) – Urgency fee rounded up from \$194.67 to \$195.00 due to administrative error.
  - c) Building and Development, Miscellaneous Fees, “Dwelling Entitlement Search” fee removed due to being repelled under a sunset clause within the LEP.
  - d) Companion Animals, Lifetime Registration Costs, Fees increased due to statutory requirement from the Office of Local Government as follows;
    - i. Entire (undesexed) cat or dog from \$201.00 to \$207.00.
    - ii. Entire cat or dog owned by a registered breeder from \$55.00 to \$57.00.
    - iii. Desexed cat or dog from \$55.00 to \$57.00.
    - iv. Desexed cat or dog owned by a pensioner \$23.00 to \$24.00.
    - v. New fee of Animal under 6 months not desexed \$57.00.
  - e) Waste Management Services, Waste Services applying to Waste Zones where organics Kiama Collection services are provided, 140L bin serviced fortnightly changed from \$556.97 to \$557.00 and 240L bin serviced weekly STRA changed from \$1,347.30 to \$1,347.85 due to administrative error.
  - f) Waste Management Services, Special Medical needs waste collection charge (subject to application approval), 140L bin weekly service changed from \$556.97 to \$557.00 due to administrative error.
  - g) Waste Management Services, Changing the Size of the Garbage bin from \$35.00 to \$36.00 due to administrative error.
  - h) Non-Residential Waste Management, Commercial (Non-Residential) Waste Management Service, 240L bin serviced weekly from \$727.35 to \$727.36 due to rounding error.
  - i) Sewage Licensing Scheme, Inspection Fee, Low Risk from \$165.00 to \$168.00 and detail changed from \$40.00 pa to \$42.00 pa with inspection completed every 4 years due to administrative error.
  - j) Waste Management Services, Commercial Recyclable Materials Collection, Paper/Cardboard and/ or co-mingled recycling 1100 litre container, changed from \$22.00 to \$21.63 due to rounding error.
- 5) Resolves to increase the Mayoral and Councillor fees payable for the 2018-19 financial year by 2.5% in accordance with the recent determination of the Local Government Remunerations Tribunal.
- 6) Resolves to make and levy rates with an increase of 6% for the 2018-19 financial year as approved by the Independent Pricing and Regulatory

---

Tribunal, as below:

- a) Make and levy an ordinary rate comprising a base charge of \$744.00 on each separate parcel of land subject to the rate which represents 49.84% of the total amount payable by the levying or the rate and an ad valorem amount of 0.001801 cents in the dollar on the land value of \$3,996,417,917 (base date 01-07-2016) of all rateable land categorised as Residential be now made for 2018-19 in accordance with the *Local Government Act 1993*.
  - b) Make and levy an ordinary rate comprising a base charge of \$744.00 on each separate parcel of land subject to the rate which represents 25.76% of the total amount payable by the levying of the rate and an ad valorem amount of 0.002023 cents in the dollar on land value of \$140,980,712 (base date 01-07-2016) of all rateable land categorized as Rural Residential be now made for 2018-19 in accordance with the *Local Government Act 1993*.
  - c) Make and levy an ordinary rate comprising a base charge of \$744.00 on each separate parcel of land subject to the rate which represents \$28.34% of the total amount payable by the levying of the rate and an ad valorem amount of 0.001324 cents in the dollar on land value of \$331,149,700 (base date 01-07-2016) of all rateable land categorized as Farmland now be made for 2018-19 in accordance with the *Local Government Act 1993*.
  - d) Make and levy an ordinary rate of 0.00531 cents in the dollar on the land value of \$200,967,970 (base date 01-07-2016) of all rateable land in the Kiama Council area determined to be a centre of activity which is used or zoned for commercial, professional, industrial or trade purposes and sub-categorized as Business – “Commercial/industrial” be now made for 2018-19 with a minimum amount of rate which will apply in respect to each parcel of land being \$744.00 in accordance with the *Local Government Act 1993*.
  - e) Make and levy an ordinary rate of 0.003644 cents in the dollar on the land value of \$11,649,570 (base date 01-07-18) of all rateable land not being categorized as Residential, Rural Residential or Farmland and not including rateable land used or zoned for commercial, professional, industrial or trade purposes, categorized as Business - Ordinary now be made for 2018-19 in accordance with the *Local Government Act 1993*.
- 7) Resolves to adopt a rate of interest of 7.5% accruing daily on rates and charges that remain unpaid after they become due and payable for 2018-19 in accordance with Section 566 of the *Local Government Act 1993*.
  - 8) Resolves to make and levy a Domestic Waste Service Annual Charge for 2018-19 for services to all service collection zones, as follows:
    - a) For premises currently receiving this service or for new services the charge is \$747.35 for a fortnightly garbage 240 litre bin, 240 litre weekly recycling bin, weekly food/garden organics 240 litre bin, one

## Report of the General Manager

## 9.6 2018-19 Draft Operational Plan (cont)

kerbside clean-up service and one household bulky waste drop-off.

- b) For premises currently receiving this service or for new services the charge is \$557.00 for a fortnightly garbage 140 litre bin, 240 litre weekly recycling bin, weekly food/garden organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop off.
  - c) For premises currently receiving this service or for new services the charge is \$531.65 for a fortnightly garbage 80 litre bin, 240 litre weekly recycling bin, weekly food/garden organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop off.
  - d) \$61.50 for vacant land
  - e) \$94.85 for an additional 240 litre bin recycling bin serviced weekly
  - f) \$94.85 for an additional 240 litre food/garden organics bin serviced weekly
  - g) \$274.20 for an additional 240 litre garbage bin serviced fortnightly
  - h) For premises currently receiving this service or new services, a weekly rather than fortnightly garbage service can be provided, subject to application and approval for the collection of medical treatment wastes. For this service the annual charge will be for an 80 litre weekly garbage bin service \$531.65, for a 140 litre weekly garbage bin service \$557.00 and for a 240 litre weekly garbage bin service \$747.35.
- 9) Resolves to make and levy a Commercial Waste Service Annual Charge for 2018-19 for specific commercial waste services, as follows:
- a) \$727.36 for a weekly 240 litre garbage bin service, a 240 litre weekly recycling bin service and a 240 litre weekly food/garden organics bin service\* – only available to childcare centres, preschools, churches, neighbourhood and community centres, rural fire and emergency services premises or other similar facilities upon request and approval.
  - b) \$661.88 for a weekly 240 litre garbage bin service, a 240 litre fortnightly recycling bin service and a 240 litre weekly food/garden organics bin service. The weekly food/garden organics service is only available to childcare centres, pre-schools, churches, neighbourhood and community centres, rural fire and emergency services premises or other similar facilities upon request and approval.
  - c) \$13.70 for each additional garbage or recycling or food/garden organics 240 litre bin service\* (if applicable).
- 10) Resolves to make and levy a Commercial Recyclable Materials Charge for 2018-19 for specific recycling services, as follows:
- a) \$21.63 cost per service for a 1100 litre paper/cardboard and/or co-mingled recycling bin.
  - b) \$10.30 cost per service for a 240 litre glass, aluminium, steel, PET, HDPE, etc., bin.
  - c) \$15.46 cost per service for a 360 litre glass\* (if available), aluminium,

---

steel, PET, HDPE, etc., bin.

11) Resolves to make and levy a Commercial Food Organics only charge for 2018-19, as follows:

- a) \$25.30 cost per 1 x 240 litre bin service
- b) \$50.60 cost per 3 x 240 litre bins service
- c) \$67.50 cost per 4 x 240 litre bins service
- d) \$101.20 cost per 6 x 240 litre bins service
- e) The Commercial Food Organics only service may be available to commercial food premises, holiday parks and aged care facilities only.

12) Resolves to make and levy an Annual Waste Charge for 2018-19 for services to all Multi-storey Tourist Accommodation, as follows:

- a) \$467.50 for a weekly 80 litre garbage bin service and a fortnightly 240 litre recycling bin service (no food/garden organics collection service, kerbside clean-up service or household bulky-waste drop-off provided)
- b) \$492.05 for a weekly 140 litre garbage bin service and a fortnightly 240 litre recycling bin service (no food/garden organics collection service, kerbside clean-up service or household bulky-waste drop-off provided)
- c) \$709.95 for a weekly 240 litre garbage bin service and a fortnightly 240 litre recycling bin service (no food/garden organics collection service, kerbside clean-up service or household bulky-waste drop-off provided)

13) Resolves to make an levy Special Events and Casual Hire Waste Service charges for 2018-19, as follows:

- a) \$20.10 cost per service for a 240 litre garbage bin
- b) \$29.90 cost per service for a 360 litre garbage bin\* (if available)
- c) \$20.10 cost per service for a 240 litre recycling bin
- d) \$29.90 cost per service for a 360 litre recycling bin\* (if available)
- e) \$20.10 cost per service for a 240 litre food organics bin
- f) \$29.90 cost per service for a 360 litre food organics bin\* (if available)
- g) \$4.80 per bin for delivery and collection costs for a 240 litre or 360 litre bin\* (if available)
- h) \$48.25 cost per service for a 1100 litre container of cardboard or paper or mixed recycling
- i) \$48.25 per container for delivery and collection costs for a 1100 litre container or \$29.40 per container if delivered with 240 litre bins
- j) \$4.80 bin cleaning cost per bin
- k) \$17.00 container cleaning cost per container.

14) Resolves to make and levy Waste Service Charges for 2018-19 for premises used as Short Term Rental Accommodation (STRA) for holiday purposes, as



---

follows:

- a) For STRA properties ONLY in Urban Collection Zones, \$1,347.85 for a weekly 240 litre garbage bin service, a weekly 240 litre recycling bin service, a weekly 240 litre food/garden organics bin service, one kerbside clean-up service and one household bulky waste drop-off.
- 15) Resolves to make and levy a Rural Waste Service Annual Charge for 2018-19 of \$437.75 for premises currently receiving this service or for new services of a fortnightly 240 litre garbage bin service, a fortnightly 240 litre recycling bin service and one household bulky-waste drop-off. Rural collections do not include food/garden organics services, kerbside clean-up or weekly recycling services.
- 16) Resolves to make and levy the following charges for the supply and delivery of new or replacement garbage, recycling or food/garden organics bins:
- a) \$117.00 per 360 litre bin
  - b) \$82.00 per 240 litre bin
  - c) \$76.00 per 140 litre bin
  - d) \$70.00 per 80 litre bin.
- 17) Resolves to make and levy a Stormwater Management Service Charge for all rateable land within the Kiama Council area, as follows:
- a) An annual charge of \$25 for each property rated as "Residential"
  - b) An annual charge of \$12.50 per unit for all "Residential strata units"
  - c) An annual charge of \$25/350m<sup>2</sup> (or part thereof) for all "Business properties"

An annual fee of \$25/350m<sup>2</sup> (or part thereof) for all "Business strata lots" divided on a pro-rata basis between the lots.

## BACKGROUND

Sections 402 to 406 of the *Local Government Act 1993* requires Council to prepare Integrated Planning documents with respect to:

- a) a Community Strategic Plan for 10 years
- b) a Delivery Program for four years
- c) an Operational Plan for one year

The Community Strategic Plan 2017-27, and the Delivery Program 2017-21 were adopted by Council on 22 June 2017.

The Draft Operational Plan 2018-19 including detailed draft budget, Statement of Revenue Policy and proposed Fees and Charges was approved for public exhibition at the Council meeting of 15 May 2018. Initially the Draft Plan was placed on exhibition from 16 May to 14 June 2018. However, after additional budget detail was added on 23 May, the period was extended until 20 June 2018, to allow for a full 28-

Report of the General Manager

9.6 2018-19 Draft Operational Plan (cont)

---

day exhibition period. The Draft Plan was placed on public exhibition at the following locations:

- Council's Administration Centre
- Council's Libraries
- Community Centre
- Youth Centre
- North Kiama Neighbourhood Centre
- Council's website

The exhibition period was also publicised in the Kiama Independent and The Bugle. Information advising of the exhibition period and inviting written submissions was also sent to the Precinct Committees, Rate Payer Associations, Combined Community Action Group and various service organisations.

Earlier this year Council made application to the Independent Pricing and Regulatory Tribunal (IPART) for a Special Rate Variation (SRV) of 6% for three successive years. As IPART's determination of the SRV was not due until late May 2018, the Draft Operational Plan 2018-19 contained the draft Budget, Fees and Charges and Statement of Revenue Policy with details for both a 2.3% and 6% rate increase.

Subsequently, IPART determined approval for a 6% rate increase for the 2018-19 financial year. Accordingly, the Operational Plan 2018-19 now only contains financial details for a 6% rate increase, which has resulted in the total number of pages decreasing.

### **SUBMISSIONS RECEIVED ON THE DRAFT OPERATIONAL PLAN (AND ASSOCIATED DOCUMENTS)**

Submissions on the Draft Operational Plan and associated documents closed at 4pm on Wednesday 20 June 2018. In total there have been 27 submissions received prior to and during the exhibition period.

#### **1. Peter Bowman – Expansion of Professional Surf Life Saving Patrols to Bombo Beach**

Officer Response: While there is no funding allocated in 2018-19 for expansion of surf lifesaving services in this budget, a review of current lifesaving services and resource allocation will be conducted during the off-season.

#### **2. Mark and Anne Greaves – Traffic Management Issues – Shoalhaven and Bong Bong Streets Kiama**

Officer Response: In April 2018, Council engaged Traffic Impact Services to complete a Pedestrian Access and Mobility Plan (PAMP) for Shoalhaven St and Bong Bong Street, Kiama, due to concerns raised by the residents on both roads. The specific issues raised can be summarised in two categories relating to pedestrian access and speeding vehicles for both roads.

The outcomes from the study were:

- Only one accident was reported for the period between 2012-2017 at the intersection of Shoalhaven and Barney St, Kiama.

## Report of the General Manager

## 9.6 2018-19 Draft Operational Plan (cont)

- The speed record shows that the 85th percentile of all vehicles that travelled on both roads were within acceptable limits. There was a flat section in front of the Kiama Bowling Club that did record a number of vehicles within the 85th percentile both north bound and southbound that were at unacceptable speeds.
- Pedestrian flows recorded were considered as not excessively high and would not meet the RMS guidelines for traffic facilities other than at Railway Parade.

In summary, the report shows that the travel routes along Shoalhaven St and Bong Bong Street for traffic and pedestrian conditions are generally within acceptable limits. However, the report also recommended a number of proposed facilities that could improve the safety of the area and possibly in anticipation of the potential increase of volume generated by the proposed development of the Akuna Street site. The report also recommended that speed enforcement be carried out in the near vicinity of the bowling club to address the driver behavior observed at this location. From the outcomes of the report, the following actions have or will be undertaken:

- The report was submitted to the traffic committee
- NSW Police were requested to enforce the speed limits near the bowling club
- Council has allocated \$10,000 for the provision of a pedestrian refuge at both Shoalhaven and Bong Bong Streets, Kiama. These improvements were recommended and were a higher priority as compared to the other recommendations.

At this stage the above treatments are considered reasonable and in line with the recommendations within the report. This area will be monitored and if required further improvements may be considered in the future budgets, but at this stage, it is not considered necessary.

### 3. Cllr Mark Way – Additional Capital Works – South Bombo Beach Footpath

Officer Response: As outlined by Councilor Way, an existing access path to South Bombo Beach is frequently used by the local community and visitors to the area. The pathway is approximately 60 meters in length and is poorly constructed as it is unformed and blue metal has been utilised as the base. The path links the existing carpark (which has recently been resealed) to the south end of Bombo Beach. Furthermore a new water station facility, including a drinking fountain, dog bowl and shower has been installed at the nearby Charmian Cliff Reserve, which has been utilised by the public and dog walkers who access the off leash area from this location. With the new developments that are nearing completion along Hothersal Street Bombo, the activity within this area will only increase and greater number of pedestrians will utilise this path to gain access to the beach. The estimated cost to renew this path is approximately \$10,800. Subject to Councils approval as this work is a renewal of the existing path it could be funded from the unallocated footpath renewals program for 2018-19.

### 4. Cllr Mark Way – Additional Capital Works – Mini Breakwall – Kiama Harbour

Officer Response: This could be considered in 4th quarter 2018-19 after examining expenditure on all new capital works projects or other budget matters.

Report of the General Manager

9.6 2018-19 Draft Operational Plan (cont)

---

As requested by Councilor Way, the extension to the existing breakwall has been considered and there are merits for this project as outlined in his submission. However, the cost estimate of \$45,000 will not provide a detailed design, but rather it could cover the costs for the preparation of:

- a concept design for the breakwall extension
- preliminary environmental investigations
- detailed survey investigations
- and the preliminary review of the hydrology for this project.

The scope of works above will provide the necessary information for a detailed design and this information will be critical to support any grant opportunities that may become available for the construction of the wall. It has been suggested by Councilor Way that the majority of funds for this work could be made available from deferring the proposed construction of a new footpath along Boanyo Avenue, Kiama; a project that has already been deferred in previous budgets. A further deferment of this path is not advisable and unnecessary. The proposed 2018-19 program has identified two new footpaths along Chapel Lane and Churchill Street Jamberoo. These pathways are essential to provide much needed safe pedestrian access that will link to the amplification of the Hyams Creek Bridge, which is currently underway as part of the 2017-18 works program.

Whilst the project is still in the early stage it is envisaged that due to material costs being lower than expected the surplus funds could be made available to construct the two new footpaths (which are both linked to the bridge amplification) as part of the current bridge project. The final costs should be confirmed by the end of 2018, and subject to Council approval, if this work could be covered as part of the bridge budget then the funds for the new footpaths could go towards preparing the preliminary design of the breakwall extension, without compromising the footpaths in Boanyo Avenue, Chapel Lane and Churchill Streets Jamberoo.

#### **5. Vlado Damjanovski – Installation of Signs and Monitoring Equipment for Excessive Noise at Entrance to Kiama**

Officer Response: This installation of a noise detection camera and signage " Kiama is a quiet Town" at the entry to Kiama at Bombo is a matter for Roads and Maritime Services for consideration. Council has no legal enforcement powers associated with noise cameras.

#### **6. Cliff Mason – Minnamurra Progress Association- Various Issues**

Officer Response:

1. A total of \$150,000 has been allocated from the State Government Grant for the North Street Amenities. The program shows \$75,000 each for a male and female toilet facility.

2 & 3. Resealing program – Minnamurra - As the association is aware Council has recently completed an extensive resealing program in the Minnamurra area. This includes Boyd Street, Golfers Pde, Links Street, River Street, Beach Street, the Village, Riverside Dr to end.

Report of the General Manager

## 9.6 2018-19 Draft Operational Plan (cont)

This represents a total expenditure of \$170K for road reseals in the area. In relation to Charles and Railway Ave this has been identified in the 2019-20 budget based on the asset condition by comparison to other roads, however Council always continues to review the asset condition and if required this can be bought forward. If the roads are required to be bought forward then yes a portion of these funds will be allocated to cover the cost for this work.

4. Minnamurra River - OEH have not yet announced any decision on the funding for the Minnamurra River despite their earlier advice that Council would be advised by late February. The latest update is that we should expect a decision by the end of August.

5. Footpath Rangoon Road - as you are aware Council intended to construct the footpath along Rangoon Rd earlier this financial year, however due to representation from the local community it was decided not to proceed. However, as per the associations request Council rangers will patrol this area to ensure that the footpath is not restricted with private vehicles.

6. Car parking Minnamurra Railway Station - This has previously been considered and the space constraints limits the options available for further parking. Further investigations will continue.

7. Footpaths – Charles Avenue and Oxley Avenue - This would be a significant project to address and would require consent from the Sydney Trains authority. Furthermore, recent pedestrian counts would suggest that the foot traffic is low in this area and would not support the feasibility for this project.

#### **7. Clr Mark Way – Separate Blue Haven Care Financial Information from General Council Financial Information**

Officer Response: Financial information for Blue Haven Care has been separated from general Council financial information in the attached Operational Plan 2018-19.

#### **8. Margaret Bodie – Pedestrian Safety/Traffic Management – Bong Bong, Shoalhaven and Collins Street**

Officer Response: Please see response to Submission No. 2.

#### **9. Noelene and Bob Sinclair – Resurfacing of Charles and Railway Avenues Minnamurra**

Officer Response: As noted there has been significant resealing works completed in the Minnamurra area during the 2017-18 financial year work program. Council is aware of the existing condition of both Charles Avenue and Minnamurra Road and based on its condition assessment report, both roads were identified for resealing in the 2019-20 financial year. Council is continually reviewing asset conditions and due to recent representation regarding the condition of these roads it has been decided to bring both roads forward in the work program and complete the resealing in 2018-19. Subject to Council approval, the cost for this work can be funded from the contingency budget under the unallocated resealing program

#### **10. Mark Greaves – Traffic Concerns – Shoalhaven and Bong Bong Streets**

Officer Response: Please see response to Submission No. 2.

#### **11. Anne Greaves – Traffic Concerns – Shoalhaven and Bong Bong Streets**

Report of the General Manager

9.6 2018-19 Draft Operational Plan (cont)

---

Officer Response: Please see response to Submission No. 2.

### **12. Gwenneth Wishart – Relocation of Public Toilets at Gerringong**

Officer Response: Council accepts that the existing toilet facilities adjoining Gerringong Town Hall may not be in the most ideal location from an aesthetics perspective and there may be alternative locations that could be considered. Council also notes that the condition of the toilet facility is in good order and every effort has been made in conjunction with the local gardening groups to enhance the surroundings with suitable landscaping and street furniture. The existing toilets are not due to be replaced in the near future; however, when this asset is due for renewal/replacement, the proposed location of a new facility will be considered at this time. At this stage, the allocation of funds for a toilet relocation is not supported.

### **13. Asha Mazzella – Weed Removal Budget - Gerringong**

Officer Response: Ongoing weed control on public land is both Council and the Illawarra District Weed Authority, who undertake weed control for priority weeds on Council land. Much of the Reserve maintenance budget is generally used for control of weeds etc, and there are reserves where the bush regeneration crew actively tackle ongoing weed issues (Spring Creek, Jerrara Dam, Bonaira Native Gardens, Stead Reserve). Council also allocates annual budget to the Seven Mile beach reserve for ongoing weed control of the 34ha of bushland and supports a number of Landcare groups on this and a number of other sites. Council also applies for grant funding to undertake weed control on sites identified as priority areas for the Minnamurra River and Crooked River.

### **14. Kim Elder – Traffic and Parking Study for Kiama**

Officer Response: Council is consistently reviewing the traffic management in Kiama. With all new development proposals that may increase the density within the town a traffic study is required as part of the proposal. This includes both the Bathers and Akuna Street. This information is considered and may set requirements for parking and traffic treatments to support the development. In addition, Council also reviews the traffic requirements of Kiama and various submissions are presented to the traffic committee for consideration. It is important to note that although during peak times there may be a premium on parking, there have been audits conducted on available spaces during this time and it is very common that there is a number of parking spots available at South Akuna Street carpark and the eastern side carpark at Kiama Railway station. In regards to any development at the Quarry it is preemptive to identify the impacts at this stage as there are no details regarding a proposal, but again a traffic study will be requested if and when the project goes ahead.

### **15. Col Rathbone – Sporting Grounds – Plaques Providing Information on Ground Namesake**

Officer Response: Council notes that a previous request for plaques at sporting venues was received and a co-contribution offer from the Kiama Sports association was accepted in 2015. Unfortunately to date this work has not proceed. Given that the association has reconfirm their \$4,000 contribution towards the total cost of installing signs at 10 venues, with Council to fund the balance of \$6,000 to complete

Report of the General Manager

9.6 2018-19 Draft Operational Plan (cont)

---

the work, subject to Council approval, the funds are available in the 2018-19 capital works program if grant funds are approved for the Jamberoo School of Arts upgrade.

**16. Clr Neil Reilly – Additional Capital Works – Implementation of Pedestrian Access and Mobility Plan (PAMP) for Shoalhaven and Bong Bong Streets Kiama**

Officer Response: Please see response to Submission No.2.

**17. Clr Neil Reilly – Additional Capital Works – Cantilever steps in Noorinan Street**

Officer Response: A preliminary cost for a concrete connecting stairway at Noorinan St was estimated to be in excess of \$110,000. The majority of the costs is incurred due to the extensive bank stabilisation required to accommodate the stair access. At the request of Councilor Reilly a further review of the proposed stair access was considered at it was suggested that a freestanding steel stair structure could be prefabricated and installed at a location yet to be determined. The benefit of such a design is that it would considerably reduce the construction cost as the need for expensive retaining walls may not be required. Engineering staff are currently developing this design, but notwithstanding that, it is still early days, it is envisaged that the cost for the new structure could be approximately \$50,000. This could be considered in the 4<sup>th</sup> quarter 2018-19 after examining expenditure on all new capital works projects.

**18. Paul Elser and Libby Eggins – Funds for PAMP for Bong Bong, Collins and Shoalhaven Streets**

Officer Response: Please see response to Submission No.2.

**19. Peter Stuckey – Funding for PAMP for Bong Bong and Shoalhaven Streets**

Officer Response: Please see response to Submission No.2.

**20. Clr Mark Way – Additional Capital Works – Cameron Boyd Viewing Platform**

Officer Response: Recently Council has received notification from the Premiers and Cabinet Department advising that a number of Councils submission for grant funding under the “Stronger Communities Scheme” has progressed to the next stage of assessment. The request for the \$15,000 will cover the cost for the material required for a simple platform including the handrail. This could be considered in the 4<sup>th</sup> quarter 2018-19 after examining expenditure on all new capital works projects.

**21. Josh Douglas – Kiama Downs Surf Club – Car Park Upgrade**

Officer Response: See response to Submission No.23 below.

**22. Clr Mark Way – Kiama Downs Surf Club – Car Park Upgrade**

Officer Response: Further to the representation from Councilor Way and the president of the Kiama Surf Club, it appears that the existing carpark is heavily utilised during the swimming season and that the carpark is not meeting the expectation of the users. A preliminary design and cost for the carpark was prepared as a result of a previous request and for submissions for a grant that was previously available for this project.

Report of the General Manager

9.6 2018-19 Draft Operational Plan (cont)

---

To my knowledge the grant has not been successful and the club is now seeking support from the council to construct a sealed carpark to service the area including the nearby shops. This could be considered in the 4<sup>th</sup> quarter 2018-19 after examining expenditure on all new capital works projects.

### **23. Kerry McGaw – Improvement of Kiama Showground and Art Space for Kiama**

Officer Response: Council will liaise with the Kiama Show Society to determine required seating facilities for the Kiama Show. Council has the option of moving existing seating currently located at other Council venues to the Showground for the duration of the Show if required. Additional seating such as the moveable covered, tiered seating suggested would require a significant investment of funds on behalf of Council. More studies would need to be undertaken to fully investigate all options and to ascertain if appropriate grant funding may be available for this purpose.

Council is currently pursuing a design incorporating many of the suggested features of the submission. We are currently developing plans for such a facility at that site and have allocated funds within our long-term financial plan. However, we also need to secure additional significant grant funding for this long-term project to progress. The long-term plan is to develop an 'Arts Precinct' that includes the above locations and the repurposing of the Joyce Wheatley Community Centre to provide workshop and rehearsal spaces.

### **24. John Mountford – Special Rate Variation, Council Meeting Practice, CBD Parking**

Officer Response: Based on the information provided to IPART their assessment in short was as follows:

- a) Financial Need - The council demonstrated the financial need for the special variation (SRV)
- b) Community Awareness - On balance, the council demonstrated the community is aware of the rate rise.
- c) Impact on Ratepayers - Impact on ratepayers will be substantial, as current rate levels are higher than Group 4 and neighbouring councils. However the impact is reasonable
- d) Productivity improvements and cost containment - Commencing in 2012, the council has implemented cost containment strategies and efficiency measures which resulted in savings

The part where Council was not successful was criteria 4 as below:

- IP&R documents exhibited - The council did not appropriately update its IP&R documentation.

Council in the coming future will endeavour to update appropriately all IP&R documents to meet IPART's requirements.

Farmer's Market relocation - The operator of the Farmers' Market will be the applicant for any development application that seeks ongoing approval to operate in Kiama. As the applicant, the operator will be responsible for preparing an application for the preferred location and the preparation of supporting information. Council's



Report of the General Manager

9.6 2018-19 Draft Operational Plan (cont)

---

development assessments team will then consider the application in accordance with the requirements of the Environmental Planning and Assessment Act which will include an opportunity for community feedback. Council will then make a determination based on the outcomes of the assessment process.

**25. Peter Masterson – Comments on 2018-19 Management Plan and Budget**

Officer Response: General comments only and will be responded to accordingly.

**26. Kiama Farmer's Markets – Stall Holder Fees**

Officer Response: In 2016 in response to storm damage in the Black Beach area, Council facilitated the continuation of the Farmers Markets by allowing them to operate from Coronation Park whilst repairs were made to Black Beach. Fees were reduced to compensate for the reduced access to facilities during the period of the temporary location. Once repairs were complete the Farmer's Market indicated that they would prefer to stay at Coronation Park despite the reduced facilities on offer and as Council was unable to provide additional power they would purchase a 30kVA generator. This arrangement has continued to date; however, the Farmers' Markets were recently advised that the rate can no longer remain at the lower level as fees collected go towards assisting in the upkeep of the reserve, which has required additional maintenance due to heavier use of the area by the markets. It is recommended that the fees remain at the general market licence fee as set out in Council's Fees and Charges.

**27. Combined Community Action Group - Various**

Officer Response: 1.3.3 Undertake Local Community Safety Initiatives – 1. The development of a Community Risk Management Plan as described would be a complex initiative that would need to be carefully planned and costed and would require alignment with State agencies. It is suggested that discussion of this initiative would be more appropriate during the review of the Community Strategic Plan.

2.1.1 Develop and Implement appropriate land use plans – 2. Community engagement that is appropriate for our strategic process will be defined through the more detailed project-planning phase. 3. Development Assessment and Planning Proposal Processes are legislated under the Environmental Planning and Assessment Act and Regulation; therefore, the Operational Plan is not able to influence this process. 4. Community Engagement and benefit as recommended can be considered in the development of a detailed scope for the project. 5. Review of population and growth for Kiama and how this may be accommodated will require a review of the Kiama Urban Strategy, which will follow the setting of a new vision, and narrative that is already committed to at 2.1.1.3.

2.1.2 Recognise and Protect Our Heritage – items 6 to 9. The way in which heritage, land uses and zones are defined and applied are regulated by State legislation. The application of zones and engagement with the community about town character are processes that will follow the setting of a new vision, and narrative that is already committed to at 2.1.1.3.

2.1.3 & 3.1.2 Protection of, and economic output from, agricultural and rural lands – 10. Although this is a matter for the State, the Illawarra Shoalhaven Joint Organisation, at the initiative of Kiama Council, has been successful in elevating the

## Report of the General Manager

## 9.6 2018-19 Draft Operational Plan (cont)

priority of regional agricultural mapping by Department of Primary Industries – Agriculture. 11 & 12 – Zoning controls to protect and enhance the productivity of agricultural lands will follow the State’s mapping process referred to above.

2.2.1 Implement adopted Coastal Management programs and legislative requirements – 13. The preparation of the Kiama Coastal Management Program is already committed and will be further scoped in consultation with the Office of Environment and Heritage over the coming months. The scope of the project will need to conform with grant conditions.

2.2.2 Protect and maintain environmentally significant natural areas – 14 & 15. Regional biodiversity mapping and health audit is the core responsibility of the Office of Environment and Heritage (OEH). OEH has not identified any concerns or the need for significant regional projects on this matter. Council will continue to lobby for biodiversity protection, as and when the opportunity presents.

2.2.3 Ensure Environmental Protection Compliance – 16. Council has committed to community education events that are appropriate to our resourcing capacity under existing action 2.2.3.2. 17. Whilst supported in principle, the specific performance indicator suggested would be difficult to measure.

4.2.2 Manage an effective workforce in an environment of continuous improvement. 18. Annual website review for accessibility and usability is already included in item no. 4.3.1.1 – annual website review of compliance, quality accessibility and usability undertaken. The methodology used to undertake this assessment will include the involvement of community members where appropriate.

4.3.1 Foster positive community relationships through open communications, opportunities for participation and sharing of information – The submission quotes legislative requirements from the Environmental Planning and Assessment Act that have been taken out of context and specifically relate to the matters to be considered by Council in the development of a community participation plan, which is scheduled for late 2019. 19. Whilst agreed in principle that the development of key strategic plans should incorporate appropriate community engagement, individual engagement approaches will be tailored for each project.

## 28. Sandra McCarthy – Various Capital Works

Officer Response – Public dressing shed – Gerringong Surf Club – The project would appear to have merit for consideration. However, in light of there being no project scope or costings, this project should be considered in the preparation of the 2019-20 budget. Resealing of parking area (Crooked River Road) – This could be funded from the reseal unallocated vote in 2018-19, should Council deem the project of such importance. Marketing of Kiama Health Plan – Additional funds for marketing and promotion of the Kiama Health Plan is not budgeted for in 2018-19. Should Council wish to provide these requested funds (there is no specified amount in the submission), then Council would have to reduce another operational vote to cover this additional expenditure.

Peter Bowman  
12 Tharkinna AVE  
Kiama NSW 2533  
26 February 2018

Mr Michael Forsyth  
General Manager  
Kiama Municipal Council  
Kiama NSW

Dear Michael

Please excuse this submission in the twilight of your career with Kiama Council or even closer to your sunset ,but I need to make comment on the current opinions concerning the capacity of our professional surf life savers to expand their patrols to Bombo Beach in the light of some recent near drownings.

I am always concerned with the strange order of priorities that all levels of government sometimes demonstrate —although Kiama Council appears to normally do a good job in this regard. However, to service Bombo Beach without fully covering our 'second retail' beach viz. Kendalls, seems to demonstrate a lack of knowledge of the number of surfers that swim at our different beaches. Has any officer asked our professional surf life savers? Councils cannot be expected to service every beach up the Australian coast and this was stated by the Coroner at the enquiry into the deaths of that migrant family who drowned off rocks near the Blowhole some years ago. Bombo is one of those beaches that you should swim there at your own risk.

In regard to another important matter, it seems to me that the only things that has changed in over 100 years of surf life saving are the employment of professional surf life savers and the use of very good vehicles and equipment. However, on Saturdays, Sundays and public holidays we only have amateur life savers patrolling our beaches who pull up the flags at 4-00 pm (3-00 pm real time)when the Surf Beach is extremely busy. These week end life savers do a good job, but they are amateurs and with respect do not have the experience and qualifications of the professionals. The fact that it has been going more than a 100 years is crazy that the management/ administration has not changed and greatly improved in that time. I know that it would be near impossible to make a change because of very strong tradition (which can be inefficient and expensive)but in any well run business/ organisation the top professions would be in total control and the amateurs would report to them. In other words, we should have our professional lifeguards directing the amateurs on weekends. I should point out that Wollongong Council professional life savers also patrol on Saturdays.

I walk pass Kendalls and Surf Beach nearly every day and on weekends there are around 20 life savers on Surf Beach and none on Kendalls. With respect, I would have some confidence in our

Date Received

26 FEB 2018

Kiama Municipal Council

Item 9.6

Attachment 3

professional life savers getting to Kendalls in a reasonable time but not the amateurs. Even so a drowning can happen in less than three minutes.

In conclusion I recommend that our Council appoint a group of qualified and experienced people to do a thorough review of our surf life saving essential service and its Council budget should be a high priority. Our economy is also dependant on our beaches.

In closing I congratulate you on a wonderful career with our Kiama Council. I would doubt if there were another Kiama General Manager more popular than you to your staff and our residents.

Yours sincerely

Kind regards



Peter Bowman

*K. McMurray*

Councillor,  
Kiama Municipal Council  
PO Box 75  
Kiama  
NSW 2533

Dear

Re Traffic Management , Shoalhaven & Bong Bong Streets

I am writing to you to draw your attention to the issue of traffic management in these two streets in Kiama; also to request that Council allocate funding in its 2018/2019 budget to undertake the necessary works to address this problem. I understand that Council is in the process of preparing its Draft Budget for 2018/2019 so it is appropriate that this is considered at this time.

In November 2015, 40 residents wrote to Council requesting Council to take action on this . Council undertook its own traffic monitoring in April 2016 and In September 2016 Council applied to the RMS for funding of approx \$8000 to have a Pedestrian Access Mobility Plan (PAMP) prepared. That application was unsuccessful but after further requests by residents, in November 2017 Council allocated its own funds and engaged a traffic consultant to prepare a PAMP. I understand that plan is now being prepared.

As indicated in previous submissions the two streets have turned into a "rat run " being used by drivers as an alternative to Manning and Terralong particularly between 6:00 to 9:00am and 3:00and 5:00pm and also on weekends. During the week the streets are used by Primary school and High school students and commuters using the Railway station. The intersections at Bong Bong and Shoalhaven and Barney and Shoalhaven are extremely difficult and dangerous for pedestrians , especially primary children and elderly pedestrians to negotiate. The situation at the Railway Station Bridge is haphazard with pedestrians scattering in all directions. These problems will increase with the high density commercial and residential developments being built in the area and the very significant increase in the volume of traffic and congestion on weekends.

Now that the PAMP is being prepared it is imperative that the measures identified in that plan are put in place this year. If funds are not identified in the 2018/2019 budget this will mean a further delay of another year at least. Indeed if the funds are not allocated in that budget the same rationale could be used to defer funding in the future. That would be totally unacceptable given the safety issues involved, the increase in traffic and the already long delays in progressing this matter.

I would greatly appreciate your assistance in this matter to ensure that suitable works are put in place to make the place safer for pedestrians and drivers this year.

Yours Faithfully

*MS Greaves*

Date Received

15 MAR 2018

Kiama Municipal Council

Mark + Anne Greaves  
91 Shoalhaven St.

Item 9.6

Attachment 4

## 2018/19 Draft Budget Additional Capital Works Proposal

**Project:**

South Bombo Footpath

**Description:**

Provide a concrete Pathway for access to South end of Bombo Beach. Currently Council have gravel surface and this has caused numerous complaints from Rate payers and minor injuries.

**Proponent:**

Mark Way

---

**Link to Community Strategic Plan:**

1.3 We live in a safe community

**Benefit/Need:**

Access to South Bombo Beach via current “blue metal” pathway provided by Council is difficult and I have received many requests from Rate Payers and some Tourists with complaints due to the uneven surface with minor injuries relating to usage by Walkers, Surfers, General exercise, Dog Walkers (Dog Off Leash area) etc. The length of concrete footpath is minor and would be a big benefit to users of this area. Also links with “Water facilities” provided by Council works program that has received excellent feedback for Council.

---

**Quadruple Bottom Line Assessment:**

**Economic:** **Applicable**

The attraction of this area is well documented by Rate Payers and also provides similar attraction to Tourists coming to Kiama and can be considered as part of the Walking Tracks network. Accommodation and day visitors add benefit to Kiama CBD and local accommodation providers.

**Social** (equity): **Applicable**

The Social benefits for those beach users mentioned previously, is obvious with various groups interacting on a regular basis and in particular our Rate Payers.

**Environmental** (sustainability): **Applicable**



## 2018/19 Draft Budget Additional Capital Works Proposal

**Project:**

Mini Break Wall "Groyne" at Kiama Harbour-Detailed Design funding

**Description:**

Detailed Design for construction of Mini Breakwall "Groyne" extending 20 metres off northern end of wharf at Kiama Harbour.

**Proponent:**

Mark Way

---

**Link to Community Strategic Plan:**

3.3 Promote and support tourism in the local area

**Benefit/Need:**

A mini Break Wall "Groyne" at Kiama Harbour will protect wharf infrastructure valued at over 1.5 Million and eliminate risk. Will also protect Boat launching ramp in North East swells that make Kiama ramp dangerous for; Rate Payers, Commercial operators and Tourists using this facility. Will provide safe loading and unloading of passengers that will encourage passenger vessels to come to Kiama and there tenders can then use the wharf. Construction on northern side of this facility could also provide direct access for smaller passenger and commercial vessels. Tourists would have access to Kiama with no additional vehicles.

The Mini Breakwall has been identified and adopted in the Kiama Harbour and Blowhole Management Plan.

---

**Quadruple Bottom Line Assessment:**

**Economic:**

**Applicable**

The economic benefit for Tourism would be enormous, as passengers would access businesses in Kiama CBD. Recreational boating/tourism would also require accommodation and provide spending in Kiama area. This would encourage more businesses and variety in Kiama and also provide employment opportunities. With Shellharbour Marina under construction, Kiama can be competitive and in deed draw commercial interest in Marine activities to Kiama. The structure itself will attract visitors for fishing, viewing platform, photography etc.



**Social** (equity): **Applicable**

The provision of this infrastructure will encourage participation in marine related events such as boating, fishing, sailing and water related carnivals/festivals from Black Beach to Boat ramp.

**Environmental** (sustainability): **Applicable**

The addition of this facility will also assist in protection of southern sea wall at Black Beach from North East swell. The area where mini Breakwall would be constructed is sand bottom and divers have advised that no effect on marine environment. The mini Breakwall will encourage marine growth and proliferation of fish species.

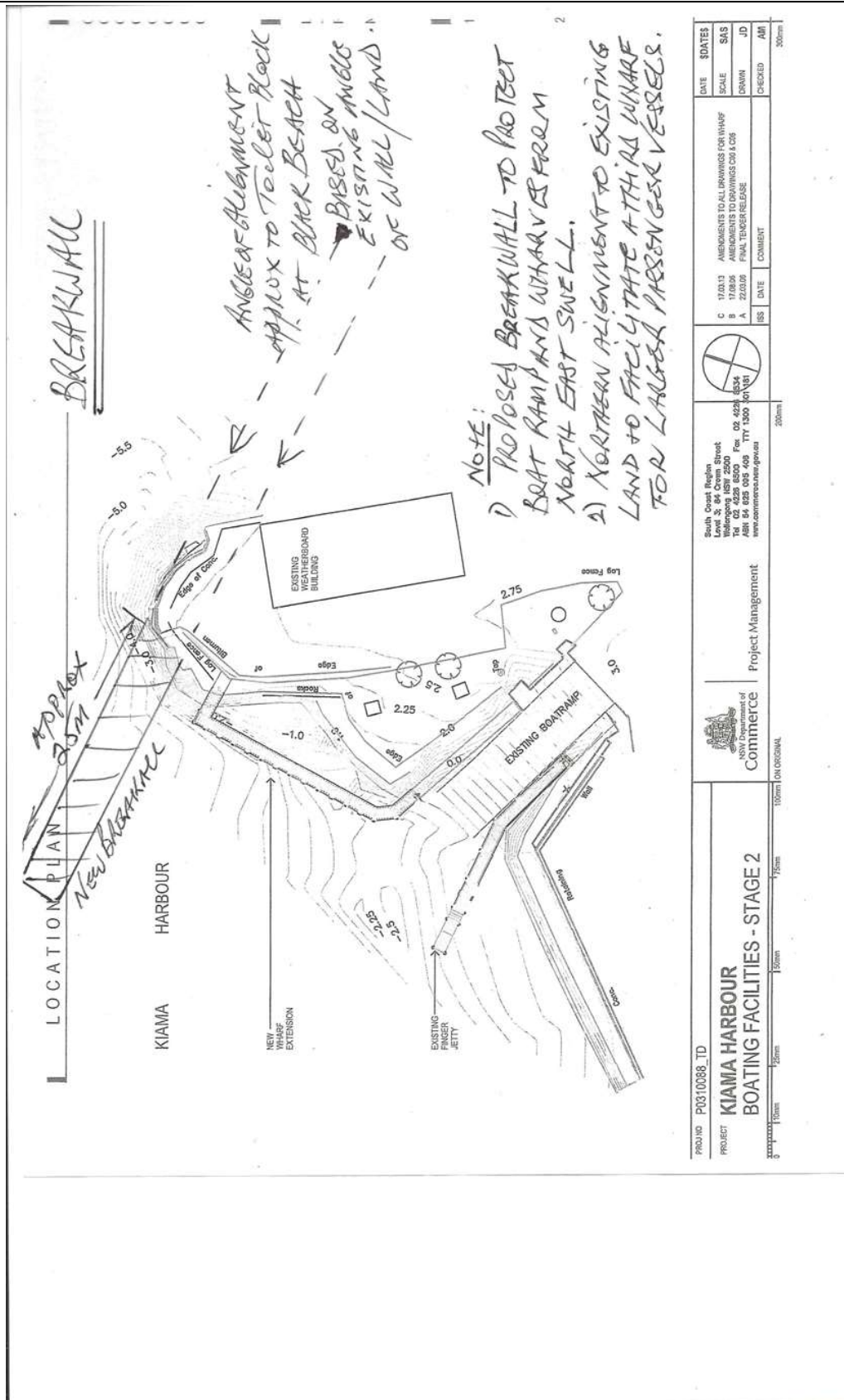
**Cultural:** **Applicable**

Marine events will encourage participation from all cultures and races with safer access and the proliferation of carnival/festival activities that can be related to marine activities and in particular operating from Black Beach and Kiama Harbour. Reference to Kiama's past heritage also a potential feature.

---

**Budget** (funding source):

As this project is Capital new, replace Boanyo/Gwinganna Avenue footpath \$43,400 and remainder of \$1,600 from either, ICT Network and Software \$237,000 or a Miscellaneous account. Detailed Design funding for the Mini Breakwall has been assessed by Council at \$45,000 for this project.



Item 9.6

Attachment 7

PROJECT <b>KIAMA HARBOUR                  BOATING FACILITIES - STAGE 2</b>		SOUTH COAST REGION Level 2, 84 Crown Street Wagga Wagga NSW 2650 ABN 54 825 055 405 www.commerce.nsw.gov.au		Project Management		DATE: 17/01/13 SCALE: 1:1000 DRAWN: [Signature] CHECKED: [Signature]		200mm
PROJECT <b>KIAMA HARBOUR                  BOATING FACILITIES - STAGE 2</b>		SOUTH COAST REGION Level 2, 84 Crown Street Wagga Wagga NSW 2650 ABN 54 825 055 405 www.commerce.nsw.gov.au		Project Management		DATE: 17/01/13 SCALE: 1:1000 DRAWN: [Signature] CHECKED: [Signature]		100mm (ON ORIGINAL)
PROJECT <b>KIAMA HARBOUR                  BOATING FACILITIES - STAGE 2</b>		SOUTH COAST REGION Level 2, 84 Crown Street Wagga Wagga NSW 2650 ABN 54 825 055 405 www.commerce.nsw.gov.au		Project Management		DATE: 17/01/13 SCALE: 1:1000 DRAWN: [Signature] CHECKED: [Signature]		150mm

**From:** Vlado@damjanovski.com  
**Sent:** Monday, 28 May 2018 2:12 PM  
**To:** Council Mailbox  
**Subject:** Draft Operational Plan 2018 - 2019  
  
**Categories:** Green Category

Dear Council,

In regards to your Draft Operational Plan 2018-2019, I would like to raise the following issue:

Noise levels in Kiama Town Centre should not exceed from the government prescribed 94 dB (see here <https://www.legislation.nsw.gov.au/#/view/regulation/2017/449/sch1>)

This has never been complied with by hordes of weekend motor-bikers.

I have measured some of these noises, and some of them exceed noise levels of over 110dB.

I would like to request that the Council considers putting a **sign at the entry of Kiama** (at the bend separating from the motorway, near Bombo) with a text similar to the following:

**“Kiama is a quiet town, please reduce your vehicle noise to minimum. Penalty applies for excessive noise”**

Furthermore, it is possible, if the council wishes to achieve a positive outcome of such a sign, to install noise-detection cameras.

If needed, I can help you with finding the appropriate equipment that does such a measurement, as this is in my area of expertise.

This will not only re-inforce the quiet town policy, but in actual fact can bring some extra revenue to the council.

It is about time that a nice and quiet place like Kiama actually shows to the rest of Australia, that it can be quieter as well.

I would appreciate if you acknowledge the receipt of this e-mail.

Thank you.

Kind regards,

*Vlado Damjanovski*  
7/10 Akuna Street  
Kiama, NSW 2533

## Minnamurra Progress Association Inc.

President: Cliff Mason

134 Charles Avenue 2533

Minnamurra 2533

Tel. 0400 245 121

Secretary: Barry Mahoney

PO Box 3153

Minnamurra 2533

Tel. 0400 061 523

12 June 2018

The General Manager  
Kiama Municipal Council,  
11 Manning Street  
Kiama NSW 2533.

Dear Sir,

**Re: Submission on the 2018/19 Draft Operational Plan**

At the June meeting of the Association attended by General Manager Kerrie McMurray and Councillor Mark Way, members discussed aspects of the Operational Plan as they affected Minnamurra and resolved in discussion with our guests to submit the following requests:

1. Keep the need for a footpath along at least one side of Rangoon Rd under close review in the budget and arrange for Rangers to better patrol illegal parking on the Rangoon Rd nature strip, particularly across the full width of driveways completely blocking pedestrian access along the nature strip (see attached photos taken 9am),
2. Re-seal the northern section of Railway Ave (from the school to Charles Ave) as it was only partially sealed (2/3<sup>rd</sup> width) a number of years ago and the side is subject to frequent pothole repair (see photos). This could be done out of the "yet to be determined" resealing allocation. This section of road gets heavy school and public bus traffic.
3. Bring forward re-sealing sections of Charles Avenue (particularly at the northern end where it is cracking) from the planned 2020/21 cycle to at least 2019/20 if it is not possible to do it in 2018/19,
4. That once State Government announcements are made regarding funding for coastal/estuary management programs (expected August), that funds be allocated to start completing priority items mentioned in the 2015 Minnamurra River Management Plan including river bank erosion opposite the river entrance and along the Charles Ave foreshore, and provision of additional parking in the James Oates Reserve.

Thank you in anticipation for your and Councils consideration of these matters.

Yours faithfully,



President, MPA

**From:** Mark Way  
**Sent:** Tuesday, 29 May 2018 10:07 AM  
**To:** Kerry McMurray  
**Cc:** Councillors; Records  
**Subject:** Blue Haven component- Operational Plan 2018/19

Hi Kerry & fellow Councillors,  
I refer to Draft Operational plan 2018/19 in regard to Blue Haven (that would also include old hospital site) and would request that all financials (Capital New & Renewals), should be separated from other Council component. As we are all now aware that as Directors of Blue Haven, financial considerations take on another perspective and having Blue Haven financials separated from other Council business makes it easier to get a better understanding of that side of the business.  
The current operational plan (Budget), should show a separate Blue Haven financial listing for final sign off in June Council meeting.  
Thanks,  
Mark



Mark Way  
**Councillor**  
**Kiama Municipal Council**  
**P:** 02 4232 0444  
**F:** 02 4232 0555  
**M:** 0481 035 590  
PO Box 75, Kiama NSW 2533  
[www.kiama.nsw.gov.au](http://www.kiama.nsw.gov.au)

**RESPECT • INNOVATION • INTEGRITY • TEAMWORK • EXCELLENCE**

**PRIVACY & CONFIDENTIALITY NOTICE**

*This transmission or any part of it is intended for the named recipient/s only. It may be confidential, privileged and/or subject to copyright. If you are not the intended recipient, any use, disclosure or copying of this e-mail or its attachments is unauthorised. If you have received this e-mail in error, please notify Kiama Council immediately by return e-mail or by a reverse charge telephone call to +61 2 4232 0444 and erase all copies of the message and attachments. No liability is assumed by Kiama Council for expressions of opinion in this communication which are other than the official opinion of Kiama Council and a communication of other than official opinion is not to be regarded as a communication from Kiama Council. While all care has been taken, Kiama Council disclaims all liability for loss or damage to person or property arising from this message being infected by computer virus or other contamination.*

**From:** imob28@bigpond.com  
**Sent:** Tuesday, 5 June 2018 7:48 AM  
**To:** Mark Honey  
**Subject:** draft budget pedestrian safety traffic management

Dear Mayor Mark Honey

I am extremely disappointed at the mere \$10,000 allocated for road safety in the draft budget. Local residents have been asking for action to ensure pedestrian safety for 4 years now.

Instead of repeating the concerns I have written about in previous emails over the years, I will give some specific examples of why we are so afraid that someone is going to get hurt or killed.

**There is no safe pedestrian access between Kiama south of Bong Bong Street and Kiama central.**

This means:

A primary school child who lives south of Bong Bong Street has to cross three roads to get to school – Bong Bong Street south to north, Shoalhaven Street east to west and Collins Street east to west. All three crossings present dangers.

Crossing Bong Bong Street at Shoalhaven Street on foot is complex even for an adult who is an experienced driver and can read the drivers' often last minute or unsignalled intentions as vehicles turn at speed in all possible directions totally ignoring double lines to cut corners.

Crossing Shoalhaven Street at that intersection has another issue – vehicles wanting to turn left down Bong Bong Street race up to the intersection, stop briefly (maybe) checking no car is racing down the hill, then quickly turn left and haven't even seen the pedestrian half way or more across Bong Bong Street. Young or old you run!

Collins Street is notorious for heavy vehicles jack knifing as they attempt to turn down the hill into Collins Street from Bong Bong Street, ending up stuck pointing at the school fence. Not child friendly at all.

Crossing Shoalhaven Street at any point particularly between Bong Bong and Barney Streets is dangerous because of the speed of cars and heavy vehicles as they race down the hill and up. The sight of kids crossing Shoalhaven Street near Noorinan Street is heart stopping.

It also means:

Residents south of Bong Bong Street are isolated from the shops and the station. The station is strangely even isolated from its car parks. The intersection of Railway/Eddy and Bong Bong needs pedestrian protection.

Kiama is a town that reveres the car. Most people have one, most people need one. There is little local public transport so to get anywhere one must drive. But people have to be safe to walk by choice or by necessity. While the number of vehicles in Kiama may not be anything like the numbers in a Sydney suburb, that just means they can and do drive much faster and it only takes one for there to be an accident.

Please reassess the draft budget so that more money can be allocated to pedestrian safety in the coming financial year.

Sincerely

Margaret ( Miggs ) Bodie

98 Shoalhaven Street 0418 423 169



**From:** sinclairs.15@bigpond.com  
**Sent:** Sunday, 3 June 2018 11:07 AM  
**To:** Council Mailbox  
**Subject:** Draft plans for 2018/19 - submission for road resurfacing Minnamurra  
**Categories:** Green Category

Hi  
We write concerning the Capital Renewal projects - Reseal Program (works yet to be determined) \$558,137 and request that resurfacing of Charles Avenue and Railway Avenue Minnamurra be listed.

It was great that Council undertook the resurfacing of Minnamurra streets (Links, Beach, Boyd etc) last year but disappointing that the most used roads of Charles Ave and Railway Ave weren't and continue to just be patched up. School buses, public buses, residents, visitors, cyclists and school traffic constantly use these roads. The condition especially of the cycle way section of Railway Parade has many potholes (patched once again).

It would be greatly appreciated if favourable consideration could be given to resurfacing Charles Ave and Railway Ave so that our roads in Minnamurra are brought up to a good standard with smooth surface roads.

Having lived in Minnamurra for over 30 years and holidayed here 20 plus years prior to that with parents owning property here and, therefore, having seen many changes, it has been disappointing that the roads have remained the exposed aggregate making for a bumpy ride for mobility scooters, cyclists, scooters, skateboards and prams.

Please consider these works to be done in the 2018/19 financial year.  
Many thanks!  
Noelene & Bob Sinclair  
15 Beach Street  
Minnamurra



**FREE Animations for your email** [Click Here!](#)



---

**From:** Mark Greaves <mgreaves2209@gmail.com>  
**Sent:** Wednesday, 6 June 2018 8:20 AM  
**To:** Mark Honey; Kathy Rice; Matt Brown; Neil Reilly; andrews@kiama.nsw.gov; Warren Steel; Don Watson; Mark Way; Mark Westhoff  
**Subject:** Traffic Concerns

I am a new resident to Kiama, and we love it here. We live at 91 Shoalhaven Street. One of the reasons we bought the property was so that we can walk anywhere in the local area.

Even in the last 18 months I have noticed a significant increase in the amount of traffic using Shoalhaven and Bong Bong streets. Many of these vehicles exceed the speed limit. There are many school children and elderly people that have to run the gauntlet, particularly the intersection at Shoalhaven and Bong Bong Street. And there will be more traffic using these streets as new development comes on stream.

I am aware that a traffic study has been done. I would like to see the upcoming budget reflect an urgency to address the significant safety concerns. There is an allocation of \$10 000 from the operational budget to address these issues. I am very concerned that this will not adequately solve the obvious problems.

Yours Sincerely

Mark Greaves

91 Shoalhaven Street

Sent from my iPad





---

**From:** Anne Greaves <amgreave@gmail.com>  
**Sent:** Wednesday, 6 June 2018 8:11 AM  
**To:** Mark Honey; Kathy Rice; Matt Brown; Neil Reilly; Andrew Sloan; Warren Steel; Don Watson; Mark Way; marks@kiama.nsw.gov.au  
**Subject:** Draft Operational Plan - Shoalhaven Street

Dear Councillor

As residents of Shoalhaven Street we are writing to express our concerns over the lack of funds allocated in the Draft Operational Plan to implement adequate road safety and speed limiting measures on Shoalhaven Street and Bong Bong Street.

Further the PAMP does not address the speed of traffic on the roads and any measures to limit this.

Bong Bong and Shoalhaven Streets have become increasingly used as a "rat run" with traffic avoiding Manning and Terralong Streets. The 50km speed limit is not policed and cars trucks and buses travel at excessive speed along the streets.

This is only going to get worse with increased development in the town.

The intersection of Shoalhaven Street and Bong Bong Street is dangerous for both vehicles and pedestrians at peak traffic periods. An increase in cars parked on Bong Bong and along Shoalhaven St makes the intersection more problematic.

We ask you to address these issues as a matter of urgency. Adequate funds must be allocated in the 2018 budget to:

complete necessary safety measures at the Bong Bong and Shoalhaven Street intersection plus traffic slowing devices on Shoalhaven St between Bong Bong and Barney Street

For years I have shuddered with horror every time I have looked at the ugly public facilities which are right in the middle Gerringong township next to our beautiful old Town Hall.

Now with council wanting suggestions for their Draft Operational Plan for 2018/19 it is time to act.

With play areas, picnic tables, table tennis equipment having been added to the Old School Park nearby, and markets once a month, surely it would be better to locate public facilities there where people are looking for them. The Park is always being used and parents with children playing have to pack up their whole party when one child wants to go to the toilet and race up to the existing facilities, sometimes too late. New premises could be more discreet within the confines of the park and its existing gardens but still made available with signage.

Once the toilets are relocated, that area can then be utilised to enhance the viewing lines from all angles next to the Town Hall.

I look forward to your consideration on this matter.

Yours sincerely



Mrs Gwenneth Wishart

4/1 Noble Street

Gerringong

Date Received

31 MAY 2018

Kiama Municipal Council

Kiama Council

2 Stafford Rd

Artamon 2069

31/5/18

0424557530

email - djpwabigpond.  
act.au

Re: Draft operational Plan  
2018-19.

To whom it may concern.

I praise the 2018-19 Plan and that Council has invited community input.

I own the property 150 Belindast Geringong.

My only comment is that I would like to see greater budget Allocations ongoingly to the proactive eradication of weeds - particularly Cestrum, Lantana bidence + asparagus fern. from the entire Municipality.

This is a beautiful location. Visitors come here because of the beauty. Weeds are not beautiful.

Council staff, Contractors need to be allocated to removing weeds  
Residents <sup>Businesses</sup> need to be educated re what is a weed + how to remove them

Item 9.6

Attachment 16

media, marketing, <sup>2)</sup> PR, workshops,  
seminars, Bushcare volunteers  
are all effective means

Many thanks

(Mrs) Asha Mazzella



Item 9.6

Attachment 16



---

**From:** Kim Elder <kimelder@bigpond.com>  
**Sent:** Thursday, 31 May 2018 9:54 AM  
**To:** Council Mailbox  
**Subject:** Draft Operational Plan  
  
**Categories:** Linda

Dear Sir/Madam

I don't see any allocation of funds for a comprehensive traffic and parking study. I believe, it is very important to do this before the future large developments come on line. There are times when Kiama is burdened by too many cars now. Inadquite parking and bad road management are becoming a real problem. With added cars from Bathers and the Akuna St development plus Collins St, there will be chaos. To future proof our town we must think well ahead. What is going to happen when the Quarry comes on line? I would strongly advise council to get ahead on this one and fund a study and start looking at a serious plan to help Kiama deal with this issue.

Thank you  
Kim Elder

-----  
Kim Elder  
Tel: 02 42323891  
Mobile: 0438 627 166  
email: kimelder@bigpond.com

**From:** Col Rathbone <ronicol1970@gmail.com>  
**Sent:** Sunday, 27 May 2018 5:47 PM  
**To:** Council Mailbox  
**Subject:** WORKS PROGRAM FUNDING SUBMISSION. FW: Plaques for Sporting Venues  
**Attachments:** Letter KMC Re Sporting Venue Names.pdf; Plaques KC 16.1.15.pdf; Letter KMC Re Plaques For Sporting Venues.pdf; Plaques KC 24.6.15.pdf; Letter KMC Re Plaques For Sporting Venues.pdf; Plaque KC 4.11.15.pdf  
**Categories:** Linda

General Manager,  
 Kiama Council.

Dear Kerry,

We would like to lodge this submission again which was first raised in 2015.

The proposal is to have plaques installed on all Sporting Grounds to explain who the person was that the facility was named after.

Back in 2015 Council costed this project at approx. \$10000.00 and the KDSA agreed to provide \$4000.00 towards this.

As you can see from the emails, the project has not been pursued by either party but we would like 2018/19 to be the time when this project is activated.

We believe that there are some other locations that are named but do not have a plaque explaining the name and suggest that this should be followed up after the sporting grounds are done.

We hope that this submission is worthy of inclusion in the works program, especially considering that we are contributing \$4000.00 towards the cost.

Regards

Col Rathbone  
 President  
 KDSA

---

**From:** John Dawson [mailto:kdsasecretary@iinet.net.au]  
**Sent:** Tuesday, 3 April 2018 8:46 AM  
**To:** kerrym@kiama.nsw.gov.au  
**Cc:** ginob@kiama.nsw.gov.au; markw@kiama.nsw.gov.au; ronicol1970@gmail.com; craig.scott@bluescopesteel.com  
**Subject:** FW: Plaques for Sporting Venues

Dear Kerry

I am writing in reference to an email chain (attached) that stretches from January 2015 to November 2015 regarding a proposal by Kiama District Sports Association to erect plaques at sporting venues within Kiama Municipality.

The last correspondence from Council (dated 4 November 2015 from Bryan Whittaker, Acting General Manager) stated that the request by KDSA to include the already agreed funds in the 2015/16 budget was to be referred to the November meeting of Council for consideration. It further states that KDSA would be advised of the outcome of the meeting.

No further correspondence has been received by KDSA.

Unfortunately, with changes in staff at Council and KDSA only holding meetings every second month the matter seems to have been overlooked.

I am asking that you check the situation and advise our association of the outcome of the discussion at the November 2015 meeting and further advise if the funds have been allocated and that the erection of the plaques can proceed.

Yours in sport,

John Dawson  
Secretary  
Kiama District Sports Association



Virus-free. [www.avg.com](http://www.avg.com)

## 2018/19 Draft Budget Additional Capital Works Proposal. Implementation of PAMP

**Project:** Implementation of Pedestrian Access and Mobility Plan (PAMP) for Shoalhaven and Bong Bong Streets Kiama

**Description:** Following adequate interrogation of Draft PAMP, implement all aspects of recommendations before the end of 2018

**Proponent:** Neil Reilly on behalf of the Community of Kiama LGA

**Link to Strategic Plan:**

- 1.0 A healthy, safe inclusive community
  - 1.1 Developing and implementing services and programs that promotes social cohesion, healthy and active lifestyles for residents of all ages, abilities interests
  - 1.2 Planning for assistant specific needs groups
  - 1.3 We live in a safe community
- 2.0 Well planned and managed spaces places and environment
  - 2.5 Effectively manage our transport, drainage and other infrastructure assets

**Quadruple bottom line assessments:**

**Economic:** Applicable. Road accidents are costing the Australian economy \$29.7 billion dollars a year according to a study commissioned by the Australian Automobile Association (AAA).

**Social:** Applicable: The social cost of road deaths is both obvious and immeasurable

**Environmental:** Applicable. Safer Roads + Slower Traffic = Safer Community, which is an equation that equals community sustainability on a very basic level

**Cultural:** Applicable. A culture of safety embraced by council will be emulated by the community

**Budget:** Funding sources

Capital Renewal Project	Est Cost	Revenue	Less PAMP	New Revenue Allocation
Kendalls Cabin Capital Purchases	\$130,000	\$130,000	\$10,000	\$120,000
Spring Creek land Development	\$1,000,000	\$1,000,000	\$20,000	\$980,000
ICT Network Structures	\$237,000	\$237,000	\$15,000	\$222,000
jamberoo valley Cyclway 18/19	\$173,000	\$173,000	\$5,000	\$168,000
Barney Street Box Culverts	\$350,000	\$350,000	\$15,000	\$335,000
Reseal program yet to be determined	\$678,877	\$678,877	\$15,000	\$663,877
<b>TOTAL FOR TRANSFER TO PAMP</b>			<b>\$80,000</b>	

\$10,000 originally allocated + \$80,000 = \$90,000



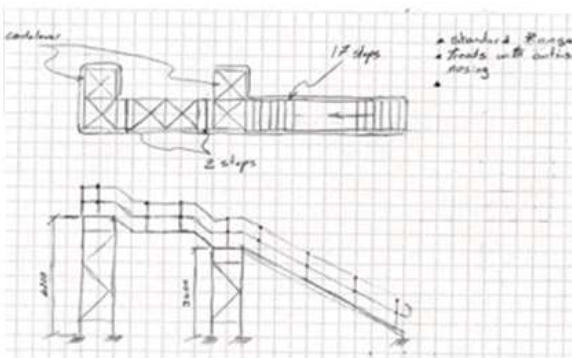
**Subject:** FW: Additional Capital Works Proposal  
**Attachments:** 201819 additional Capital Works Proposal.docx

**From:** Neil Reilly  
**Sent:** Friday, 15 June 2018 2:08 PM  
**To:** Kerry McMurray <kerrym@kiama.nsw.gov.au>; Narelle Mousdale <narellem@kiama.nsw.gov.au>  
**Cc:** Councillors <councillors@kiama.nsw.gov.au>  
**Subject:** Additional Capital Works Proposal

Hi Kerry,

Can you please include this with your budget papers for deliberation.

PROPOSED STYLE OF STEPS, NOORINAN STREET, KIAMA



Kind regards  
Neil Reilly  
Councillor  
Kiama Municipal Council

P 0408 625 359  
A 4 McFaul Place, Kiama NSW 2533  
E [neilr@kiama.nsw.gov.au](mailto:neilr@kiama.nsw.gov.au)  
W [www.kiama.nsw.gov.au](http://www.kiama.nsw.gov.au)



[REDACTED]

---

**From:** Council Mailbox  
**Sent:** Monday, 18 June 2018 9:50 AM  
**To:** 'Libby Eggins'  
**Subject:** RE: Safety in Bong Bong, Collins and Shoalhaven Streets

Dear Libby and Paul  
Thank you for your email regarding funding for the Shoalhaven Street and Bong Bong Street PAMP.  
The Mayor has forwarded your email to our Corporate Planner, Sue Basa for consideration in the Operational Plan review, to be reported to Council at its June meeting.  
The Mayor has noted your remarks and appreciates that you have taken the time to make this submission.  
Regards  
Cathie Bax  
Executive Assistant Councillor Liaison

**From:** Libby Eggins <libbyeggins@gmail.com>  
**Sent:** Thursday, 14 June 2018 5:32 PM  
**To:** Mark Honey <Markh@kiama.nsw.gov.au>; Kathy Rice <kathyr@kiama.nsw.gov.au>; Matt Brown <mattb@kiama.nsw.gov.au>; Neil Reilly <neilr@kiama.nsw.gov.au>; Andrew Sloan <Andrews@kiama.nsw.gov.au>; Warren Steel <warrens@kiama.nsw.gov.au>; Don Watson <donw@kiama.nsw.gov.au>; Mark Way <Markw@kiama.nsw.gov.au>; Mark Westhoff <marksw@kiama.nsw.gov.au>  
**Subject:** Safety in Bong Bong, Collins and Shoalhaven Streets

Dear Councillors,

We urge councillors to allocate adequate funds in the Draft Operational Plan 2018/ 2019 to address the urgent safety issues in this area. All the works in the final PAMP and Traffic Management Plan need to be adopted by council as a matter of urgency.

Peter Stuckey has covered all the major concerns of the residents in his submission to council on this matter. The school children are most at risk. It is only a matter of time before there is a tragic accident.

It is extremely dangerous getting out of a car outside our home as the volume of traffic has increased exponentially in the last few years. The traffic is now so heavy because drivers avoid the main street. The street is congested at school drop off and pick up times, especially.

Please prioritise safety over less important budget items which could be completed in the future.

Yours sincerely,  
Paul Elser and Libby Eggins  
55 Bong Bong Street  
Kiama  
42 321346



**Subject:** FW: Funding for Road Safety Shoalhaven and Bong Bong Streets

**From:** Peter Stuckey <[peternoelstuckey@gmail.com](mailto:peternoelstuckey@gmail.com)>  
**Date:** 14 June 2018 at 10:40:55 am AEST  
**To:** <[markh@kiama.nsw.gov.au](mailto:markh@kiama.nsw.gov.au)>  
**Subject:** Funding for Road Safety Shoalhaven and Bong Bong Streets

Dear Mark ,

Re Draft Operational Plan 2018/2019

Funding for Shoalhaven Street and Bong Bong Street PAMP

In its Draft Operational Plan for 2018/2019 Kiama Council is proposing to spend only \$10,000 on road safety in Bong Bong and Shoalhaven Streets . The two streets are a "rat run" replacing Manning and Terralong Street but unlike those two streets there is nothing to slow traffic or assist pedestrians crossing the roads. The present situation is very dangerous and will get worse as a result of all the development occurring in this area. Now that the PAMP for Shoalhaven and Bong Bong Streets has been prepared it is imperative that all the measures identified in that plan are put in place this year. Any further delay would be irresponsible.

The full funding to cover all the work in the Draft PAMP is \$64000. However additional works should be provided in Shoalhaven Street near the Bowling Club to deal with the unacceptable speed of vehicles in that area. On page 12 of the report it is stated that *"It can be concluded that vehicle speeds in Shoalhaven Street in the vicinity of the bowling club need to be reduced by such methods as enforcement and provision of traffic management treatments."* However only line marking and enforcement is proposed ; the latter would be spasmodic and rare given the big demand on Police services. Physical structures are required to ensure that traffic has to slow down and take care near the Club; signage and line marking will not be effective by themselves. Based on the costings in the Draft Plan, an additional amount of approx \$20000 would be required to cover the cost of a raised threshold and kerb extensions near the Bowling Club. That total amount of approx \$84,000 could be found in the Budget by deleting projects of lesser importance and taking a critical review of budget figures.

There has been a suggestion that additional funding may be provided some time later from Sec 94 contributions from the proposed development in Akuna Street. Waiting to obtain funding from the proposed Akuna street development to fund works in these two streets is totally unacceptable and "pie in the sky" thinking. Relying on funding from that source will only lead to further delays, especially considering the latest Council decision regarding development on this site.

If the funds required to cover all the works in the PAMP are not allocated in the 2018/2019 budget this will mean a further delay of another year at least. Indeed if the funds are not allocated in that budget the same rationale could be used to defer funding in the future.

Residents have been requesting action on the safety issues in these two streets since 2015. It's a matter of priorities ; this work requires proper funding not tokenism.

I hope you can assist us to get a better result.

Yours Sincerely

Peter Stuckey

96 Shoalhaven Street

Kiama

**Item 9.6**

**Attachment 22**

General Manager

Kiama Municipal Council

PO Box 75 Kiama

NSW 2533

Dear Sir,

**RE Draft PAMP & TMG for Bong Bong & Shoalhaven Streets Kiama**

I wish to make the following submission on the above Plans. This follows on from a number of requests made to Council by many residents, in particular since November 2015, regarding the road safety issues in those two streets. I thank Council for finally having the Plans prepared, but I am concerned that the Plan still does not address some of the main problems in the area.

These are as follows :

**Bong Bong Street between Collins and Shoalhaven** These two streets in general have by default become a rat run or "Collector Roads" for traffic avoiding Terralong and Manning Street. The consultant has classified these streets as "Collector roads" thereby justifying their present use and downplaying the problems there. The report states that the traffic volumes and speeds are acceptable given that traffic volumes Collector roads can be between 2000 and 10000 vehicles per day. However, Bong Bong Street between Collins Street and Shoalhaven and Shoalhaven between Bong Bong and Noorinan are narrow - only 9 metres wide. This is because the topography in those areas is a severe constraint on the road widths, causing a danger for parked vehicles and people alighting or accessing a parked car. The streets were not designed as Collector Roads. They are not ideal as Collector Roads and so require treatment to ameliorate that narrow carriageway width. This is a common situation in dealing with existing infrastructure that was not designed for present conditions. The Traffic Management Plan (TMG) has addressed this in Shoalhaven Street by proposing a raised threshold and two Road narrowings but nothing is proposed in Bong Bong. Similar works are required in Bong Bong Street.

**Shoalhaven Street, Bong Bong Street Intersection**

This has been a major concern of residents particularly in relation to pedestrian safety. It is good to see that the PAMP proposes various works at this intersection.

However the following are also suggested:

On the southern corner provide a "no parking" zone in Shoalhaven Street to reduce the possible conflict between vehicles turning into Shoalhaven from Bong Bong Street and cars parked in that part of Shoalhaven Street.

On the northern corner, realign the kerb line to reduce the road width at the proposed pedestrian refuge by providing a blister at that corner. This would stop vehicles sweeping around that corner as they turn left from Bong Bong Street.

**Collins Street and Bong Bong Street intersection:** The plans do not include this intersection. In addition there is a very dangerous situation which arises at that corner due to large vehicles heading south stopping at the intersection and being unable to negotiate the left turn into Bong Bong Street. In some cases these vehicles have to reverse back down Collins Street. This is an important crossing point for school children :- the present arrangements are inadequate given the traffic generated in the area and the danger posed by heavy vehicles. The Kiama School community has been asking Council to improve this crossing for many years. Large vehicles should be prevented from trying to bypass Terralong Street and subsequently getting stuck at Bong Bong Street.

**Bong Bong Street at Railway Station :** The proposed Pedestrian Refuges in Bong Bong and Railway Parade will help pedestrians . However as the report states there is an expectation at a railway station to cater for pedestrians. If the refuge is to be provided in Railway Parade as shown it would seem practical to relocate the pedestrian crossing to that refuge rather than leaving it 100metres down Railway Parade where it of limited use. In addition providing a pedestrian crossing on Bong Bong Street where the new refuge is proposed would considerably improve pedestrian movements across Bong Bong Street as people head to the car parks. This would encourage pedestrians to cross at that point rather than spreading out all over the railway bridge - it would also warn drivers of the high pedestrian usage in this area.

**Shoalhaven between Noorinan and Barney Streets:**

The report from the consultant states that the 85th percentile speeds are acceptable for all sections surveyed except in Shoalhaven Street adjacent to the Bowling Club. It further states that the 85th percentile speeds were 59km/h northbound and 78km/h southbound and concludes *'that vehicle speeds in Shoalhaven Street in the vicinity of the bowling club need to be reduced by such methods as enforcement and provision of traffic management'* The recommendation for enforcement is admirable but obviously subject to Police or RMS resources. Realistically this will be very limited and spasmodic given all the priorities of those services.

Given the acknowledgement in the report that this present situation is unacceptable and that speeds must be reduced by traffic management it is very surprising that no physical constraints are proposed in this section of Shoalhaven street. The only works proposed are edge lines.

The report further states *"the high speeds in this area are no doubt due to :*

1. *Motorists accelerating to negotiate the upcoming hill*
2. *Motorists still increasing their speed down the hill.*
3. *The roadway widens out in the vicinity of the bowling club providing a visual cue which leads to increased speeds."*

These statements regarding the speed of the traffic and the reasons are correct but the solutions offered in the Plans don't match those statements. Suitable physical barriers ,such as a raised threshold and kerb extensions, as proposed in Shoalhaven Street between Noorinan and Bong Bong , should be provided in this area. Line marking by itself will not be sufficient to slow the traffic near the Club. Whilst there may be complications due to the parking outside the Bowling Club, this must be secondary to providing adequate controls in that area. Careful design would address those issues.

**Accident Details:** The analysis by the consultants indicates that the data does not support the provision of traffic facilities or any other action in the study area. This is based on data over 6 years held by the RMS . Residents report however that at the Bong Bong , Shoalhaven Street intersection there have been frequent minor accidents which are not reported - the most recent being on 29th June. Unfortunately this lack of data is used to make light of residents concerns.

**Summary:**

The draft plans address some of the concerns of residents, but in their present form do not properly address the full extent of the problems in this area.

The existing roads were not designed to carry the volume and speed of traffic that is using these roads as a "rat run" and are only Collector Roads by default. This problem will get worse with all the higher density development planned for the area.

A minimalist approach as presented in these plans will make only a minimal difference to improving the situation.

Council must take a more positive approach to managing the existing and potential traffic in these streets and incorporate additional measures to ensure a better outcome.

Peter Stuckey

*Peter Stuckey 24/6/18*

## 2018/19 Draft Budget Additional Capital Works Proposal

**Project:**

Cameron Boyd Viewing Platform

Community Group (Jones Beach Board Riders- Glen Glaister, Bombo Headland Landcare Group- Bob King, Cam Boyd Legacy- Jim Twist.

**Description:**

A viewing deck is proposed at the southern end of Cliff Dr Kiama Downs. This will create a safe and accessible view of the iconic Bone Yard surf break and its natural and historical surrounds.

**Proponent:**

Mark Way

---

**Link to Community Strategic Plan:**

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

**Benefit/Need:**

The site has always been an iconic viewing site for surfers, walkers and tourists. The historical remnants and the revegetation project are also of great interest and significance. It will function to keep people away from the more dangerous sections of this site eg: the rough walking trail close to the rocks and surf.

---

**Quadruple Bottom Line Assessment:**

**Economic:** **Applicable**

Will attract more visitors to Kiama and be an important part of the very popular Walking Track from Minnamurra to Kiama and conversely Kiama to Minnamurra.

**Social** (equity): **Applicable**

Create a safe and accessible place for all visitors to view the “Bone Yard”, a famous an iconic wave for surfers and recreational use by Rate payers and Tourists. Special interest in Kiama’s mining history.

**Environmental** (sustainability): **Applicable**

Provide protection for sensitive native vegetation by focussing visitor's access and attention.

**Cultural:** **Applicable**

Will enhance knowledge and understanding of \*Early history of the Kiama mining and extraction industry. \*show case the jewel in the crown of Kiama's surfing culture.

---

**Budget** (funding source):

Director of Works has advised \$15,000 is required to complete viewing platform. Minnamurra Lions Club currently considering involvement in this project that will be determined by their incoming Board later in June. Kiama Golf Club Board of Directors currently considering financial commitment towards the project that will be determined later in June. Note: The Boyd family farm originally covered most of Kiama Downs beach side and Minnamurra. The family donated land for construction of the Kiama Golf Club.





**From:** Al Thomas <arthomas2@bigpond.com>  
**Sent:** Wednesday, 13 June 2018 11:54 AM  
**To:** Mark Way  
**Cc:** Gino Belsito; Records  
**Subject:** Re: Cameron Boyd Viewing Platform-"Boneyard" Cliff Drive Kiama Downs

Hi Mark

The Board of Minnamurra Lions Club met last night and considered your request in relation to the Cameron Boyd viewing platform.

The Board determined that its priority for 2018/19 would be to assist Kiama Council in establishing the BMX track in the old Minnamurra Quarry providing the submission for funding in the Council Budget is approved.

The Board also determined that it "may consider" assisting with the construction of the Cameron Boyd platform in the future depending upon the work required in assisting with the construction of the BMX Track.

Al Thomas  
President  
Minnamurra Lions Club

Sent from my iPad

On 1 Jun 2018, at 12:22 pm, Mark Way <[myway@bigpond.net.au](mailto:myway@bigpond.net.au)> wrote:

Hello Al,

As per our recent phone conversation regarding the proposal from a Community group and myself to support the construction of a viewing platform overlooking the "Boneyard" in Cliff Drive Kiama Downs, I am requesting Minnamurra Lions Club to come on board with this project. Kiama Council staff and Minnamurra Lions do of course have a great working relationship on these Community projects such as Whale Watching Platform and covered seating at south Jones Beach Playground. The Cameron Boyd Platform will be similar to Whale Watching platform and will thus cover both north and south ends of the beach.

I appreciate Minnamurra Lions 'signing up' for BMX track in Minnamurra Quarry and that project is going ahead and shown in Council's Operational New Works programme Budget for 2018/19.

I also understand that the combined project with Kiama Lions for Respite centre in Kiama is going well and have the Cameron Boyd Viewing Platform for your members to consider taking on?

Have also requested Kiama Golf Club to come on Board financially to assist with construction costs which have been estimated by Councils Director of Works Gino Belsito at \$15,000. As your members are no doubt aware the "Boyd family farm" covered most of beach side of Kiama

Downs/Minnamurra and they donated land to the Golf Club to get that moving, so there are plenty of synergies with our community for this project.

Cameron Boyd a local surfing icon did unfortunately pass away approximately 4 years ago and the proposed viewing platform is to be located on the reserve named in his honour overlooking the Boneyard.

This platform will also be great for locals and tourists forming an integral part of the very popular Walking Track from Minnamurra to Kiama and conversely Kiama to Minnamurra.

I will be submitting an application for inclusion in Councils Operational Works programme and Budget for 2018/19.

As usual, I would be happy to come along to a meeting and discuss this proposal with members.

For consideration of Minnamurra lions Club members to be involved in this project.

Could you please distribute to members.

Thanks,  
Mark



Item 9.6

Attachment 26

21/05/2018

All correspondence:

Kerry McMurray  
General Manager  
Kiama Council

Kiama Downs SLSC Inc  
PO Box 3135  
Minnamurra NSW 2533  
Ph. (02) 4237 8580  
ABN: 71 918 486 420

Dear Kerry,

Club Supporters:



DOUGLAS  
BUILDERS



Minnamurra



Kiama & Minnamurra

SCOTT DOUGLAS

Raine & Horne.

0450 099 227



Fredericks IGA



Congratulation Kerry on your appointment as our new General Manager at Kiama Council we look forward to working with you on behalf of the Community we represent and protect.

I am writing on behalf of the Kiama Downs Surf Life Saving Club Inc regarding parking arrangements in the area of the Club House – situated at 150 North Kiama Drive, Kiama Downs.

Following Councils adoption of Operational Plan 2018/19 and Delivery program 2017-21 at the May Council meeting, Kiama Downs Surf Life Saving Club requests Council to include in the Capital Works programme for 2018/19, the Bitumen and Line marking of our car park across North Kiama Drive from our Club, as shown in Councils plan attached and allow \$80,000 in the Capital Works Budget for this project, as per Councils estimate to complete.

Councillor Mark Way has informed us of the concept design that has been developed by your Design Department to formalise the parking opposite the Club House on North Kiama Drive to the same standard as the car park opposite the shops on Johnson Street.

We would encourage you to include and prioritise this development on your Capital Works list if it is not already there.

Jones Beach is becoming increasing popular particularly at holiday times. In addition, the Kiama Downs Surf Life Saving Club has 300 Nippers now which is making Sunday mornings very busy periods during the season. The club is also building a reputation for holding well run and successful Surf Carnivals and we expect to conduct 2 or 3 such carnivals a year into the future.

Improvements to the parking arrangements would improve the safety and amenity of the area for locals and visitors in line with the facilities provided for Kiama, Shellharbour and Warilla Surf Clubs. It would also encourage the general public to access the northern area of the beach taking advantage of the patrolled area.

It would be great if you could pass this letter onto the other councilors for them to read and discuss their thoughts.

I, and members of the Executive, am willing to discuss this proposal with you or your delegate to arrive at a suitable solution to the parking problems in the area.

Ken Horspool  
Kiama Downs Surf Life Saving Club.  
0421 258 797  
[ken@kiamadownssurf.com](mailto:ken@kiamadownssurf.com)

Item 9.6

Attachment 26



**From:** Mark Way  
**Sent:** Tuesday, 22 May 2018 11:24 AM  
**To:** Kerry McMurray  
**Cc:** Mark Honey; Records  
**Subject:** Additional Capital Works Proposal 2018/19-Kiama Downs SLSC Car Park  
**Attachments:** Additional Capital Works Proposal- Kiama Downs Surf Life Saving Club Car Park 2018-19.docx; Kiama Downs Surf Club Carpark Design 2017.pdf

Hi Kerry and Mark,  
Please find attached proposal to add a Car Park (Bitumen and line Marked) for Kiama Downs Surf Life Savings Club. Surely we must support our Surf Clubs and Kiama Downs has a huge membership and Community support. I note Kiama SLSC has \$100,000 allocated to it and I agree, this would provide equity and need. The current situation is a “dogs breakfast” in regard to Car Parking for Kiama Downs Surf Club and Jones Beach patrons plus adjacent Community Basketball court. Council Car park plan also attached.  
I expect the KDSLSC will also make application for this project.  
Thanks,  
Mark



Mark Way  
**Councillor**  
**Kiama Municipal Council**  
**P:** 02 4232 0444  
**F:** 02 4232 0555  
**M:** 0481 035 590  
PO Box 75, Kiama NSW 2533  
[www.kiama.nsw.gov.au](http://www.kiama.nsw.gov.au)

**RESPECT • INNOVATION • INTEGRITY • TEAMWORK • EXCELLENCE**

**PRIVACY & CONFIDENTIALITY NOTICE**

*This transmission or any part of it is intended for the named recipient/s only. It may be confidential, privileged and/or subject to copyright. If you are not the intended recipient, any use, disclosure or copying of this e-mail or its attachments is unauthorised. If you have received this e-mail in error, please notify Kiama Council immediately by return e-mail or by a reverse charge telephone call to +61 2 4232 0444 and erase all copies of the message and attachments. No liability is assumed by Kiama Council for expressions of opinion in this communication which are other than the official opinion of Kiama Council and a communication of other than official opinion is not to be regarded as a communication from Kiama Council. While all care has been taken, Kiama Council disclaims all liability for loss or damage to person or property arising from this message being infected by computer virus or other contamination.*

# 2018/19 Draft Budget Additional Capital Works Proposal

**Project:**

Kiama Downs Surf Life Saving Club

**Description:**

Provision of Bitumen and Line marked Car Park, as identified in Council plan for Kiama Downs Surf Life Saving Club and patrons of Jones Beach plus Surf Life Saving Carnivals and use of adjacent basketball court will provide adequate car parking for these activities.

**Proponent:**

Mark Way

---

**Link to Community Strategic Plan:**

1.3 We live in a safe community

**Benefit/Need:**

Kiama Downs Surf Life Saving Club ensures safety of patrons at Jones Beach that includes 300 “Nippers” plus Senior members and each year conducts 3 Carnivals. To cater for beach patrons and members, the Club requires a Car Park that has a bitumen surface and line marking for all these vehicles to maximise usage.

---

**Quadruple Bottom Line Assessment:**

**Economic:** **Applicable**

Kiama Downs Surf Life Saving Club provides safe use of Jones Beach and accordingly limits the need for Council to provide additional Surf Life Guards.

**Social (equity):** **Applicable**

The benefits of having a Surf Life Saving Club at Kiama Downs, provides and assists in the social interaction of members and rate payers in the Kiama Downs area. Obviously the Club trains “Nippers” in Surf Life Saving and encourages interaction between these young members of our Community and their parents and friends. The Club also conducts regular social events that all members of the Community are invited to attend. Surf Carnivals are conducted on a basis of 3 per year plus “Rubber Ducky” events that the Club has won Australia titles.

**Environmental (sustainability):** **Applicable**

Item 9.6

Attachment 29

The Club patrols and maintains a litter free beach and promotes environmental outcomes for members of Club and Community.

**Cultural:** **Applicable**

The Club provides cultural interaction between all members of our Community with no restrictions on race, colour or nationality. Surf Clubs are Iconic Cultural Community based organisations in Australia that have always been supported by Council and Community.

---

**Budget** (funding source):

Kiama Cemetery has \$100,000 allocated in the current Budget and the \$80,000 as identified by Council as the cost required for these works could be taken from that area in the budget.

Mrs Kerry McGaw  
18 Oxley Avenue,  
Kiama Downs  
16<sup>th</sup> June, 2018

Draft Plan Submission

Dear Mr McMurray,

This is probably more a vision of what I would like the Council to do with two important spaces- the Showground and the soon-to-be old Ambulance Station, rather than something you will be able to complete in this plan. I also have a suggestion to help young people own homes in Kiama and some feedback on playgrounds.

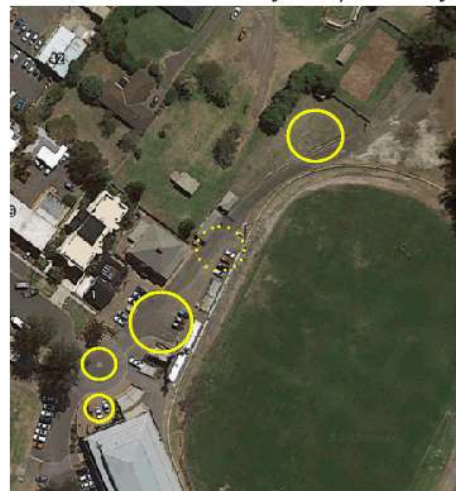
**1. The Showground:**

The Problems I am trying to Address:

- The Show:
  - At Showtime there is little seating space, especially shaded space to watch ring events.
  - The Woodchop is squashed in the corner and has no decent crowd seating and is boiling hot, even though it is in the morning.
  - There is not much in the way of lunch/ dinner seating, despite a move to increase the selling opportunities for local produce. What seating there is has no view of the events.
- The Produce Markets:
  - The traffic problems and space at Surf beach and Black beach have been raised by others. I think the showground would be a better place for the markets and they could run whatever the weather if you allowed inside the pavilion to be used on rainy and /or windy days.

My Suggestions

- The circle at the entrance to the Pavilion is a really strong design feature. I propose that those circles be repeated to the North: at least one paved circle near Bong Bong entrance and the rugby club to be a dining area and one grassy circle further north for the wood chop in show time (and an area that would adapt for other uses). You could repeat the circles the as often as there was room.
- My idea for the show is that you can sit at tables there and see the ring. Ideally I the long term, there should be a better permanent grandstand with space underneath for tables and chairs and tiered, covered seating above.



Something like this idea, but preferably concrete and raised enough at the front that you could see the field from below and still have seats above.



In the interim, I propose that the existing seating would have to be moved.



To increase seating available for all events, I propose the Council invest as soon as possible, in portable, covered, tiered seating which can be moved to the woodchopping circle at showtime then back to the oval or even used for other events across the town (cinema at Black beach or KISS festival for example).



Some examples from a "google search"

- These circles would allow traffic flow, but I suggest that the flow be changed. Especially if the Wednesday markets were relocated to the showground, parking would be important. My circled area would not be the place for traffic or parking- just pedestrians, seats, buskers. I suggest where the current track is around the east of the oval a one way road which allows parking near the eastern fence (still with a safe walking track) be allowed (and probably upgraded). This would go around the south side and meet up with the one-way loop from Bong Bong street entrance that currently exists.
- Emergency vehicles could still access the western side of the oval or could use the oval as a quick way to their destination.
- Also, at some stage the stables need up grading. They are a bit of an eyesore at the moment. Better stables may attract more horse events to town which is good for the economy.



**2. The Old Fire Station and Ambulance:**

The Problems I am trying to Address:

- Kiama needs an Art Gallery, a performance space and an extra space for dance lessons etc.

I suggest:

- There would be a lot more scope for these features if the building was 2 stories at Terralong St.
- At the Terralong Street level, the Fire Station remains and add an Art Gallery space, lots of glass walls. You could consider the Kiama Tourism moving there too.
- At the back on the bottom level, there would be a bank of toilets accessible from the park. It would be good if there was some at the street level as well, inside the Art Gallery? next to?
- Ideally, a theatre like IPAC in Wollongong would fit in behind.

I think this area requires careful planning to make the most of the opportunity it provides. Even if it has several stages as money becomes available, its vision should be clear form the start.

In the **Draft Operational Plan 2018-2019** page 12, Council says “According to the 2016 Census 22.69% of our population was aged between 0 to 19 years, while 31.75% were aged 60 years or over. This indicates a need to develop varied strategies to meet the requirements of the community at different life stages and to encourage young people to remain in the area.”

One of the most difficult things for young people in Kiama is affording housing. When my Mum and Dad were married in the 1950’s, they were allowed to purchase their land and build a garage that they turned into a flat. They lived in this while they built the house proper. I suggest that Kiama leads a state-wide movement where 1<sup>st</sup> home buyers can submit the whole plans for their houses with the construction in stages. Stage 1 can be a small section of the house built to live in while they save for a few years for the rest of the house. There could be a time limit on the building process if the community deems necessary.

The playground at Jones’s beach is a really good one. Plenty of interest for a variety of pre-school ages. The playground at Minnamurra river/ James Oates Reserve really needs a shade cloth. The slides get very hot in summer.

Yours sincerely,  
Kerry McGaw

Item 9.6

Attachment 30

**Mayor Mark Honey**

**Kiama Municipal Council**

I am responding to your invitation to write to Council in relation to matters of interest concerning Council's future activities.

I personally have considerable knowledge and expertise in Council activities having been the former Mayor of Canterbury City Council (the first elected by popular franchise) and then being a senior officer of that Council for six years following my retirement after being a member of Federal Parliament.

I wish to comment firstly on Council's recent submission to the Independent PRICING & Regulatory Tribunal (IPART) and that Tribunal's decision in response to that submission.

As you are aware, Council Applied for a 19.1% cumulative increase over 3 years to be retained permanently in the rate base. This was to increase its income by \$3.577 million at the conclusion of that period and increased the average residential rate by \$529 from the end of the third year ad-infinitum.

IPART stated in its decision that "Council has demonstrated the need for additional revenue to improve its financial sustainability and to fund operating and capital costs". *It went on to say inter-alia however, that IPART was not satisfied that the documents submitted contained sufficient information.*

IPART therefore decided to approve a 6% single year increase, the increase above the 2.3% rate peg or 3.7% is to be removed at the end of 2018-19. The increase will therefore increase the average residential rate by \$86 during 2018-19.

I opposed Council's application for the 19.1% increase on the grounds that it was not necessary for future capital or ongoing works. In my correspondence to IPART I pointed out the reasons for my opposition, which included those matters summarised as follows:-

- Council, I estimate, could expect to receive sale income of approximately \$5 to \$10 million for the land fronting Terralong Street (former Hardware Store) and extending and including the Carpark and former site of Western Printing Premises bounded by Akuna and Shoalhaven Streets and currently under Developer Application for the development of a proposed Aldi Supermarket and associated Shopping Centre
- Council, I estimate, could expect to receive a net income of \$25 million (after costs of development) with the sale of the 100 home sites it owns at Spring Creek (Mayor's Press Release in March)
- Councils Balance Sheet showing Investment Property being \$80 million

Date Received /2

18 JUN 2018

Kiama Municipal Council

- Council, I estimate, could also expect to receive income of approximately \$65 to \$80 million from the sale of the 59 Independent Living Units and the further Accommodation for 134 Residents at the New Blue Haven Bonaira Project at the old Kiama Hospital Site. This income would cover the repayment of the \$60 million Loan and have some millions left over. The Independent Units and Accommodation Care Units would then also bring in a steady income stream

Adding all the above estimated revenue in future years of approximately \$40 to \$50 million, there was therefore sufficient proof for me to convey this to IPART and thus oppose Council's application.

Council's Application to IPART did not contain any of the information outlined above in relation to the future sale of those assets, which I believe is the main reason why its application was generally rejected and any increase limited to one year. *The proposed sale of such assets should have been advised to IPART.*

Council needs to also take into account the ongoing additional rates it will receive from the huge number of units, town houses and duplexes being constructed presently in the municipality. I firmly believe that you as Mayor and the other Councillors need in future to more thoroughly examine the recommendations of your senior officers when seeking increases in rates. It is the Councillors who will bear the anger of ratepayers at future elections - *not the officers of Council.*

I have read your comments on how Council wants to relate more to residents on Council activities and seeks their advice. I am bold enough to make some of the following suggestions to bring Council closer to its residents and also make improvements in other areas that I consider require some attention.

- I understand that Council in the past has used revenue raised from the sale of assets towards the provision of further assets and not for use on other essential activities such as roads, footpaths and other necessary maintenance. This to my mind is not a sensible policy as revenue irrespective of where it comes from should be used for many activities including the provision of amenities such as the Blue Haven Complexes which I understand are profitable and the Recreation Centre, and Showground Pavilion Centre, which I understand are not profitable. All of these assets showing profits or losses should be shown in the published accounts each year for residents to be able to ascertain the use of such assets

/3

Item 9.6

Attachment 31

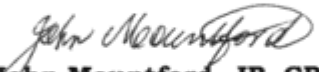
- The holding of at least one Council Meeting in Jamberoo and Gerringong each year to encourage local residents to become involved with and made more aware of Council activities and discussions. We did this in the four wards of Canterbury Municipality and despite the opposition of senior staff who did not like the organisation required for such meetings, they were well attended and received by the local residents
- Set a specific time aside at the General Open/Business Meetings of Council for residents to each have around 5 minutes for the raising of any matters of concern. Not the way you have it now with the requirement that prior notice and approval has to be given before people attending only the Committee Meetings. Have the courage to do it cold turkey without prior knowledge like I did it in Canterbury (the first Council in NSW to do so in 1978). I held the view then and still do now that if the Mayor or senior officers present could not satisfactorily answer questions or matters raised by residents they would receive a written answer within a week. True democracy does not need censorship
- Parking in the CBD and surrounding areas requires urgent attention as it is chaotic at best because there is no regular daily checking by a designated Parking Officer of the parking zones to ensure that motorists park only within the time limits displayed. At the present time some people park all day – especially those who work in the local shops, because they know that there is little or no policing of time limits. It is surely beneficial for shop proprietors that the limited parking spaces in the CBD are available for those people wishing to visit and spend money in their establishments. Council needs to appoint a full-time parking officer like it used to have some years ago to resolve this situation particularly now with all the new residential buildings being constructed which normally have only one parking space on-site for each unit which means that other family members have to park on the public road
- A further parking problem needs also to be resolved with the parking near the Main Beach on Wednesday afternoons for the Farmers' Market. There is no parking left anywhere within 200 metres which is hard on disabled residents (including myself and wife) accessing the medical centre opposite. This area will become worse when the units opposite are occupied. The Farmers' Market needs to be moved back to the Black Beach site

/4

I would like to receive your comments on the matters I have raised as I firmly believe in Councillors being willing and open to respond personally to ratepayers' and residents' concerns.

I therefore intend to forward a copy of my comments and concerns to the other Councillors.

Yours Sincerely

  
John Mountford, JP, CPA  
3 Attunga Avenue, Kiama Heights  
18<sup>th</sup> June, 2018

Item 9.6

Attachment 31

19<sup>th</sup> June 2018

The General Manager  
Kiama Municipal Council

RE: 2018 – 2019 Management Plan and Budget

Dear Mr Mc Murray,

Thank you for the opportunity to provide comments upon Council's Management Plan and Budget. My comments on these documents are as follows.

**Development of meaningful Key Performance Indicators**

The Management Plan is well written and beautifully presented. It provides some finer details around what the activities of the Council will be in the forthcoming 12 months. Whilst I acknowledge that the Management Plan in some ways is a document that evolves, I believe there is too many programs that do not actually have a Key Performance Indicator (KPI) but rather a measure of activity. As an example, many elements of the Management Plan that state a certain number of events be held each year and the KPI is the number of events held. This is purely a statement of activity, not performance. Surely a better way to report to the community about the resources committed to each activity would be to develop a KPI around the strategic intent behind the activity, the number of participants attending and a survey of satisfaction with the event completed by some attendees. I am sure that in a process of continuous improvement that the development of meaningful KPI's will be a priority for future Management Plan reporting.

**Budget – 6% Special Variation**

The initial Management Plan was presented with only a one-page summary of budget detail, which was of a very high level and really only detailed expenditure and income by natural expense category in operating statement format. I was pleased to see that Council, at a later date, included further details on the budget that detailed actual expenditure and income. Unfortunately closer examination reveals the budget information to be poorly presented and confusing. The budget appears quite disjointed in its structure and bears no relation to the structure of the Management Plan. The additional table does not have a grand total, includes items that are capital expenditure but also then provides these details again in a capital budget later, i.e they are doubled up. It is virtually impossible to easily reconcile the budget details presented with the Budget Income Statement on page 82. A better way to present the budget would be to have a separate budget/ledger for operating expenditure/income and capital items and also to show the details of movements of restricted cash/reserve items.

In order to improve the transparency and accountability to the community, the budget/ledger should be restructured to the same structure as the management plan so that the net cost of programs can be reported alongside each management plan activity.

**Allocation of overhead.**

Upon enquiry I was advised that the Council does not have an overhead allocation model but does allocate costs to specific business units based on the projected time allocated to administering these units. Whilst this might go part of the way towards recognising the true cost of services it is certainly a long way from a reliable method to understand the actual cost of activities. Not allocating overhead, or incorrectly allocating overhead can lead to incorrect pricing decisions and or under/overcharging for services. The Council should at as a matter of urgency given its recent 6% rate increase, look to develop an overhead distribution model that reliably allocates overhead to activities that consume overhead costs. For example, the Domestic Waste Management Function is required to charge the reasonable cost of these services to ratepayers, yet how can this cost be reliably attributed without full recognition of overhead.

**Domestic Waste Management**

The Code of Accounting and Financial Practice published by the NSW Office of Local Government requires that:-

- 17. An annual charge for domestic waste management (DWM) services must be made for each parcel of rateable land for which the service is available.
- 18. All revenues applicable to the DWM service must be restricted to the DWM activity.
- 19. All revenues and expenditures applicable to the DWM service must be accounted for as a distinct activity from any trade waste or other garbage activity.
- 20. Any surplus or deficit derived as a result of providing the DWM service for a period must be maintained in the DWM activity, and in the case of a surplus the cash component held as a restricted asset.

The budget details the following revenues and expenditure items

**Revenue**

2820 - Domestic Waste Management	\$5,381,448
7800 – Domestic Waste Management	\$2,666,692

**Expenditure/Capital**

2360 – Domestic Waste Management	\$4,620,239
7300 – 7310 Domestic Waste Management	\$1,258,130
7317 Domestic Waste Management Capital	\$ 95,000

**Surplus from operations** \$2,074,771

Due to the way the budget and financial information is reported would you please provide some further advice as to how this surplus is recorded as a restricted asset and where movements to and from the Domestic Waste Management restricted asset are included in the budget summary that shows the budget as a balanced budget.

The Domestic Waste and Garbage Service is currently carried out as a Council operation and I believe that this function, which is carried out by contractors in many other councils, has not been subject to



market testing for at least 5 years. In order to assure the community that they are getting the best value for money, the Waste Collection Service should be subject to an open tender exercise where a tender specification is developed and advertised to all appropriately qualified and experienced contractors, of which the council can apply. This will assure that the community that it is receiving this service at the best price and value. This item should be included as an item in the Management Plan.

**Other operational improvements**

At community meetings in late 2017 where you briefed the community about the need for a special rates variation, a part of this briefing advised that Council staff were actively reviewing systems and procedures in an effort to identify savings within the budget. This initiative is most laudable and I believe that these efforts and results arising should be reported in the regular quarterly review of the management plan and budget.

Thank you for considering my submission.

Yours sincerely,

P. Masterson

19 June 2018

Kerry McMurray  
General Manager  
Kiama Municipal Council  
PO Box 75  
Kiama NSW 2533

**RE: Kiama Farmers' Market Increased Stall Fee Objection**

Dear Kerry

The Kiama Farmers' Market Committee has received your letter in regards to the market stall fee increasing from \$4 back to \$9 as part of the 2018/19 Kiama Council budget.

Whilst this seems like a small increase in the overall scheme of Council's budget, we'd like to raise our objections to the stall fee increase for the following reasons:-

1. The Kiama Farmers' Market is a non-for-profit market in comparison to other commercially run markets in the LGA with funds reinvested in facilities, events, marketing and promotion
2. The stall fee charged to stallholders is purposely set at a low rate to encourage consistent attendance and to assist local producers in having a viable direct sales model
3. Other markets in the LGA operate for a longer period of time – i.e.: 5 to 6 hours in comparison to our 3 x operational hours
4. The Kiama Farmers' Market actively promotes community services, events and activities at no charge to encourage local participation and awareness – such as:-
  - a. Kiama Library – pop up library for “Library Week”
  - b. Red Shield Appeal
  - c. Kiama Community Garden
  - d. Blue Haven volunteer drive
  - e. Relay for Life fundraising
  - f. Kiama Council community campaigns
5. The market actively promotes healthy eating via cooking classes and market tours (often in conjunction with Kiama Council) at its own expense via the purchase of the ingredients and additional staffing costs

We appreciate that paying Council a reasonable fee to use Coronation Park is completely necessary to offset the maintenance and upkeep of the park, however we question the full price of \$9 per stall site given the reduced level of facilities at Coronation Park in comparison to Black Beach and in particular the lack of power and associated costs the market incurs each week to supply power to stallholders. Coronation Park also only has 1 x water tap in comparison to at least 3 x water taps at Black Beach and has less public toilet facilities.

We remain committed to making Coronation Park the permanent home of the farmers market, primarily based on the feedback from market shoppers and as a point of difference to the other weekend markets. To this effect the market committee committed the funds in December 2017 to purchase its own 30KVA generator, trailer and associated power distribution equipment. This constituted an investment in excess of \$15k.

The market committee strongly feels that Coronation Park is a better fit for the market but paying an additional \$150 to \$200 per week in stall site fees PLUS having to provide our own power at a significant investment cost requires a further level of negotiation with Council.

Ideally the farmers market would prefer the stall fee remaining at \$4 and not increasing at all, however in the interest of fairness and compromise the market would be able to manage a fee increase to \$6 whilst supplying our own power. In the future should power facilities be installed in Coronation Park then a return to paying the full stall fee would be expected and agreed.

We still remain open to providing Kiama Council with access to our 30KVA generator for the purpose of events and situations of emergency. Further conditions of use would need to be discussed with Gino Belsito should Council wish to proceed down this path. We have a secure storage location for our generator in Shoalhaven Street, opposite the Kiama Bowling Club, so conveniently located to the Council Depot in the case of an emergency or after hours.

Kerry the Kiama Farmers' Market Committee asks for this negotiation of the Kiama Farmers' Market stall fee be tabled at the June 2018 for further discussion before the 2018/19 budget is finalised.

Yours sincerely



Tricia Ashelford  
Kiama Farmers' Market Manager  
P: 0431 823 078 / 0411 454 720  
E: [kiamafarmersmarket@gmail.com](mailto:kiamafarmersmarket@gmail.com)

Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21

Item 9.6

General Manager Kiama Municipal Council  
Kerry McMurray

**Draft Operational Plan 2018-19 and Delivery Program 2017-21**

Dear Kerry,

Please find below the Combined Community Action Group's submission related to the subject document.

The recommendations have been developed or updated after reviewing the Council's response to our initial feedback on the earlier draft. Table 1 at the end of the document cross-references the initial CCAG recommendations and Councils feedback with the new or updated recommendations.

The CCAG would once again like to thank the Kiama Council for the opportunity to provide input to the Operational Plan 2018-19 and look forward to future collaboration with Council staff.

Yours Sincerely



Karen Renkema-Lang  
Chair Combined Community Action Group

Wednesday, 20 June 2018

Attachment 34

**Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21**

### **Under the heading 1.3.3 - Undertake Local Community Safety**

#### **Initiatives**

As reported in recent research there has been an increase in the number of disaster declarations by LGAs in NSW between 2004 and 2014<sup>[1]</sup> <sup>[2]</sup>. The number of LGAs declaring disasters rose significantly between 2009 and 2013, with flood and storm disaster declarations the most frequent type declared. In order to ensure the Kiama community remains resilient in the event of future disasters the CCAG:

1. Recommend including a new action to develop a Community Risk Management Plan and ensure the Council Risk Management Enterprise Framework and program of works incorporate environmental risks and mitigation strategies relevant to the community AND council operations. The Community Risk Management Plan should be informed by contemporary research such as that referred to above, and in accordance with the State Emergency Services and Rural Fire Services guidelines.

### **Under the heading 2.1.1 - Develop and implement appropriate land use plans**

The performance measure for “*Action 2.1.1.3 - Commence research and community engagement process to inform review of strategic and statutory land use planning documents*” is inadequate. Meaningful and genuine community engagement goes well beyond defining the vision and principles. In addition, the Council has already failed to meet this performance measure as the principles relating to development of the Town Centre Study (which will provide the blueprint for land use in the Town Centre) were defined without genuine community engagement. They were drawn from a number of disparate and dated documents.

2. Recommend replacing the performance measure “*Vision and principles to inform the review of strategic and statutory land use planning documents complete*” with the following:  
 Meaningful and genuine community engagement processes are defined that involve community participation throughout the development of key strategic and statutory land use planning documents – as measured by community survey.

Whilst the CCAG acknowledge that there has to be flexibility in the process of development assessment, the degree to which variations are allowed, particularly in terms of DCP clauses, should

**Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21**

be carefully restricted so as not to make the original DCP controls irrelevant. The more variation that is supported the harder it is for Council to demonstrate a consistent approach and defend its position when challenged. The LEP pays attention to consistency in the application by Council of its planning instrument clauses.

3. Recommend adding an additional performance measures *under 2.1.1.4 Assess Planning Proposals against relevant State Government legislation and Council Policy* as follows:
  - a. Variations to planning controls and DCP guidelines are minimised.
  - b. Development controls are used effectively to protect distinct village boundaries, character statements, heritage listings, zoning classifications, and the biodiversity of the most threatened ecological communities (measured by a reduction in the number of approved non-compliant proposals and community survey that elicits community satisfaction).
  
4. Recommend the action and performance measures against 2.1.1.5 be swapped and reworded as follows:

**Action:** Prepare a Kiama Town Centre Study

**Performance Measure:** Community engagement and feedback confirms that the Town Centre Study

  - a. is focused on clear public and community benefit
  - b. acknowledges the importance of the distinct local character, natural environment and the historical heritage for sustained economic growth
  - c. is forward thinking with regard to economic development and sustainable communities
  - d. identifies dependent council services (outside the scope of the study) but necessary to sustain the future Town Centre plan
  - e. is of the highest quality, and
  - f. is capable of providing direction for infrastructure design, planning control changes and future development in the Kiama Town Centre over the next 10 to 20 years.
  
5. Recommend new action to review planning outcomes and controls for the wider LGA giving consideration to population and dwelling projections for Kiama, as defined by the NSW Government [\[3\]](#). Consideration should also be given to new dwellings that will be made available from future greenfield sites already identified (such as Bombo Quarry) and

**Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21**

development recently completed, under development or currently approved.

Performance measure:

- a. Dwelling numbers increase at a rate consistent with NSW projections
- b. Risk of oversupply (particularly with regard to holiday rental accommodation) is reduced

### **Under the heading 2.1.2 – Recognise and protect our heritage**

The character and heritage of the Kiama LGA are significant attractions that underpin tourism and contribute significantly to Kiama’s economic well-being. The existing two actions under this section are not adequate, as the current heritage list does not include streetscapes or all structures and buildings of heritage value across the entire Kiama LGA. As such the action “2.1.2.1 - Assess development applications in accordance with relevant Heritage requirements” will have limited impact. Recommend strengthening Council’s ability to “Recognise and protect our heritage” by adding the following actions:

6. Review and revise the heritage definition for items to be listed on the Kiama LGA wide heritage list (and update list accordingly).
7. Review and revise Kiama LGA wide land use zone so that they are consistent with the distinct nature of all Kiama towns and villages
8. Define clear boundaries for Kiama town centre, Jamberoo village, and where appropriate North and South Kiama geographical areas.
9. Undertake activities to educate the community of the importance of preserving the character and heritage of all Kiama LGA towns and villages.

### **Under heading 2.1.3 - Recognise and protect our agricultural lands AND heading 3.1.2 Develop opportunities to increase economic output of rural land**

Revisions to rural land zones as a result of LEP reviews, updating of the Kiama Urban Strategy or planning proposals should be informed by current information about the value of rural land that may be impacted by the zoning changes. BASL (Biophysical Strategic Agricultural Land) maps are supposed to identify quality agricultural land worthy of protection. There is increasing pressure for residential development on agricultural land in Kiama LGA and Council needs to refer to appropriate data to

**Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21**

ensure valuable agricultural recourses are not lost. Maps detailing Strategic Agricultural Land in the Kiama LGA are available in the [downloadable zip file](#) (maps 41 and 42) on the Department of Planning Website - <https://www.planning.nsw.gov.au/policy-and-legislation/mining-and-resources/safeguarding-our-agricultural-land> .

Accordingly, the following changes are recommended:

10. New Action – If BASL data and maps related to the Kiama LGA are missing, of inadequate resolution, or restricted in coverage we recommend that the Council lobby the NSW Government for completion of maps and production of adequate data layers as soon as possible.
11. Additional performance measures for *Action 2.1.3.1 Protect and maintain productive agricultural lands through ensuring Council’s statutory and policy documents contain necessary framework* as follows:  
Productive agricultural lands – when identified in the finalised BASL Kiama LGA maps – are protected from rezoning.
12. Reword action 3.1.2.1 Develop Agribusiness Policy to include “that protects the Strategic Agricultural Land identified in the finalised BASL maps for the Kiama LGA”

### **Under the heading 2.2.1 - Implement adopted Coastal Management Programs and legislative requirements**

13. Recommend new action that the Council lobby the NSW Government for completion of the Coastal Vulnerability Area mapping under the new Coastal Management Act and the Coastal SEPP. <https://www.planning.nsw.gov.au/policy-and-legislation/coastal-management>.

The completion of these maps is crucial for:

- a. ensuring environmental assets are protected
- b. coastal hazards are managed
- c. development in the Vulnerability area is appropriately designed to withstand hazards
- d. strategic planning in the coastal zone is informed by appropriate understanding of hazards



Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21

### Under the heading 2.2.2: Protect and maintain environmentally significant natural areas

The Native Vegetation Regulation (NVR) map provides guidance to landowners on the management of their land under the recent revision of Biodiversity legislation in NSW. It is important for the Council to be aware of what actions relating mainly to clearing, landowners can do without the need for approval. <http://www.environment.nsw.gov.au/biodiversity/regulatorymap.htm>

Currently the State vegetation type mapping is incomplete and at too low a resolution to be of any real value in regard to detailed land use planning for Kiama particularly where areas of high conservation value are concerned - <http://www.environment.nsw.gov.au/vegetation/state-vegetation-type-map.htm>

14. Recommend that, where Native Vegetation maps and data related to the Kiama LGA is missing, of inadequate resolution, or restricted in coverage that the Council lobby the NSW Government for completion of maps and production of appropriate data layers.
15. Recommend that, as a member of the Illawarra/Shoalhaven Joint Organisation, Council take the lead in highlighting the importance of maintaining a healthy biodiversity of regional ecological systems, and that the Council urge the ISJO to undertake a regional environmental/biodiversity mapping study to identify and assess the health of:
  - a. key wetland and groundwater dependent ecosystems
  - b. natural habitat corridors of the most threatened ecological communities
  - c. native vegetation prevalence, and
  - d. the extent of noxious weed presence

### Under the heading 2.2.3: Ensure environmental protection compliance

16. Recommend a new action: Council will work with local environment groups, bushwalking groups and organisations such as the National Parks Association to highlight the high value biodiversity of the municipality.

**Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21**

17. Update the performance measure against action 2.2.3.2 *On-ground activities and biodiversity education to promote and enhance natural areas* as follows:  
Community education events, aligned to National Tree Day and World Environment Day, highlight the high value of biodiversity of the municipality.

**Under the heading 4.2.2 - Manage an effective workforce in an  
environment of continuous improvement**

18. Recommend new action: Periodically (at least bi-annually) conduct community useability assessment/testing of the KMC web-site which involve representatives from all demographic groups in the Kiama community.

**Under the heading 4.3.1: Foster positive community relationships  
through open communication, opportunities for participation and  
sharing of information**

As advised by Council in their response to the first CCAG submission, *“Community Indicators seek to reflect the whole community’s efforts to achieve the CSP Objectives...[and]... may be used to test the effectiveness of long-term strategic plans.”* Given that the Kiama Community Strategic Plan is devoid of community outcomes/community indicators, there is no way of measuring how the actions defined in the draft Operational plan will contribute to delivery of the CSP strategies and objectives.

Furthermore, there are no actions included in the draft Operational Plan that will “Foster positive community relationships through open communication or opportunities for participation”. The 11 actions all relate to passive “sharing of information”.

Finally there are no actions in the Operational Plan that comply with the Environmental and Planning Assessment Act<sup>[4]</sup> which states:

“The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.

Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.”

Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21

In order to address these significant oversights it is recommended that:

19. During development of key strategic plans (such as Town Centre Plans, Development Control Plans, the Kiama Urban Strategy, and the LEP) Council conduct community forums, public meetings and workshops to
  - a. ensure the Community has the opportunity to participate as early as possible, and to
  - b. enable community views to be genuinely considered.

**Footnotes:**

[1] <https://www.nature.com/articles/srep36369/tables/1>

[2] <https://www.nature.com/articles/srep36369#t1>

[3] <http://www.planning.nsw.gov.au/Research-and-Demography/Demography/Population-projections>

[4] Environmental and Planning Assessment Act 1979 No. 203 Division 2.6 Community Participation Clauses 2.23 2  
(d) and (e) - <https://www.legislation.nsw.gov.au/#/view/act/1979/203/part2/div2.6/sec2.23>

Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21

Table 1 CCAG initial recommendation and Council's response

CCAG Recommended on early draft of 2018/19 Operational Plan Actions Under the existing DP action 1.3.3.x Undertake Local Community Safety Initiatives ADD the following:	<b>Council Response to CCAG initial recommendations</b>	CCAG Follow-up and/or reference to new recommendations for inclusion in response to published public draft
<p>1. Undertake a consolidated risk assessment study that identifies the extent of Community exposure to risks from natural phenomena such as flash flooding, extreme weather events, bush fires, tidal surges, and sea-level rise that covers:</p> <ul style="list-style-type: none"> <li>- Safety of personal</li> <li>- Loss or damage to personal property</li> <li>- Loss or damage to Council facilities and infrastructure</li> <li>- Loss of revenue to the business community</li> </ul>	<p>1. The need for a comprehensive [risk management and] flood study for the whole LGA has not been demonstrated and would be cost prohibitive. [reference made to LEP flood effected layers and bush fire risk mapping]</p> <p>The following has been included in the updated draft:</p> <p>2.2.2.5 Bushfire prone land is accurately mapped and considered in planning process. – Review of bushfire prone land mapping is completed by 30/06/19</p> <p>2.2.1.1 Implement actions identified within adopted Coastal Zone Management Plans in accordance with funding and resource availability [This] will consider issues such as tidal inundation and sea level rise</p>	<p>Refer to recommendation 13 Also related to new recommendation 1.</p>
<p>2. Undertake activities such as community forums to ensure the Community is well informed of the extent of these risk and what actions they can take reduce the risk of damage to their personal safety, personal property or business revenue.</p>	<p>2. See response above – community engagement would need to follow the strategic work. Council state that We acknowledge that a suite of suitable Community Indicators is required to accurately review progress towards our long-term CSP Objectives.” but that they are only required to undertake a review process every four years to assess the effectiveness of the CSP in achieving its objectives.</p>	<p>Refer to new CCAG recommendation 19</p>

Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21

CCAG Recommended on early draft of 2018/19 Operational Plan Actions Under the existing DP action 1.3.3.x Undertake Local Community Safety Initiatives ADD the following:	<u>Council Response to CCAG initial recommendations</u>	CCAG Follow-up and/or reference to new recommendations for inclusion in response to published public draft
<p>3. Prepare a Kiama Climate Change Adaptation Strategy and Action Plan (to replace the plan developed in 2009)</p>	<p>3. The NSW Office of Environment and Heritage is leading the Shoalhaven Illawarra Enabling Regional Adaptation (SIERA) project to develop regional capacity and identify adaptation pathways that build resilience to climate extremes and minimise impacts on local communities across the region. As suggested by CCAG we will include an additional action in the OP as follows 1.3.3.7 Participate in the Shoalhaven Illawarra Enabling Regional Adaptation Project – Attend regional workshops and provide input as appropriate.</p> <p>4. This will be considered once Council has developed a new Corporate Enterprise Risk Management Framework.</p>	<p>No further recommendations. The CCAG agree that addressing adaptation at a regional level has merit, providing Kiama Council follows through with the action 1.3.3.7</p>
<p>4. Develop a Community Risk Management Plan and ensure the Council Risk Management Enterprise Framework<sup>1</sup> and program of works incorporate environmental risks and mitigation strategies relevant to the community AND council operations</p>	<p>4. This will be considered once Council has developed a new Corporate Enterprise Risk Management Framework.</p>	<p>Refer to new CCAG recommendation 1.</p>

<sup>1</sup>mentioned in over 20 actions in the draft Operational Plan provided to the CCAG  
Page 10 of 18  
Wednesday, 20 June 2018

Combined Community Action Group submission on public draft Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21

<p>CCAG Recommended on early draft of 2018/19 Operational Plan Actions Under the existing DP actions 2.1.1.1.4 "Develop and implement appropriate land use plans" and 2.1.2.x "Recognise and protect our heritage." ADD the following:</p>	<p><u>Council Response</u></p>	<p>CCAG Follow-up recommendations for inclusion in response to published public draft</p>
<p>5. Define clear boundaries for Kiama town centre, Jamberoo village, and where appropriate North and South Kiama geographical areas.  and Under DP Actions 2.5.x.x - ADD the following Operational Plan Actions  15. Develop a Kiama Town Centre Master Plan (in the vein of the 2002 Kiama Town Centre Charrette) that considers the outcomes of actions 1, 3, 4, 5, 6, 8, 10, 12, 14 and 15 above</p>	<p>5. Zones are used to define urban uses around towns and the Kiama Urban Strategy is the strategic document that guides the consideration of additional urban opportunities.  Existing Action 2.1.1.3 commits to the commencement of research and a community engagement process to inform the review of strategic and statutory land use planning documents. The EP&amp;A Act and Regulation provide for the engagement requirements associated with planning processes. Note that the performance measure for this action is that Vision and principles to inform the review of strategic and statutory land use planning documents complete.  Also note that the draft consultant's brief for the Town Centre Study (the subject of the recent KCP and CCAG meetings) has already defined a set principles.  We will add an activity to the OP 2018-19 as below: 2.1.1.5 – Review planning outcomes and controls for Kiama Town Centre – Prepare a Kiama Town Centre Study by 30/11/18.</p>	<p>Refer to new CCAG action 7.  With regard to Action 2.1.1.3 – refer to new CCAG action 2.  With regard to the Town Centre Plan refer to new CCAG recommendation 4</p>

Page 11 of 18  
Wednesday, 20 June 2018

Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21

<p>CCAG Recommended on early draft of 2018/19 Operational Plan Actions Under the existing DP actions 2.1.1.1.4 "Develop and implement appropriate land use plans" and 2.1.2.x "Recognise and protect our heritage". ADD the following:</p>	<p><u>Council Response</u></p>	<p>CCAG Follow-up recommendations for inclusion in response to published public draft</p>
<p>6. Update the Kiama heritage listing to ensure: - the current <u>heritage definition</u> for items to be listed on Kiama LGA heritage list is reviewed and updated, and - in accordance with the updated definition all heritage items (including heritage streetscapes and precincts) are included in the revised heritage listing.</p>	<p>6. There is no budget allocation to undertake a comprehensive review of Heritage listings for the LGA – a project of this nature would require a significant financial allocation.  We will include a commitment to undertake the Terralong Street Heritage Precinct LEP Review as below:  2.1.2.2 – Protect and maintain heritage items through LEP and DCP Controls – Identification and introduction of controls for the Terralong/Manning Street Heritage Precinct into the Kiama LEP by 30/06/19.</p>	<p>Refer to recommendation 6 (reiterated from last submission)</p>
<p>7. Undertake activities to educate the community of the importance of preserving the character and heritage of all Kiama LGA towns and villages.</p>	<p>7. There are no plans for an education program related to preserving character and heritage. It is unclear what this would look like or achieve.</p>	<p>Refer to recommendation 9 (reiterated from last submission)</p>
<p>8. Review and revise existing municipality land use zone so that they are consistent with the distinct nature of all Kiama towns and villages</p>	<p>8. Current action 2.1.1.3 commits to the commencement of research and a community engagement process to inform the review of strategic and statutory land use planning documents.  Note this is the same action (and performance measure) as their response to our recommendation 5 above.</p>	<p>Refer to recommendation 7 (reiterated from last submission)</p>

Page 12 of 18  
Wednesday, 20 June 2018

Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21

	<u>Council Response</u>	CCAG Follow-up recommendations for inclusion in response to published public draft
<p>CCAG Recommended on early draft of 2018/19 Operational Plan Actions Under existing DP action 2.2.2.x "Protect and maintain environmentally significant natural areas" ADD the following actions:</p> <p>9. Council to liaise with NSW Office of Environment and Heritage to determine details of and a timeframe for environmental mapping (Native Vegetation Regulatory Map NVRM) covering Kiama LGA in association with the new Biodiversity Act.</p>	<p>We are not aware of any concerns relating to the nature of existing biodiversity mapping for the LGA, nor of any initiatives of OEH to review biodiversity mapping for the region or Council.</p>	<p>Refer to the section "Under the heading 2.2.2....." and new CCAG recommendation 14.</p>
<p>10. Undertake a local environmental/biodiversity mapping study to identify and assess the health of:</p> <ul style="list-style-type: none"> <li>- key wetland and groundwater dependent ecosystems</li> <li>- natural habitat corridors of the most threatened ecological communities</li> <li>- native vegetation prevalence, and</li> <li>- the extent of noxious weed presence</li> </ul>	<p>[noxious weeds are] managed by the Illawarra Shoalhaven Joint Organisation (ISJO)</p> <p>10. Again we are not aware of any concerns or initiatives of OEH on this matter.</p>	<p>Refer to the section "Under the heading 2.2.2....." and new CCAG recommendation 15.</p>
<p>11. Council to pro-actively engage with the NSW Government to secure funding to complete a local biodiversity mapping study and to complete the High Value Agricultural Land mapping.</p>	<p>11. Again we are not aware of any concerns or initiative of OEH on this matter.</p> <p>Current Action 2.1.3.1 commits to engagement with DPI – Lands to determine a timeframe for an agricultural classification mapping project.</p>	<p>Refer to section "Under heading 2.1.3.....and 3.1.2" and associated new CCAG recommendations 10, 11 and 12</p>

Page 13 of 18  
Wednesday, 20 June 2018



Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21

<p>CCAG Recommended on early draft of 2018/19 Operational Plan Actions <u>Under existing DP action 2.2.2.x "Protect and maintain environmentally significant natural areas" ADD the following actions:</u></p>	<p><u>Council Response</u></p>	<p>CCAG Follow-up recommendations for inclusion in response to published public draft</p>
<p>12. Undertake activities to ensure the Community is well informed of the Kiama biodiversity risk - for example presentations to schools, community forums and workshops, land-care, beach care, retirements villages and at local precinct meetings</p>	<p>12. Existing action 2.2.3.2 commits to community education events that are appropriate to our resourcing capacity.  I note that the performance measuring for this is "Community education events aligned to National Tree Day and World Environment Day"</p>	<p>Refer to new CCAG recommendations 16 and 17.</p>

<p>CCAG Recommended on early draft of 2018/19 Operational Plan Actions <u>Under the existing DP Action 4.3.1.x - Facilitate effective engagement with the community on Council activities and policies</u> <u>ADD the following actions</u></p>	<p><u>Council Response</u></p>	<p>CCAG Follow-up action</p>
<p>13. Conduct workshop with relevant community groups to determine and prioritise "Community Indicators" that identify tangible outcomes for the Kiama Community.</p>	<p>13. Development of Community Indicators as measures towards achieving the CSP Objectives will be included in the next Community Strategic Plan engagement activities. However, a new CSP is due until 1 July 2021. So community engagement activities would commence in late 2020.</p>	<p>Refer to section "Under the heading 4.3.1...." and new CCAG recommendation 19.</p>

Page 14 of 18  
Wednesday, 20 June 2018

Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21

<p>CCAG Recommended on early draft of 2018/19 Operational Plan Actions Under the existing DP Action 4.3.1.x - Facilitate effective engagement with the community on Council activities and policies <u>ADD the following actions</u></p>	<p><u>Council Response</u></p>	<p>CCAG Follow-up action</p>
<p>14. Ensure the Community indicators identified are cross referenced in all subsequent revisions of planning documents (specifically the community engagement strategy review identified as a performance measure in existing action 4.3.1.5 but also in future revisions of the delivery strategy, operational plans</p>	<p>Same response as above</p>	<p>Refer to section "Under the heading 4.3.1...." and new CCAG recommendation 19.</p>



Page 15 of 18  
Wednesday, 20 June 2018

Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21

CCAG Recommended on early draft of 2018/19 Operational Plan Actions Under 2.3.1.x existing DP action "Conduct development and building assessment/approval functions in accordance with statutory requirements, policies and procedures" ADD the following Operational Plan actions	<u>Council Response</u>	CCAG Follow-up action
<p>16. Ensure population and dwelling projections for Kiama, as defined by the NSW Government<sup>2</sup>, are referenced and considered in planning documents and development controls.</p>	<p>16. Population and dwelling projections are prepared by the NSW Government and inform regional strategic planning documents and programs that influence the planning framework for Kiama. This is a planning context matter for Kiama, to be considered in our strategic and statutory planning reviews and not appropriate as an Operational Plan action.</p>	<p>Refer to new CCAG recommendation 5.</p>
<p>17. Update the KUS, DCPS for each town and village, and the LEP to ensure appropriate development controls are in place that</p> <ul style="list-style-type: none"> <li>-are consistent with the newly defined town boundaries and character statements, heritage list, and zoning classifications (as per actions 5, 6, and 8 above)</li> <li>- are consistent with the climate change adaptation and action plan and the community risk assessment plan (as per actions 3 and 4)</li> <li>-are consistent with the new Kiama Town Centre Master plan (action 13)</li> <li>- identify and protect key wetland and groundwater dependent ecosystems and the natural habitat corridors of the most threatened ecological communities (as per action 10), and that</li> <li>- are consistent with the community indicators and outcomes (as per action 12).</li> </ul>	<p>17. Please see responses to 1, 3, 5 and 9 above.</p>	<p>No further recommendations for the operational plan but recommend that the CCAG have the opportunity to provide input to the Community Participation Plan, Town Centre Plan, LEP, Kiama Urban Strategy and Development Control Plans.</p>

<sup>2</sup> <http://www.planning.nsw.gov.au/Research-and-Demography/Demography/Population-projections>  
Page 16 of 18

Wednesday, 20 June 2018

Combined Community Action Group submission on public draft  
Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21

CCAG Recommended on early draft of 2018/19 Operational Plan Actions Under 2.3.1.x existing DP action "Conduct development and building assessment/approval functions in accordance with statutory requirements, policies and procedures" ADD the following Operational Plan actions	<u>Council Response</u>	CCAG Follow-up action
18. Revise the Council S94 plan to include increased amounts (and changed formulas) so that developer contributions remain consistent with current and future property values	18. Consumer Price Indexing is already included in contributions plans. This suggestion is not consistent with the proposed approach to development contributions.	No further recommendation
19. Ensure the development controls specified in the KUS, DCPs and LEP are imposed on all development applications.	19. This suggestion is not consistent with the flexibility provided for through legislation in the consideration and application of development controls to development applications.	Refer to new CCAG recommendation 3.

Page 17 of 18  
Wednesday, 20 June 2018

Combined Community Action Group submission on public draft Kiama Council Operational Plan 2018-19 and Delivery Program 2017-21

	<u>Council Response</u>	CCAG Follow-up action
<p>CCAG Recommended on early draft of 2018/19 Operational Plan Actions                      Under existing DP Action 4.3.1.x "Foster positive community relationships through open communication, opportunities for participation and sharing of information." ADD the following actions:</p> <p>20. Implement improvements to the Council website to facilitate community engagement and accessibility of information related to Development Applications - as per correspondence from the CCAG in 23 March 2018.</p>	<p>20. This is an ongoing business improvement commitment of Council – see Council report 14.9 of 20 March 2018 for update of initiatives. Work is already progressing on making information related to DAs more accessible via Council's website – whilst giving due consideration to Privacy, GIPA and Copyright legislation. As this project is due for completion prior to 30 June 2018 there is no requirement to carry this over to the 2018-19 Operational Plan.</p>	<p>No further recommendation</p>
<p>21. Meet with the CCAG on an annual basis to review the effectiveness and ease of use of the Council web-site with regard to action 12.</p>	<p>Refer to item 20 above</p>	<p>No further recommendation</p>
<p>22. Periodically (at least bi-annually) conduct community useability assessments/testing of the KMC web-site which involve representatives from all demographic groups in the Kiama community.</p>	<p>Refer to item 20 above</p>	<p>Refer to new CCAG recommendation 18.</p>

Page 18 of 18  
 Wednesday, 20 June 2018

Dear Mr McMurray,

Thank you for the opportunity to present a submission, and my apologies it has been left to the final deadline.

I would make the following comments for consideration:

- Council to consider to provide a public dressing shed/ Rooms at Gerringong Surf Club premises. The population of Gerringong is growing and especially the Nippers Surf lessons attract approx. 200 children on Sundays. There is no public access to the Surf Club for changing, and I believe Council needs to plan and set aside funding as a future Capitol Works project.
- Re-sealing and organisation of the Parking area (Crooked River Road) at the entrance of the Public footpath and accessway to Walker's Beach. I would also like to see a tourist information sign indicating that the public can use the track to walk to Walker's Beach. This area is untidy and the loose gravel make it uninviting to the Public to use. I would request That Kiama Council set funds aside as a future project to restore the Public walkway, near the boundary of the golf course, to its former status and made available for the use of the general Public.
- I would like to see funds made available for greater marketing and promotion of the Kiama Health Plan and Council's achievements. Kiama is highly regarded at a Global level for the ground breaking work with the development of the Kiama health Plan; recognition by (WHO) as a Healthy City in 2008 and a raft of diverse projects that have grown from the recognition of the policy i.e. Coastal walking track, Dementia friendly Kiama, Age -friendly Blue Haven Aged Centre of Excellence and many more. I believe increased promotion and marketing of Kiama as a community that is working together for a healthy, sustainable and caring Community and with the international recognition of being a member of the Alliance for Healthy cities AFHC (WHO) will encourage domestic and international tourism and visitation to the area. Kiama Council is recognised as a leader in Health Planning and community development and this needs to be showcased as a point of difference in comparison to other regional areas of Australia.

Congratulations, on the excellent presentation of the draft documents. I liked that Council's Vision, values and principles are clearly articulated right throughout and the photographs of residents and much loved community spots truly capture the spirit of our community.

Regards,

Sandra McCarthy.

## 10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

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

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

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

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

Item 10.1

#### Summary

This report assesses a development application seeking consent for construction of an attached dual occupancy and subsequent 2 lot Torrens Title subdivision.

The proposed development seeks a variation to Kiama DCP 2012 Chapters 2 – Overall Controls & 4 – Low Density Development:

- Section 6 (Chapter 2) – building height plane;
- Control C3 (Chapter 4) - cut and fill external to the building footprint limited to 900mm; and
- Controls C26/C56 (Chapter 4) - solar access to private open space (POS) and living room.

Two submissions were received following notification of the proposed development.

The report recommends approval of the application.

#### Finance

N/A

#### Policy

N/A

#### Reason for the Report

The proposed development seeks variation to Council's DCP controls that are not minor.

#### Communication/Community Engagement

Required: Yes (letter notification)

Notification Period: 14 days from 26/3/2018 to 9/4/2018

Submissions: 2 submissions

#### Attachments

1 10.2018.55.1 - plans [↓](#)

#### Enclosures

Nil

Report of the Director Environmental Services

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

---

**RECOMMENDATION**

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

**Development Site**

The property is described as Lots 279 and 280 DP 30126 which is located at 6 Elanora Road Kiama Heights.

The overall site measures 739.8m<sup>2</sup> in size and is rectangular in shape. The site currently contains a Class 1 building and is bounded by residential land to the east containing principally dwellings. Elanora Road borders the land to the north and Reserve borders the land to the west and south.

The site is zoned R2 Low Density Residential under Kiama Local Environmental Plan (LEP) 2011.

The site is cleared and slopes initially steeply, and then more moderately, from north downward to the south. The site drains to the adjoining Reserve. Access to the property is obtained from Elanora Road. The site is serviced by water, sewer, electricity and telecommunications.



**Locality Plan**

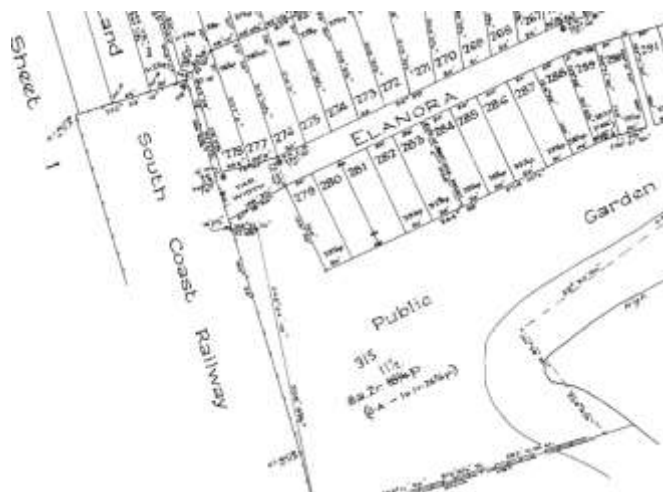
The site is approximately 36m from the rail corridor (South Coast Railway) and is potentially subject to noise and vibration from the adjacent transport corridor.

Item 10.1



Report of the Director Environmental Services

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



Item 10.1

**Description of the Proposed Development**

The proposal involves demolition of the existing dwelling (constructed over Lots 279 & 280) and concrete driveway extending diagonally across both lots, construction of an attached dual occupancy on Lot 280 with subsequent 2 Lot Torrens Title subdivision of the dual occupancy. Lot 279 will remain vacant and subject to a future development proposal.

The details of each of the dwellings is as follows:

<b>Dwelling 1 (Lot 2801) 166.13m<sup>2</sup> GFA</b>	<b>Dwelling 2 (Lot 2802) 166.13m<sup>2</sup> GFA</b>
<p><u>Garage Floor</u></p> <ul style="list-style-type: none"> <li>• Single lock-up garage</li> <li>• Entry hall</li> <li>• Study</li> </ul> <p><u>Upper Floor</u></p> <ul style="list-style-type: none"> <li>• Master bedroom with ensuite, WIR and balcony</li> <li>• Bedrooms 2 &amp; 3</li> <li>• Bathroom</li> </ul> <p><u>Ground Floor</u></p> <ul style="list-style-type: none"> <li>• Open plan kitchen, dining, living</li> <li>• Media room with study nook</li> <li>• Bathroom</li> <li>• Laundry</li> <li>• Pool</li> </ul>	<p><u>Garage Floor</u></p> <ul style="list-style-type: none"> <li>• Single lock-up garage</li> <li>• Entry hall</li> <li>• Study</li> </ul> <p><u>Upper Floor</u></p> <ul style="list-style-type: none"> <li>• Master bedroom with ensuite, WIR and balcony</li> <li>• Bedrooms 2 &amp; 3</li> <li>• Bathroom</li> </ul> <p><u>Ground Floor</u></p> <ul style="list-style-type: none"> <li>• Open plan kitchen, dining, living</li> <li>• Media room with study nook</li> <li>• Bathroom</li> <li>• Laundry</li> <li>• Pool</li> </ul>

The proposed dual occupancy has a gross floor area (GFA) of 332.26m<sup>2</sup>.

Report of the Director Environmental Services

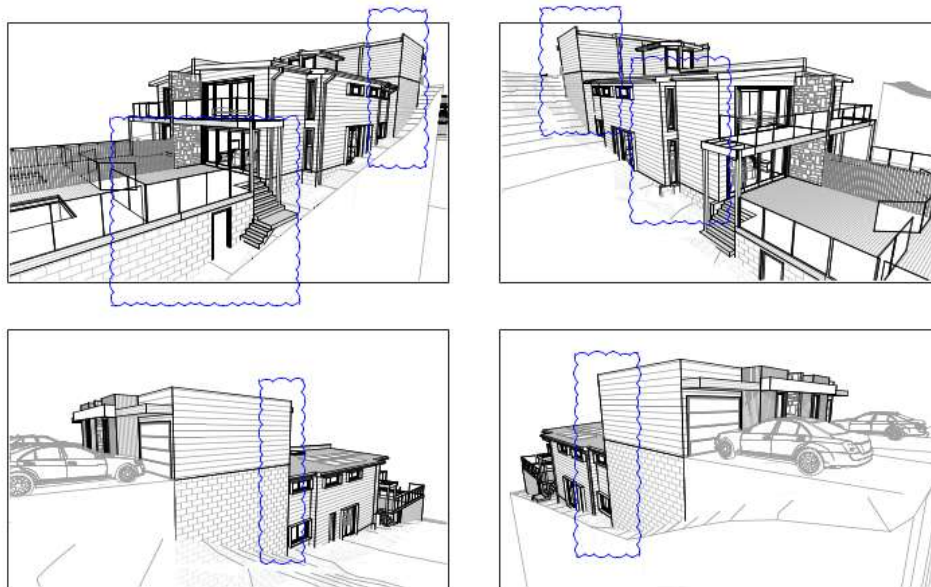
10.1 10.2018.55.1 - Lots 279 & 280 DP 30126 - 4 & 6 Elanora Road, Kiama Heights - Attached dual occupancy and 2 lot Torrens Title subdivision (cont)

External finish materials and colours consist of Colorbond custom-orb metal roof 'Dune' in colour, walls a combination of masonry (described as "light earthy tones") and horizontal FC cladding (Dulux Lexicon).

Primary Private Open Space for each dwelling is in the form of a deck area with pool accessed from the ground floor living area. The backyard area of each respective dwelling is accessible from the side of the deck.

Waste storage is proposed within the garage with collection to occur from Elanora Road. Vehicular access is obtained from Elanora Road.

**Item 10.1**



All three levels of each dwelling are accessible by an internal lift, as well as via internal stairs.

The proposed development also incorporates roof mounted solar panels. The original proposal included roof mounted wind turbines; however these were deleted from the proposal due to noise concerns.

It is proposed to subdivide Lot 280 to create Lot 2801 and Lot 2802 and both new lots will be 371.6m<sup>2</sup>. No development is currently proposed for Lot 279.

**Section 4.15 Assessment**

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

**Relevant Environmental Planning Instruments**

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

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

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

## Report of the Director Environmental Services

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

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

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

A BASIX Certificate (895436S) was lodged for the new dwellings with the application, which demonstrates that each dwelling has been designed in accordance with BASIX.

- State Environmental Planning Policy (Infrastructure) 2007

Clause 87 of the SEPP requires consideration of the impact of rail noise or vibration on non-rail development, such as residential accommodation, on land adjacent to a rail corridor.

The proposed development site is approximately 36m from the rail corridor (South Coast Railway) and some 60m from the railway line, so potential noise and vibration from the transport corridor is not expected to be unacceptable. Should development consent be granted, condition of consent will be applied, in accordance with Clause 87(3) of the SEPP, requiring the building be constructed to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom - 35 dB(A) at any time between 10.00pm and 7.00am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

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

With reference to the proposed demolition a Hazardous Materials Survey Report has been prepared by Opterra (dated April 2018). The report identified the presence of hazardous materials within the building and recommended these materials be removed prior to demolition work. Conditions of consent will be imposed accordingly, should the development be approved.

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

Clause 9 and 10 of the SEPP (Vegetation in Non-Rural Areas) 2017 outlines that consent is required for the clearing of certain vegetation in non-rural areas. Council's Development Control Plan (DCP) 2012 outlines that certain trees can be removed without requiring consent. Trees are proposed to be removed as part of this development, which forms part of this development application. The removal of this vegetation is not inconsistent with the provisions of the SEPP.

- Kiama LEP 2011

Clause 2.1 Land Use Zones

## Report of the Director Environmental Services

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

The subject land is zoned R2 – Low Density Residential under LEP 2011. The proposal is defined as a *dual occupancy* under the provisions of the LEP 2011, which are permitted with consent in the zone. As the proposal will provide for the housing needs of the community within a low-density residential environment, it 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. Sheet *LZN\_012* identifies that a minimum lot size of 450m<sup>2</sup> applies to the site. The proposed subdivision seeks to create Lot 2801 (with Dwelling 1) at 371.6m<sup>2</sup> and Lot 2802 (with Dwelling 2) also at 371.6m<sup>2</sup>.

The applicant had requested an exception to Clause 4.1 under the provisions of Clause 4.6; however LEP 2011 has been amended in the interim with the introduction of Clause 4.1D. In particular, 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*
- (b) *the erection of either a semi-detached dwelling or dwelling house on each lot resulting from the subdivision.”*

The proposed development will result in lots each having an area of 371.6m<sup>2</sup> and each containing a semi-detached dwelling, thereby complying with clause 4.1D(4).

The proposed subdivision component is permissible under clause 4.1D and therefore is no longer reliant upon an objection to the Clause 4.1 minimum lot size development standard by way of Clause 4.6 of the LEP.

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. Sheet *HOB\_012* of the Kiama LEP 2011 identifies that a maximum building height of 8.5m applies to the site. The proposed dual occupancy will have a maximum height of 8.378m above existing ground level and as such complies.

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. Sheet *FSR\_012* 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 the Kiama LEP 2011 the *gross floor area* of the proposed development is 332.26m<sup>2</sup>. The proposed development has a FSR of 0.449:1 and as such complies, both pre and post land subdivision. Council’s calculations using Trapeze software confirm these calculations.

Other relevant LEP Clauses

## Report of the Director Environmental Services

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

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

Clause 6.1 lists requirements for land affected by Acid Sulfate Soils. The site is not mapped as potentially subject to Acid Sulfate Soils.

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 dual occupancy separate development consent is not required.

**Any draft Environmental Planning Instruments**

- Draft State Environmental Planning Policy 55 – Remediation of Land

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.

**Development Control Plans (DCPs)**

- Kiama DCP 2012

The proposed development is not inconsistent with Kiama DCP 2012.

Chapter 2- Overall Controls

*Demolition:*

*During Construction:* conditions to be added to ensure compliance.

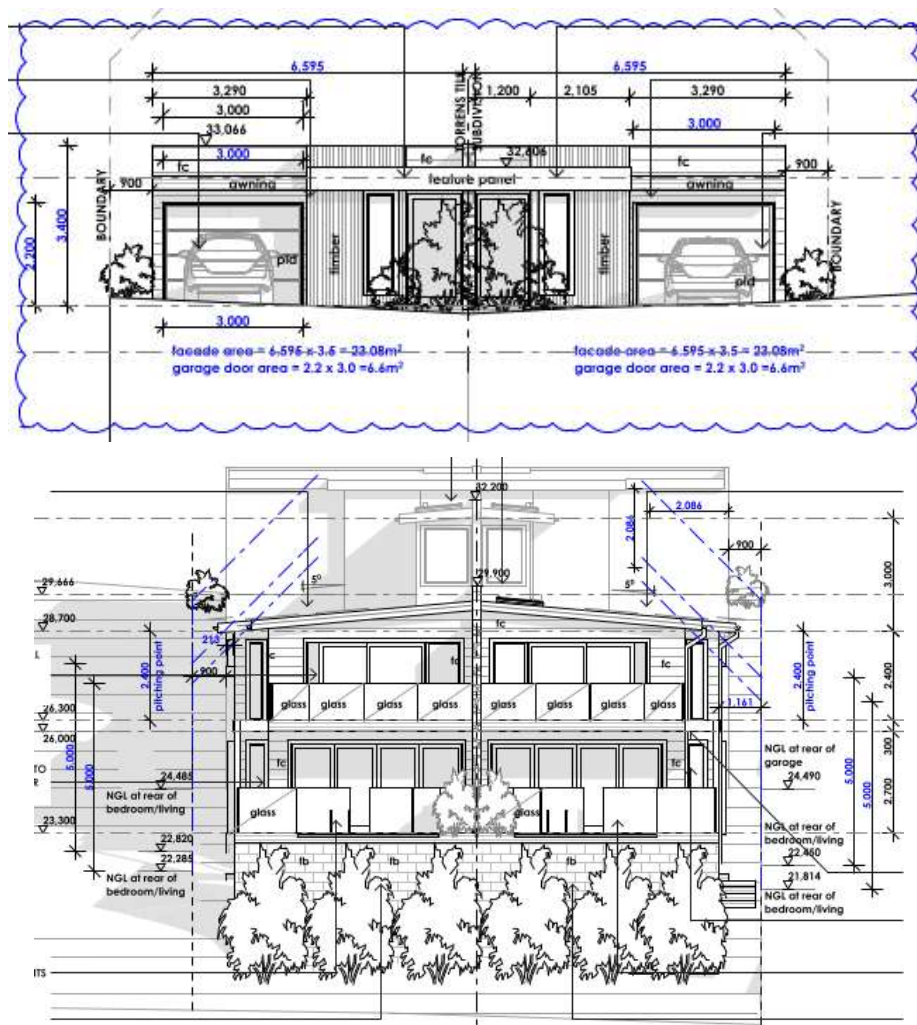
*Adaptable Housing:* the proposed dwellings have been designed to comply with AS 4299 for adaptable housing.

*Views & Vistas:* Due to the slope/position of the land the proposed development will not unreasonably/significantly detract from any existing views of the Tasman Sea. No objections have been received in regards to view loss.

*Building height plane:* The submitted elevations show that the development is compliant with Section 6 of Chapter 2 of the DCP 2012.

Report of the Director Environmental Services

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



Elevations with BH plane

**Building lines:** The subject site is identified in the DCP 2012 Building Lines maps as requiring a front and rear 6m building line. A 6m setback is observed to front of the building and a 7m setback is observed to the garage doors.

There is no clearly defined established building line in Elanora Road, with other developments adopting a range of front setbacks. It is therefore reasonable to use the mapped 6m front setback, as is proposed.

The proposed rear setback is 6m to the edge of the pool/deck area.

The required side boundary setbacks are 900mm to a side wall and 675mm to an eave or fascia. The proposed development will result in minimum 900mm side setbacks.

**Foreshore Building Lines (FSBL):** the site is not within a foreshore area.

**Reflectivity in building materials:** External finish materials and colours consist of Colorbond custom-orb metal roof 'Dune' in colour (having a medium solar absorptance), walls a combination of masonry (described as "light earthy tones") and horizontal FC cladding (Dulux Lexicon). This is generally considered to be acceptable.

Item 10.1

## Report of the Director Environmental Services

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

---

*Right to farm:* the site is not within or adjacent to rural land.

*On Site Sewage Management (OSSM):* the proposed development does not include an OSSM.

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

*Fencing:* No fencing is proposed. It will be conditioned that any proposed fencing comply with the requirements of SEPP (Exempt and Complying Development Codes) 2008.

#### Chapter 4- Low Density Development

*General Controls:* The development is 2 storey in height. The proposed dwellings have a maximum length of approximately 24m (excluding the pool/deck). The component of the two-storey development located beyond 12m of the front building line will not impact upon the privacy of adjoining neighbours as the windows on the top floor are bedrooms and a bathroom that all utilise high light windows.

Due to the orientation of the site the component of the 2 storey development located beyond 12m of the front building line will not result in any unreasonable overshadowing. The topography of the site will reduce the overall visual bulk of the development as it falls away from the street.

Excavation external to the perimeter of the building will exceed 900mm and a variation to the DCP control is proposed.

The proposed separation between adjoining dwellings and placement of windows will ensure that the proposed development does not unreasonably affect the privacy of adjoining properties.

The submitted shadow diagrams show that the overshadowing impact of the proposed development will not be unreasonable to neighbours.

The proposed development incorporates a good level of articulation and results in no walls in excess of 15m in length.

*Site Coverage:* the proposed dual occupancy will have an overall building footprint of approximately 450m<sup>2</sup>, which equates to a site coverage of 60% which complies.

*Setbacks:* setback requirements have been covered above.

*Solar Access:* with the exception of the southern elevation all windows will be placed within 30° east and 20° west of north. Overshadowing of the adjoining property has been discussed above and is considered to be reasonable in the circumstance.

*Private open Space:* Both dwellings have been provided with a minimum 24m<sup>2</sup> area of private open space (POS) in their respective rear deck and yard. The rear deck and yard is accessed from the ground floor main living areas of each unit. As both POS are located on the south side of the proposed development they will not receive the prescribed 3 hours of solar access. A variation request has been lodged with the application and is discussed below.

*Garaging/car parking:* a single lock-up garage will be provided for each dwelling, with a stacked parking space available in front of the garage in each instance.

## Report of the Director Environmental Services

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

---

The proposed garaging constitutes less than 50% of the front elevation.

*Storage:* Each dwelling will be provided with storage areas with a total volume of 10m<sup>3</sup>.

*Drying Areas:* 20 linear meters of clothes drying space has been provided within the rear yard of each dwelling.

*Letterboxes:* It will be conditioned that letterboxes are installed in accordance with Australia Post requirements.

*Dual Occupancy and Secondary Dwellings:* The subject site has a minimum width of 15.24m. The site has an average gradient of approximately 14°. Plans have been provided that show that the new dwelling can meet the requirements of Adaptable Housing. Bin storage areas have been provided in the garage of each dwelling and an acceptable on-site storm water management system has been proposed.

#### Variation requests

As identified above, variation is sought to 3 controls, being:

1. building height plane (Chapter 2 Section 6)
2. cut and fill external to the building footprint (Chapter 4 control C3)
3. solar access to private open space (POS) and living room (control C56)
- 1) Chapter 2, Section 6 - Building Height Plane - *“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.”*

Concerns about building height plane breaches were raised with the applicant, who amended the proposal to better address Section 6 of the DCP. The amended design has partly resolved the issue; nonetheless a building height plane breach exists for the garage of each dwelling. For instance the Dwelling 1 garage, on the eastern side of the site, has a height of 8.378m with a side setback of 900mm to the boundary. With the slope of the land this corresponds to a building height plane breach of approximately 10.4m<sup>2</sup> of wall area over the length of the garage visible from the rear of the development.

The applicant requested variation to the Section as follows:

*“The revised plans now result in the majority of the dwelling being able to meet the building envelope requirements by the lower and upper external walls along the boundary realigned towards the centre of the units.*

*However, due to the site slope from Elanora Road to the edge of the building, and the requirement to meet vehicle access requirements, a small portion of both garages cannot meet this building envelope requirement without compromising the building's façade. Therefore, a section of approximately 2m of each garage wall encroaches outside the building height plane.*

*To enable use of the garage, the roof height unfortunately cannot be lowered any further without not complying with required driveway gradients. Compliance*



## Report of the Director Environmental Services

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

*with driveway requirements has resulted in the garage portion of the dwelling being lifted almost 1m in height. Therefore, to minimise other building variations, the approximate 2m long section of garage extends outside the building envelope (which equates to about 6% of the building length) is a variation request to allow other aspects of the envelope to comply.*

*In summary, the garages cannot meet this building envelope requirement for the following reasons:*

- *Significant site slope Elanora Road falls southward.*
- *To activate and improve the building façade the garage width has been reduced to a minimum however site constraints do not allow the garage to meet building envelope requirements.*
- *Positioning of the garage allows the majority of the building to comply with building envelope requirements.*
- *Approximately, a 2m long section of each garage wall encroaching outside the building height plane is relatively minor when compared against the remaining 28m of building and deck space which complies.*
- *Given the site constraints, a variation of 6% of the building length extending the building envelope is significant redesign outcome.*
- *Compliant vehicle access and parking is achieved by a 2m long section of each garage wall encroaching outside the building height plane.*
- *Compliance with garages/car parks being less than 50% of the front or street elevation of the development is achieved by each garage wall encroaching outside the building height plane.”*

Comment: The circumstances of the subject lot are such that the site initially falls steeply away from Elanora Road, before ‘levelling out’ somewhat with a more moderate fall toward the rear of the site. This initial steep fall away from Elanora Road requires the driveway and garage to be built-up at a higher level to meet driveway grades, etc as the applicant explained above. This results in an encroachment of the building height plane.

The building height plane encroachment will result in greater overshadowing of the lots either side of the development. The lot to the east contains an existing dwelling; however the area that will be overshadowed is predominantly the driveway and garage service area of the dwelling. On the western side will be a vacant block following the demolition of the existing dwelling as part of this DA.

The building height plane encroachment does not create any privacy loss issue, as it is the garage element of the development that breaches the building height plane and there are no windows in the area of the encroachment facing the side boundaries.

With the initial steep fall of the site away from Elanora Road, the development has a relatively slim, single storey profile to the street meaning the building height plane breach will not be obvious to the casual observer from street level. It is also acknowledged that the expanse of wall to the garage and sub-floor is

## Report of the Director Environmental Services

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

articulated through use of masonry block-work to the subfloor and linear cladding to the garage.

The impacts of the breach are not considered to be of such significance as to warrant a further redesign or the refusal of the application in this instance.

- 2) Chapter 4 control C3 - *“Cutting and filling on site is limited to 900mm external to the perimeter of the building.”*

The applicant acknowledges the non-compliance of the proposed development with this control and comments that the *“development and the site topography constraints require a number of cuts greater than 900mm and terracing due to the slope of the site.”* The applicant argues that *“a precedent for this cut and fill has already been established on the south side of Elanora Road which is an appropriate design response to the site topography in order to minimise bulk, scale and height.”*

Comment: It is evident from side elevations that cut external to the building will be in the order of 1.1m on the eastern side and 1.6m of the western side of the development.

The development has been designed to step with the fall of the land, resulting in the configuration of the dwellings over three levels. The slope of the land means that some terracing external to the building footprint will be required for any form of development on the site. This is reasonably evident by the precedent the applicant refers to with other development along Elanora Road.

Given the site topography and the fact that the development has been designed to work with the slope of the land, cutting and terracing external to the building footprint would be expected and is considered to be reasonable so no significant concern is raised.

- 3) Chapter 4 control C26, which is reiterated in control C56 – *“A minimum of 3 hours direct sunlight is to be available between the hours 9am and 3pm on 22 June to at least 50% of the private open space area and living room windows of the subject development including adjoining properties.”*

The applicant makes the following points in support of the variation request:

*“As outlined in the proposal's supporting SEE, Chapter 4 controls C26 & C56 simply can't be achieved due to the site's topography constraint and steep downhill slope from Elanora Road and building requirements such as 8.5m height limit and vehicle access/parking driveway gradients which requires building bulk to be located in the middle/rear of the building. However, it is worth noting that the building footprint area does not extend as southward and across the site as demonstrated in the aerial image shown on plan no. 4 and aerial images.*

*Please see supporting photos that demonstrate the site topography constraints that affects most existing dwellings on the south side of Elanora Road and results in no or limited direct sunlight between the hours 9.00am and 3.00pm on 22nd June. In particular, it would appear that dwellings at 8, 12, 22, 28 & 38*

## Report of the Director Environmental Services

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

*Elanora Road have similar building outcomes and site constraints that restrict sunlight access to the rear private open space areas.*

*Further to the above, whilst it is acknowledged that this DA is for a dual occupancy dwelling, the site constraints do not necessarily favour sunlight access to a single dwelling which subsequently has the same Floor Area Ratio (FSR) of 0.45:1. Therefore, as this proposal meets the required FSR, the dividing wall of the dual dwelling could in theory be removed and the resultant single dwelling would also not meet this sunlight access due to site constraints.*

*In summary, a minimum of 3 hours direct sunlight on the 22 June is unable to be achieved for the following reasons:*

- *Site slope from Elanora Road falls significantly southward at an approximate depth of 11m over a distance of 48m.*
- *To meet vehicle access and parking requirements, within height requirements, it is not possible to put the building bulk at the northern end (street front) of the site.*
- *Living areas are located in the centre of the site to facilitate accessibility to both the dwelling and rear level private open space area.*
- *It is not feasible to elevate the private open space area further to increase sunlight access.*
- *To maintain privacy to neighbouring properties it is not possible to increase window size and numbers on the site of the building.*
- *Whilst the dwelling meets required FSR requirements the site topography and south facing nature of the site limits sunlight access.*
- *As shown in the supporting photos, numerous existing dwellings along the southern side of Elanora Road can't achieve sunlight access requirements.*
- *To facilitate sunlight into the building sky lights are incorporated in the design.*
- *Regardless of either a dual occupancy or single dwelling design, the site's topography constraint and steep downhill slope from Elanora Road will limit sunlight access."*

NB: "Attachment 1" referred to in the quote above is an attachment to this report.

Comment: The north/south orientation of the land combined with:

- the fall of the land toward the south (away from the road),
- the vehicular access and garaging requirements from the road; and
- the primary ocean and coastline views toward the southeast,

makes provision of private open space (POS) and living areas with a northerly aspect not only difficult to achieve in this instance, but arguably less favourable from an amenity perspective.

## Report of the Director Environmental Services

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

Having regard to the factors listed above it is understandable that the living area and POS areas would be located toward the south, particularly in order to take advantage of full exposure to the south-easterly views. These expansive ocean and coastline views are a positive amenity element for future occupants and taking advantage of these views would arguably be preferable to a POS/living area location toward the north of the site that would meet the minimum required solar access provision. It should also be noted that a POS/living area toward the north of the site would be less private being overlooked from the street than having the living area and POS arrangement proposed located toward the south away from the road.

The applicant has attempted to improve access of natural light to the rear living area by incorporating a skylight for each dwelling, to allow natural light to penetrate the open plan living space via the stairwell void.

Although the prescribed 3 hours of sunlight is not achieved for the POS areas, the applicant has provided shadow diagrams illustrating that the principal POS of dwelling 1 will receive sunlight in the morning and dwelling 2 in the afternoon. The applicant has also pointed out that, even if a single dwelling was being proposed on the site, as with neighbouring single dwellings on the south side of Elanora Road, the development would result in south-facing POS areas, which are unlikely to comply with the solar access provisions.

Having regard to the circumstances as outlined in the discussion above, it is considered to be reasonable to relax the requirements of control C26/C56 and support the variation sought in this instance.

**Any Planning Agreement**

Nil

**Any Matters Prescribed by the Regulations**

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

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

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

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

**Any Coastal Zone Management Plan**

Nil

**The Likely Impacts of the Proposed Development**

- *Streetscape*

The proposed amended development has a low, single storey profile when viewed face from the street (no longer dominated by the garages as the original proposal was). From an angle; however, a large expanse of side wall (covering the garage and subfloor wall) is exposed as the site falls steeply away from the street.

## Report of the Director Environmental Services

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

This wall expanse is articulated by the use of masonry blockwork to the sub-floor and horizontal cladding to the garage wall above, nonetheless it is quite a confronting large wall expanse. From a streetscape perspective the wall is therefore mostly visible as the proposed building is set forward of the neighbouring development at 8 Elanora Road.

There is an opportunity to punctuate the wall expanse with the introduction of a highlight window to the side wall of the garages (similar to the highlight windows on the level below), should Council feel that this is warranted. It is noted that there is existing vegetation on the western boundary of 8 Elanora Road that will screen and soften the appearance of the sub-floor masonry wall of Unit 1 in the dual occupancy development.

On balance, 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 generally consistent with relevant planning instruments and is not inconsistent with the streetscape.

- Noise

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

The subject site is in excess of 60m from the South Coast railway line. Condition of consent will be applied, should consent be granted, requiring the building be constructed to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom - 35 dB(A) at any time between 10pm and 7am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

- Privacy and Overlooking

The proposed pool and surrounding decking for each dwelling extends to 6m from the rear (southern) boundary and has a height of 3.75m above ground level. There is also a balcony above from the master bedroom of each dwelling.

It is noted however that the majority of dwellings on the southern side of Elanora Road have elevated balconies and decks facing toward the south, with the immediate neighbouring dwelling at 8 Elanora Road being a case in point. The topography of the land falling to the south, combined with the south easterly ocean views available from these properties, means that there are elevated balconies, decks and windows from living areas of dwellings overlooking the neighbouring properties rear yards.

Having regard to this pattern of development in this area and given that the subject lot is the second from the end of the road, no significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development.

- Overshadowing

## Report of the Director Environmental Services

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

---

Shadow diagrams have been supplied with the development application, which indicate that the overshadowing impacts of the proposed development on neighbouring land will be reasonable. Overshadowing internal to the site is discussed in detail above under DCP 2012 Chapter 4.

- 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 infiltration trench adjacent to the rear (southern) property boundary.

- Environmental Impacts

*Vegetation Removal* – The trees proposed to be removed in the footprint of the driveways are two *Banksia integrifolia* (Coastal Banksia) and one contorted *Leptospermum laevigatum* (Coastal tea tree). Council's Landscape Officer has raised no objection to the removal of these trees as they are not significant under DCP 2012 Chapter 12. The six trees along the boundary in the eastern neighbour's yard will not be adversely impacted and no special protection is required, as detailed in the arborist report that states:

*"All six trees are able to be retained within the proposed construction.*

*It is not recommended that special efforts are required for the safe retention of the six assessed trees.*

*No modifications to the sighted proposed plans are required to accommodate arboricultural requirements."*

*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 to each dwelling, as required by BASIX. Stormwater will be conveyed to the infiltration trench adjacent to the rear property boundary. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

Report of the Director Environmental Services

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

---

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.

Other issues to consider include:

- Traffic and Access

Council's Engineers have raised no concerns with the proposal in relation to traffic and access matters.

- Contamination from previous land uses

There is no evidence of site contamination on this or adjacent sites. The site is unlikely to be contaminated.

With reference to the proposed demolition work a Hazardous Materials Survey Report has been prepared by Opterra (dated April 2018). The report identified the presence of hazardous materials within the building and recommended these materials be removed prior to demolition work. Conditions of consent will be imposed accordingly, should the development be approved.

- Effect on public domain

The proposal is expected to have an acceptable impact on the public domain.

- Utility needs and supply

The proposal is serviced by all essential services.

- Safety, security & crime prevention

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

- Operational waste

The proposal considers waste storage and collection from Elanora Road.

- Operational noise and vibration

No significant concern is raised. The site is approximately 36m from the rail corridor (South Coast Railway) and some 60m from the railway line, so potential noise and vibration from adjoining transport corridor is not expected to be unacceptable. Conditions of consent have been recommended to ensure minimum acoustic attenuation measures are applied.

- Risks to people & property from natural & technological hazards

No known risks.

- BCA compliance

## Report of the Director Environmental Services

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

---

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

o 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.

### 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, 2 submissions have been received which raised the following (summarised) matters of concern:

Item 1:- Concern is expressed about surface and, in particular, sub-surface 'run-off' that the block has experienced in the past and the potential for the development to divert this run-off to neighbouring land.

Response:- This particular concern and the submission itself was brought to the attention of Council's Development Engineer. The applicant has submitted a satisfactory Concept Stormwater Management Plan for the proposed development and, in addition to other Stormwater Management conditions, the following condition of consent has been recommended should Council grant consent to the development:

*"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."*

Item 2:- Concern is expressed about potential noise from the proposed wind turbines

Response:- The wind turbines have since been removed from the amended proposal.

Item 3:- Concern is expressed about the 6m setback of the development in the context of the street.

Response:- It is evident that other development in Elanora Road has adopted varying front setbacks and therefore there is no perceptible established front building line in Elanora Road with which to follow. As there is no clearly defined established building line in Elanora Road, it is difficult to apply an 'established building line' principle.

It is also acknowledged that the site is situated at the end of Elanora Road and is therefore not going to protrude forward of neighbouring development, as it may if the site was half way along the street, for instance. The remaining lot to the west at the very end of the street will be vacant following the demolition of the dwelling, as part of this DA) and it is anticipated that future development of that lot is also likely to adopt a front 6m building line.



## Report of the Director Environmental Services

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

---

Section 7 of Chapter 2 identifies the site as being subject to a minimum 6.0m front building line, which the proposal adopts. This is considered to be reasonable under the circumstances as a 6m front setback is the currently accepted standard and allows a standard vehicle to park on the driveway without overhanging the nature strip.

Item 4:- Concern is expressed about the removal of the mature banksia trees and the streetscape implications of the loss of these trees.

Response:- This matter has been considered by Council's Landscape Officer who has raised no concerns with the removal of these trees for the purpose of the development or from a streetscape perspective. It is evident that removal of this vegetation is inevitable in order for the currently under-utilised site to be developed. Landscape planting will be provided in accordance with the Landscape Plan.

**External Referrals**

Nil

**Internal Referrals**

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

- Development Assessment Officer - Building

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

- Subdivision & Development Engineer

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

- Landscape Design Officer

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

- GIS Officer

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

Standard Torrens Title addressing applies. Letterboxes are to be located at access point and public road boundary. Proposed house numbering to be applied is:

- Proposed Lot 2801 – 6A Elanora Road
- Proposed Lot 2802 - 6 Elanora Road

**The Public Interest**

The proposal is considered to be consistent with all relevant Environmental Planning Instruments and Development Control Plan 2012, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is generally suitable for the site and therefore is considered to be consistent with the public interest.

**Final Comments and Conclusions**

## Report of the Director Environmental Services

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

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 generally consistent with relevant Development Control Plans. The proposed development is consistent with the objectives of the R2 Low Density Residential zone.

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

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

### Draft Conditions of Consent

#### General

- (1) The development shall be implemented in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2018.55.1 dated - except as amended by the following conditions: (g005.doc)
- (2) The development shall be completed in accordance with the approved colour schedule shown on the approved Elevations Plans. (g014.doc)
- (3) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate. (g030.doc)
- (4) 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)
- (5) 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)
- (6) The nominated adaptable housing dwelling 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 issue of any Construction Certificate.

#### 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 **\$6,678.64**. (bo005.doc)

## Report of the Director Environmental Services

10.1 10.2018.55.1 - Lots 279 & 280 DP 30126 - 4 & 6 Elanora Road, Kiama Heights - Attached dual occupancy and 2 lot Torrens Title subdivision (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 **\$5,000** 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.

Item 10.1

## Report of the Director Environmental Services

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

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 the Accredited Certifying Authority prior to the release 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) 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 the retaining walls in excess of 1.0 metre high. (pt068.doc)
- (8) The applicant shall submit engineer's details of the foundation based on geotechnical advice prepared by a suitably qualified geotechnical engineer. Such detail/advice is to be provided prior to the issue of a Construction Certificate. (pt070.doc)
- (9) The building be constructed to ensure that the following LAeq levels are not exceeded:
  - (a) in any bedroom - 35 dB(A) at any time between 10.00 pm and 7.00 am,
  - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

## Report of the Director Environmental Services

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

---

Details demonstrating compliance with this are to be submitted to the Accredited Certifying Authority prior to issue of the Construction Certificate.

- (10) Details of compliance with condition number (1) under the heading 'Swimming Pool' of this consent shall be shown on the plans and provided to the Accredited Certifying Authority prior to the release of the Construction Certificate. (pt065.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 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 Hazardous Materials Survey Report prepared by Opterra (Project 18023\_HMS\_RPT\_R0\_180418 dated April 2018).

**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 (including residents within the Mayflower Village) 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.

**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**

## Report of the Director Environmental Services

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

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)

**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)

**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)

## Report of the Director Environmental Services

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

- 
- (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)

**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 Accredited Certifying Authority prior to the release of a Construction Certificate. (sm055.doc)
- (2) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the release of any Occupation Certificate. (sm130.doc)
- (3) 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)
- (4) 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 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

## Report of the Director Environmental Services

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

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)

**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



## Report of the Director Environmental Services

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

---

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)

### Swimming pool

- (1) The swimming pool shall be fenced in accordance with the NSW Swimming Pools Act 1992.
- (2) The fences, gates and latches for the swimming pool shall be provided and constructed in accordance with the provisions of Australian Standards AS 1926 - Fences and Gates for Private Swimming Pools.
- (3) All excavations shall be enclosed with a temporary fence during construction of the pool.
- (4) The swimming pool shall not be filled with water until the permanent safety fence has been erected.
- (5) 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.
- (6) The pool pump and AC unit shall be located away from common boundaries and acoustically enclosed prior to the release of any Occupation Certificate.
- (7) The swimming pool overflow water is not to interfere with any adjoining properties.

### 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 Council prior to release 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. The landscape designer is to ensure the

## Report of the Director Environmental Services

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

- 
- landscape plan is consistent with the current approved architectural drawings. (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 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) The landscape works shall remain in situ for the perpetuity of the development and be actively maintained to a high standard. (lw040.doc)
  - (5) Prior to release of the Occupation Certificate or 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)
  - (6) The three trees in the footprint of the driveways, two *Banksia integrifolia* (Coastal Banksia) and one *Leptospermum laevigatum* (Coastal tea tree) may be removed for the development.
  - (7) During excavation, any roots of the neighbours trees uncovered that are larger than 50mm diameter and require severing then the consulting arborist shall inspect the works, and work is only to continue following the arborist's instructions to preserve the health of these trees.

**Prior to Occupation**

- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to release of the Final Occupation Certificate.  
Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)
- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)
- (3) The 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)
- (5) The developer shall complete all access and drainage works prior to the issue of any Occupation Certificate. (po010.doc)
- (6) 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

## Report of the Director Environmental Services

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

---

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.

- (7) 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 for mail boxes for receipt of mail. (sf050.doc)
- (8) House numbers shall be allocated as follows:
- Proposed Lot 2801 – 6A Elanora Road;
  - Proposed Lot 2802 - 6 Elanora Road.

**Prior to Issuing of Subdivision Certificate**

- (1) The Subdivision Certificate shall not be released until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority. (sub005.doc)
- (2) 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.

Report of the Director Environmental Services

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

---

- 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 and 7.12 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.
- (4) The developer shall acknowledge all existing restrictions on the use of land on the final plan of subdivision.
- (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.

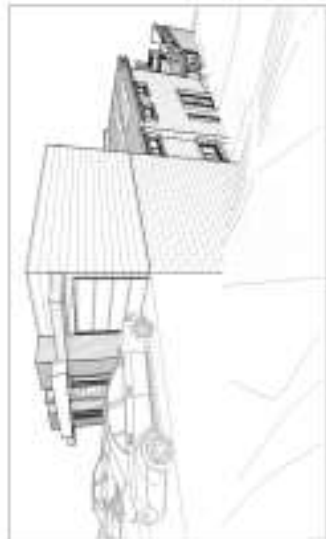
Item 10.1



**PROPOSED DUAL OCCUPANCY AND TWO  
 LOT TORRENS TITLE SUBDIVISION**

LOT 280 DP 30126  
 4 ELANORA ROAD  
 KIAMA HEIGHTS 2533

Client: Mrs J TRAVARRE



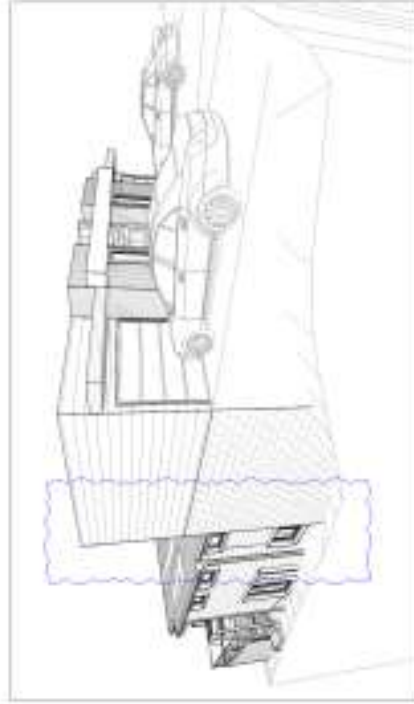
Layout Index

Layout No.	Layout Name	Rev	Description	Date
A.000	COVER SHEET	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.000	PERSPECTIVES	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	SITE ANALYSIS	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	SECTION PLAN	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	FLOOR PLAN	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	FLOOR PLAN	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	FLOOR PLAN	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	ADAPTABLE FLOOR PLAN	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	ADAPTABLE FLOOR PLAN	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	ROOF PLAN	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	SECTION THROUGH	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	SECTION THROUGH	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	ILLUSTRATIONS	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	ILLUSTRATIONS	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	SECTION	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	SECTION	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	SECTION	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	DOOR SCHEDULE	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10
A.100	WINDOW SCHEDULE	1	ISSUED FOR REVISED DEVELOPMENT APPLICATION	2014.10

**Revised DEVELOPMENT APPLICATION**

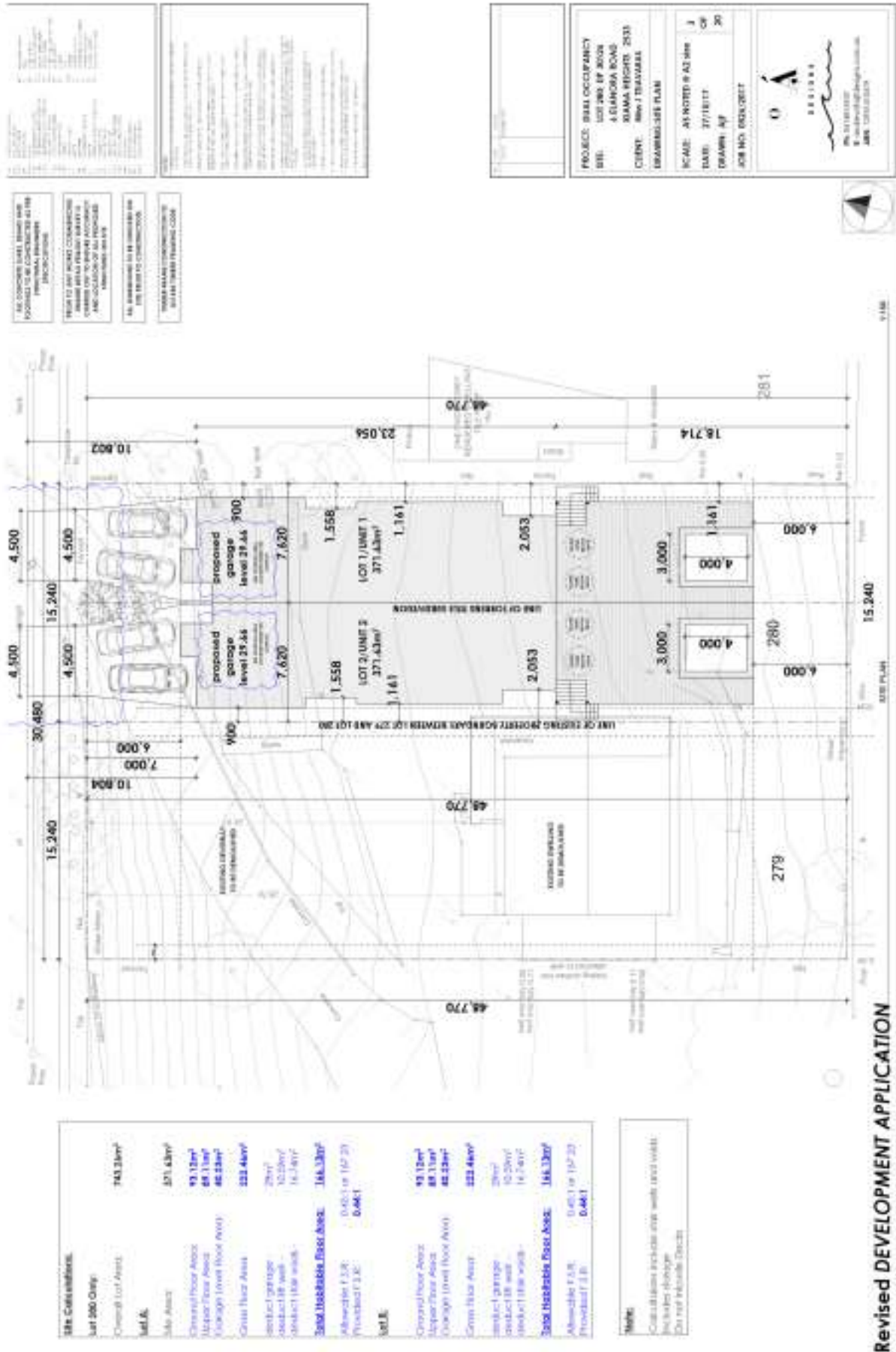
PROJECT: DUAL OCCUPANCY SITE: LOT 280 DP 30126 4 ELANORA ROAD KIAMA HEIGHTS 2533 CLIENT: Mrs J THAYABAL DRAWING PERSPECTIVES	SCALE: AS NOTED @ A3 size DATE: 27/10/17 DRAWN: AP JOB NO: 06010717
---	--

PROJECT: DUAL OCCUPANCY SITE: LOT 280 DP 30126 4 ELANORA ROAD KIAMA HEIGHTS 2533 CLIENT: Mrs J THAYABAL DRAWING PERSPECTIVES	SCALE: AS NOTED @ A3 size DATE: 27/10/17 DRAWN: AP JOB NO: 06010717
---	--



Revised DEVELOPMENT APPLICATION

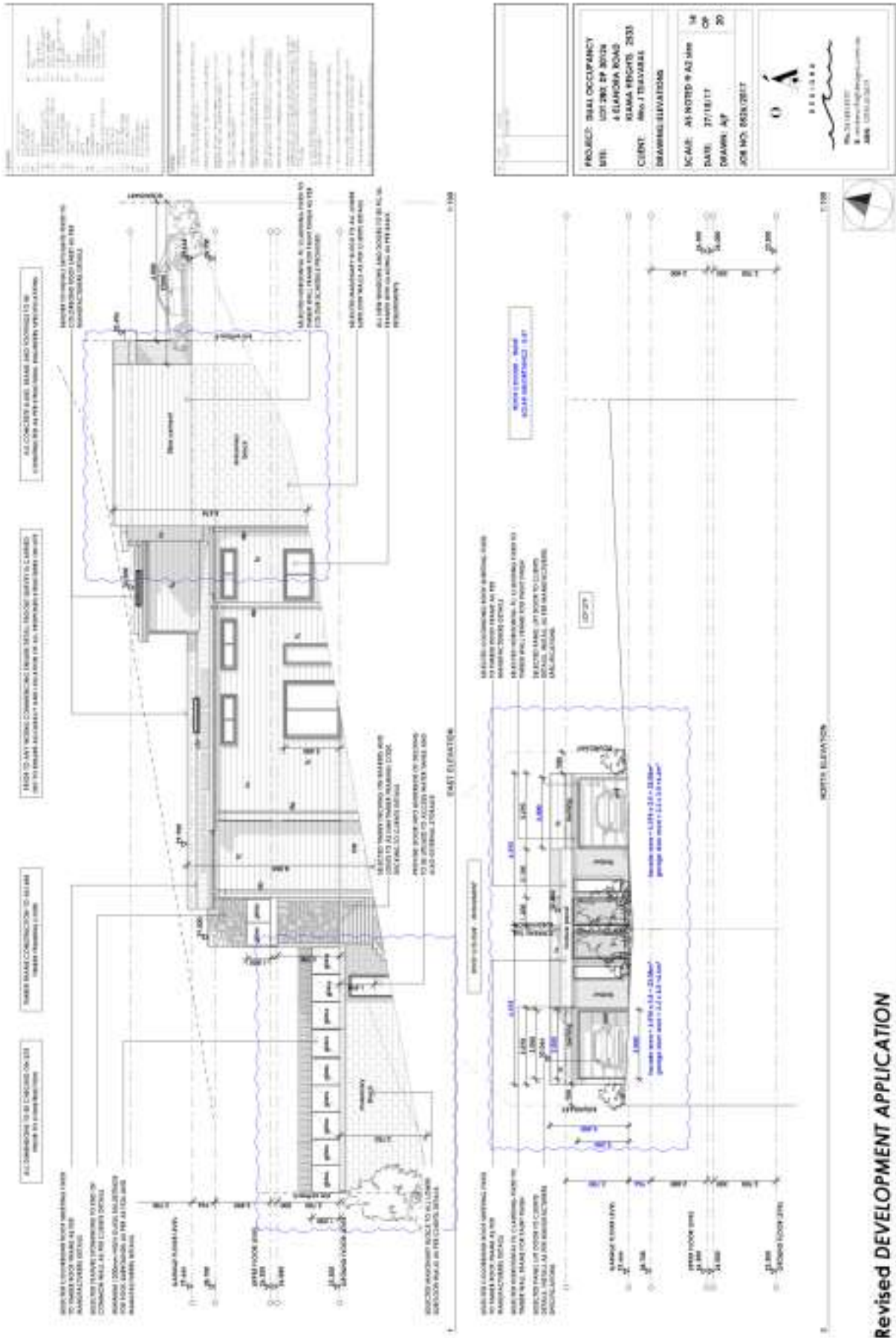
Attachment 1  
Item 10.1



Attachment 1 Item 10.1







Attachment 1 Item 10.1





General Manager  
Kiama Municipal Council  
PO Box 75  
Kiama 2533  
NSW

30/04/18

Item 10.1

## COLOUR SCHEDULE

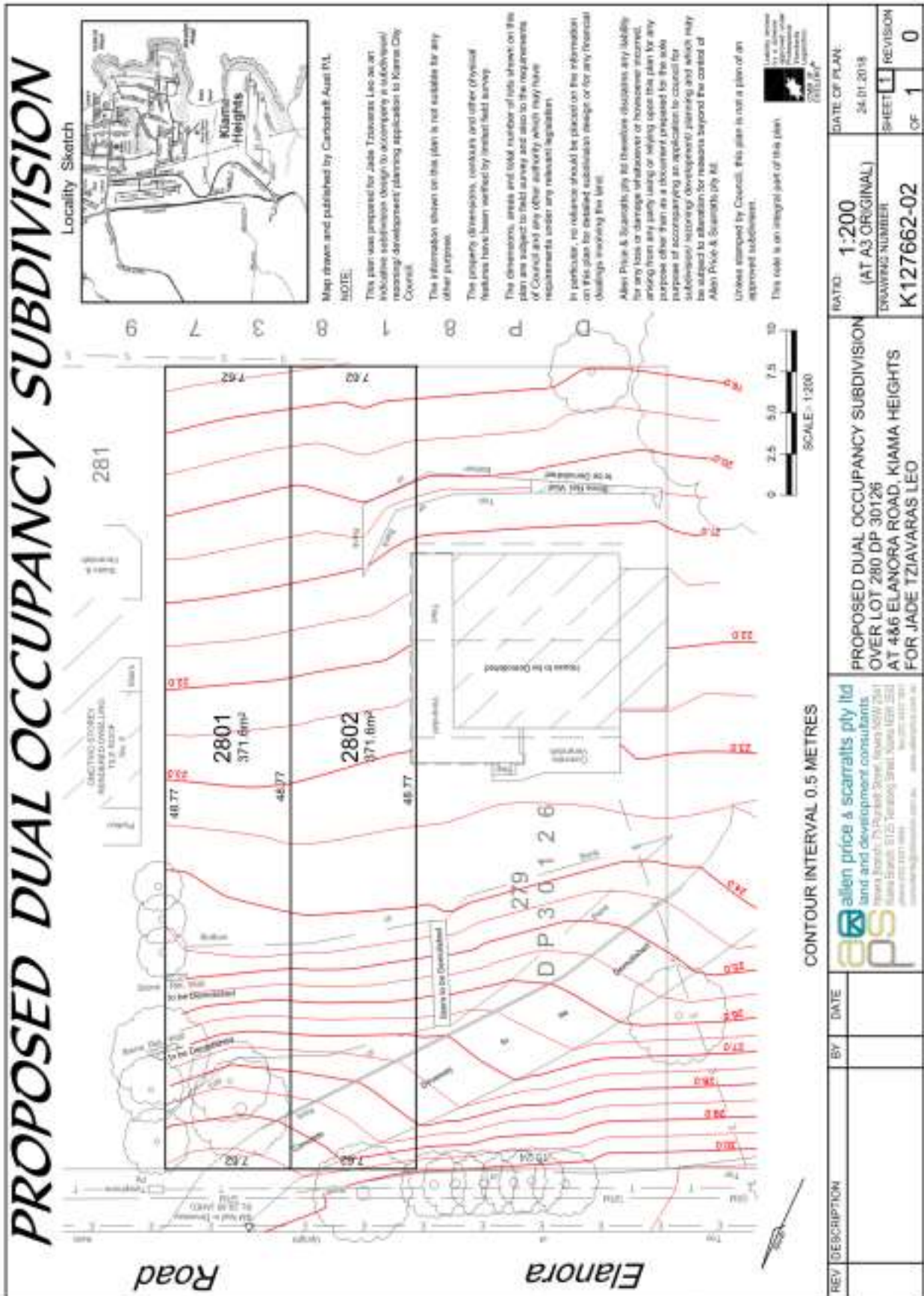
Re: PROPOSED DUAL OCCUPANCY  
LOT 280; DP 31026  
4 ELANORA ROAD  
KIAMA HEIGHTS 2533

<b>Proposed Roof Colour:</b>	Colorbond – 'Dune'
<b>Gutters:</b>	Colorbond – 'Shale Grey'
<b>Downpipes:</b>	PVC – <b>Lexicon</b>
<b>Fascia:</b>	<b>Lexicon</b>
<b>Eaves:</b>	<b>Lexicon</b>
<b>Cladding:</b>	Lexicon
<b>Masonry:</b>	Light Earthy tones
<b>Window Frames:</b>	Anodized
<b>Garage Doors:</b>	<b>Lexicon</b>
<b>Front Door:</b>	Timber
<b>Feature Stone:</b>	Sandstone

Attachment 1









DA 10.2018.55.1 – 4&6 Elanora Road, Kiama Heights  
Additional Information

Attachment 1 – Demonstrating existing dwellings on the southside of Elanora Road with in no or limited direct sunlight between the hours 9.00am and 3.00pm on 22<sup>nd</sup> June.



Aerial view of affect dwelling on Elanora Road



Street view of 8 Elanora Road

Item 10.1

Attachment 1



DA 10.2018.55.1 – 4&6 Elanora Road, Kiama Heights  
Additional Information



**Street view of 12 Elanora Road**



**Street view of 22 Elanora Road**

**Item 10.1**

**Attachment 1**





DA 10.2018.55.1 – 4&6 Elanora Road, Kiama Heights  
Additional Information



**Street view of 28 Elanora Road**



**Street view of 38 Elanora Road**

**Item 10.1**

**Attachment 1**



DA 10.2018.55.1 – 4&6 Elanora Road, Kiama Heights  
Additional Information



**Street view of 42 Elanora Road**

**Item 10.1**

**Attachment 1**

**10.2 Planning Committee - Terms of Reference (TOR)**

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

CSP Strategy: 4.3 Council and the community working together

Delivery Program: 4.3.1 Foster positive community relationships through open communication, opportunities for participation and sharing information

Item 10.2

**Summary**

At the 17 May 2018 meeting of the Planning Committee, it was agreed to redraft the Terms of Reference (TOR) to better reflect the strategic purpose and objectives of the Committee.

The redrafted TOR was circulated to Committee members and a number of matters raised by one member are unresolved in relation to the role of community members, input into community engagement processes, and potential remuneration of members by Council.

The TOR is presented to Council for endorsement.

**Finance**

N/A

**Policy**

N/A

**Communication/Community Engagement**

The redrafted TOR was circulated to Committee members and feedback from one member was received. Some changes to the TOR have been made in response to the feedback however a number of matters remain unresolved.

There is no requirement for any broader communications or engagement in relation to the TOR.

**Attachments**

1 Planning Committee - Terms of Reference [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council endorse the Terms of Reference attached to this report.

**BACKGROUND**

The TOR for the Planning Committee was endorsed by Council at its meeting held on 18 October 2016. The need to review the Committee's TOR was raised at the October 2017 and December 2017 Committee meetings. They were discussed in detail at the May 2018 Planning Committee meeting where it was agreed that the

## Report of the Director Environmental Services

## 10.2 Planning Committee - Terms of Reference (TOR) (cont)

---

Director Environmental Services would redraft the TOR and circulate to Committee members for comment before reporting them to Council for endorsement.

One Committee member made comment on the new TOR and 4 matters are unresolved:

1. Role of community members: There is confusion about the role of community members and a suggestion that community members act in the capacity of “representing the community”. Community members are individuals drawn from the community who bring particular expertise and insight to the discussion of strategic planning matters. Their role does not extend to “representing” the community or being a conduit between the Committee and the Community. With the exception of confidential matters, community members are free to liaise with their community networks about the strategic planning agenda however they are not obliged to do so in a formal capacity. The TOR therefore refer to “representative from the community” and include a responsibility that members will “not act as a representative of any particular community group or the broader community”.

The General Manager has been consulted and the proposed clarification of the role for community members on the Planning Committee is consistent with the practice of community representation on other Committees of Council.

2. Inconsistency with the community positions selections criteria: the selection criteria for community positions includes demonstration that the members are “connected and representative” of the community. This is standard across Committee TOR and goes to the ability of members to bring an understanding of community issues and opinions that will benefit the committee. It does not mean that community members “represent” the community. There is therefore no contradiction between the selection criteria and the role of the community members.
3. Input into community engagement processes: the Committee discussed the importance of having input into appropriate community engagement processes (but not necessarily individual consultation activities). This is reflected in the objective to “provide input into appropriate community engagement processes to support strategic activities”.

An inclusion into the ‘responsibility’ section of the TOR is that Committee members will “provide strategic guidance having regard to legislative requirements, applicable State and regional policies and Council’s guiding documents such as the Community Strategic Plan”. This responsibility extends to all Committee objectives including to the provision of input into community engagement processes. It is therefore not considered necessary to also include “in line with legislative responsibilities, the Community Engagement Strategy/Community Participation Plan and as agreed by the Committee” into the objective relating to input into community engagement processes.

4. Remuneration by Council: a request has been made for the inclusion into the TOR that “community representatives cannot be employed or remunerated by Council during the appointment on the Committee”. This is not a requirement for community membership on other Council Committees. The expertise that can make a community member a valuable inclusion to the Planning

## Report of the Director Environmental Services

## 10.2 Planning Committee - Terms of Reference (TOR) (cont)

---

Committee (e.g. architectural expertise) may also be expertise that is valuable to Council by way of paid advice or services. The inclusion of the suggested requirement would exclude valued Committee members. The TOR already require committee members to “at all times comply with Council’s Code of Conduct and respect confidentiality as required” which captures the management of conflict of interest.

**Item 10.2**



**Kiama Municipal Council - Terms of Reference**

<b>Name of committee</b>	<b>Planning Committee</b>
<b>Status</b>	Council committee <input checked="" type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee <input type="checkbox"/>
<b>Purpose</b>	To assemble a committee membership that brings together a range of expertise and viewpoints that will benefit sound strategic planning. To provide 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. To provide advice to Council about long term strategic programs to be considered in relevant decision making processes.
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To discuss strategic planning approaches, including principles, processes and strategic issues, to establish a long term vision and narrative for the Municipality.</li> <li>Consider the options and priorities for implementation of a new strategic narrative for the Municipality into future reviews of statutory documents and policies, including the LEP, DCP and Urban Strategy.</li> <li>Provide input into appropriate community engagement processes to support strategic activities.</li> <li>Provide feedback about the performance of existing policies for consideration in future reviews.</li> <li>Support the alignment of strategic planning and economic policies across functional areas of the Council.</li> <li>Share information as appropriate about significant planning projects.</li> <li>Discuss the details of and implications arising from significant changes to legislation.</li> </ul>
<b>Committee Meetings</b>	Meetings will be scheduled as required.
<b>Venue</b>	Meetings will be held at the Kiama Council Chambers or other suitable venues as determined by the Committee.
<b>Membership</b>	<ul style="list-style-type: none"> <li>Council’s Mayor and Deputy Mayor along with 3 Councillors. Council’s Mayor will chair the meetings.</li> <li>Four representatives from the community.</li> <li>Council’s General Manager, Director Environmental Services, Managers of Community and Cultural Development, Development Assessment, Strategic Planning.</li> </ul> Attendance by other Council or external representatives will be by invitation as required.
<b>Meeting Quorum</b>	A Quorum will be deemed to have been met under the following criteria: <ul style="list-style-type: none"> <li>Minimum of 50% plus 1.</li> </ul>

Item 10.2

Attachment 1

<b>Meeting administration</b>	<ul style="list-style-type: none"> <li>• Meetings are to be chaired by the Mayor.</li> <li>• Minutes will be taken by an officer of the Council.</li> <li>• Minutes will be circulated to committee members for feedback as soon as possible following the committee meeting and will be submitted for the next Ordinary Meeting of Council following the receipt of member feedback.</li> <li>• Endorsed minutes and agendas will be circulated seven (7) days prior to next scheduled meeting.</li> </ul>
<b>Selection of members</b>	<p>If community positions become vacant the selection of new committee members will be undertaken:</p> <ol style="list-style-type: none"> <li>i. through a public invitation for EOI by applicants.</li> <li>ii. by consideration of applications by Council.</li> <li>iii. by Council approval of successful applicants.</li> </ol> <p>The following factors will be taken into consideration when determining members:</p> <ol style="list-style-type: none"> <li>i. the persons relevant experience and expertise.</li> <li>ii. whether the person is a resident of the Kiama LGA.</li> <li>iii. there is a gender balance.</li> <li>iv. there is representation from across the full Kiama geographical area.</li> <li>v. cultural and age diversity is represented.</li> <li>vi. committee members are able to demonstrate that they are “connected and representative” of the community.</li> </ol>
<b>Responsibility</b>	<p>Committee members will:</p> <ol style="list-style-type: none"> <li>i. Act in an advisory role to Council staff</li> <li>ii. Not act as a representative of any particular community group or the broader community</li> <li>iii. Provide strategic guidance having regard to legislative requirements, applicable State and regional policies and Council’s guiding documents such as the Community Strategic Plan</li> <li>iv. Participate in working parties as needed</li> <li>v. At all times comply with Council’s Code of Conduct and respect confidentially as required</li> <li>vi. At all times contribute in a positive and respectful manner</li> <li>vii. Avoid disruption, contrary conduct or being wasteful of time and resources</li> </ol>
<b>Terms of membership</b>	<p>Non councillor membership of the Planning Committee will be for the terms of the current elected Council.</p>
<b>Process for termination</b>	<p>Where a (non Councillor or staff) committee member’s behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The chairperson will make a written record of this and provide to a relevant council officer for recording. The committee member will be able to sight and sign the written record.</p> <p>Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the chairperson. Counselling (to be provided by the General Manager or Public Officer) will reinforce the standard of conduct expected as well as the implications of the behaviour on the committee members and Council. In addition counselling will reinforce potential for termination from the committee should the behaviour continue.</p> <p>A written record shall be kept of the formal warning and counselling. If the Committee member’s behaviour does not improve after the formal warning and counselling, the Committee member may, on the recommendation of the chairperson, be terminated by Council resolution.</p>
<b>Code of Conduct</b>	<p>All Committee members are subject to Council’s Code of Conduct.</p>

(18/46815)

Item 10.2

Attachment 1

**10.3 Housekeeping Amendments to the Kiama LEP 2011**

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**

This report seeks Council's endorsement for the preparation of a Planning Proposal for housekeeping amendments to the Kiama LEP 2011 which will incorporate:

- The addition of minor activities and events to Schedule 2 Exempt Development;
- Rectification of a minor drafting error in the land use table of the IN2 Light Industrial zone;
- Addition of an Essential Services clause into Part 6 of the LEP 2011.

**Finance**

Subject to endorsement by Council, the Planning Proposal will need to be exhibited in accordance with legislative requirements and Council Policy. This would require payment for advertising in the local newspaper.

No consultant reports are anticipated to be required as part of this proposed amendment.

**Policy**

The inclusion of the proposed amendments in the Kiama LEP 2011 would likely require a review of the current Policies in place to regulate development that requires a licence under Section 68 of the Local Government Act 1993.

A Planning Proposal will be required to be prepared in accordance with Council's adopted Planning Proposal Policy.

**Communication/Community Engagement**

Community consultation will be carried out in accordance with Council's Planning Proposal Policy and the requirements of the Gateway Determination (if granted).

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

That Council

- 1) Endorse the preparation of a Planning Proposal for minor housekeeping amendments to the Kiama LEP 2011 for:
  - The addition of minor activities and events on public land to be included in



## Report of the Director Environmental Services

## 10.3 Housekeeping Amendments to the Kiama LEP 2011 (cont)

---

Schedule 2 Exempt Development;

- Amendment of the land use table in the IN2 Light Industrial Zone by removing Industrial Training Facilities from the prohibited land uses;
  - The addition of an Essential Services clause to be added to Part 6 of the Kiama LEP 2011.
- 2) Forward the Planning Proposal to the Department of Planning and Environment for Gateway Determination.
  - 3) Request plan-making delegations from the Department of Planning and Environment.

Item 10.3

**BACKGROUND**

It has become apparent through the application of the LEP that there are opportunities for certain minor activities or events to be removed from the development application process, especially where they are already regulated through other Acts and associated Regulation. This can be achieved through utilising Schedule 2 Exempt Development in the LEP 2011, which currently has no uses prescribed.

There is also an error that needs to be rectified as the land use Industrial Training Facility is listed as being both permitted and prohibited within IN2 Light Industrial Zone. This appears to be a drafting error from the original gazettal of the Plan and needs to be rectified.

Kiama LEP 1996 had a clause that required the provision of essential services as a mandatory consideration in the assessment of a development application. This was not carried over into the new Standard Instrument LEP as it was not a standard clause, however it has become apparent that it would be beneficial for it to be included in the LEP 2011. This is an approach taken by a number of other Council who have an Essential Services clause in their LEPs.

Minor Uses

It is proposed to add uses of a minor nature that occur on Council owned or managed land to Schedule 2 as Exempt Development. It is intended to include uses such as surf schools, personal or group training, markets, filming, concerts and the like. The abovementioned uses are required to obtain a licence to operate under Section 68 of the Local Government Act 1993, so Council can still regulate these uses through the application of a Council endorsed Policy adopted under Part 3 of the Local Government Act. Development Standards can also be applied to these uses in the LEP to regulate things such as the hours of operation, exclusion of certain zones or to limit the total number of days allowed.

It is not proposed to allow these land uses as Exempt Development when undertaken on private land because the same Council regulation is not available.

Please note that more detailed information about the operation of surf schools is contained in a separate report under the Director Corporate, Commercial and Community Services.

Land Use Table Errors

## Report of the Director Environmental Services

## 10.3 Housekeeping Amendments to the Kiama LEP 2011 (cont)

It has been identified that the land use *Industrial Training Facility* is identified as both a permissible and prohibited use in the IN2 zone. This clearly is confusing for both applicants and Council staff needs to be rectified. The use is defined below:

***industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.*

The use is consistent with the objectives of the zone which are:

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

It is therefore proposed to remove the land use from the list of prohibited land uses in the IN2 Light Industrial zone.

#### Essential Services

Under the previous Kiama LEP 1996, a clause existed which required the mandatory consideration for the provision of essential services to developments. This was not included as a mandatory or optional clause in the Standard Instrument Principal LEP, however it is a clause that is still used in many other Councils' Standard Instrument LEP's. The addition of a clause would likely be added to Part 6 of the Kiama LEP 2011 and would require the consent authority to be satisfied that essential services for a proposed development have been provided or satisfactory arrangements have been made for the provision of such services. The essential services would include:

- The supply of water;
- The supply of electricity;
- The disposal and management of sewage;
- Stormwater detention or on-site conservation; and
- Suitable vehicular access.

The adoption of an Essential Services clause in the LEP 2011 will give greater weight to the requirement to provide these services, which are considered to be in the public interest.

#### **Summary**

The addition of minor uses into Schedule 2 of the Kiama LEP 2011 is considered appropriate as it will help facilitate minor activities, which can currently be delayed due to the requirement for Development Consent to be obtained. Council will still be

Report of the Director Environmental Services

10.3 Housekeeping Amendments to the Kiama LEP 2011 (cont)

---

able to regulate these uses through the licensing provisions available under the Local Government Act and Crown Lands Act.

The amendment of the LEP to remove *Industrial Training Facilities* from the prohibited uses the IN2 Light Industrial zone is considered appropriate as it clarifies a clear drafting error.

The adoption of an Essential Services clause is considered to be in the public interest as it makes it mandatory for these services to be provided and provides greater clarity for applicants and Council assessment officers.

**Item 10.3**

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

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

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

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

Item 10.4

**Summary**

This report reviews the development application seeking consent for the conversion of the lower ground floor of an approved dwelling house to create an attached dual occupancy development. These works have already been carried out without consent and therefore the application is effectively for the use of the building as an attached dual occupancy.

The proposed development seeks a variation to Kiama DCP 2012 Chapter 4 – Low Density Development:

- Control C29 - A deck/balcony may count as part but not all of a dwellings private open space as the upper dwelling only has balcony and roof top terrace private open space area available; and
- Control C48 - Each dwelling in a dual occupancy development/secondary dwelling development must have a clearly defined and identifiable street entrance as the lower dwelling has no clear street front access.

No submissions were received following notification of the proposed development. The report recommends refusal of the application.

**Finance**

N/A

**Policy**

N/A

**Reason for the Report**

The proposed development seeks significant variations to Council's DCP controls.

**Communication/Community Engagement**

Required: Yes letter notification

Notification Period: 14 days from 20/7/2018 to 3/8/2018

Submissions: Nil submissions

**Attachments**1 10.2017.195.1 - plans [↓](#)**Enclosures**

Nil

## Report of the Director Environmental Services

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

---

**RECOMMENDATION**

That Council refuse Development Application No 10.2017.195.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:

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

**BACKGROUND****Development Site**

The property is described as Lot 189 DP 33904 which is located at 5 Gwinganna Avenue, Kiama.

The overall site measures 600.7m<sup>2</sup> in size and is rectangular in shape. The site currently contains an approved dwelling house and is bounded by residential land to the east and west containing principally dwellings, Gwinganna Avenue to the south and reserve to the north.

## Report of the Director Environmental Services

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

---

The site is zoned R2 Low Density Residential pursuant to Kiama LEP 2011. The site is cleared and slopes gently, downward toward the north. Access to the property is obtained from Gwinganna Avenue. The site is serviced by water, sewer, electricity and telecommunications.

**Background**

Council officers approved DA 10.2008.310.1 on 30 January 2009 for extensive alterations and additions to the dwelling on the subject land. That consent was modified on 2 subsequent occasions (23 March 2009 and 6 August 2009).

The last approved modification DA 10.2008.310.3 dated 6 August 2009, proposed the lower ground floor of the approved dwelling to contain 2 bedrooms, a wet bar area, rumpus room and bathroom, with the ground floor connected to the first floor via an internal spiral staircase.

At no stage was consent granted to convert the ground floor to a separate self-contained dwelling, which has subsequently occurred and is now the subject of this development application.

To this end the internal spiral staircase, as approved under 10.2008.310.3, has been omitted from the development and an enclosed laundry has been introduced in its place. Additionally, the approved wet bar has been converted into a full kitchen with inbuilt oven, microwave, ceramic cooktop and extraction fan unit. These unauthorised changes make the ground floor a separate, self-contained dwelling changing the building classification and necessitating a higher standard of construction to ensure safety and amenity between each dwelling.

**Description of the Proposed Development**

The proposal, the subject of this DA, involves the change of use (conversion) of the ground floor of the dwelling into another dwelling to create an attached dual occupancy. However as the works have already been completed, the application is for the use of the dwelling as an attached dual occupancy.

The proposed 2 bedroom dwelling at the lower floor level has an area of 67.81m<sup>2</sup> and the 3 bedroom dwelling occupying the two floor levels above has a floor area of 196.87m<sup>2</sup>.

The upper level dwelling includes the front entry, laundry, bedrooms 2 & 3, bathroom and an open plan kitchen, dining, living room. The living room opens onto a deck on the northern side and a plunge pool on the south-eastern side. Upstairs is the master bedroom with study and ensuite as well as a sitting room. The bedroom and sitting room both open onto the north-facing rooftop terrace.

Private open space for the lower floor dwelling is available by way of the north-facing grassed backyard and terrace area off the living area. The private open space area for the main dwelling is proposed by way of the deck off the living area, in addition to the roof top terrace accessed from the top floor bedroom and sitting room. These POS areas each have north-facing exposure.

Car parking for the proposed dual occupancy will occur within the existing carport and uncovered car parking space within the property. Access is obtained directly from Gwinganna Avenue.

Report of the Director Environmental Services

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

---

Waste storage occurs onsite with kerbside collection occurring from Gwinganna Avenue.

No change to the finish colours and materials of the existing building is proposed.

#### **Section 4.16 Assessment**

The proposed development has been assessed in accordance with Section 4.16 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 (Coastal Management) 2018

The site is located within the coastal use area, as defined by the SEPP.

Consideration has been given to the objectives of the SEPP and the matters prescribed by Clause 14. The proposed development is considered to be consistent with the objectives of the SEPP.

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

A BASIX Certificate (for 'Alterations and Additions') was lodged with the application that demonstrates that the lower floor dwelling has been designed in accordance with BASIX.

- Kiama LEP 2011

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

Specific clauses requiring consideration:

- Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map. The proposal does not exceed the height shown on the Height of Buildings Map.
- Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio map. The proposal does not exceed the floor space ratio shown for land on the Floor Space Ratio map.
- Clause 5.5 lists requirements for development within the coastal zone. The proposal is not inconsistent with the objectives of the clause. The proposal does not cause increased coastal hazards or adverse impacts by way of diminished foreshore access, treatment of effluent and disposal of stormwater.

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

- Draft State Environmental Planning Policy 55 – Remediation of Land

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

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

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.

### Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The proposed development is considered to be inconsistent with Kiama DCP 2012, as follows:

#### Chapter 4 – Low Density Development

Control C29 - *A deck/balcony may count as part but not all of a dwellings private open space, subject to the following merit based assessment:*

- *A maximum of 1/3 of the total open space can be in the form of a balcony.*
- *That the dimensions and location of the deck would provide for useful practical multipurpose open space;*
- *The location of the deck will not compromise any amenity issues (such as noise or privacy) for surrounding dwellings/occupants.*
- *Balconies located on the side of developments are not permitted.*
- *A minimum dimension of 2 metres is required for any balcony.*

The private open space areas proposed for each dwelling include:

- Unit 1 (upper floors): Deck adjoining the living room and plunge pool area as well as a roof top terrace;
- Unit 2 (Lower floor): At-grade terrace and back yard adjoining the living room.

The POS area proposed for the upper dwelling (Unit 1) is entirely in the form of balcony and roof terrace space, therefore breaching control C29 which only allows a deck/balcony to count as part but not all of the required POS for a dwelling.

The objective of Control C29 is:

*"To ensure that all dwellings achieve the minimum requirements for well-designed private open space."*

The applicant seeks variation to control C29 as follows:

*"It is acknowledged that private open space for Unit 1 would be in excess of one-third incorporating the balconies and rooftop terrace. Unit 2 will be able to provide the required contingent of private open space. Notwithstanding, the following points are offered in respect to the departure to the development control:*

- *The proposed development involves the change in use of an existing dwelling house. No additional floor space is sought as part of the proposal;"*



## Report of the Director Environmental Services

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

Response: The creation of no additional floor space is irrelevant. The proposal is for the use of the building as a dual occupancy development, which increases the residential density of the site. Each dwelling is required to have its own POS area consistent with the requirements of the DCP to afford a reasonable minimum standard of amenity for residents and this is not being achieved with the proposal.

- *“Existing open space areas comprising of the rear yard, balconies and roof top terrace were assessed in the original development of the site and would be considered satisfactory in respect to amenity and the rooftop terrace, on balance provides quality open space in addition to the rear yard. As such, these areas would continue to provide useful, practical and multi-purpose areas.”*

Response: This comment is based on the use of the building and site as a single dwelling, as has been approved, not as a dual occupancy capable of accommodating separate unrelated people or families. Each dwelling is required to have its own POS area consistent with the requirements of the DCP and this is not being achieved with the proposal.

- *“The site is located in Gwinganna Avenue which provide uninterrupted views to the ocean. The location of all private open space areas is orientated to the rear (north) and as such, no adverse visual or acoustic impact would arise to adjoining development. In addition, solar access and high-quality views are maintained as part of this proposal, therefore any change to existing open space areas would severely impinge on the enjoyment of the land.”*

Response: It is agreed that the backyard, balcony and rooftop terrace are suitably orientated to capitalise on the impressive views available and for optimum solar exposure. The argument that *“any change to existing open space areas would severely impinge on the enjoyment of the land”* is not agreed with. There is no compelling reason presented as to why more equitable distribution of the ground level backyard area, and connection to the upper dwelling, cannot be achieved to better address the DCP control.

- *“The proposed development is of a contemporary design and would present a typical dwelling house when viewed from the public domain. It is considered that every attempt has been made to ensure that the existing integrity of the design is maintained to ensure that the high-quality streetscape is not diminished as a result of the proposal.”*

Response: This point has been made in addressing Control C48 below and does not appear to be a relevant argument for the POS area being non-compliant with Control C29.

- *“It should be noted that adjoining development at No 7 Gwinganna Avenue is configured in a similar manner to that being proposed in the subject application. It is confirmed that no impact has arisen as a result of that development and as such, precedence should be considered in this regard.”*

Response: The development at 7 Gwinganna Avenue is dual occupancy development that was approved in 1992 (DA149/92) i.e. 26 years ago. That development was assessed against the development controls in force at that time. Assessment of the development the subject of this DA is based on current controls,

## Report of the Director Environmental Services

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

reflective of current amenity expectations for dual occupancy development, including Control C29 so the argument is not relevant.

- *“From time to time, Unit 2 may be used for short term rental accommodation for the purpose of holiday rental. This form of development is permitted by virtue of Clause 6.10 of the Kiama Local Environmental Plan 2012 and Chapter 12 of the Kiama DCP. While the matter of private open space is to still be given substantive weight, consideration should be given in a practical context in that adequate separation of areas are sought to be maintained between each dwelling so as to afford privacy and amenity to residents alike.”*

Response: The proposal is for the use of the building as a dual occupancy. Either the upper or lower dwelling could be occupied for long-term or short-term accommodation. The application must be assessed on the basis that each dwelling will be permanently occupied by unrelated persons and achieve the Kiama DCP minimum requirements for well-designed private open space.

Control C48 - *Each dwelling in a dual occupancy development/secondary dwelling development must have a clearly defined and identifiable street entrance.*

Access to the proposed lower floor dwelling is obtained by walking down the sloping path to the side of the building and entering via a sliding screen door to the proposed living area or bedroom at the rear of the property.

In response to this aspect of the proposal, the applicant makes the following comments:

- *“Every attempt has been made to ensure that the existing integrity of the design is maintain to ensure that the high-quality streetscape is not diminished as a result of the proposal.”*

Response: It is a rational requirement that each dwelling have a clearly defined and recognisable front entry from the street. This is so that any visitors to the site, unfamiliar with the property, can unmistakably recognise the dwelling front entrances and so that the development is generally recognisable as a dual occupancy. These reasons underpin crime prevention through environmental design principles that advocate clearly defined and recognisable front entrances as a crime prevention measure. Potential perpetrators of criminal or anti-social behaviour may have a legitimate excuse if confronted in the private ground of the property by claiming that they are searching for the front door as they scope out a property.

- *“Unit 2 may be used for short term rental accommodation for the purpose for holiday rental. In a practical context, adequate separation of areas are sought to be maintained between each dwelling so as to afford privacy and amenity to residents alike.”*

Response: As previously indicated, the proposal is for the use of the building as a dual occupancy. Either the upper or lower dwelling could be occupied for long-term or short-term accommodation. The application must be assessed on the basis that each dwelling will be permanently occupied by unrelated persons and therefore have distinct and clearly defined front entrances from the street to prevent the top dwelling being regularly disturbed by dwelling 2 visitors seeking the front door of dwelling 2.

## Report of the Director Environmental Services

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

Overall Comment: The proposed upper dwelling has no POS at ground level and, with that, no ready access to the public reserve adjoining the site. By far the largest POS available to the upper dwelling is the roof-top terrace; however this POS area is accessed via the master bedroom rather than the living areas of the dwelling. The practicality of accessing this outdoor space by the general occupants of the dwelling is therefore questionable diminishing the value of the POS.

This matter, combined with the lack of front door entrance to the lower floor level dwelling, is not consistent with the overall objectives for low-density residential development, such as the objective of providing “*high level of user amenity through the provision of well designed, liveable dwellings.*”

The applicant justifies both DCP variations on the basis that the DCP is a guide and that the “*current DCP is designed as a guideline for new dual occupancy builds, and does not take into account current situations.*”

The justification put forward on the basis that ‘the building is already there’ is weak and insufficient. The building is only there ‘as is’ with a dwelling on the lower ground floor level and a dwelling above because it has not been completed in accordance with approved plans and development consent. It is emphasised that such unauthorised works do not consequentially justify a breach or circumvention of Kiama DCP controls. To this end the alternative argument should also be made that, should this have been a properly conceived and purposely built dual occupancy development in the first instance rather than an unauthorised adaptation, the form of the development would not be the existing building with its one dwelling above the other configuration. Instead it would have been two dwellings in a side by side configuration, each with balconies and a backyard area to capture the northern views, optimal solar exposure with reserve access land beach access. The approved development for the site is a single dwelling.

The proposed non-compliance of the development with Kiama DCP 2012 Chapter 4 Control C29 private open space and Control C48 a clearly defined and identifiable street entrance is not supported. The Kiama DCP applies to all development irrespective of if it is a new build, or a conversion of an existing building, or a change of use etc. Whilst it is acknowledged that the Kiama DCP is effectively a guide, there must nonetheless be valid justification put forward to support any proposed variations. The justification put forward for non-compliance with Control C29 & C48 in this instance is considered to be weak and insufficient in the circumstances.

**Any Planning Agreement**

Nil

**Any Matters Prescribed by the Regulations**

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

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

**Any Coastal Zone Management Plan**

Nil

Report of the Director Environmental Services

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

---

### The Likely Impacts of the Proposed Development

- Streetscape

There are no streetscape implications of the proposed development as it involves conversion of an existing dwelling to a dual occupancy. There are no external changes proposed.

- Noise

No detail is available demonstrating compliance with the BCA requirements for suitable acoustic attenuation measures between each occupancy. Council is therefore unable to ascertain whether any significant noise impacts can be expected as a result of the development internal to the site and is therefore required to invoke a precautionary principle and is unable to support the proposal on these grounds.

- Privacy and Overlooking

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

- Overshadowing

Overshadowing as a consequence of the proposed development conversion of existing ground floor area to dwelling will be no greater than that caused by the existing dwelling as approved. Both dwellings are north facing and have adequate access to natural light.

- Views

The proposal will not have an additional 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

No change to stormwater drainage is brought about by the proposed development.

- Environmental Impacts

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

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

*Impact on Soil Resources* – N/A

*Impact on Water Resources* – Stormwater will be conveyed to the existing system.

- Social and Economic Impacts

The proposed development will likely have minimal adverse economic impacts.

No concerns have been raised in submissions.

Report of the Director Environmental Services

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

---

The proposed development does not comply with Safer by Design principles in that the lower floor dwelling does not have a street entrance, let alone a street entrance that is clearly defined and identifiable. This has negative social implications that are considered to be unacceptable.

### **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.

Other issues to consider include:

- Traffic and Access

Council's Engineers have raised no concerns with the proposal in relation to traffic and access matters.

- Contamination from previous land uses

There is no evidence of site contamination on this or adjacent sites. The site is unlikely to be contaminated.

- Effect on public domain

The proposal is expected to have an acceptable impact on the public domain.

- Utility needs and supply

The proposal is serviced by all essential services.

- Safety, security & crime prevention

The proposal has been considered against Crime Prevention Through Environmental Design (CPTED) principles and concerns are raised in that the lower floor dwelling has no clearly defined and legible front door accessible and visible from Gwinganna Avenue. Searching for a front door to a dwelling gives any potential intruders or trespassers a legitimate reason for entering the side and backyard of the property. As discussed above, Control C48 of Chapter 4 of Council's DCP 2012 specifically requires each dwelling in a dual occupancy to have "a clearly defined and identifiable street entrance". The proposed development fails to provide this and is consequently does not satisfy CPTED principles.

- Operational waste

The proposal considers waste storage and collection from Gwinganna Avenue to be acceptable.

- Operational noise and vibration

No significant concern is raised.

- Risks to people & property from natural & technological hazards

No known risks.

- BCA compliance

At the request of Council, a Building Code of Australia (BCA) Compliance Report was submitted. The author of the report has identified that a Performance Solution

## Report of the Director Environmental Services

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

can be provided to address some of the BCA compliance issues identified and has also identified that a Performance Solution may be able to be provided in most cases in relation to the other issues. Furthermore, no detail is available demonstrating compliance with the BCA requirements for acoustic measures between sole occupancy units.

To comply with the National Construction Code (NCC), a solution must achieve compliance with the performance requirements by either:

- a. Meeting a deemed-to-satisfy Solution; or
- b. Demonstrating a compliant performance solution (alternative solution); or
- c. A combination of deemed-to-satisfy and performance solutions.

A performance solution is only taken to meet the performance requirement if it is demonstrated to achieve compliance.

Council's Building Officer has reviewed the proposal and the supporting Building Code of Australia (BCA) report and has raised concerns in relation to BCA non-compliances. In particular, the significant number of fire-safety non-compliance issues identified in the current construction of the building that may or may not be able to achieve compliance.

The BCA report focusses on fire requirements and presents the outcomes of the compliance assessment into three categories:

- a. Some performance requirements **have been met** through deemed-to-satisfy solutions;
- b. Some performance requirements **have not been met** through deemed-to-satisfy solutions however the report has indicated that the requirements **can be satisfied** through a performance solution. The report does not provide any details about the nature of the performance solutions in these cases;
- c. Some performance requirements **have not been met** through deemed-to-satisfy solutions however the report has indicated that the requirements **may be satisfied** through a performance solution. The report does not provide any details about the nature of the performance solutions in these cases. An example of a performance requirement that falls into this category is meeting the fire resistance level (FRL) to appropriately resist the spread of fire from one dwelling to another. This level of uncertainty in relation to BCA fire engineering requirements is unacceptable and the proposal should not be supported.

### Submissions

#### Public Submissions

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period no submissions were received.

### External Referrals

Nil

### Internal Referrals

Report of the Director Environmental Services

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

---

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

- Development Assessment Officer - Building

An objection has been raised in relation to the proposed development. This is discussed above under 'The Suitability of the Site for the Development – BCA Compliance'. The proposed development is not supported for the following reasons:

- (1) The Building Code of Australia Report for the change of use to a dual occupancy (Class 2 building) for the existing building has identified fire-safety non-compliance issues with the current construction. The change of use would be reliant upon Fire Engineering Performance Solutions (*Alternative Solution*). The BCA report has concluded that some performance requirements **may** be provided to achieve compliance with the Performance Requirements of the National Construction Code. A Performance Solution only complies with the NCC when the solution is demonstrated and achieves compliance with the Performance Requirements.
- (2) The applicant has not provided details of demonstrating compliance with the BCA requirements for acoustic measures between sole occupancy units prepared by a suitably qualified person.

- Subdivision & Development Engineer

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

- Landscape Design Officer

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

- GIS Officer

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

### **The Public Interest**

It is considered that the proposal is unlikely to cause significant adverse impacts to the natural or built environment and is not likely to cause significant adverse economic impacts.

The proposed development is considered to be inconsistent with the Kiama DCP 2012 performance Control C29 & C48, as discussed above under Kiama DCP 2012 and the development is not considered to be suitable in conjunction with the BCA compliance issues identified and discussed above under 'The Suitability of the Site for the Development – BCA Compliance'.

The proposed development does not comply with Safer by Design principles in that the lower floor dwelling does not have a street entrance, let alone a street entrance that is clearly defined and identifiable. This has negative social implications that are not considered to be acceptable in the circumstance.

Having regard to these issues, approval of the proposed development would set an undesirable precedent and is therefore not considered to be in the public interest.

Report of the Director Environmental Services

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

---

### **Final Comments and Conclusions**

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 but has been found to not be consistent with Kiama Development Control Plan 2012 Chapter 4 Controls C29 & C48.

Consideration has been given to the economic and environmental impacts of the proposed development and no significant concerns are raised. Social concerns are raised in relation to the lack of street front entrance to the lower floor dwelling creating CPTED issues. There are additionally BCA fire safety and acoustic compliance issues that warrant refusal of the proposal.

The proposed development is considered to be unacceptable and refusal is recommended.

**Item 10.4**



**GROUND FLOOR CONVERSION TO CREATE DUAL OCCUPANCY**

LOT 189, DP 33904  
5 GWINGANNA AVENUE  
KIAMA 2553

Client: ROBERTSON

**Revised - GROUND FLOOR CONVERSION TO CREATE DUAL OCCUPANCY**

**Layout Index**

Layout No:	Layout Name	Rev	Description	Date
A.0001	COVER SHEET	0	ISSUED FOR REVISED DEVELOPMENT APPLICATION	06.11.17
A.0002	PERSPECTIVES	0	ISSUED FOR REVISED DEVELOPMENT APPLICATION	06.11.17
A.1001	SITE PLAN	0	ISSUED FOR REVISED DEVELOPMENT APPLICATION	06.11.17
A.2001	FLOOR PLAN	0	ISSUED FOR REVISED DEVELOPMENT APPLICATION	06.11.17
A.3002	FLOOR PLAN	0	ISSUED FOR REVISED DEVELOPMENT APPLICATION	06.11.17
A.3003	FLOOR PLAN	0	ISSUED FOR REVISED DEVELOPMENT APPLICATION	06.11.17
A.3101	ROOF PLAN	0	ISSUED FOR REVISED DEVELOPMENT APPLICATION	06.11.17
A.3102	SHADOW DIAGRAMS	0	ISSUED FOR REVISED DEVELOPMENT APPLICATION	06.11.17
A.3103	SHADOW DIAGRAMS	0	ISSUED FOR REVISED DEVELOPMENT APPLICATION	06.11.17
A.3001	ELEVATIONS	0	ISSUED FOR REVISED DEVELOPMENT APPLICATION	06.11.17
A.3002	ELEVATIONS	0	ISSUED FOR REVISED DEVELOPMENT APPLICATION	06.11.17
A.3101	SECTIONS	0	ISSUED FOR REVISED DEVELOPMENT APPLICATION	06.11.17
A.3102	SECTIONS	0	ISSUED FOR REVISED DEVELOPMENT APPLICATION	06.11.17

**Date Received**  
6 8 NOV 2017  
Kiama Municipal Council

**Essential Notes**

1. The proposed development is subject to the following conditions of consent:

2. The proposed development is subject to the following conditions of consent:

3. The proposed development is subject to the following conditions of consent:

4. The proposed development is subject to the following conditions of consent:

5. The proposed development is subject to the following conditions of consent:

6. The proposed development is subject to the following conditions of consent:

7. The proposed development is subject to the following conditions of consent:

8. The proposed development is subject to the following conditions of consent:

9. The proposed development is subject to the following conditions of consent:

10. The proposed development is subject to the following conditions of consent:

11. The proposed development is subject to the following conditions of consent:

12. The proposed development is subject to the following conditions of consent:

13. The proposed development is subject to the following conditions of consent:

14. The proposed development is subject to the following conditions of consent:

15. The proposed development is subject to the following conditions of consent:

16. The proposed development is subject to the following conditions of consent:

17. The proposed development is subject to the following conditions of consent:

18. The proposed development is subject to the following conditions of consent:

19. The proposed development is subject to the following conditions of consent:

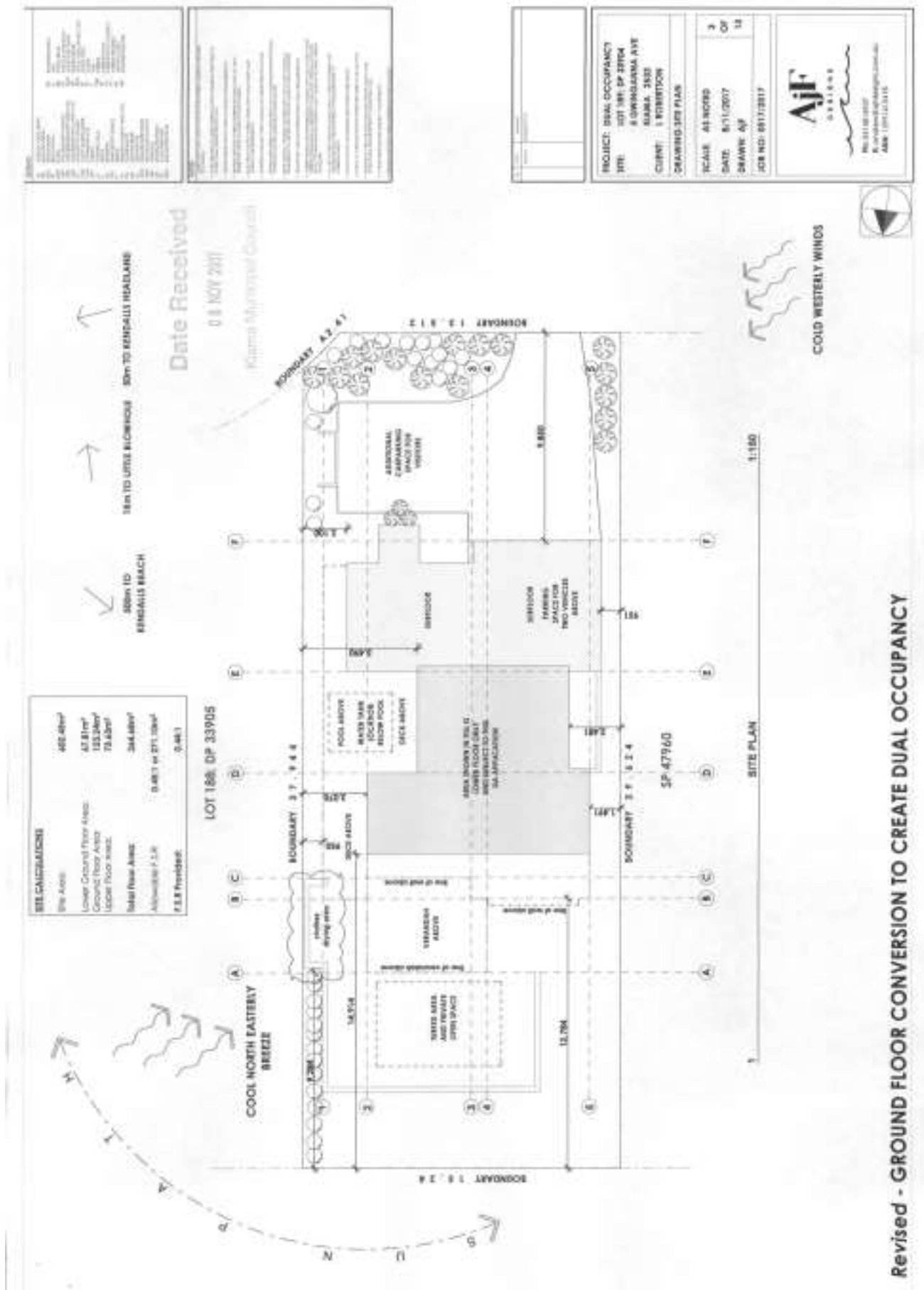
20. The proposed development is subject to the following conditions of consent:

PROJECT: DUAL OCCUPANCY  
LOT 189, DP 33904  
5 GWINGANNA AVE  
KIAMA 2553  
CLIENT: I ROBERTSON  
DRAWING: COVER SHEET

SCALE: AS NOTED  
DATE: 8/11/2017  
DRAWN: AJF  
JOB NO: 06172817

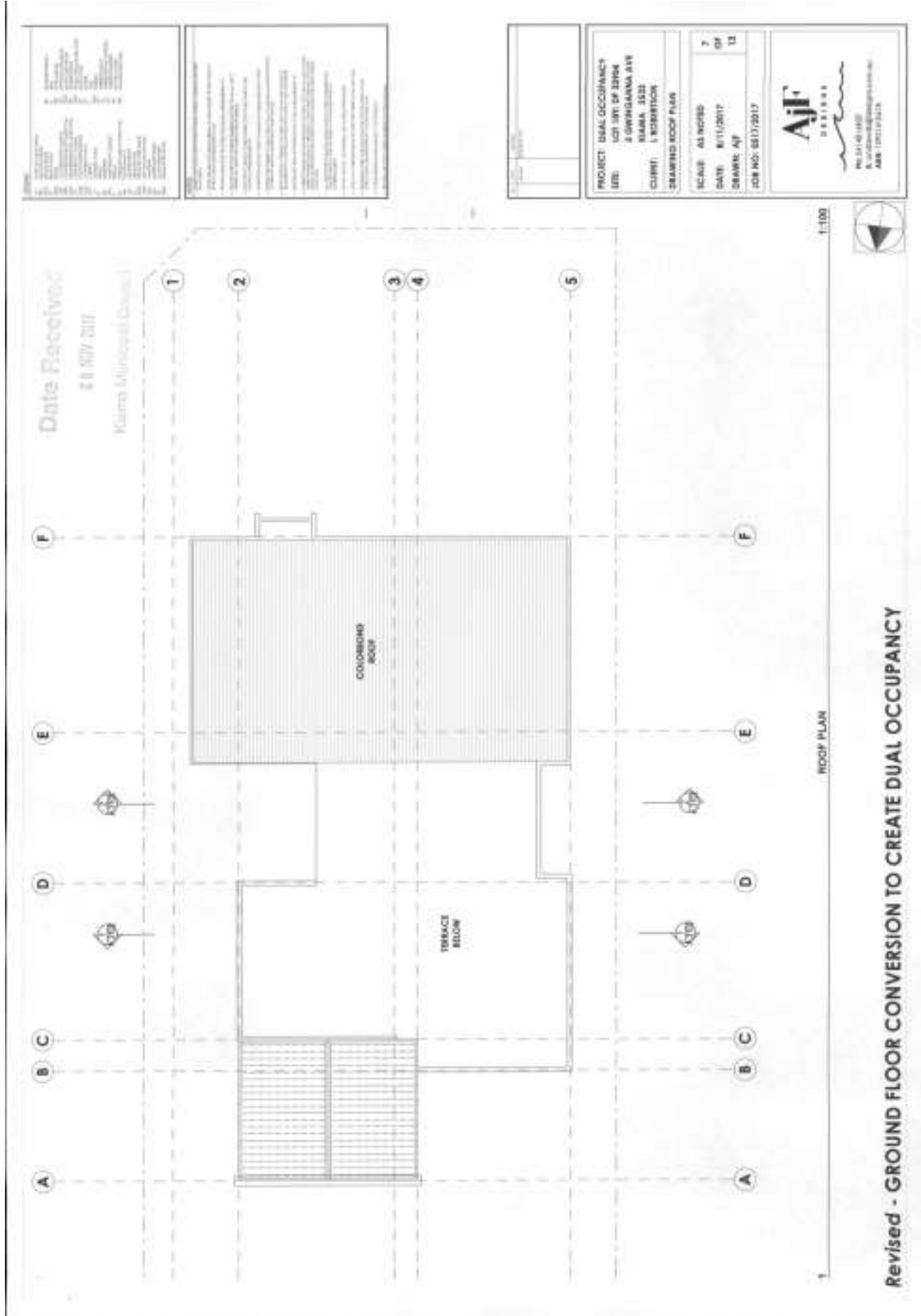
**AJF DESIGN**  
Registered Architect  
No. 12914  
A.M.A. 12914/2018





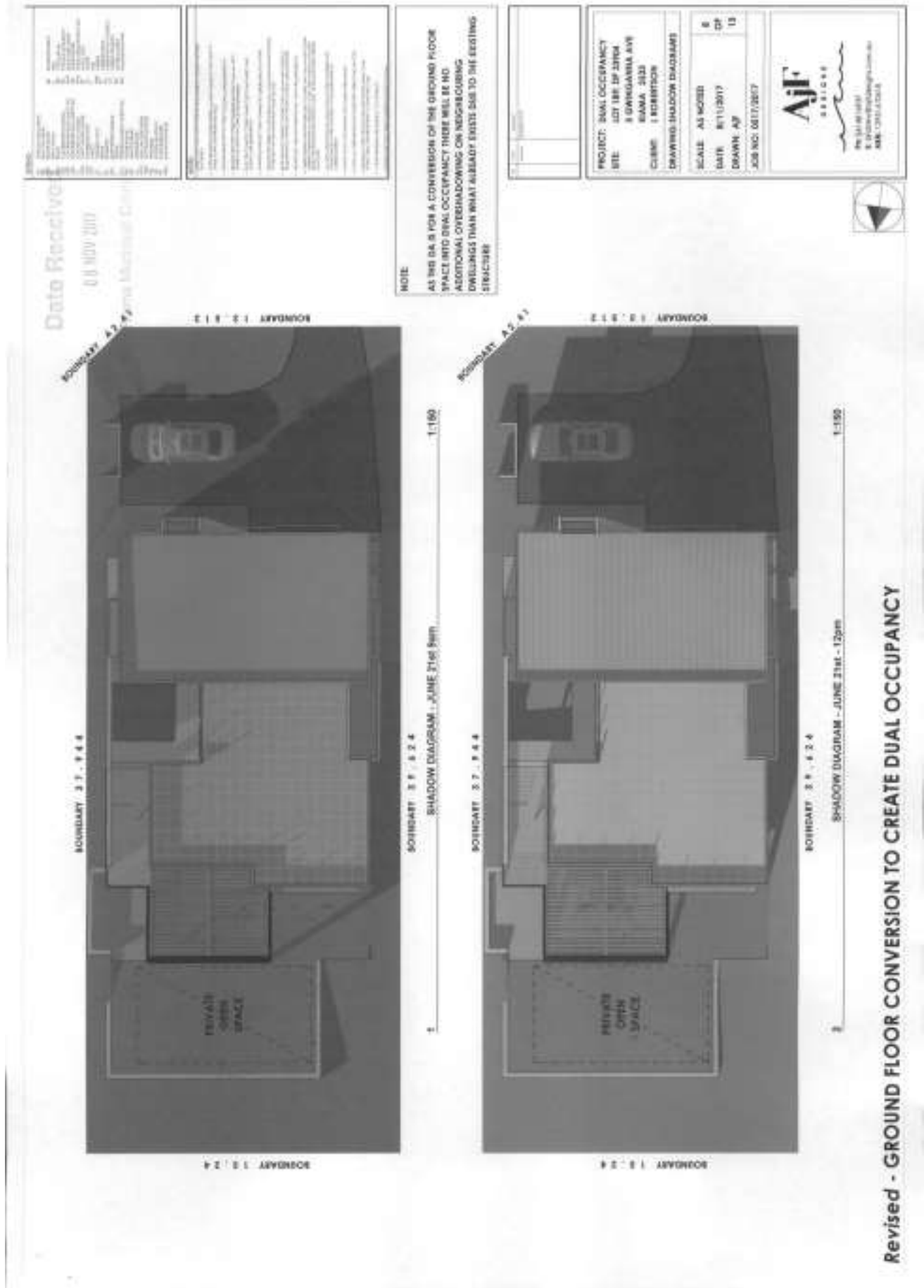
Revised - GROUND FLOOR CONVERSION TO CREATE DUAL OCCUPANCY

Attachment 1 Item 10.4



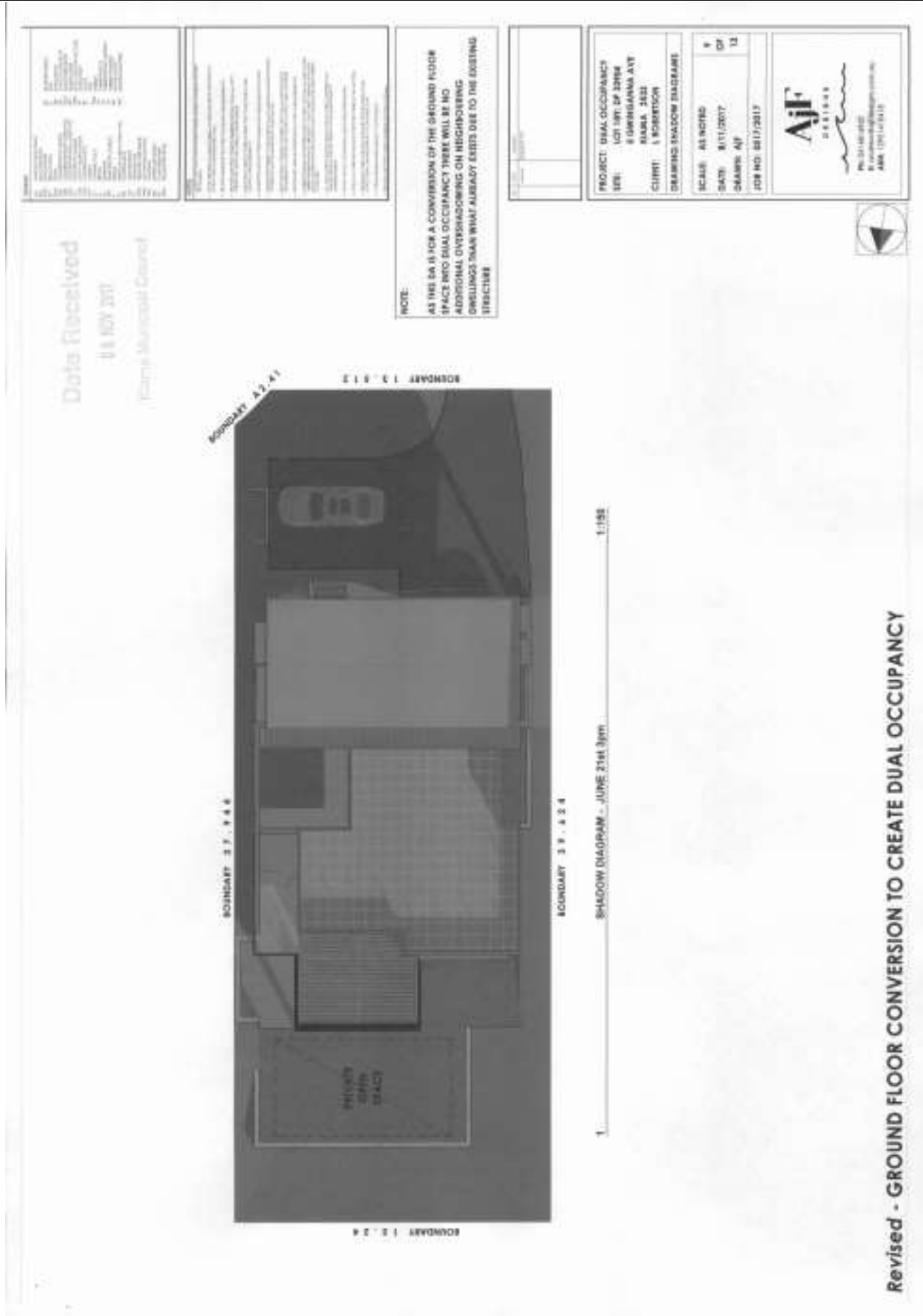
Item 10.4

Attachment 1



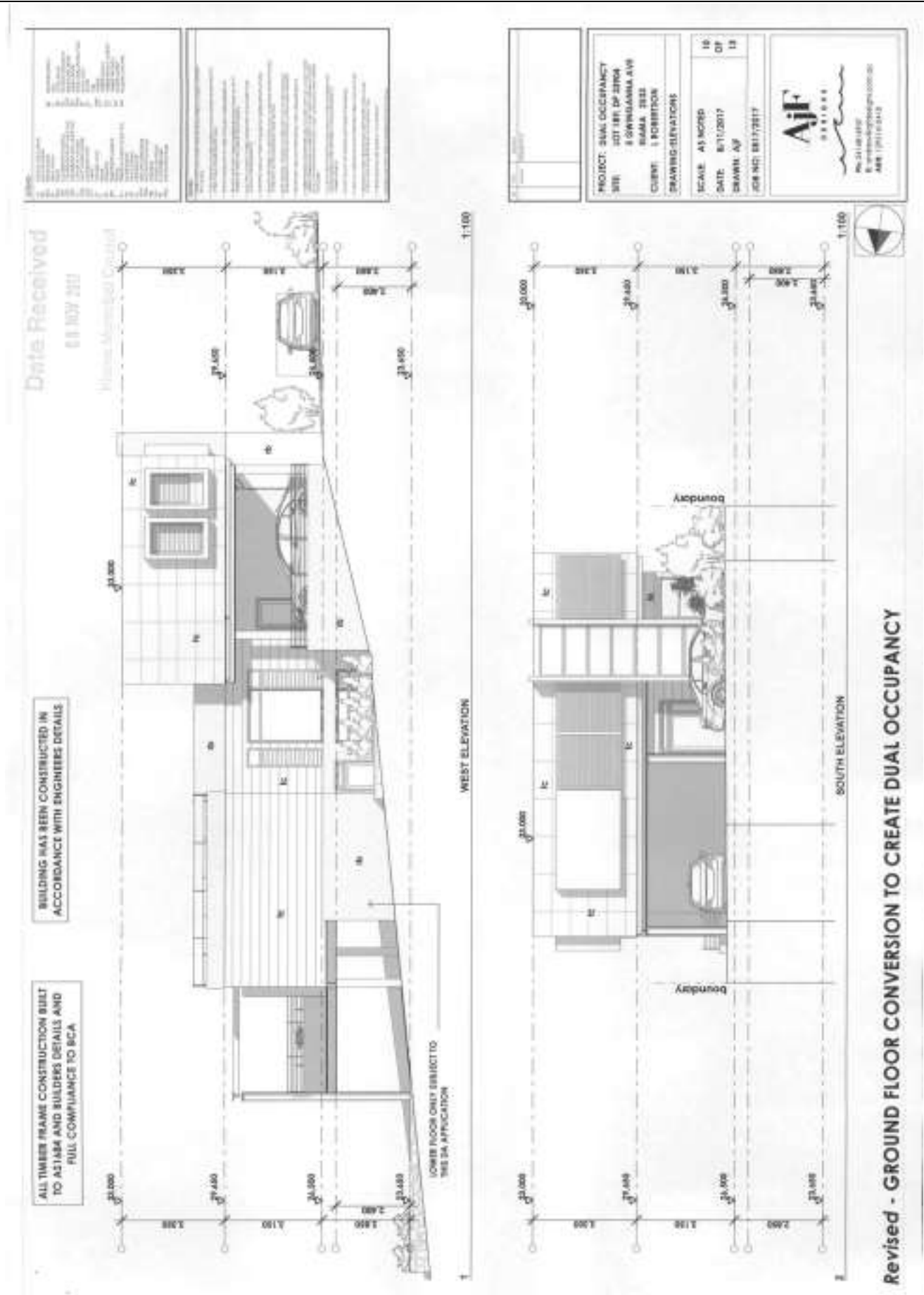
Item 10.4

Attachment 1



Item 10.4

Attachment 1



Item 10.4

Attachment 1





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

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

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

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

Item 10.5

**Summary**

The NSW Government has recently published the Low Rise Medium Density Housing Code. This Code will come into effect when it is introduced into the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP)* on 6 July 2018. This new Code enables dual occupancy development and certain types of medium density development to be approved as complying development.

Where a Local Environmental Plan (LEP) does not prescribe a minimum lot size for dual occupancies, the new Code enables dual occupancies to be built on 400m<sup>2</sup> lots. The same scenario will exist for certain types of medium density development which will be able to be built on 600m<sup>2</sup> lots.

Staff, the Mayor, Councillors and the community have already raised concerns with the new Code. These concerns have been discussed with the relevant State Government representatives. The NSW Minister for Planning has advised Councils with concerns about the new Code to request inclusion to a schedule that will provide a 12 month deferral of the new Code to allow Councils time to insert mechanism/controls into their LEPs. The NSW Department of Planning and Environment (DPE) has advised that in order for a deferral request to be considered Councils need to submit a Planning Proposal for a Gateway Determination by 27 July 2018.

The Code will generally override controls contained in LEPs such as heights and floor space ratios, however the Code will not override the LEP when it comes to development permissibility and minimum lot size requirements for certain developments. This report makes recommendations to amend the Kiama LEP 2011 to take advantage of both of these opportunities to manage the application of the Code by:

- a) introducing a minimum lot size for dual occupancies, manor houses and multi-dwelling housing (terrace) across all R2 and R3 zoned land; and
- b) introducing a new E4 Environmental Living zone which prohibits dual occupancies, manor houses and multi-dwelling housing (terrace) and apply that zone to the western portion of Silver Hill/Cedar Ridge which is not suitable for conventional residential densities.

It is noted that in September 2017, council resolved to endorse a Planning Proposal to amend the Kiama LEP 2011 to introduce a minimum lot size for dual occupancies in newly zoned R2 land. This resolution will be replaced by the broader recommendation of this report.

Report of the Director Environmental Services

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

---

### 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. As this Planning Proposal is being prepared internally no fees are payable.

### 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.

### Communication/Community Engagement

In accordance with Council's adopted Planning Proposal Policy, Community Engagement will be carried out following receipt of any Gateway Determination.

### Attachments

Nil

### Enclosures

Nil

## RECOMMENDATION

That Council:

- 1) Endorse this Planning Proposal for amendments to the Kiama LEP 2011 to proceed to the Department of Planning and Environment for a Gateway determination to:
  - a. Introduce a minimum lot size and/or a dwelling density for dual occupancy, manor house and multi dwelling housing (terrace) development in zoned R2 Low Density Residential and R3 Medium Density Residential land,
  - b. Make multi dwelling housing (terraces) permissible in the R2 Low Density Residential zone, and
  - c. Rezone the western portion of Silver Hill/Cedar Ridge area from R5 Large Lot Residential to E4 Environmental Living.
- 2) Request plan making delegations for this proposal as a part of the Gateway determination.
- 3) On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.

## BACKGROUND

At present dual occupancies are permissible in all residential zones throughout the Municipality under the provisions of the Kiama LEP 2011. It is noted that secondary

Report of the Director Environmental Services

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

dwelling are also permissible in all residential, rural and the E3 Environmental Management Zone under the provisions of the LEP.

**Planning Approval Pathways**

Complying Development

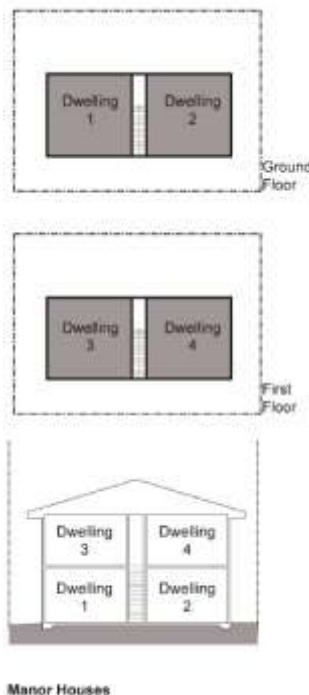
Complying development is a combined planning and construction approval for development that can be determined through a fast track assessment by Council or an accredited certifier. New dwellings, alterations and additions to a house, new industrial buildings, demolition of a building, and changes to a business use are currently able to be approved as complying development. The new Code will also allow the construction of dual occupancies (either side by side or one on top of the other), manor houses and multi dwelling housing (terraces) to be approved as complying development.

The new Code includes the following definitions:

**manor house** means a building containing 3 or 4 dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall or floor, and
- (b) at least 1 dwelling is partially or wholly located above another dwelling, and
- (c) the building contains no more than 2 storeys (excluding any basement).

**Note.** Manor houses are a type of **residential flat building** - see the definition of that term in this Dictionary.

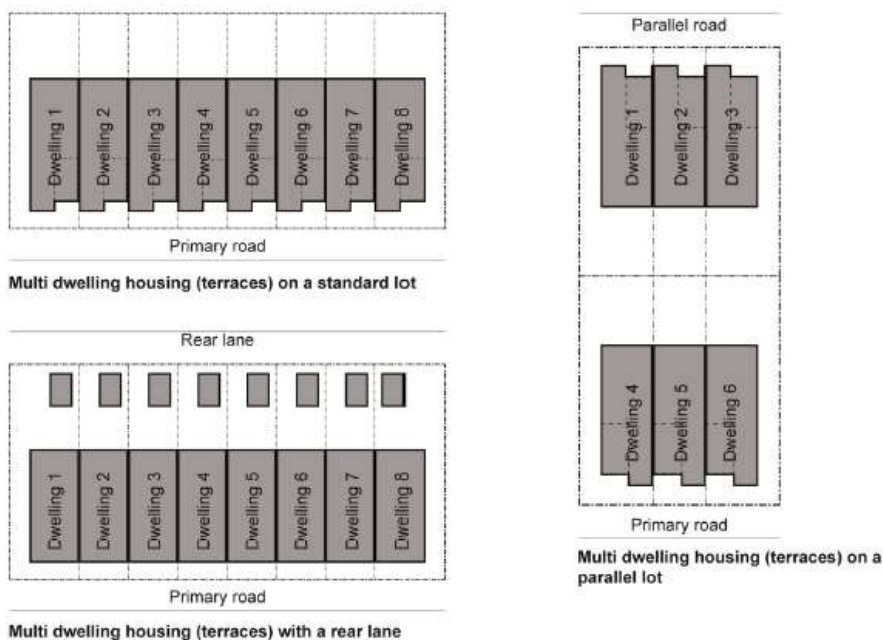


Item 10.5

Report of the Director Environmental Services

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

**multi dwelling housing (terraces)** means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.



Item 10.5

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land where:

- (a) each dwelling has access at ground level, and
- (b) no part of a dwelling is above any part of any other dwelling, and includes multi dwelling housing (terraces).

**Note.** Multi dwelling housing is a type of **residential accommodation** - see the definition of that term in this Dictionary

With the introduction of the new Code, manor houses will be made permissible wherever residential flat buildings are permissible. Multi dwelling housing (terraces) will be made permissible wherever multi dwelling housing is permissible.

Council or an accredited certifier can issue a Complying Development Certificate (CDC) without the need to consult with the community or the local Development Control Plan (DCP). The only notification required by a CDC is the requirement to notify Council and adjoining neighbours seven (7) days prior to construction works commencing on the site.

Development Applications

Development Applications are generally determined by councils. Development Applications are assessed on their merits against the provision of the relevant LEP and local DCP. Neighbours are notified of Development Applications by Council when they are lodged. Neighbours and members of the community are able to lodge submissions with Council which need to be considered as part of the assessment process.

## Report of the Director Environmental Services

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

---

Normally, the purpose of LEP controls is solely to regulate appropriate development outcomes. In this case, we are also using LEP controls to manage the process by which developments are assessed and approved, that is development applications by Council versus complying development certificates by private certifiers.

There is no mechanism under complying development to vary development controls contained in a planning instrument (LEP, SEPP). Therefore, the introduction of minimum lot sizes for the application of the new Code cannot be varied under complying development.

However, as part of the Development Application process, Council can vary the development standards contained in the LEP via a 4.6 variation. It is foreseeable that development proposals may be received in the future that are under the minimum lot size that is now being proposed. In these cases, where the development results in a positive planning, environmental and social outcome, Council should be prepared to be flexible with the application of the minimum lot size for development applications.

**Low Rise Medium Density Housing Code in the Kiama Municipality**

The new Low Rise Medium Density Housing Code will apply to all R1, R2, R3 and RU5 zoned land in the State. Where permitted by the LEP, dual occupancies, manor houses and multi dwelling housing (terraces) may be carried out as Complying Development.

Dual occupancies are permissible in all residential zones throughout the Municipality under the provisions of the Kiama LEP 2011. The new Code will make manor houses and multi dwelling housing (terraces) permissible with consent within the R3 Medium Density Residential zone which applies in parts of Kiama, Gerringong and Gerroa.

Where a LEP does not prescribe a minimum lot size for dual occupancies the new Code enables dual occupancies to be built on 400m<sup>2</sup> lots. The same scenario will exist for manor houses and multi dwelling housing (terraces) which will be able to be built on 600m<sup>2</sup> lots. At present the Kiama LEP does not prescribe minimum lot sizes for dual occupancies or manor houses and multi dwelling housing (terraces) and therefore the aforementioned minimum lot sizes would apply.

The NSW Minister for Planning has advised Councils with concerns about the new Code to request inclusion to a schedule that will provide a 12 month deferral of the new Code to allow Councils time to insert mechanism/controls into their LEPs. The NSW Department of Planning and Environment (DPE) has advised that in order for a deferral request to be considered councils need to submit a Planning Proposal for a Gateway Determination by 27 July 2018.

This report focusses on amendments to the Kiama LEP 2011 that will enable a more appropriate application of the Code. Staff have also flagged with the Department of Planning and Environment that ongoing conversations are required to address our concerns about supporting local character outcomes in the application of the Code.

**Previous Council Resolution**

In September 2017 Council resolved to introduce a minimum lot size for dual occupancies in newly zoned R2 Low Density Residential areas (i.e. not applicable

## Report of the Director Environmental Services

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

---

across existing areas of R2 zoning). The minimum lot size suggested at that time was 600m<sup>2</sup> with the exception of newly zoned land at Jamberoo which was suggested for a large 1200m<sup>2</sup> minimum lot size. This would equate to a dwelling density of one dwelling per 300m<sup>2</sup> except in Jamberoo where the density would be one dwelling per 600m<sup>2</sup>. Due to resourcing limitations and competing priorities, this Planning Proposal is yet to be progressed.

To minimise the impact and application of the Low Rise Medium Density Housing Code, this previous resolution should be revisited to apply a minimum lot size for dual occupancies, manor houses and multi-dwelling housing (terraces) for all R2 and R3 land across the Municipality. Given this proposed expansion to the introduction of the minimum lot size across all residential areas and two residential zones, it is considered appropriate to revisit the minimum lot size requirement to be included in the new Planning Proposal.

**Proposed Amendments to the Kiama LEP 2011**

This report suggests expanding upon the September 2017 resolution to introduce minimum lot sizes for dual occupancies and certain types of medium density development for all R2 Low Density Residential and all R3 Medium Density Residential land in the Municipality. These amendments will ensure that complying development is only carried out on land that is of sufficient size to reflect density outcomes that are appropriate for the Municipality's towns and villages.

Recent development applications have shown that dual occupancies are not appropriate in certain areas of the Municipality. This report also suggests rezoning these areas in order to ensure appropriate development occurs.

**R2 Low Density Residential Zone**

The R2 Low Density Residential zone applies to areas of Kiama, Gerringong, Gerroa and Jamberoo. Dual occupancies are permissible with consent within the R2 zone. At present the Kiama LEP does not prescribe a minimum lot size for dual occupancies.

To establish an appropriate dwelling density to be reflected in the minimum lot size controls, we have reviewed all dual occupancies approved by the Council in 2018. On average across the Municipality (with the exception of Jamberoo), developments have been approved with a dwelling density of one dwelling per 309m<sup>2</sup> of site area. In Jamberoo, as would be expected, this figure is greater at one dwelling per 428m<sup>2</sup>. Rounding to the nearest 100m<sup>2</sup> for ease of application, these densities would equate to:

- 600m<sup>2</sup> minimum lot size for dual occupancies
- 800m<sup>2</sup> minimum lot size for dual occupancies in Jamberoo

The introduction of the new definition of multi dwelling housing (terraces) presents an opportunity for this type of residential development to also be made permissible in the R2 zone. This style of development has direct frontage to the street for all dwellings and provides for private open space at the rear of the dwellings which are consistent with the outcomes for other forms of residential development in the R2 zoned areas.

## Report of the Director Environmental Services

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

---

Applying the dwelling densities discussed above, this would translate to a minimum lot size for terrace housing of 900m<sup>2</sup> across the Municipality and 1200m<sup>2</sup> at Jamberoo.

R3 Medium Density Residential Zone

The R3 Medium Density Residential zone applies to areas of Kiama, Gerringong and Gerroa (there are no R3 zones in Jamberoo). With the introduction of the new Code, manor houses and multi dwelling housing (terraces) will be made permissible within the R3 zone. Dual occupancies are also permissible with consent within the R3 zone. At present the Kiama LEP does not prescribe a minimum lot sizes for dual occupancies, manor houses or multi dwelling housing (terraces).

Council's September resolution did not include minimum lot sizes for manor houses or multi dwelling housing (terraces) or dual occupancies within the R3 zone.

When compared to the R2 zone a higher level of dwelling density should be encouraged within the R3 zone. As outlined above, this report suggests introducing a dwelling density that equates to one dwelling per 300m<sup>2</sup> for dual occupancies R2 Low Density Residential in Kiama, Gerringong and Gerroa and one dwelling per 400m<sup>2</sup> in Jamberoo. For residential development in the R3 zone an appropriate dwelling density of one dwelling per 200m<sup>2</sup> is suggested.

This would translate to the introduction of a minimum lot size of 400m<sup>2</sup> for dual occupancies and 800m<sup>2</sup> for manor houses and multi dwelling housing (terraces) in the R3 Medium Density Residential.

Areas not suitable for dual occupancies

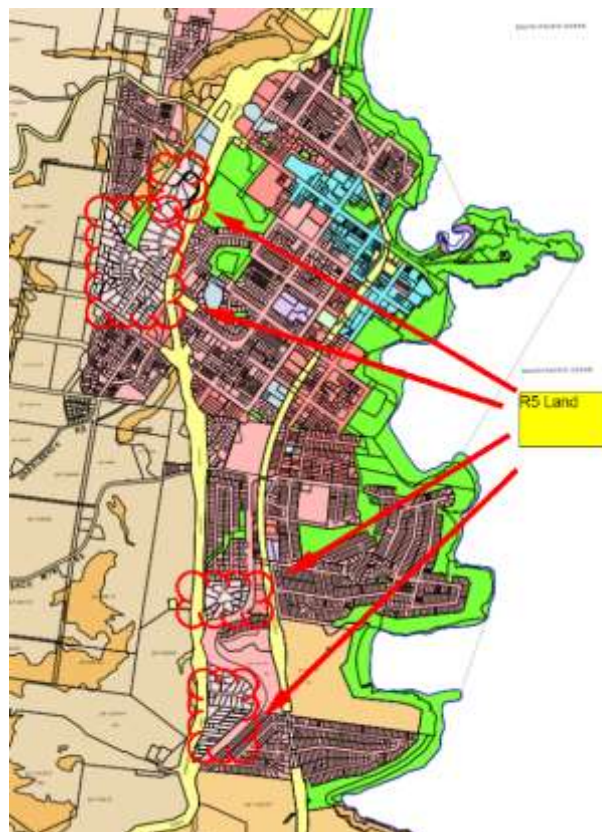
The introduction of the standard instrument LEP offered two alternative zones for rural residential/large lot areas, these being R5 Large Lot Residential or E4 Environmental Living. Kiama Council applied the R5 zone to these residential areas and permitted dual occupancies.

Dual occupancy development in these areas is limited by the DCP to lots that have a minimum area of 2000m<sup>2</sup>. There are no current limitations on minimum lot size for dual occupancies contained in the LEP.

The Silver Hill/Cedar Ridge area, Stewart Place and David Smith Place are zoned R5. The following diagram shows the areas that are currently zoned R5 within the Municipality.

Report of the Director Environmental Services

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



Item 10.5

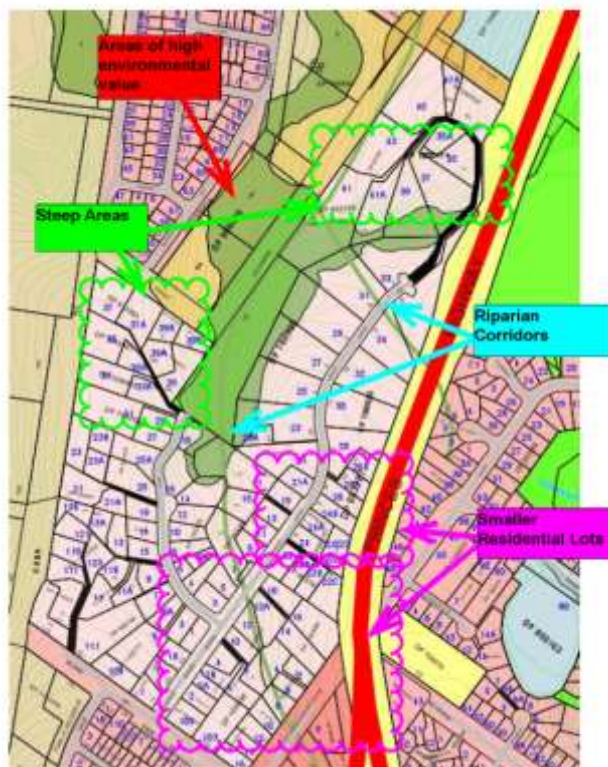
An internal review of the existing R5 zoned lands has highlighted a location where dual occupancies may no longer be suitable due to character, environmental values or servicing limitations.

The Silver Hill/Cedar Ridge area contains a number of topographical and environmental constraints that make dual occupancy development less appropriate in some parts of this large lot residential area. The diagram below shows the topographical and environmental constraints of the Silver Hill/Cedar Ridge area, as well as the numerous reciprocal right-of-ways. In addition to the natural constraints, the existing subdivision pattern, which includes lengthy right-of-ways, makes servicing (i.e. garbage collection etc.) problematic with any increases to housing density.



## Report of the Director Environmental Services

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



Item 10.5

An E4 zone which reflects the environmental constraints and which prohibits dual occupancies, residential flat buildings and multi-dwelling housing may be more appropriate for this area.

At present the Kiama LEP 2011 does not contain any E4 Environmental Living zoned land. The only form of residential development that is required to be permissible in the E4 zone is single dwelling houses. The objectives of the E4 are provided below.

**Objectives of zone**

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

This report suggests rezoning the western portion of the Silver Hill/Cedar Ridge area from R5 Large Lot Residential to E4 Environmental Living in accordance with the following diagram, thus prohibiting dual occupancies in this area.

## Report of the Director Environmental Services

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



Item 10.5

The R5 zoned areas of Stewart Place and David Smith Place are generally free of topographical and environmental constraints and as such no change to their zoning is proposed.

### Planning Proposal

A Planning Proposal explains the intended effect of, and justification for, a proposed amendment to the LEP. The introduction of new controls and zoning into the Kiama LEP 2011 will enable a more appropriate application of the Low Rise Medium Density Housing Code when it eventually commences in Kiama.

The Planning Proposal will seek to:

- introduce a minimum lot size of 600m<sup>2</sup> for dual occupancies and 900m<sup>2</sup> for multi dwelling housing (terraces) in R2 Low Density Residential zones in Kiama, Gerringong and Gerroa
- introduce a minimum lot size of 800m<sup>2</sup> for dual occupancies and 1200m<sup>2</sup> for multi dwelling housing (terraces) in R2 Low Density Residential zones in Jamberoo
- make multi dwelling housing (terraces) permissible with consent in the R2 Low Density Residential zone
- introduce a minimum lot size of 400m<sup>2</sup> for dual occupancies and 800m<sup>2</sup> for manor houses and multi dwelling housing (terraces) in the R3 Medium Density Residential zones
- introduce the E4 Environmental Living zone which prohibits dual occupancies, residential flat buildings and multi-dwelling housing

## Report of the Director Environmental Services

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

- 
- rezone the western portion of the Silver Hill/Cedar Ridge area from R5 Large Lot Residential to E4 Environmental Living in accordance with the diagram above.

If Council agrees with the outlined intended amendment, staff will prepare a Planning Proposal which is consistent with the requirements of the Kiama Planning Proposal Policy, the Department of Planning and Environment's (DPE) 'Guide to Preparing Planning Proposals, the Illawarra-Shoalhaven Regional Plan, Kiama Urban Strategy (KUS), relevant *State Environmental Planning Policies (SEPPs)*, and applicable Section 9.1 Ministerial Directions.

**Plan Making Delegations**

Council has received delegations for local plan making powers under Planning Circular PS16-005 and Section 3.36 of the *Environment Planning and Assessment Act 1979*. Staff will request delegated Plan making powers for this planning proposal. This request will be sent to DPE as part of the request for a Gateway determination. Following the Gateway determination, Council will be directed as to any further requirements to obtain additional studies, consult with public authorities and exhibit the proposed amendment to the Kiama LEP.

**Conclusion**

Staff, the Mayor, Councillors and the community have already raised concerns in relation to the operation of the new Low Rise Medium Density Housing Code. These concerns have been forwarded to the relevant State Government representatives. The NSW Minister for Planning has advised Councils with concerns about the new Code to request inclusion to a schedule that will provide a 12 month deferral of the new Code to allow Councils time to insert mechanism/controls into their LEPs. The NSW Department of Planning and Environment (DPE) has advised that in order for a deferral request to be considered councils need to submit a Planning Proposal for a Gateway Determination by 27<sup>th</sup> July 2018.

The necessity to make the intended amendments to the Kiama LEP 2011 has become evident as a result of the recent publication of the Low Rise Medium Density Housing Code. This new Code enables dual occupancy development and certain types of medium density development to be approved as complying development. Where a LEP does not prescribe a minimum lot sizes for dual occupancies the new Code enables dual occupancies to be built on 400m<sup>2</sup> lots. The same scenario will exist for manor houses and multi dwelling housing (terraces) which will be able to be built on 600m<sup>2</sup> lots. Currently the Kiama LEP 2011 does not prescribe a minimum lot sizes for dual occupancies, manor houses or multi dwelling housing (terraces).

If Council agree with the outlined intended amendments, staff will prepare a Planning Proposal and subsequently submit it to the Department of Environment and Planning for a Gateway Determination. If a positive Gateway Determination is issued the Planning Proposal will be placed on public exhibition and subsequently reported back to Council for final endorsement.

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

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

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

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

Item 10.6

**Summary**

This report reviews the DA 10.2017.286.1 which involves the construction of a detached dual occupancy.

The report recommends that Council approve DA 10.2017.286.1 as the proposal is:

- Permissible in the R5 Large Lot Residential and is consistent with the relevant development standards of the Kiama Local Environment Plan (LEP) 2011, including the floor space ratio development standard and the height of building development standard; and
- generally not inconsistent with Kiama Development Control Plan (DCP) 2012.

**Finance**

N/A

**Policy**

N/A

**Reason for the Report**

This report is submitted to Council because only the elected Council can:

- determine applications with more than 3 objections; and
- determine applications involving more than minor variations to the Development Control Plan

**Communication/Community Engagement**

Required: Yes (newspaper advertisement and letter notification)

Notification Period: 14 days from 10/10/2017 to 24/10/2017; and amended plans re-notified for 28 days from 18/12/2017 to 15/01/2018

Submissions: First notification – 11 submissions.  
Second notification – 6 submissions (from re-submitters).  
Total = 15 submissions.

**Attachments**

1 10.2017.286.1 - plans [↓](#)

**Enclosures**

Nil

Report of the Director Environmental Services

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

---

**RECOMMENDATION**

That Council approve Development application 10.2017.286.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

**BACKGROUND**

**Development Site**

The property is described as Lot 1 DP 1045061 which is located at 35 Bele Place, Kiama.

The overall site measures 2922 m<sup>2</sup> and is a battle axe in shape. The site currently contains Class 1 and Class 10 buildings and is bounded by rural land to the west, and large lot residential development containing principally single dwellings to the north, east, and south.

The site is zoned R5 Large Lot Residential under Kiama LEP 2011.

The site is cleared and generally flat, containing an existing 386.34 m<sup>2</sup> single storey dwelling.

Access to the property is gained through a shared access corridor in the form of a reciprocal right of carriageway in favour of the property. The shared access corridor provides access to 10 allotments, all of which currently accommodate a single dwelling except for 1 vacant lot.

The site is serviced with utilities and telecommunications.

The site is not subject to environmental planning constraints with the exception of the site being partly mapped as bushfire prone land.

The locality plan and site photographs is shown below in Figures 1, 2, 3, 4, 5, 6, 7, 8, and 9:



Figure 1 – GIS Locality Plan

Item 10.6

Report of the Director Environmental Services

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



Figure 2 – Bushfire Prone Land Mapping



Figure 3 – Site Photograph – Existing Shared Access Corridor



Figure 4 – Site Photograph (South View) – Ash (*Fraxinus excelsior*) Tree proposed for removal

Item 10.6

Report of the Director Environmental Services

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

---



**Figure 5 – Site Photograph – Existing Single Storey Dwelling**



**Figure 6 – Site Photograph (eastern common boundary)**



**Figure 7 – Site Photograph (southern common boundary)**

**Item 10.6**

Report of the Director Environmental Services

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

Item 10.6



Figure 8 – Site Photograph – Bele Place - Waste Collection Bins



Figure 9 – Scenic Quality – Western edge of Cedar Ridge Estate from Jamberoo Road

**Background**

The site has a minimum resulting lots size standard of 1000m<sup>2</sup> under Clause 4.1 of Kiama LEP 2011. If approved, the proposed dual occupancy would be permissible for further re-subdivision under Clause 4.1 of Kiama LEP.

The development history of the site is as follows:

Application No	Description	Determined	Decision
BA 6.1991.153.1	Dwelling	17/05/1991	Approved
DA 10.2002. 87. 1	Two (2) lot Torrens title subdivision	15/05/2002	Approved
CDC 12.2004.56.1	In-ground swimming pool	10/12/2004	Approved (Private Certifier)

The subdivision application history further affecting the shared access-way is as follows:



## Report of the Director Environmental Services

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

DA No	Description	Determined	Decision
5.1990.111.1	Two (2) Lot Subdivision	20/11/1990	Approved
5.1992.102.1	Subdivision	26/08/1992	Approved
5.1997.95.1	Three (3) Lot Subdivision	23/10/1997	Approved
10.2006.280.1	Two (2) Lot Subdivision	05/04/2007	Approved
10.2011.48.1	Two (2) Lot Subdivision	10/05/2011	Approved

Item 10.6

The number of lots approved to use the shared access corridor has increased from 5 allotments when the subdivision was initially created, to 10 allotments as a result of the aforementioned intervening subdivision approvals.

### Description of the Proposed Development

The proposal involves the construction of a new two storey dwelling in addition to the existing single storey dwelling at the site to form a detached dual occupancy development at the site.

The proposal is described as:

- The construction of a detached double storey dwelling and landscaped areas in addition to a free standing single storey dwelling existing on the allotment.
- The dwellings have a combined gross floor area (GFA) of 666.92m<sup>2</sup>

The details of each of the dwellings is as follows:

<b>Dwelling 1 (existing) 386.34m<sup>2</sup> GFA</b>	<b>Dwelling 2 (proposed) 280.58m<sup>2</sup> GFA</b>
<u>Ground Floor</u> <ul style="list-style-type: none"> <li>• Open plan kitchen, dining, living</li> <li>• 4 x bedrooms (Bed 1 with WIR, Ensuite)</li> <li>• Bathroom with Separated WC</li> <li>• Study</li> <li>• Laundry</li> <li>• Linen cupboard</li> <li>• Double car garage</li> </ul>	<u>Ground Floor</u> <ul style="list-style-type: none"> <li>• Patio &amp; Ground Level Entry into Kids Activity Room</li> <li>• 3 x bedrooms (Bedroom 4, 5, &amp; 6)</li> <li>• Laundry (with external access)</li> <li>• WC Room</li> <li>• Double car garage</li> </ul> <u>First Floor</u> <ul style="list-style-type: none"> <li>• External stair to upper level Patio &amp; Upper Level Entry into Kids Activity Room</li> <li>• Open plan kitchen, dining, living</li> <li>• 3 x bedrooms (Bed 1 with WIR, Ensuite, Bed 2 &amp; 3)</li> <li>• Bathroom and separate WC</li> <li>• Linen cupboard</li> <li>• Balcony Alfresco</li> </ul>

Report of the Director Environmental Services

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

The proposal is shown in Figures 10, 11, 12, 13, 14, 15, 16 and 17 below:



Figure 10 – Site Plan



Figure 11 – North-western 3D Elevation



Item 10.6

Report of the Director Environmental Services

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

Figure 12 – North-eastern 3D Elevations



Figure 13 – South-eastern 3D Rear Elevations



Figure 14 – South-western 3D Rear Elevations

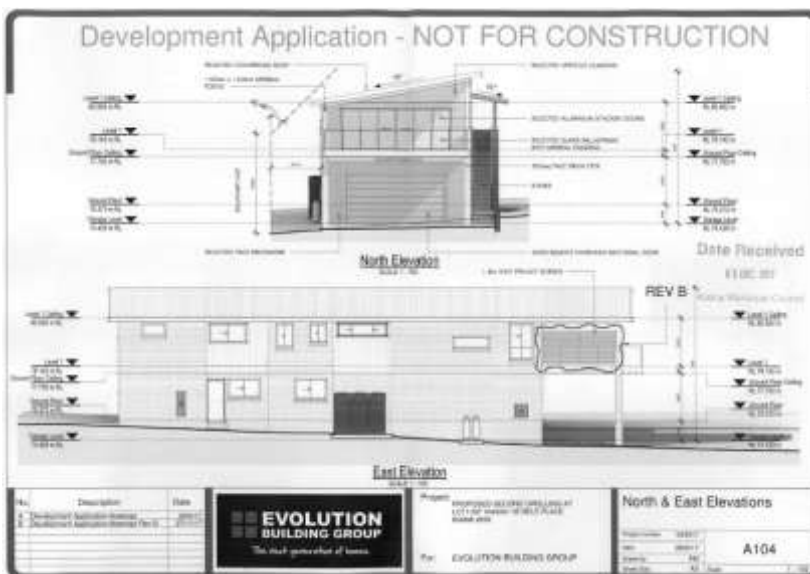


Figure 15 – North & East Elevations

Item 10.6

Report of the Director Environmental Services

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

Item 10.6

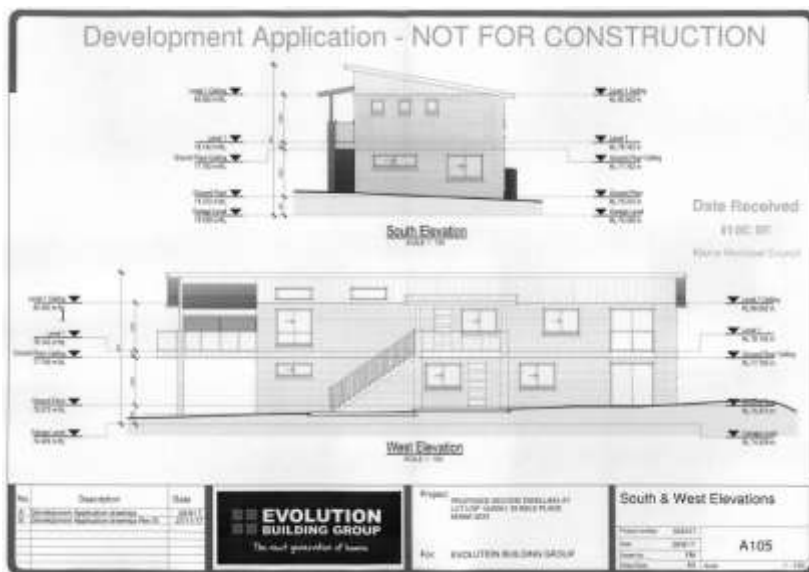


Figure 16 – South & West Elevations



Figure 17 – 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 No 71 – Coastal Protection (SEPP 71)

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

SEPP 71 aims to protect the unique attributes of the NSW Coast by ensuring that flora and fauna are protected, heritage is conserved and that development is

Report of the Director Environmental Services

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

---

appropriate. SEPP 71 applies to land and development within the coastal zone as defined by the *Coastal Protection Act 1979*.

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

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

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

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

A BASIX Certificate (863591S) was lodged for the new dwellings 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. Council is unaware of any historic land use which would deem the site unsuitable for the proposed development. The land is therefore considered to be suitable for the proposed use.

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

Clause 9 and 10 of the SEPP (Vegetation in Non-Rural Areas) 2017 outlines that consent is required for the clearing of certain vegetation in non-rural areas. Council's Development Control Plan (DCP) 2012 outlines that certain trees can be removed without requiring consent. No significant or native trees are proposed to be removed as part of this development.

- Kiama LEP 2011

Clause 2.3 Zone objectives and Land Use Table

The subject land is zoned R5 Large Lot Residential under Kiama LEP 2011. The proposal is defined as a *dual occupancy* under the provisions of the LEP 2011, which are permitted with consent in the R5 Large Lot Residential zone.

The R5 Large Lot Residential zone objectives are:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

Report of the Director Environmental Services

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

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposal is considered to be consistent with the zone objective to minimise impacts on scenic quality and environmentally sensitive locations, and to minimise conflict between land uses within this zone and land uses within adjoining zones.

The development does however have the potential to unreasonably increase the demand for public services including waste collection in circumstances where the existing waste collection arrangements for the existing dwellings utilising the shared access corridor is already sub-optimal, however, the unsatisfactory waste collection arrangements in the cul-de-sac head of Bele Place are recommended to be resolved as a recommended condition of consent in the subject application.

Specific clauses requiring consideration:

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 proposal has a height of 7.6m which does not exceed the maximum height of 8.5 metres shown on the Height of Buildings Map.

Clause 4.4 Floor Space Ratio

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

The proposal has an FSR of 0.23:1 which does not exceed the maximum floor space ratio of 0.45:1 shown for land on the Floor Space Ratio map.

Clause 5.5 Development within the Coastal Zone

The clause lists requirements for development within the coastal zone.

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

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

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

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

Item 10.6

## Report of the Director Environmental Services

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

Provision	Comment
(ii) identifying opportunities for new public access	
<p>The suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:</p> <ul style="list-style-type: none"> <li>(i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and</li> <li>(ii) the location, and</li> <li>(iii) the bulk, scale, size and overall built form design of any building or work involved</li> </ul>	<p>The colours and materials of the built form outcomes remain a consideration to ensure the visual impacts of the development are reasonably mitigated.</p> <p>Conditions of consent are recommended to ensure the scenic qualities of the coastline are reasonably protected, by restricting the use of whites, and highly reflective colours.</p>
<p>The impact of the proposed development on the amenity of the coastal foreshore including:</p> <ul style="list-style-type: none"> <li>(i) any significant overshadowing of the coastal foreshore, and</li> <li>(ii) any loss of views from a public place to the coastal foreshore</li> </ul>	<p>The coastal foreshore is not nearby the site of the development therefore its amenity is not affected as a result of overshadowing or loss of views from a public place.</p>
<p>How the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected</p>	<p>The site is not on the headland, and the scenic quality of any headland is therefore not adversely affected by the proposal.</p>
<p>How biodiversity and ecosystems, including:</p> <ul style="list-style-type: none"> <li>(i) native coastal vegetation and existing wildlife corridors, and</li> <li>(ii) rock platforms, and</li> <li>(iii) water quality of coastal waterbodies, and</li> <li>(iv) native fauna and native flora, and their habitats,</li> <li>(v) can be conserved</li> </ul>	<p>The biodiversity and ecological values are not adversely affected by the proposal.</p>

## Report of the Director Environmental Services

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

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

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

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

Clause 6.2 Earthworks

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

**Any draft Environmental Planning Instruments**

- Draft State Environmental Planning Policy 55 – Remediation of Land



## Report of the Director Environmental Services

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

---

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

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

New provisions will be added in the new SEPP to:

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

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

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

- Draft State Environmental Planning Policy (Coastal Management) 2016

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

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

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

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

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

The proposed location of the development:

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

Report of the Director Environmental Services

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

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

**Development Control Plans (DCPs)**

- Kiama DCP 2012

The proposed development has been assessed in accordance with the requirements of Chapter 2, Chapter 4, Chapter 8, Chapter 9 and Chapter 19 of the DCP.

The proposal complies with the DCP provisions as follows:

Chapter 2- Overall controls

<i>During Construction</i>	Conditions to be added to ensure compliance.
<i>Views &amp; Vistas</i>	The positioning of the proposed development, the proposal will not unreasonably detract from any existing views of properties.
<i>Building Height Plane</i>	The submitted section plans show that the proposal does not exceed the building height plane and is compliant with Section 6 of Chapter 2 of the DCP 2012.



**Figure 18 – Building Envelope Plan**

<i>Foreshore Building Lines (FBL)</i>	The site is not within a foreshore area.
<i>Reflectivity in Building Materials</i>	The plan shows that the proposed development will be clad in dark coloured bricks, light rendered cladding, natural timber colour garage doors and Dune Colorbond cladding and roofing. The materials and colours are considered to be acceptable.
<i>Right to Farm</i>	The site is not within rural land, but adjoins rural land. The proposal is not anticipated to adversely impact on the right to farm of the adjoining farm operator.
<i>On Site Sewage Management (OSSM)</i>	The proposed development does not include an OSSM.
<i>Neighbour notification</i>	The adjoining land holders were notified of the proposed development. The results of the notification process are

## Report of the Director Environmental Services

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

discussed below.

*Fencing*

No fencing is proposed. It will be conditioned that any proposed fencing comply with the requirements of SEPP (Exempt and Complying Development Codes) 2008. Specific conditions to fence the ground level private open space area are included in the recommended conditions of consent.

Chapter 4- Low Density Development*Site Coverage*

The proposed dual occupancy will have a building footprint of 493.67m<sup>2</sup> which equates to a site coverage of 16.9% and complies.

*Setbacks*

Setback requirements have been satisfied.

*Garaging/car parking*

A double-bay garage will be provided for each dwelling and complies.

The proposed garaging constitutes less than 50% of the front elevation and complies.

*Storage*

Each dwelling will be provided with storage areas with a total volume of 10m<sup>3</sup> and complies.

*Letterboxes*

It will be conditioned that letterboxes are installed in accordance with Australia Post requirements.

*Dual Occupancy and Secondary Dwellings*

Separate bin storage areas have been provided for each dwelling and an acceptable stormwater management system has been proposed.

Chapter 8 – Landscaping Requirements*Design Guidelines for Residential Developments*

A landscape plan has been provided. The submitted landscape plan complies with Chapter 7 as more than 25% of the site will be available to be landscaped.

Chapter 9 – Car Parking Requirements

*General Controls:* Parking spaces for cars have been provided on site. The proposed development is not defined as 'traffic generating development'.

*Parking numbers:* Kiama DCP 2012 requires that each of the dual occupancies has one car parking space behind the property boundary and one space behind the boundary line. The current plans show that a double garage will be provided for each dwelling.

*Layout & access:* The grade of the driveway satisfies the requirements of AS2890 and therefore is generally deemed to be satisfactory for car parking. The width of the proposed driveway at the site boundary complies the maximum width outlined by Council's

“Driveway and Footpath Works Procedure Manual”.

Chapter 11 – Waste Requirements

*Low Density Development*

The proposed dwellings will be provided, by Council, with its own garbage, recycling and garden waste bins upon obtaining an Occupation Certificate. Space has been shown on the ground floor plan for on site for bin storage for each dwelling.

*Internal Bins/Containers:*

Space has been provided within the kitchen for separate storage containers. A condition will be added to ensure compliance with this section of the DCP.

Chapter 19 – Silver Hill/Cedar Ridge Estate

*Density*

*C1 A maximum development density of 1 dwelling per 1,000 m<sup>2</sup> (exclusive of access handles) of site area (regardless of dwelling size) applies.*

The development complies with this control as the lot is 2920 m<sup>2</sup>, however, the intention of the control is not considered to be reasonably met by the proposal because the area of land available for the new dwelling is constrained by the central placement of the existing dwelling on the land, leaving approximately 570 m<sup>2</sup> of land area being available for the development as shown below.



**Figure 19 – Site Area for New Dwelling**

The proposed development is inconsistent with a number of other relevant controls from Kiama DCP 2012 as follows:

Item 10.6

Control	Comment
<b>Chapter 2 - Section 12 – Building Lines in Urban Areas</b>	
<p><u>Objectives</u></p> <p><i>To protect the amenity of the locality in which the development is situated.</i></p> <p><i>To protect the established character of a neighborhood with a consistent view along the street and water frontage to promote an open street and waterscape.</i></p> <p><i>To prevent dwelling houses and structures being sited inappropriately in relation to neighbouring dwellings and the water front.</i></p> <p><i>To maintain visual and acoustic privacy, and provide for reasonable solar access into the rear yards and living areas of adjoining residences.</i></p>	<p>The proposal is considered to generally meet these objectives because:</p> <ul style="list-style-type: none"> <li>• The amenity of existing neighbours is not adversely impacted to such a degree by the proposal that it warrants refusal of the application</li> <li>• The existing character of this part of the neighbourhood is altered by the proposal with a proposed change to the settlement pattern and the substantial reduction in the existing setbacks between dwellings. However, the arrangements are not inconsistent with similar development consents granted in the southern end of the Cedar Ridge estate.</li> <li>• The existing visual and acoustic privacy between dwellings will not be maintained, with the proposed reduction in the separation distances between adjoining dwellings.</li> </ul> <p>This indicates that the new dwelling may be inappropriately sited in the context, however, the extent of impacts do not adversely affect neighbours to such a degree that they warrants refusal of the application.</p> <p>Also mitigation measures are proposed to try to alleviate the likely impacts.</p>
<p><u>Rear Building Lines for Designated Properties</u></p> <p><i>Rear building lines are 6m unless otherwise identified on the Building Line Maps.</i></p>	<p>The proposed new dwelling will be setback a minimum of 2.5m from the eastern boundary and 6m from the southern boundary of the battle axe allotment.</p> <p>The eastern boundary of the site is the rear boundary of the adjoining lot at No 35A Bele Place (Lot 2 DP 1045061) that contains an existing two-storey dwelling which has been setback at least 6.0m from this common boundary. The proposal treats this boundary as a side boundary.</p> <p>The southern boundary of the site is the side boundary of the adjoining lot at No 33A Bele Place (Lot 4 DP 1206983) that contains an existing single-storey dwelling which has been setback 6.0 metre from this common boundary. The proposal treats this boundary</p>

Item 10.6

Report of the Director Environmental Services

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

Control	Comment
	<p>as a rear boundary.</p> <p>The required side boundary setbacks are 900mm to a side wall and 675mm to an eave or fascia.</p> <p>Section 12 of Chapter 2 outlines that all habitable structures shall be sited on the established rear building line or 6m from the rear boundary, whichever is the greater.</p> <p>In this case the applicant has taken what is the side boundary for the existing dwelling, and considered it the rear boundary for the purposes of the application.</p> <p>All habitable structures are proposed to be sited 6m from the southern boundary.</p> <p>Given the battle-axe configuration of the allotment, the orientation of lot, the position of the existing dwelling and the remaining land available to site the proposed new dwelling, determining what are the rear and side boundaries is not clear cut.</p>
<p><i>Rear Building Lines for Properties with a 6.0m Front Building Line</i></p> <p><i>In the case of allotments affected by a 6m front building line, habitable structures shall be generally sited on the established rear building line of the adjoining development or 6m whichever is the greater; subject to such development having a reasonable economic life.</i></p> <p><i>It must be demonstrated that the objectives of this plan are satisfied where a departure from an established building line is sought.</i></p> <p><i>Single storey structures including garages, pools,</i></p>	<p>Breaches to the rear building line are granted where it can be demonstrated that suitable private open space (POS) has been provided and where the proposal will not result in any unreasonable privacy or overshadowing impacts.</p> <p>As outlined below, inadequate POS has been proposed as part of this development.</p> <p>This breach is directly related to the non-compliances with the POS controls of the DCP as well as the constraint imposed by the central positioning of the existing dwelling on the battle-axe allotment leaving only approximately 570m<sup>2</sup> of the site vacant for the development which is increasing the density on the site.</p> <p>Amendments in red are proposed on the landscape plan requiring the provision of a minimum of 24m<sup>2</sup> of ground level POS adjacent to what is nominated on the floor plans as the proposed 'Kids Activity Room' to ensure the proposal generally complies.</p> <p>The submitted shadow diagrams show that the proposed development will overshadow approximately 30% of the adjacent property to the east at 3pm on the</p>

Item 10.6

Report of the Director Environmental Services

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

Item 10.6

Control	Comment
<p><i>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.</i></p>	<p>winter solstice. By 12pm the proposed development will not overshadow the adjacent property to the west.</p> <p>In light of this the proposed overshadowing is considered acceptable as the proposed development will not unreasonably overshadow the adjoining properties living areas or private open space to such a degree that it warrants refusal of the application.</p> <p>In the residential context a degree of overshadowing is often unavoidable, and it is unreasonable to expect uninterrupted solar access at all times, albeit in the R5 Large Lot Residential zone solar access should be maintained.</p>
<p><b>Chapter 4 – Low Density Development</b></p>	
<p><i>C1 All applications for low density development must meet the following controls:</i></p> <ul style="list-style-type: none"> <li>• <i>all Principal development standards as set by LEP 2011.</i></li> <li>• <i>all development must be designed to minimise any environmental risks associated with its location.</i></li> </ul>	<p>The principal development standards of the LEP have been met within an FSR of 0.23:1 proposed and a Height of Building of up to 7.6m.</p> <p>The environmental risks associated with the design of the development have been reasonably mitigated.</p>
<p><i>C5 All development should be designed to provide a high level of privacy for end users without compromising access to light and airflow. Where, due to site or design constraints, potential overlooking is unavoidable. Detailing could include:</i></p>	<p>The entirety of the development is greater than one storey. The proposed development has a maximum length of 21.2m.</p> <p>The adverse impacts on the existing neighbours as a result of the visual intrusion of the development and impacts of overshadowing and overlooking arise as a result of the second storey of the development.</p> <p>The proposed separation between adjoining dwellings and placement of windows will ensure that the proposed development does not unreasonably affect the privacy of adjoining properties to such a degree</p>

Report of the Director Environmental Services

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

Control	Comment
<ul style="list-style-type: none"> <li>• <i>offset windows in new development and adjacent development windows,</i></li> <li>• <i>double glazing,</i></li> <li>• <i>operable louvres or screen panels to windows and/or balconies,</i></li> <li>• <i>screening through 1.5m high fencing or landscaping between dwellings.</i></li> </ul>	<p>that it warrants refusal of the application.</p> <p>The windows on the top floor of the development are generally associated with bedrooms and service areas, with the exception of one living room window facing the eastern neighbour. The impacts associated with overlooking from this window are considered unreasonable, and conditions of consent have been imposed to increase the sill height to 1.6m to mitigate the privacy impacts.</p> <p>The submitted shadow diagrams show that the proposed development will only cause afternoon shadowing impacts to the adjacent property to the east with approximately 30% of the site overshadowed at 3pm on the winter solstice.</p> <p>Similarly, the submitted shadow diagrams show that the proposed development will only cause morning shadowing impacts to the adjacent property to the south with approximately 5-10% of the site overshadowed at 9pm on the winter solstice. By 12pm the proposed development will only overshadow the aide setback of the adjacent property to the south.</p> <p>In light of this the proposed overshadowing is considered acceptable as the proposed development will not unreasonably overshadow the adjoining properties living areas or private open space to such a degree that it warrants refusal of the application because more than 3 hours of solar access is maintained to the private open space and living areas of adjacent development.</p> <p>In the residential context a degree of overshadowing is often unavoidable, and it is unreasonable to expect uninterrupted solar access at all times. Whilst the subject property is in the R5 Large Lot Residential zone, similar expectations about residential impacts apply, albeit to a lesser degree.</p>
<p><i>C13 To maintain and improve the existing and future desired character/amenity of residential zones. Council will only approve of new</i></p>	<p>The proposal is not considered to have a sympathetic and harmonious relationship with adjoining development.</p> <p>The proposed dwelling is being slotted into a relatively tight space between established houses. In this circumstance the adverse impacts would be better</p>

Item 10.6



Report of the Director Environmental Services

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

Control	Comment
<p><i>dwelling houses/additions where they are compatible with the existing and environmental character of the locality and have a sympathetic and harmonious relationship with adjoining development.</i></p>	<p>mitigated if the new dwelling were proposed as single storey.</p> <p>However, the unreasonable impacts arising from the upper storey are limited to visual intrusion of the upper level building bulk, with potential for overlooking and overshadowing reasonably mitigated.</p> <p>Refusal of the application based on visual intrusion is not considered to be defensible because the new dwelling complies with the Council's Building Height and Building envelope requirements.</p>
<p><i>C14 New buildings do not have to imitate the architecture of those nearby. However they should respect the scale, form, and orientation etc. of buildings in the street.</i></p>	<p>The proposal is not considered to respect the orientation of adjoining development.</p> <p>To resolve the inconsistency, it would be necessary for the existing dwelling to be demolished, with two (2) new dwellings proposed in a more central position on the allotment. This would allow the existing building separation of dwellings on the lots benefiting from the shared access way to generally be maintained.</p> <p>The main impact arising from the orientation of the new dwelling is the visual intrusion of the building bulk towards the south-eastern perimeter of the site.</p> <p>With potential for overlooking and overshadowing reasonably mitigated, refusal of the application on the grounds of the impact of the visual intrusion of the building bulk would not likely be defensible since the proposal generally complies with setbacks, building envelope, building height, and the floor space ratio prescribed for the R5 zone.</p> <p>The existing dwelling is substantial and its demolition is not proposed.</p>
<p><b>Section 3 - Solar Access</b></p>	
<p><i>C20 Buildings should be designed to optimise solar access by positioning and orienting buildings to maximise north facing design.</i></p>	<p>In order to provide suitable solar access to the proposed living areas the applicant has proposed a skillion roof with westerly facing high-light windows.</p> <p>Overshadowing of the adjoining property has been discussed above and although not ideal, is considered not to be unreasonable.</p>

Item 10.6

Control	Comment
<b>Section 4 - Private Open Space</b>	
<p><i>C24 Private open space must be directly accessed from the main living area of the dwelling.</i></p>	<p>The submitted shadow diagrams show that the upper level alfresco balcony will be partially overshadowed by its roofline.</p> <p>A supplementary ground level POS area is recommended to be imposed as a condition of consent via amendments in red to the approved landscape plan adjacent to the kids' activity room.</p>
<p><i>C26 A minimum of 50% of the provided private open space areas are to receive a minimum of 3 hours of sunlight between 9.00am and 3.00pm on June 22. The sunlight must be able to cover the area measured at 1.0 metre above the finished level of the private open space area.</i></p>	<p>The new dwelling had been proposed with a 35m<sup>2</sup> balcony directly accessed off the upper level lounge room as the only sources of usable areas of private open space (POS).</p> <p>The DCP allows balconies to be count as part but not all of a dwelling's POS. In this regard the proposed new dwelling has not been provided with suitable POS.</p> <p>The main proposed balcony will be located on the northern side of the proposed development and face the shared access corridor.</p> <p>The submitted shadow diagrams show that the upper level alfresco balcony and associated living room will be partially overshadowed by its roofline.</p> <p>In this regard the upper level POS will not receive the required amount of sunlight.</p> <p>A supplementary ground level POS area adjacent to the 'Kids Activity Room' is recommended to be imposed as a condition of consent via amendments in red to the approved landscape plan to compensate the non-compliance.</p>
<p><i>C27 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</i></p>	<p>Space is available for the required private open space areas for both the existing and proposed dwellings.</p> <p>The existing dwelling has an in ground swimming pool and substantial private open space areas to its west.</p> <p>The new dwelling has a 35m<sup>2</sup> upper level alfresco balcony with privacy screening, and as mentioned a condition has been applied requiring the creation of a supplementary POS of approximately 24m<sup>2</sup> at ground level on the western side of the dwelling.</p>

Item 10.6

Report of the Director Environmental Services

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

Control	Comment
<i>circumstances.</i>	
<i>C28 Balconies should not be located on the side of developments without appropriate measures to maintain reasonable amenity to adjoining properties.</i>	Mitigation measures in the form of a privacy screen has been proposed on the side of the balcony, and the setback to the eastern boundary has been increased from 0.9m to 2.5m.
<p><i>C29 A deck/balcony may count as part but not all of a dwellings private open space, subject to the following merit based assessment:</i></p> <ul style="list-style-type: none"> <li>• <i>A maximum of 1/3 of the total open space can be in the form of a balcony.</i></li> <li>• <i>That the dimensions and location of the deck would provide for useful practical multipurpose open space;</i></li> <li>• <i>The location of the deck will not compromise any amenity issues (such as noise or privacy) for surrounding dwellings/occupants.</i></li> <li>• <i>Balconies located on the side of developments are not permitted.</i></li> <li>• <i>A minimum dimension of 2m is required for any balcony.</i></li> </ul>	<p>The design of the proposal had the entirety of the upper level alfresco balcony which has an area of approximately 35m<sup>2</sup> (7m x 5m) proposed as the Principal POS area which does not comply.</p> <p>As mentioned, a supplementary ground level POS area has been conditioned and show on the landscape plan in red.</p>

Item 10.6

**Section 7 - Drying Areas**

## Report of the Director Environmental Services

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

Control	Comment
<p><i>C37 Drying areas must be provided at a rate of 8 lineal meters of line per dwelling and:</i></p> <ul style="list-style-type: none"> <li>• <i>Should not be visible from any public place.</i></li> <li>• <i>Must not be located in the main private open space area.</i></li> <li>• <i>Cannot be located forward of the building line.</i></li> </ul>	<p>Eight linear meters of clothes drying space has not been shown on the plans but ample space is available within the rear yard of each dwelling for clothes drying that is not visible from a public place.</p>
<p><i>C38 Drying areas should have a northerly aspect.</i></p>	<p>It is noted that the shadow diagrams, supplied by the applicant, show that adequate space exists for clothes drying spaces to be created that receives sufficient sunlight.</p>
<p><b>Section 9 - Additional Controls for Dual Occupancy Development and Secondary Dwellings</b></p>	
<p><i>C46 Provision of Adaptable Housing (Australian Standard AS 4299) at a ratio of 1:2 dwellings for dual occupancy development/secondary dwellings.</i></p>	<p>The applicant has not provided plans which demonstrate that the proposal can be adapted to satisfy the requirements of AS 4299 and has not requested a variation this development control.</p> <p>However, the existing large single storey dwelling is considered to be likely capable of being able to be converted to an adaptable dwelling, if required. Refusal of the application on the basis of this non-compliance alone is not considered defensible, when in all likelihood the existing large single storey dwelling could be made adaptable.</p>
<p><i>C56 Buildings should be designed to optimise solar access by positioning and orienting the building to maximise north facing walls with habitable room windows (within 30 degrees east</i></p>	<p>The bulk, scale and position of the new dwelling, due to the constrained location of the block, does not optimise solar access within the living rooms or upper level POS area.</p>

Report of the Director Environmental Services

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

Item 10.6

Control	Comment
<i>and 20 degrees west of north) where possible.</i>	
<i>C56 A minimum of 3 hours direct sunlight is to be available between the hours 9.00am and 3.00pm on 22 June to at least 50% of the private open space area and living room windows of the subject development including adjoining properties.</i>	The roof proposed on the new dwelling over the upper level balcony results in overshadowing of the north facing living room windows, but does not prevent 3 hours of sunlight being available between the hours 9.00am and 3.00pm on 22 June to at least 50% of the private open space area of adjoining properties.

**CHAPTER 11 – WASTE REQUIREMENTS**

**Section 7 - Roadside Bin Collection Point**

Where developments require a roadside bin collection point the following applies:

<p><i>C5 Ensure the nominated roadside collection point/s for bins that are located on Councils road verge are not:</i></p> <ul style="list-style-type: none"> <li>• <i>located near intersections</i></li> <li>• <i>located near roundabouts or slow-points</i></li> <li>• <i>located along busy arterial roads unless approved</i></li> <li>• <i>located in narrow lanes</i></li> <li>• <i>located where bins restrict pedestrian access or near pedestrian crossings</i></li> <li>• <i>located where parking</i></li> </ul>	<p>Space for roadside waste collection has not been provided as part of the original subdivision but a condition has been applied requiring that a space be created for all the bins being placed out for collection in the Bele cul-de-sac.</p>
--	--

Report of the Director Environmental Services

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

Item 10.6

Control	Comment
<p><i>will be obstructed or restricted or create a traffic hazard</i></p> <ul style="list-style-type: none"> <li><i>located near obstructions, including trees, overhanging buildings and overhead power lines.</i></li> </ul>	

**CHAPTER 19 – SILVER HILL/CEDAR RIDGE ESTATES**

**Section 1 - Additional Controls for Dual Occupancy in the Silver Hill/Cedar Ridge Estates**

<p><u>Objectives</u></p> <ul style="list-style-type: none"> <li><i>Maintain the character and amenity of the locality, which is based on large lot residential development.</i></li> <li><i>Maximise the number of allotments with good solar access and thereby optimise the performance of energy efficient dwellings.</i></li> </ul>	<p>The scenic quality of the neighbourhood is undergoing transition because the Council has consented to numerous additional dwellings and re-subdivision of allotments at a density of 1 dwelling per 1000m<sup>2</sup> of site area in the southern half of the Cedar Ridge estate. These developments have been constructed and have begun to change the scenic quality, character, and settlement pattern of the neighbourhood.</p> <p>The proposal is consistent with the precedent set by the redevelopment of the original allotments (at a density of 1 dwelling per 1000m<sup>2</sup> of site area with a minimum 900mm side boundary setbacks) in the southern half of the Cedar Ridge estate.</p> <p>The bulk and scale of the new dwelling is consistent with development anticipated in the R5 residential zone, however the placement of the new dwelling on the site reduces the established setbacks and spatial separation between dwellings in the northern western end of the R5 zone at Cedar Ridge estate.</p> <p>However, the DCP includes minimum side and rear setbacks of 900mm and 6m respectively in Chapter 2. The proposal would appear to meet or exceed the minimum setback by proposing a 2.5m side setback from the eastern boundary, and a 6m rear setback from the southern boundary notwithstanding that the previous side boundary is now being treated as a rear boundary and the rear boundary is now being treated as a side boundary to fit the dwelling into the limited</p>
---	--

## Report of the Director Environmental Services

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

Control	Comment
	<p>space available. Therefore whilst the proposal is clearly not ideal it is considered to basically conform with the desired future character established by the DCP for the R5 Large Lot Residential zone.</p> <p>Shadow diagrams have been submitted that demonstrate that a minimum of 3 hours of solar access is maintained for neighbour's living areas and private open space areas with the requirements of Chapter 4 of the DCP. Privacy screening is proposed on the eastern end of the upper level alfresco balcony to provide relief from overlooking of the eastern site boundary.</p> <p>Existing landscaping on the site along the eastern and southern boundary should be able to be maintained as a result of the setbacks, and will provide some degree of visual relief to neighbours.</p>
<p><i>C60 A minimum pre-development allotment size of 2,000m<sup>2</sup> is required for dual occupancy development in the Silver Hill and Cedar Ridge Estates.</i></p>	<p>The Development Control Plan 2012 permits 1 dwelling per 1000m<sup>2</sup> of site area in the Cedar Ridge Estate, and the proposal conforms with density requirements because the allotment is 2,920m<sup>2</sup> in area.</p>

Item 10.6

The proposed development is therefore considered not be inconsistent with the requirements of Kiama DCP 2012.

**Any Planning Agreement**

Nil

**Any Matters Prescribed by the Regulations**

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

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

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

N/A

**Any Coastal Zone Management Plan**

Nil

**The Likely Impacts of the Proposed Development**

Report of the Director Environmental Services

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

Item 10.6

- Streetscape

The proposed development is hardly visible from the street so is not considered to unreasonably impact upon the streetscape. The proposal is therefore considered from a streetscape perspective, to be acceptable.

- Noise

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

- Privacy and Overlooking

The distribution of the proposed building mass adjacent to the eastern boundary of the site in a double storey configuration, results in potential adverse impacts on privacy and overlooking of open space areas of the adjoining residential allotment to the east which has a slightly lower topography.

The placement of windows and screening to the upper level balcony will ensure that the habitable floor space within the proposed development will not unreasonably adversely affect the privacy of adjoining properties.

The windows on the top floor of the development are either associated with the kitchen, dining/living room, main bedroom WIR, bathrooms or the passageway areas. Where windows provide light and ventilation to kitchens or living spaces they have been set with high sills or benefit from the inclusion of privacy screens, to mitigate the overlooking of adjoining existing neighbours.

However, conditions of consent have been recommended to mitigate privacy impacts arising from overlooking from the east facing dining room window by increasing its sill height from just above floor level to 1.6 metres above it.

Proposed intervening landscape screen planting also serves to limit the extent of overlooking into the rear yards of neighbours.



Figure 12 – Privacy Impact Mitigation Plan





Figure 13 – 3D Perspective (upper level privacy screen)

- Overshadowing

The orientation of the subject allotment is such that the submitted shadow diagrams show that the proposed development will overshadow the side and rear setbacks of both the subject site, and the adjoining sites to the east and south. The rear setback of sites to the east of the proposed development are also partially overshadowed.

Shadow diagrams have been supplied with the development application which indicate that the overshadowing impacts of the proposed development will not be unreasonable as shown in Figures 14, 15 and 16 below:

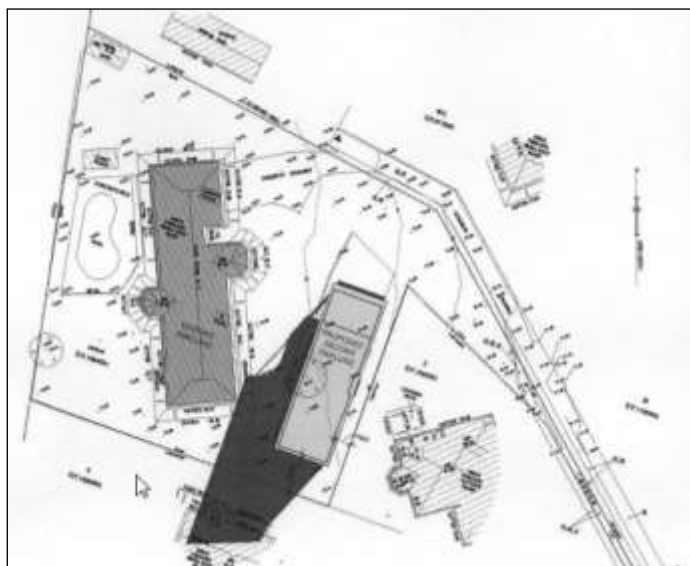


Figure 14 – 9am Shadows Mid-winter

## Report of the Director Environmental Services

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

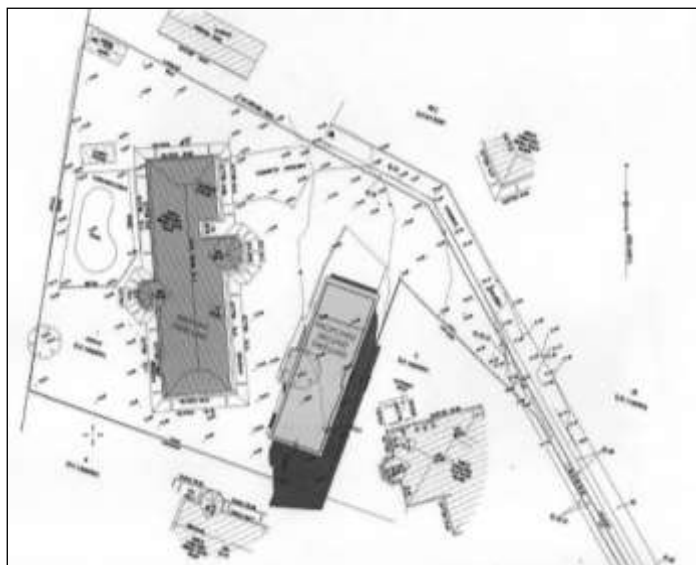


Figure 15 – 12pm Shadows Mid-winter



Figure 16 – 3pm Shadows Mid-winter

Although less than ideal in the R5 zone, the overshadowing impacts are considered acceptable because all of the affected adjoining sites receive at least 3 hours of sunlight on the winter solstice to the majority of rear of each of the allotments. The intention to maintain and optimise solar access to neighbours in the R5 zone is thwarted by the building envelope, and setback controls in Chapter 2 of the DCP that apply to the entire municipality irrespective of the zoning.

In light of this, the proposed overshadowing is considered acceptable as the proposed development will not unreasonably overshadow the adjoining properties likely future living areas or private open space areas.

- Views

The proposal will have no significant unreasonable impact upon views currently available from neighbours. Broader scenic quality impacts have been addressed by the applicant, specifically investigating the western edge of the estate as viewed

Report of the Director Environmental Services

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

from Jamberoo Road showing the established single-storey character and defined visual context of the estate, and the contribution the existing vegetation on the site makes to the western edge of Kiama as shown below:



Figure 17 – Photomontage of the New Dwelling in the Landscape

Given that the existing dwelling is located between the proposed dwelling and Jamberoo Road, the impact when viewed from Jamberoo Road is not significantly out of character with the existing appearance of development at Cedar Ridge.

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is proposed.

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

- Stormwater Management

A satisfactory drainage design has been provided with the application.

All stormwater will drain to the street.

- Environmental Impacts

*Vegetation Removal* – No significant or native vegetation is to be removed.

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

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

*Impact on Water Resources* – Rainwater tanks will be provided, as required by the submitted BASIX Certificate. Stormwater will be conveyed to the drainage easement. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

The proposed development will likely have minimal significant adverse social or economic impacts. The amenity impacts of the proposed development have been

Report of the Director Environmental Services

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

**Item 10.6**

considered in detail and no concerns raised in submissions are significantly compelling enough to warrant refusal of the application.

- Effect on public domain

The inclusion of a bin pad for waste collection will positively improve the disorderly bin collection arrangements in the public domain. As the remainder of the proposed development will largely be occurring within the subject site it will not greatly impact upon the public domain otherwise.

- Utility needs and supply

Utility services are already supplied to the subject site.

- Safety, security & crime prevention

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

- Operational waste

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. The creation of a bin pad has been conditioned as part of the development consent to improve the order, efficiency and safety to waste collection in the Bele Place cul-de-sac.

- BCA compliance & Construction impacts

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

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

As discussed above the proposal is being sited on an existing allotment. Placement is being compromised by the existing dwelling whilst the built form outcome and spatial relationship to neighbours is not ideal it is not so poor as to warrant refusal given the precedent of past developments in the locality. On this basis, while suitability may be marginal, the site is considered to be suitable for the proposed development.

**Submissions**

Public Submissions

Notification letters were sent to neighbouring property owners first based on the initial plans and secondly following submission of amended plans attracting 6 submissions. Neighbours were afforded 14 days initially and 28 days the second time, in which to comment on the proposal. At the conclusion of the 2 notification periods, 15 submissions were received (noting that 6 of the original submitters lodged second submissions) raising the following (summarised) matters of concern:

	<b>Objection</b>		<b>Assessment Officer Comment</b>
--	------------------	--	-----------------------------------

Report of the Director Environmental Services

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

Item 1	Density not consistent with R5 zoning	The Development Control Plan permits 1 dwelling per 1000m <sup>2</sup> of site area in the Cedar Ridge Estate. The proposal conforms with density requirements because the allotment is 2,920m <sup>2</sup> in area.
Item 2	Unacceptable impact on scenic quality of the neighbourhood	<p>The scenic quality of the neighbourhood is undergoing transition because the Council has consented to numerous additional dwellings and re-subdivision of allotments at a density of 1 dwelling per 1000m<sup>2</sup> of site area in the southern half of the Cedar Ridge estate that has changed the scenic quality of the neighbourhood.</p> <p>The proposal is consistent with the settlement pattern established by the Kiama LEP 2011 minimum lot size of 1000m<sup>2</sup>, and the position of the new dwelling appears to comply with the setback requirements contained in Chapter 2 of DCP 2012.</p> <p>The proposal is consistent with the precedent set by the redevelopment of allotments at a density of 1 dwelling per 1000m<sup>2</sup> of site area in the southern half of the Cedar Ridge estate.</p>

**Item 10.6**

## Report of the Director Environmental Services

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

Item 3	Design not in keeping with character of the area	<p>The bulk and scale of the new dwelling is consistent with development anticipated in the residential zones, however the placement of the new dwelling on the site reduces the established setbacks between dwellings in the northern western end of the R5 Large Lot Residential Zone at Cedar Ridge estate.</p> <p>The DCP includes minimum side and rear setbacks in Chapter 2 of 900mm and 6.0m respectively. As discussed above, whilst the proposal is using the previous side boundary as a rear boundary and the neighbour's rear boundary as a side boundary, it appears to meet or exceed the minimum setback by proposing a 2.5m side setback to the eastern boundary, and a 6.0m rear setback to the southern boundary.</p> <p>The proposal is consistent with the precedent set by the redevelopment of other allotments in the locality at a density of 1 dwelling per 1000m<sup>2</sup> of site area with a minimum 900mm setbacks in the southern half of the Cedar Ridge estate.</p>
Item 4	Overshadowing impacts unreasonably affecting existing residential amenity	Shadow diagrams have been submitted that demonstrate that a minimum of 3 hours of solar access is maintained for neighbour's living areas and private open space areas which meet the minimum requirements of Chapter 4 of the DCP.
Item 5	Privacy impacts unreasonably affecting existing residential amenity	Privacy screening is proposed on the eastern end of the upper level alfresco balcony to provide relief from overlooking of the eastern site boundary.

Item 10.6

## Report of the Director Environmental Services

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

Item 6	Insufficient setbacks to neighbours unreasonably affecting existing residential amenity	<p>The siting of the proposed detached dual occupancy dwelling is considered to be closer to the neighbouring dwelling and not in keeping with the existing context, however the DCP includes setbacks in Chapter 2 of a minimum of 900mm.</p> <p>As discussed above the proposal significantly exceeds the minimum setback by proposing a 2.5m setback from the eastern boundary, and a 6.0m setback from the southern boundary and is considered to comply even if the respective setbacks to boundaries are challenging from how the currently exist.</p> <p>Existing landscaping on the site along the eastern and southern boundary should be able to be maintained as a result of the setbacks, and will provide a degree of visual relief to neighbours.</p>
Item 7	Traffic impacts unreasonably affecting existing residential amenity	Council's Development and Subdivision Engineering has advised that the development is acceptable on traffic grounds.
Item 8	Noise Impacts unreasonably affecting existing residential amenity	The impacts of noise generated by the occupation of the new dwelling by residents is not considered to be inconsistent with noise generated by residential development in the locality and is acceptable.
Item 9	Insufficient area for waste collection	Conditions of development consent have been recommended should the application be approved, requiring the proponent to provide a dedicated roadside waste collection point in front of 29 Bele Place (approximately 39m available space). A hardstand area at the collection point will need to be constructed to accommodate a minimum 42 bins to the satisfaction of the Council prior to the lodgement of the Construction Certificate.

Item 10.6

## Report of the Director Environmental Services

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

Item 10	Insufficient vehicle manoeuvring area	Council's Development and Subdivision Engineering has advised that the development is acceptable with respect to access and manoeuvring.
Item 11	Negative Impact on neighbouring property values	The impact on property values is not a matter for consideration for the Council.

Item 10.6

The applicant amended the plans to address some of these concerns by including a 2.5m side setback to the eastern boundary to reduce the impact of overlooking and overshadowing of the neighbours to the east.

The amended plans were notified to the persons who made submissions, and a further 6 submissions were received as stated above.

### 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 including that:

- The new dwelling be constructed incorporating the requirements if Bushfire Attack level 12.5 in accordance with AS3959 – Building in Bushfire prone areas to ensure persons and property are protected from ember attack from the nearby mapped bushfire prone land.

- Subdivision & Development Engineer

No objection has been raised in relation to the proposed development as follows:

#### *Access & Maneuvering*

- No concerns are raised with the proposal.

#### *Car Parking Compliance*

- No concerns are raised with the proposal.

#### *Traffic generation*

- No concerns are raised with the proposal. The road system is considered to be capable of providing for the additional traffic generated.

#### *Stormwater Management*

- No concerns are raised with the proposal. The stormwater management plans has been reviewed and is acceptable.



## Report of the Director Environmental Services

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

---

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. The Council's Landscape Officer has provided the following comment:

*The tree in the footprint of the proposed dwelling in an Ash (Fraxinus excelsior). It is about 4.5 metres with abundant unstock growing and significant nearby suckering. A large leaf privet is also in the foliage. It is neither native, rare or significant. There is no objection to the removal of this tree. A detailed landscape plan is required.*

*The proposal in its current form is satisfactory subject to conditions.*

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

An objection has been raised in relation to the proposed development. The Council's Manager Environmental Services has provided the following comment:

*The proposal is unsatisfactory in its current form. The following information and/or amendments should be submitted to Council and then re-referred to myself for endorsement prior to the issue of any development consent:*

*An onsite inspection has determined that there is already insufficient room for kerbside waste servicing and the current arrangements prohibit any additional bins to be serviced.*

*Many of the properties within Bele Place have been approved for subdivision. The impacts to servicing kerbside waste bins was not taken into account when these were approved. There is currently up to 39 bins placed out at the current roadside collection point and with the potential for more properties within Bele Place to subdivide, a new roadside collection point would need to be constructed. It should be noted that Council has recently received a complaint from the property owner of 29 Bele Place about the number of bins being placed out for collection in front of their property and the associated visual traffic hazard, spillages and the difficulty to easily service the bins if they are placed too close to each other.*

*In order for this DA to be considered, the roadside waste collection point for a number of properties in Bele Place, Kiama will have to be altered. A dedicated roadside waste collection point will have to be provided in front of 29 Bele Place (approx. 39m available space) as identified on the attached map. A hardstand area at the collection point will need to be constructed to accommodate a minimum 42 bins. The responsibility on who constructs and pays for this would need to be determined.*

## Report of the Director Environmental Services

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

---

*The option of having a private contractor like Cleanaway to service a property that pays a domestic waste collection charge at an additional cost is not option we should ask the developer to do.*

Conditions of development consent have been recommended should the application be approved, requiring the proponent to provide a dedicated roadside waste collection point in front of 29 Bele Place (approximately 39m available space). A hardstand area at the collection point will need to be constructed to accommodate a minimum 42 bins to the satisfaction of the Council prior to the lodgement of the Occupation Certificate.

**The Public Interest**

The proposal is considered to be generally not inconsistent with all relevant Environmental Planning Instruments and Development Control Plans. It is not likely to cause such significant adverse impacts to the natural or built environment, nor likely to cause such significant adverse social and economic impacts to warrant refusal. Whilst the development proposal is not an ideal outcome it is an acceptable outcome so is considered to be suitable for the site and therefore is also considered to be consistent with the public interest.

**Final Comments and Conclusions**

The scenic quality of the neighbourhood is undergoing transition because the Council has consented to numerous additional dwellings and re-subdivision of allotments at a density of 1 dwelling per 1000m<sup>2</sup> of site area in the southern half of the Cedar Ridge estate that have begun to change the scenic quality of the neighbourhood.

The Development Control Plan 2012 permits 1 dwelling per 1000m<sup>2</sup> of site area in the Cedar Ridge Estate, and the proposal conforms with density requirements because the allotment is 2,920m<sup>2</sup> in area.

The proposal is consistent with the precedent set by the redevelopment of allotments at a density of 1 dwelling per 1000m<sup>2</sup> of site area with a minimum 900mm setbacks in the southern half of the Cedar Ridge estate.

The bulk and scale of the new dwelling is consistent with development anticipated in the residential zones, however the placement of the new dwelling on the site reduces the established setbacks between dwellings in the northern western end of the R5 zone at Cedar Ridge estate. However, the DCP includes minimum side and rear setbacks of 900mm and 6m respectively in Chapter 2. The proposal meets or exceeds the minimum setback by proposing a 2.5m side setback from the eastern boundary, and a 6m rear setback from the southern boundary, and therefore the proposal is considered to conform with the desired future character established by the DCP for the R5 Large Lot Residential zone.

Shadow diagrams have been submitted that demonstrate that a minimum of 3 hours of solar access is maintained for neighbour's living areas and private open space areas with the requirements of Chapter 4 of the DCP. Privacy screening is proposed on the eastern end of the upper level alfresco balcony to provide relief from overlooking of the eastern site boundary.

## Report of the Director Environmental Services

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

Existing landscaping on the site along the eastern and southern boundary should be able to be maintained as a result of the setbacks, and will provide a degree of visual relief to neighbours.

The issues relevant to bushfire hazard reduction, traffic, access and manoeuvring, stormwater management, waste management, and site servicing have been considered and addressed, and where relevant conditions of the consent are recommended.

The proposed development is generally not inconsistent with the objectives of the R5 Large Lot Residential zone.

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 generally not inconsistent with Kiama LEP 2011 and relevant Development Control Plans.

Consideration has been given to the social, economic and environmental impacts of the proposed development and submissions have been considered. On balance the proposal is not ideal but also does not warrant refusal.

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

**Draft Conditions of Development Consent:****General**

- (1) The development shall be implemented in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2017.286.1 dated 26 June 2018 except as amended in red and by the conditions below (g005.doc)
- (2) The development shall be completed in accordance with the approved colour schedule shown on the approved Elevations Plans. (g014.doc)
- (3) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate. (g030.doc)
- (4) 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)
- (5) 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)
- (6) The developer shall provide and maintain temporary fencing around the development site to prevent unauthorised entry into the site by persons or livestock and shall remove the temporary fencing upon completion of all work. (g140.doc)

## Report of the Director Environmental Services

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

- 
- (7) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:-
- a The variation in hours required.
  - b The reason for that variation.
  - c The type of work and machinery to be used. (g165.doc)
- (7) Standard Torrens Title addressing applies. Letterboxes to be located at access point and public road boundary. Proposed house numbering to be applied:
- Proposed Dwelling 1 – 35 Bele Place
  - Proposed Dwelling 2 – 35B Bele Place

**Amendments to Approved Plans**

- (1) Prior to the issue of any Construction Certificate by any Principal Certifying Authority the approved landscape plans are to be amended to ensure that:
- i. Amendments in Red on the approved plans are included on the Construction Certificate drawings by providing at least 8 lineal metres of the north facing ground level drying area and at least 24 m<sup>2</sup> of ground level private open space area for Dwelling No 2;
  - ii. Fencing of the ground level private open space area for Dwelling No 2 must be 1.8 metre high and constructed of powder coated aluminium battens, or timber batten screens, or timber pickets, or double lapped and capped timber palings;
  - iii. Sheet metal fencing along the side and rear boundaries of the site must not extend northward (forward) of the building;
  - iv. Any fencing or gates forward of the building or facing the shared access corridor must be constructed of powder coated aluminium battens, or timber batten screens, or timber pickets, or palisade style, or double lapped and capped timber palings;
  - v. The Ash tree and privet shall be removed for the proposed dwelling.

Landscape plans satisfying the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate, and are to be installed/constructed prior to the issue of any Occupation Certificate.

- (2) The pre-coloured metal roofing shall not give rise to unreasonable visual intrusion due to reflected glare. Metal roofing shall have a solar absorbance classification in accordance with New South Wales BASIX of not less than 0.46. Details are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

## Report of the Director Environmental Services

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

- (3) Prior to the issue of any Construction Certificate by any Principal Certifying Authority the approved plans are to be amended to ensure that:

- i. The east facing upper level window in the kitchen/dining room adjacent to the upper level balcony is to have a minimum sill height of 1.6m.

Construction plans satisfying the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate, and are to be installed/constructed prior to the issue of any Occupation Certificate.

- (4) Prior to the lodgment of any Construction Certificate by any Principal Certifying Authority the approved plans are to be amended to the satisfaction of the Council to ensure that:

- i. The proponent is to provide a dedicated roadside waste collection pad in front of 29 Bele Place (approx. 39m available space). A hardstand area at the collection point must be constructed to accommodate a minimum of 42 bins to the satisfaction of the Council;

Construction plans satisfying the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate, and are to be installed/constructed prior to the issue of any Occupation Certificate.

### Bushfire Hazard Management

- (1) New construction shall comply with Section 3 & 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A 3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

### 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, 2 & 7 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is \$10,609.53. (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

## Report of the Director Environmental Services

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

- 
- b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989. (pt005.doc)
- (2) 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. (pt016.doc)

- (3) The pre-coloured metal roofing shall not give rise to unreasonable visual intrusion due to reflected glare. In this regard specific details of roof colours shall be submitted to Council prior to release of the Construction Certificate.

**Note:** The roof colours shall be the medium to darker colours. (pt017.doc)

- (4) 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)

- (5) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate. (pt034.doc)
- (6) 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;

## Report of the Director Environmental Services

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

- 
- 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)

- (7) 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)
- (8) Details of compliance with conditions of consent under the heading Bush Fire Hazard Management and AS3959 – Building in Bush Fire Prone Areas shall be provided to the Accredited Certifier prior to the release of the Construction Certificate. (pt065.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) 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 Principal Certifying Authority for assessment and approval prior to the issue of the construction certificate. (sm060.doc)
- (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 release 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 Principal Certifying Authority for assessment and approval prior to the release of the Construction Certificate. (sm135.doc)

## Report of the Director Environmental Services

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

- 
- (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 Principal Certifying Authority for assessment prior to the release 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) 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.
- (8) Prior to issue of any Construction Certificate, the accredited Certifying Authority shall ensure that allowance is made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other adjoining properties

**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)

**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)

**Geotechnical Requirements**

- (1) 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)
- (2) 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)

**Inspections**

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



## Report of the Director Environmental Services

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

---

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

**Building Construction**

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)
- (6) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)
- (7) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;  
Monday to Friday - 7.00 am to 5.00 pm  
Saturdays - 8.00 am to 1.00 pm  
No construction work is to take place on Sundays or Public Holidays. (bu151.doc)
- (8) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)

**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.

## Report of the Director Environmental Services

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

**Landscaping Works**

- (1) A detailed landscape plan shall be approved by Council prior to the lodgement 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 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) The landscape works shall remain in situ for the perpetuity of the development. (lw040.doc)
- (5) Prior to release of the Occupation Certificate or 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)

**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.

## Report of the Director Environmental Services

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

---

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

- (4) 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 for mail boxes for receipt of mail. The dwellings shall each be numbered in accordance with the attached street numbering table. (sf050.doc)
- (5) Each dwelling shall be provided with a private open space area having a minimum width of 4.0 metres and minimum area of 25m<sup>2</sup>. (sf055.doc)

Item 10.6

**Prior to Occupation**

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

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

- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)
- (3) The 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/drainage/retaining/civil engineering works prior to the issue of any occupation certificate. (po010.doc)

**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.

The above requirement shall be undertaken prior to the issue of any Occupation Certificate. (cr040.doc)

**EVOLUTION BUILDING GROUP**  
*The next generation of homes.*

8/47-51 Baan Baan St  
 Dapto NSW 2530  
 Ph: (02)42441212  
 Lic No: 259797C

**Date Received**  
 05 DEC 2017

Kiama Municipal Council  
*Progress An Opportunity Only Please  
 To Evaluate For Details*



**PROPOSED SECOND DWELLING**  
 AT: LOT 1/DP 1045061  
 35 BELE PLACE KIAMA 2533

**Development Application Drawings Rev B**

Sheet Number	Sheet Name
A100	Cover Sheet
A101	Site Plan
A102	Ground Floor
A103	Level 1
A104	North & East Elevations
A105	South & West Elevations
A106	Section
A107	Waste Management Plan
A108	Site Analysis
A109	Shadow Diagrams
A110	Shadow Diagrams
A111	Landscape Concept Plan
A112	Box Notes
A113	3D Views

# Development Application - NOT FOR CONSTRUCTION

Date Received  
05 DEC 2017

Kiama Municipal Council

Lot Number 1  
Development Plan No. 1045061  
Site Area = 2925sqm

Area Schedule (Ground Building)

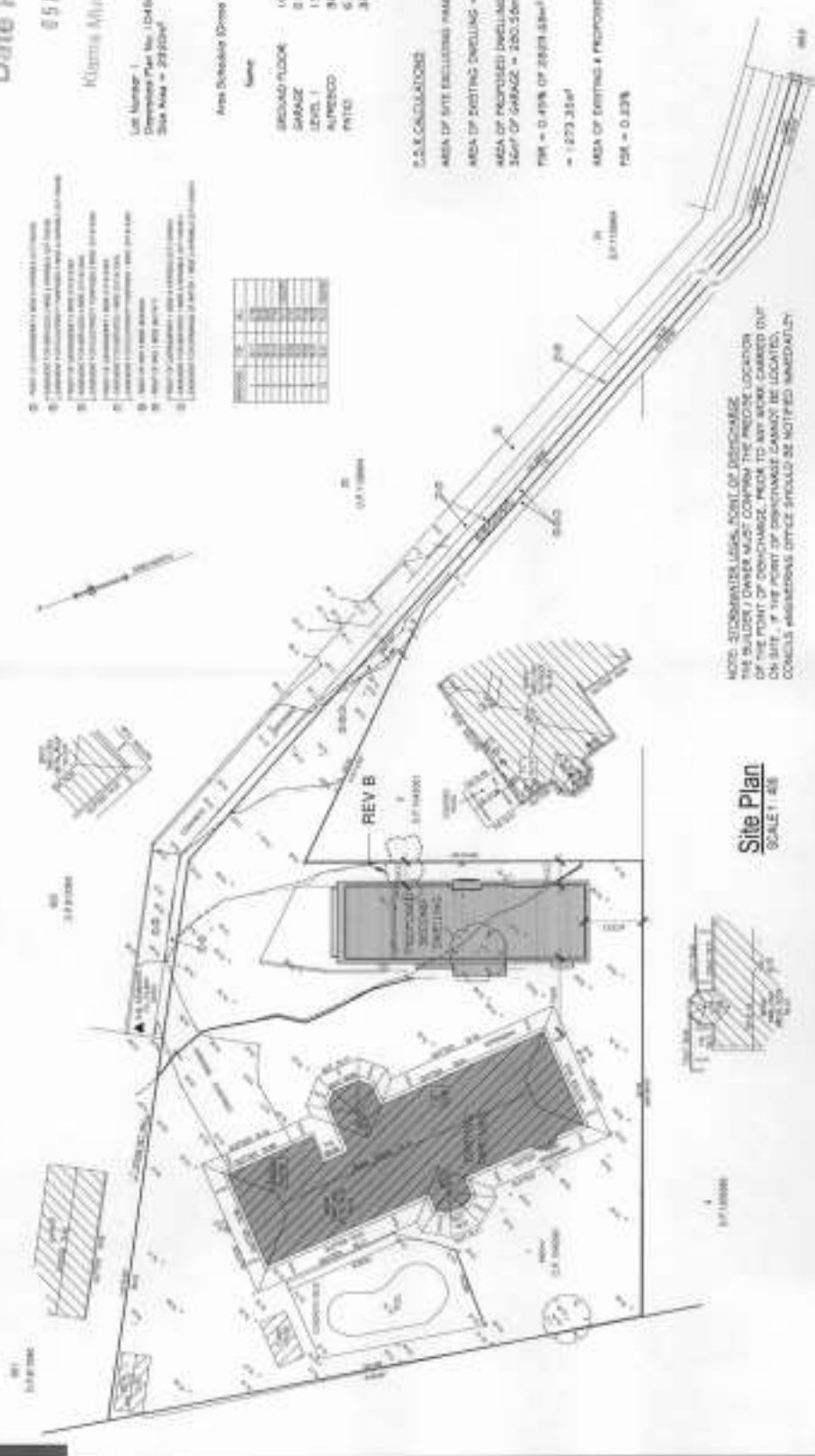
Name	Area
GROUND FLOOR	107.83 sqm
GARAGE	81.16 sqm
LEVEL 1	138.09 sqm
ALFREDO	361.15 sqm
PTED	6.89 sqm
	289.13 sqm

D.S.E. CALCULATIONS

AREA OF SITE INCLUDING ROADSET = 2889 sqm  
 AREA OF EXISTING DWELLING = 386.34sqm  
 AREA OF PROPOSED DWELLING INCLUDING ROADSET  
 364.07 sqm  
 FFR = 0.12% OF 2889 sqm  
 = 1.273 sqm  
 AREA OF EXISTING + PROPOSED = 666.97sqm  
 FFR = 0.23%

- 1. NOT TO CONSIDERED FOR CONSTRUCTION
- 2. TO BE CONSIDERED FOR CONSTRUCTION
- 3. TO BE CONSIDERED FOR CONSTRUCTION
- 4. TO BE CONSIDERED FOR CONSTRUCTION
- 5. TO BE CONSIDERED FOR CONSTRUCTION
- 6. TO BE CONSIDERED FOR CONSTRUCTION
- 7. TO BE CONSIDERED FOR CONSTRUCTION
- 8. TO BE CONSIDERED FOR CONSTRUCTION
- 9. TO BE CONSIDERED FOR CONSTRUCTION
- 10. TO BE CONSIDERED FOR CONSTRUCTION

NO.	DATE	BY	DESCRIPTION
1	11/12/17	...	...
2	11/12/17	...	...



NOTE: STRUCTURES, LINES, POINTS OF DISCHARGE AND BUILDING DWELLS MUST COMPLY WITH THE LOCATION OF THE POINT OF DISCHARGE, FROM TO ANY SEWER CONNECTED OFF ON SITE. IF THE POINT OF DISCHARGE CANNOT BE LOCATED, CONSULT A PROFESSIONAL OFFICE SHOULD BE NOTIFIED IMMEDIATELY.

Site Plan  
SCALE 1:400

Site Plan	
Project Number	048217
Date	28/9/17
Drawn by	EM
Sheet Size	A3
Scale	1:400

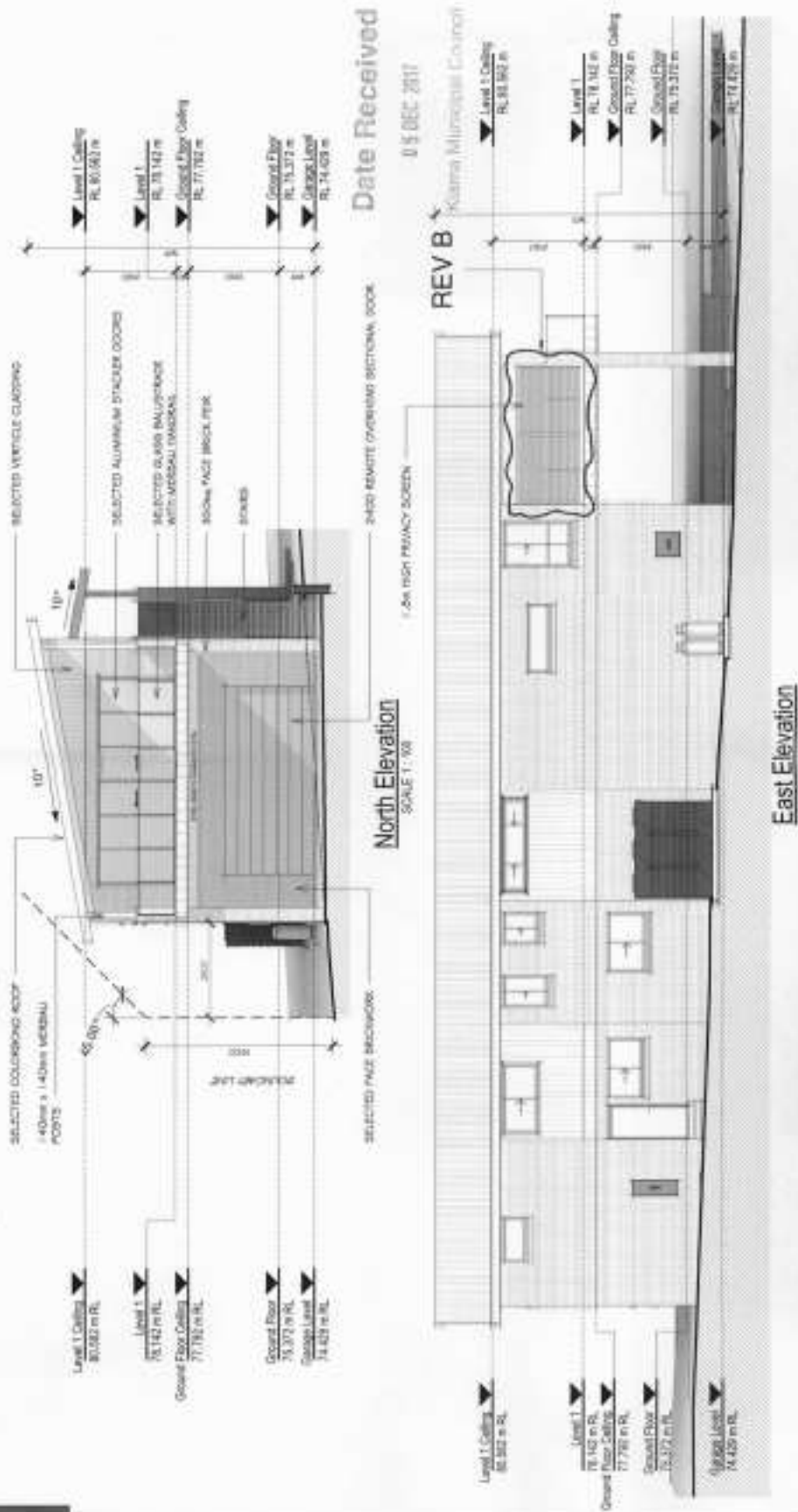
Project: PROPOSED SECOND DWELLING AT LOT 1 DP 1045061 35 BELE PLACE KIAMA 2533  
 For: EVOLUTION BUILDING GROUP

**EVOLUTION BUILDING GROUP**  
 The next generation of homes.

No.	Description	Date
A	Development Application drawings	28/9/17
B	Development Application drawings Rev B	2/11/17



# Development Application - NOT FOR CONSTRUCTION



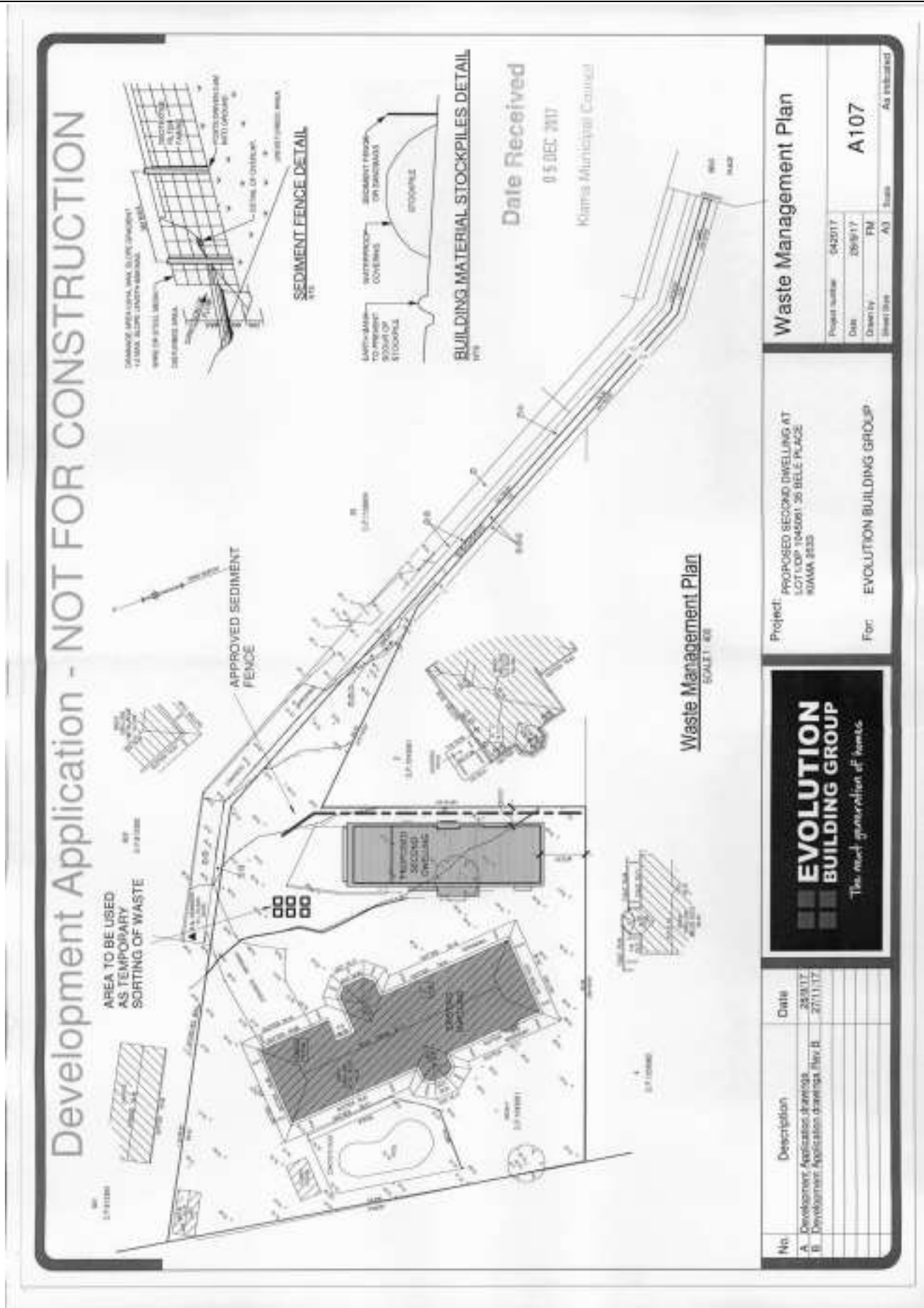
No.	Description	Date
A.	Development Application Approval	28/01/17
B.	Development Application Approval Rev B	20/11/17

Project number	342017
Date	28/01/17
Drawn by	FM
Sheet Size	A3
Scale	1:100







Item 10.6

Attachment 1

# Development Application - NOT FOR CONSTRUCTION

Date Received

05 DEC 2017

Kiama Municipal Council



Evolution Building Group Pty Ltd  
10.2017.286.1 DP 1045061

No.	Description	Date
A	Development Application drawings	05/12/17
B	Development Application drawings Rev B	20/11/17

**EVOLUTION BUILDING GROUP**  
The next generation of homes.

Project: PROPOSED SECOND DWELLING AT LOT 1 DP 1045061 35 BELE PLACE KIAMA 2533  
For: EVOLUTION BUILDING GROUP

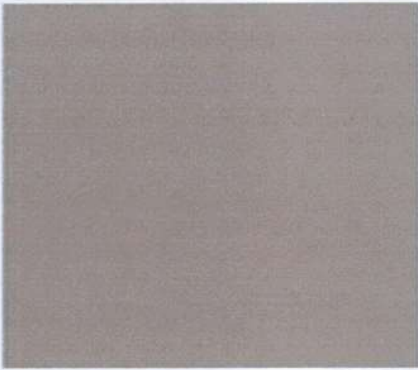
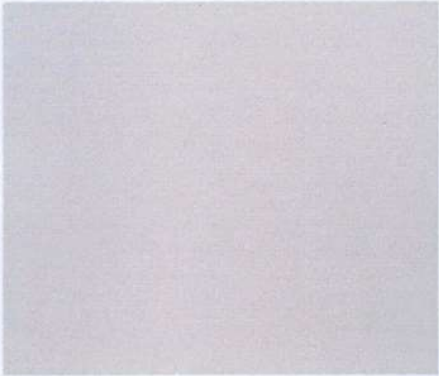

3D Views

Project number	942017
Date	28/9/17
Drawn by	EM
Sheet Size	A3
Scale	

A113

Additional Info  
Trim and Give to Anthony  
R.  
10.2017.286.1

EXTERNAL COLOUR SCHEDULE – LOT 1 NO. 35 BELE PLACE, KIAMA

<p>DUNE</p>  <p>ROOFING, GUTTER, DOWNPIPES &amp; CLADDING</p>	<p>SURFMIST</p>  <p>FASCIA &amp; EAVES</p>
<p>PEARL WHITE GLOSS</p> <p>WINDOWS</p>	<p>AUSTRAL WILDERNESS DESIGN BLACKBUTT</p>  <p>BRICKWORK</p>

Date Received

05 DEC 2017

Kiama Municipal Council

Item 10.6

Attachment 1

<p>HUME NEWINGTON XN5 – STAINED MERBAU</p>  <p>ENTRANCE DOOR WITH CLEAR GLASS</p>	<p>DECOWOOD – WESTERN RED CEDAR</p>  <p>SLIMLINE SECTIONAL GARAGE DOOR</p>
<p>MONUMENT</p>  <p>WATERTANK &amp; METERBOX</p>	<p>STAINED CLEAR</p>  <p>MERBAU POSTS &amp; HANDRAIL</p>

**Date Received**

05 DEC 2017

Kiama Municipal Council

Development Application - NOT FOR CONSTRUCTION



3pm 21st June

Date Received

05 DEC 2017

Kiama Municipal Council

Shadow Diagrams

Project number	042017
Date	28/9/17
Drawn by	EW
Sheet size	A3
Scale	

A110

Project: PROPOSED SECOND DWELLING AT LOT 1 DP 1045061 35 BELE PLACE KIAMA 2533

For: EVOLUTION BUILDING GROUP

**EVOLUTION BUILDING GROUP**

The next generation of homes

No.	Description	Date
A.	Development Application 042017	28/9/17
B.	Development Application drawings Rev B	27/11/17

Item 10.6

Attachment 1



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

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

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

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

Item 10.7

**Summary**

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

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

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

Requests to vary the DCP controls have been received.

**Finance**

N/A

**Policy**

N/A

**Reason for the Report**

This report is submitted to Council because DCP provisions that are proposed to be varied concerning the width of the access corridor are more than of a minor nature and affect, comprising a variation of 40%.

**Communication/Community Engagement**

Required: Yes (letter notification)

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

Submissions: Nil submissions

**Attachments**

1 10.2017.320.1 - plans [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

---

## Report of the Director Environmental Services

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

---

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

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

**BACKGROUND****Development Site**

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

The overall site measures 1,299.2 m<sup>2</sup> and is rectangular in shape with a depth of 64.96m and a width of 20m.



Report of the Director Environmental Services

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

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

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

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

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

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

The site is not subject to any environmental planning constraints.

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

Item 10.7



Figure 1 – GIS Locality Plan



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

Report of the Director Environmental Services

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

---

**Item 10.7**



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



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



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

Report of the Director Environmental Services

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

---



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

### Description of the Proposed Development

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

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

Proposed Lot A, and has a width of 15.158m a depth of 29.95m and area of 500.55m<sup>2</sup>. The site contains the existing dwelling that has a GFA of 229.355m<sup>2</sup> which equates to an FSR of 0.386:1 for Lot A.

Lot B is proposed to have an area of 798.378m<sup>2</sup> (699.346m<sup>2</sup> excluding the access corridor). Frontage to Barton Drive would be 4.837m with the access corridor forward of the front building line narrowing down to a width of 3.2m at the front building line due to the site constraint imposed by the eastern setback of the existing dwelling.

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

The proposal is shown in Figure 7 below:

Report of the Director Environmental Services

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

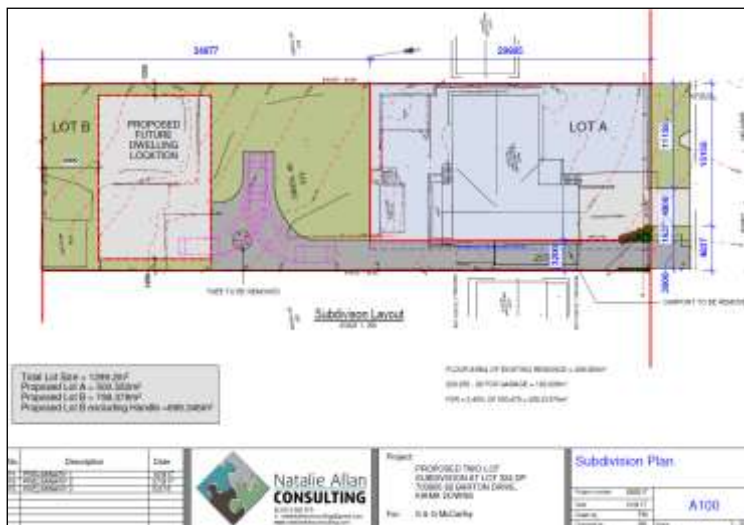


Figure 7 – Site/Subdivision Plan

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

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

**Section 4.15 Assessment**

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

**Relevant Environmental Planning Instruments**

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

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

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

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

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

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

Item 10.7

Report of the Director Environmental Services

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

---

- State Environmental Planning Policy No 55 - Remediation of Land

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

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

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

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

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

- Kiama LEP 2011

Specific clauses requiring consideration are discussed below:

Clause 2.1 Land Use Zones

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

The zone objectives are as follows:

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

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

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

The proposed arrangement of the access corridor does not meet with the provisions of the Development Control Plan adopted by the Council to deliver the community's housing needs for development in the municipality with respect to the quality of the

Report of the Director Environmental Services

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

built environment. Therefore, the proposal does not fully satisfy the objectives of the low density residential environment.

Specific clauses requiring consideration:

Clause 4.1 Minimum Subdivision Lot Size

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

The proposal complies with the minimum resulting lot size of 450m<sup>2</sup> for subdivision requirement indicated on the Lot Size Map. Each of the proposed resulting lots has an area of more than 450m<sup>2</sup> with Lot A proposed to have an area of 500.55m<sup>2</sup> and Lot B have an area of 798.378m<sup>2</sup>.

Clause 4.4 Floor Space Ratio

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

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

Clause 5.5 Development within the Coastal Zone

The clause lists requirements for development within the coastal zone.

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

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

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

Provision	Comment
Existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to: <ul style="list-style-type: none"> <li>(i) maintaining existing public access and, where possible, improving that access, and</li> <li>(ii) identifying opportunities for new public access</li> </ul>	Access to and along the foreshore for pedestrians is not affected by the proposal.
The suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:	The natural scenic quality of the location is not considered to be unreasonably impacted by the proposal.

Item 10.7

Report of the Director Environmental Services

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

**Item 10.7**

<b>Provision</b>	<b>Comment</b>
(i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and (ii) the location, and (iii) the bulk, scale, size and overall built form design of any building or work involved	
The impact of the proposed development on the amenity of the coastal foreshore including: (i) any significant overshadowing of the coastal foreshore, and (ii) any loss of views from a public place to the coastal foreshore	The coastal foreshore is not nearby the site of the development therefore its amenity is not affected as a result of overshadowing or loss of views from a public place.
How the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected	The site is not on the headland, and the scenic quality of any headland is therefore not adversely affected by the proposal.
How biodiversity and ecosystems, including: (i) native coastal vegetation and existing wildlife corridors, and (ii) rock platforms, and (iii) water quality of coastal waterbodies, and (iv) native fauna and native flora, and their habitats, (v) can be conserved	The biodiversity and ecological values are not adversely affected by the proposal.
The cumulative impacts of the proposed development and other development on the coastal catchment.	There are no foreseeable adverse cumulative effects of the development affecting the coastal zone.

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

<b>Matter</b>	<b>Comment</b>

Report of the Director Environmental Services

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

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

**Item 10.7**

Clause 6.2 Earthworks

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

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

**Any draft Environmental Planning Instruments**

- Draft State Environmental Planning Policy 55 – Remediation of Land

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

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

New provisions will be added in the new SEPP to:



## Report of the Director Environmental Services

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

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

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

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

- Draft State Environmental Planning Policy (Coastal Management) 2016

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

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

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

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

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

The proposed location of the development:

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

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

### Development Control Plans (DCPs)

- Kiama DCP 2012

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

Report of the Director Environmental Services

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

Control	Comment
<b>Chapter 4 – Low Density Development</b>	
<p><i>C1 All applications for low density development must meet the following controls:</i></p> <ul style="list-style-type: none"> <li>• <i>all Principal development standards as set by LEP 2011.</i></li> <li>• <i>all development must be designed to minimise any environmental risks associated with its location.</i></li> </ul>	<p>The principal development standards of the LEP have been met and are discussed in the report above.</p>
<p><i>C47 Battle axe block must have a minimum frontage and access handle width of 5m for consideration of dual occupancy or secondary dwelling development. This frontage must include a 3m concrete driveway and a 1m landscaped strip adjoining the neighbouring property.</i></p>	<p>The intention of this control is to minimise potential adverse streetscape and amenity impacts from the stark appearance of long un-landscaped access corridors incorporating concrete driveways adjoining neighbouring property boundaries.</p> <p>The proposal includes sufficient width for the 3.0m wide concrete driveway, but the 1m wide landscape strip required adjoining the neighbouring property cannot be provided.</p> <p>The proposal is considered unsatisfactory due to the lack of landscape relief provided to the access corridor.</p>
<p><i>C18 The minimum access corridor width for a battle axe allotment shall be 5m with a minimum carriageway width of 3m for the entire length of the access handle.</i></p>	<p>The variation request is considered unsatisfactory because the proposal will have an unacceptable impact on the streetscape as a result of the ‘gun-barrel’ appearance of the driveway arising from the non-compliances with the controls contained in Kiama DCP as set out above.</p>
<p><i>C19 A 1m wide landscaping strip shall be provided along each side of the required 3m wide road pavement. The landscaping strip shall be planted with suitable small trees, shrubs and groundcovers.</i></p>	

Item 10.7

Report of the Director Environmental Services

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

Control	Comment
<p><i>C22 A minimum 1m wide landscaping strip must be provided along each side of the required 3m wide road pavement of any shared access handle. The landscaping strip shall be planted with suitable small trees, shrubs and groundcovers and shall also include a hard stand area on one side of the access handle for garbage and recycling bins (i.e. directly abutting the public road reserve). The opposite 1 metre wide landscaping strip in the shared access handle shall include letterboxes for the two lots (i.e. directly abutting the public road reserve).</i></p>	
<p><i>C107 Battle axe allotments shall be designed to include sufficient area within the existing public road reserve verge to cater for the provision of garbage and recycling bins. Alternatively, a garbage and recycling bin storage area may be provided within close proximity to the adjoining public road, but will be subject to private waste servicing arrangements being made by the property owner in the event that Council's waste contractor is not able to service the bin storage area.</i></p>	<p>The applicant amended the plans to propose a skewed alignment of the line of subdivision to provide 1.6m of frontage at the street-front property boundary to comply with waste collection requirements.</p> <p>However, due to the unsatisfactory appearance of the proposed long un-landscaped access corridor adjoining the neighbouring boundary, the skewed alignment of the line of subdivision is considered unacceptable because it sets an undesirable precedent, and does not to promote good design and amenity of the built environment.</p>

Item 10.7

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

**Any Planning Agreement**

Nil

Report of the Director Environmental Services

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

---

### Any Matters Prescribed by the Regulations

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

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

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

N/A

### Any Coastal Zone Management Plan

Nil

### The Likely Impacts of the Proposed Development

- Streetscape

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

- Noise

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

- Privacy and Overlooking

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

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

- Overshadowing

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

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

Report of the Director Environmental Services

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

---

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

- Views

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

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is proposed.

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

- Stormwater Management

A satisfactory drainage design has been provided with the application.

All stormwater will drain to the street.

- Environmental Impacts

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

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

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

*Impact on Water Resources* – Rainwater tanks will be provided, as required by the submitted BASIX Certificate. Stormwater will be conveyed to the drainage easement. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

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

- Utility needs and supply

Utility services are already supplied to the subject site.

- Safety, security & crime prevention

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

- BCA compliance & Construction impacts

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

Report of the Director Environmental Services

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

---

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

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

### **Submissions**

#### **Public Submissions**

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, no submissions were received.

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

#### **External Referrals**

Nil

#### **Internal Referrals**

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

- Subdivision & Development Engineer

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

- Landscape Design Officer

The proposal is unsatisfactory in its current form.

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

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

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

- GIS Officer

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

#### **The Public Interest**

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

## Report of the Director Environmental Services

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

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

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

**Final Comments and Conclusions**

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

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

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





**10.8 Submission Points for Cleary Bros. Modification Application**

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

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

Delivery Program: 2.2.2 Protect and maintain environmentally significant natural areas

**Summary**

The Department of Planning and Environment has placed an application for modification of the existing approval to extract sand at the Gerroa sand mine on public exhibition. The overall extraction amounts will remain unchanged however the extraction activities will move further to the north under the proposed modification.

Council's Environmental/Sustainability Officer has reviewed the application and has identified a number of matters that should be considered by the Department in its assessment of the application. These relate to flora and fauna, flooding, surface and groundwater, noise and heritage. While Council is not the consent authority, it is considered appropriate that Council make a submission to the Department to request appropriate consideration of these matters through its assessment process.

**Finance**

N/A

**Policy**

N/A

**Communication/Community Engagement**

The Department of Planning and Environment has placed the application from Cleary Bros. to modify their existing approval to extract sand at their Gerroa property on public exhibition until 4 July 2018.

**Attachments**

Nil

**Enclosures**

Nil

***RECOMMENDATION***

That Council staff prepare a submission to the Department of Planning and Environment in relation to the public exhibition of the application to modify the existing approval to extract sand at the Gerroa sand mine and request appropriate consideration of Council' concerns in relation to flora and fauna, flooding, surface and groundwater, noise and heritage.

Report of the Director Environmental Services

10.8 Submission Points for Cleary Bros. Modification Application (cont)

---

## BACKGROUND

### Development Proposal

The Department of Planning and Environment has received an application from Cleary Bros. to modify their existing approval to extract sand at their Gerroa property. Submissions can be made up until 4 July 2018. Included in this information report is a brief synopsis of the proposal and recommendations from Council to be put to the Department as the consent authority.

The environmental assessment and all relevant documentation for this proposal is available on the Department of Planning and Environment website at <https://www.planningportal.nsw.gov.au/lodge-track-applications/find-a-major-project>. Hard copies are also available at Council's administration building.

The proposal is to extend the area of works of the sand quarry north within a cleared area of the property, which is currently grazed. Limited vegetation removal is proposed, with isolated paddock trees and small patches of *Casuarina glauca* isolated from the main vegetation patches on the property and adjacent land. The proposed extraction area is approximately 35.8 ha and contains approximately 1.9 million tonnes of sand, as determined by exploratory boreholes. The sand resource generally ranges from 6–12m deep in the northern area, and up to 6m deep in the southern area.

The consultant preparing the proposal for Cleary Bros. argues that the extension of the sand quarry is subject to the modification provisions under section 75W (now repealed and replaced with Schedule 6A(12)) of the *Environmental Planning and Assessment Act 1979*. The consultant has reviewed the legal precedent for the proposal and concluded that the scale of the modification is within the bounds of section 75W, and the proposed extension of the extraction area is consistent with the existing approved use of the site. The site currently operates under an existing Major Project approval sought under part 3A of the Environmental Planning & Assessment Act, granted by the Land and Environment Court, dated 2 September 2008.

The proposal will utilise existing operational infrastructure at the site, and extracted sand will be piped from the proposed extraction area to the existing processing equipment located adjacent to the existing pond system. The proposed extension to the extraction area will not result in an increase to the approved throughput volume of material extracted on site per year, or traffic to and from the site.

The area comprises low-lying farmland, with the final rehabilitated land form proposed to provide a coastal wetland environment modelled on the pre-agricultural habitat.

The current approved extraction area is expected to be exhausted in 2-3 years, with rehabilitation works completed concurrently with the extraction process and further works to be completed once this extraction area has been exhausted, to the requirements stipulated in the Quarry Environmental Management Plan – Landscape Rehabilitation Plan.

The proposed new extraction area is detailed in the map below.



Item 10.8

**Matters for Consideration**

Flora and Fauna

- Include conditions for the 4 to 1 compensatory planting recommended by the consulting ecologist, which where possible should add to existing remnant vegetation patches on the property.
- Vegetation clearing is to be undertaken as described in section 6.7 Vegetation Clearing Procedure, of the existing Quarry Environmental Management Plan.
- Consider including bush regeneration/weed control conditions for existing remnant vegetation patches adjacent to the proposed dredge pond. Therefore trying to deal with edge effect and ongoing degradation of existing plant communities.
- Update the QEMP to include landscape and habitat management requirements for the new dredge pond area as recommended in the Environmental Assessment Section 6.9.2. This is in addition to the 400 compensatory plantings recommended for vegetation removal.
- Stipulate appropriate buffer distance for dredge pond and outer edge of the flood bund batter from existing remnant vegetation patches.
- The proposal identified the final rehabilitated land form to provide a coastal wetland environment modelled on the pre-agricultural habitat. With this identified it is recommended that the Department investigate the potential for the estuarine wetlands of Foy’s Swamp to be partially or fully rehabilitated post extraction as identified in the Crooked River Coastal Zone Management Plan. This would meet the aims identified in the proposal to ‘provide a coastal wetland environment modelled on the pre-agricultural habitat’. This would likely

## Report of the Director Environmental Services

## 10.8 Submission Points for Cleary Bros. Modification Application (cont)

- 
- involved the modification or removal of the tidal floodgate on Blue Angle Creek and re-instatement of a tidal regime to the area known as Foy's Swamp.
- The proposal identified in the section 5 Regulatory framework – that, 'the proposed modifications are not within the buffer zones of surrounding littoral rainforest as depicted by SEPP 26 and the draft Coastal Management SEPP'. Councils understanding on review of the Coastal SEPP mapping and repealed SEPP 26 mapping is that the far north eastern corner of the proposed extraction are within the SEPP 26 – Littoral Rainforest buffer and the Coastal Management SEPP Littoral Rainforest buffer area. The application should be updated to include this information and the requirements of Division 1 – Coastal Wetlands and littoral rainforest of Part 2 of the Coastal Management SEPP should be referred to in determining the application for modification.
  - It is identified in part 5.5.1 – Kiama LEP, that the provisions of the Kiama LEP do not apply to the modification application, due to the original quarry approval being issued under Part 3A of the Environmental Planning and Assessment Act and continues to operate as a transitional 3A project under Schedule 6A of the Act. Council notes that part of the proposed extraction area is within mapped E2 zoned land. The implications of this from a strategic planning/consent perspective are unclear.

Flooding

- No significant impacts from the proposed extraction area are identified. If anything there may be minor reductions in flows through culverts due to peak flood retention times from additional swales and proposed extraction pond. This may even be beneficial to scour and erosion in Blue Angle Creek during flood events.

Surface and Groundwater

- Council recommends groundwater monitoring bores should be installed in appropriate locations in the vicinity of groundwater dependent vegetation communities prior to the start of sand extraction. Monitoring of ground water level, and appropriate parameters should be started a minimum 12 months prior to extraction beginning to ensure there is pre-extraction data available for comparison to data collected during and post extraction.
- It is suggested that the Department include conditions on the modification which place emphasis on rigorous monitoring of the surface and ground water conditions in and around the operation, to ensure the groundwater dependent ecosystems and vegetation communities are not detrimentally affected by the development. This has been identified within the application.
- It is recognised within the application that parts of the proposed extension area are within mapped Class 1 and Class 2 Potential Acid Sulfate Soils areas. The current extraction area is situated within a lower class (Class 3) potential acid sulfate soils area. It is noted in the EA that monitoring has demonstrated no contamination arising from ASS. It is recommended that particular emphasis is placed on monitoring in and around the proposed extension area and downstream surface water locations to monitor potential effects from the impacts of exposing ASS to the atmosphere. There have been historical

## Report of the Director Environmental Services

## 10.8 Submission Points for Cleary Bros. Modification Application (cont)

---

occurrences of acid sulfate soil runoff generation within this catchment so it is important to ensure the activity has not impact in this regard.

Noise assessment

- The noise assessment modelling predicts no expected impact on the nearest sensitive receivers for the proposed extraction area. It is recommended that once operational, noise assessments should be undertaken to ensure noise criteria are being met.

Heritage assessment

- The application has identified known and potential areas containing artefacts and material of high archaeological and cultural significance. It is expected the recommendations of the heritage consultant, identified in Appendix F, are included as conditions for the modification approval.

## 11 REPORT OF THE DIRECTOR CORPORATE, COMMERCIAL & COMMUNITY SERVICES

### 11.1 2018 Youth Engagement Meeting at Kiama High School

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.2 Planning for and assisting specific needs groups

Delivery Program: 1.2.3 Operate the Kiama Youth Centre and facilitate youth services and programs

Item 11.1

#### Summary

This report recommends a date in August to hold the 2018 Youth Engagement Meeting at Kiama High School.

#### Finance

Nil

#### Policy

Nil

#### Communication/Community Engagement

This meeting helps fulfill Council's goal "...to become a leader in local government community engagement by: ensuring all groups in the community are given opportunities to engage with Council and participate in the decision-making process"

#### Attachments

Nil

#### Enclosures

Nil

### **RECOMMENDATION**

That Council endorse the 2 August for holding the 2018 Youth Engagement Meeting.

### **BACKGROUND**

Each year, Council holds a youth focused council meeting at Kiama High School as a strategy to support young people engaging in civic life. The recommended date for holding the 2018 meeting is 2 August starting at 10:30am, with the meeting to be held in rooms L14 & 15. Councillors and Directors will need to sign in as visitors to the school therefore are requested to meet at the school's front office at 10:15am to sign in, and then a member of the school's Student Representative Council will accompany them to the meeting location.

**11.2 Native Title Tribunal - Claimant Application - South Coast People**

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

Item 11.2

**Summary**

Council received a letter from the National Native Title Tribunal on 9 May 2018 advising a blanket Native Title claim had been placed over the Kiama local government area. The letter provides Council with the opportunity to become a party to the Federal Court proceedings by making an application to the Court on the prescribed Form 5 (attached letter).

**Finance**

Not Applicable

**Policy**

Local Government Act 1993

Native Title Act 1993

**Communication/Community Engagement**

Not Applicable

**Attachments**

- 1 Claimant Application - South Coast People - Federal Court Application - NSD 1331/2017 - National Native Title Tribunal [↓](#)

**Enclosures**

Nil

***RECOMMENDATION***

That Council:

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

**BACKGROUND**

Council received a letter dated 9 May 2018 from the National Native Title Tribunal in relation to a blanket Native Title claim placed on the following Local Government areas:

Bega Valley	Eurobodalla	Sutherland	Wingecarribee
Wollondilly	Campbelltown	Liverpool	Shellharbour
Shoalhaven	Wollongong	Snowy Monaro	Queanbeyan-Palerang
Canterbury - Bankstown	Georges River	Goulburn Mulwaree	Kiama

The attached letter provides a map outlining the area of the claim, which includes the entire municipality of Kiama. The Extract from the Register of Native Title Claims details the description of area covered by the application and additionally the land that is excluded from the claim. The land excluded from the claim is provided for in detail within the attached letter (see pages 3-4) which essentially excludes all land except Crown Land.

Council's Property Coordinator has made contact with the respective Property Managers from Goulburn Mulwaree and Shoalhaven Council regarding their position on the subject claim. Goulburn indicated it's likely they will not become a party to the proceedings given that a small portion of their local government area is affected. Shoalhaven have advised that pursuant to a Council resolution, Shoalhaven will become a party to the proceedings. In conjunction with the proceedings, Shoalhaven will be compiling a list of all Crown Land under their care and control as Reserve Trust Manager. The compilation will including the following information:

- Lot & DP
- Reserve purpose
- Description of facilities (picnic tables, BBQ facilities, amenities etc.)

It is recommended that Kiama Council adopt a similar approach to Shoalhaven Council and apply to the Federal Court using the prescribed Form 5 to become a party to the proceedings. It is also considered to collate and provide a list of all Crown Land within our municipality which may assist with the proceedings in proving that Native Title has been extinguished.

Council must apply to become a party to the legal proceeding on or before 29 August 2018.





Our Ref: NC2017/003

9 May 2018

General Manager  
The Council of the Municipality of Kiama  
PO Box 75  
KIAMA NSW 2533

Via email to [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au)

Dear Mr McMurray

Claimant Application— South Coast People  
Federal Court Application No— NSD1331/2017

As you may be aware, the above native title determination application was made to the Federal Court of Australia (Federal Court) in relation to the area described below.



Application name: South Coast People  
Federal Court File No: NSD1331/2017  
Date filed: 3 August 2017  
Registration test status: The Native Title Registrar has **accepted** this application for registration.  
Description: The application covers about 16,808 sq km and extends south from Sydney to Eden, along the South Coast of NSW.  
Link to map: <http://bit.ly/2FISyGt>  
Relevant LGAs: Shire Councils of Bega Valley, Eurobodalla, Sutherland, Wingecarribee and Wollondilly; City Councils of Campbelltown, Liverpool, Shellharbour, Shoalhaven and Wollongong; Regional Councils of Snowy Monaro and

Queanbeyan - Palerang; Councils of Canterbury - Bankstown, Georges River and Goulburn Mulwaree and The Council of the Municipality of Kiama.

A brief summary of the application is also enclosed for your information.

The application was filed on 3 August 2017 and on 31 January 2018 the Native Title Registrar (Registrar) accepted the claim in the application for registration on the Register of Native Title Claims.

Section 66(3)(a) of the *Native Title Act 1993* (Cth) (the Act) requires the Registrar to give notice of the details of applications made under s 61 of the Act to certain persons and bodies, including to any local government body for any of the area covered by the application.

The notification day for this application is 30 May 2018.

*Shared country | shared future*

If you wish to become a party to this application, you must apply to the Federal Court **on or before 29 August 2018**, and request to become a party. Please use the enclosed form (*Federal Court Form 5*) to do so. Also enclosed is the Federal Court's Guide to completing the form.

The Form 5 may be lodged in person at the Federal Court Registry, by post, by facsimile, by eLodgment or by email. Additional information and Federal Court contact details are included in the attached Guide.

With respect to deciding whether to become a party to this application, please note as follows:

- If any person who does not apply to become a party to the application on or before **29 August 2018** subsequently wishes to become a party to the application, that person would have to seek the leave of the Federal Court under 84(5) of the Act.
- All parties in proceedings before the Federal Court are required to act consistently with the Federal Court's goals of resolving disputes according to law and as quickly, inexpensively and efficiently as possible. All parties have a responsibility to participate in the proceedings when required, to comply with Federal Court orders affecting them and to maintain their knowledge of how a proceeding is progressing.

*Persons who might hold native title rights and interests please note:* As there can be only one determination of native title for an area, if a person does not become a party in relation to the application, there may be no other opportunity for the Federal Court, in making its determination, to take into account that person's native title rights and interests in relation to the area concerned.

If you have any queries about the contents of this letter or the enclosures accompanying it, please contact me via the details below.

Regards

Sylvia Jagtman  
Practice Leader  
Tel: 02 9227 4013  
Freecall: 1800 640 501  
Email: [sylvia.jagtman@nntt.gov.au](mailto:sylvia.jagtman@nntt.gov.au)

**Enclosed** NC2017/003 South Coast People - Register extract and map  
Form 5 Notice of Intention to Become a Party to an Application  
Federal Court Guide to Native Title Form 5



## Extract from the Register of Native Title Claims

### Application Information

**Application Reference:** Federal Court number: NSD1331/2017  
NNTT number: NC2017/003

**Application name:** The Applicant on behalf of the South Coast People v Attorney General of New South Wales (South Coast People)

**Registration History:** Registered from 31/01/2018

### Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

**Application filed with:** Federal Court of Australia

**Date application filed:** 03/08/2017

**Date claim entered on Register:** 31/01/2018

**Applicants:** Gwenda Jarrett, Wally Stewart, Dean Kelly, Allan Carriage, Aileen Blackburn (nee Mongta), Mark Tinelt, William Campbell, Cathy Thomas, Marilyn Campbell, Leslie Simon, Taressa Mongta, John Brierley

**Address for service:** NTSCORP Limited  
Unit 1a Suite 2.02  
44-70 Rosehill Street  
REDFERN NSW 2016  
**Phone:** (02) 9310 3188  
**Fax:** (02) 9310 4177

### Additional Information:

Not Applicable

### DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

#### (A) Area covered by application

The area covered by the application ('the Application Area') comprises all the land and waters within the external boundaries described in Attachment B and depicted in the map at Attachment C.

The Application Area description and map have been prepared with the assistance of the Geo-Spatial Unit of the National Native Title Tribunal. The area covered by this application does not include the areas described at point B below.

#### (B) Areas within the external boundaries not covered by the application

1. The area covered by the application excludes any land and waters covered by past or present freehold title or by previous valid exclusive possession acts as defined by section 23B of the Native Title Act 1993 (Cth). That is, the area covered by the application excludes any land and waters which are:

- a) a Scheduled interest;
- b) a freehold estate;
- c) a commercial lease that is neither an agricultural lease nor a pastoral lease;
- d) an exclusive agricultural lease or an exclusive pastoral lease;
- e) a residential lease;
- f) a community purpose lease;
- g) a lease dissected from a mining lease and referred to in s 23B(2)(c)(vii) of the Native Title Act (1993) (Cth); and
- h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.

2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.

3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth, State or Territory.

4. Subject to paragraph 6 below, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:

- a) s 23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- b) s 23B(9A) - Establishment of a national park or state park;
- c) s 23B(9B) - Acts where legislation provides for non-extinguishment;
- d) s 23B(9C) - Exclusion of Crown to Crown grants; and
- e) s 23B(10) - Exclusion by regulation;

the area covered by the act is not excluded from the application.

5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:

- a) s 47 - Pastoral leases etc covered by claimant application;
- b) s 47A - Reserves covered by claimant application;
- c) s 47B - Vacant Crown land covered by claimant application; the area covered by the act is not excluded from the application.

6. The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.

#### PERSONS CLAIMING TO HOLD NATIVE TITLE:

The South Coast People are the native title claim group on whose behalf the Applicant makes this application.

The South Coast People native title claim group comprises all the descendants of the following apical ancestors:

Mary Ann, mother of Emily and Joseph Johnson  
Charles ADGER  
Robert ANDY  
Maria BILLYBOY (aka Coommee Nullanga)  
Arthur BLOXSOME  
Richard BOLLOWAY  
Alick BOND  
Charlotte BOND  
Oswald BRIERLEY  
William BROUGHTON  
Jane BROWN  
Thomas Golden BROWN  
James BUNDLE  
Jerry BUNGIL  
Louisa BURROWS  
William CAMPBELL  
John CARPENTER  
Johnny CARTER  
Henry CHAPMAN  
Henry COOLEY  
Tom COOLEY  
Bob CURRAN  
Henry DAVIS  
Ellen DEMESTRE  
Julia DIXON  
William DIXON

Jimmy Coombala FRIDAY  
Biddy GILES  
James GOLDING  
Patrick HADDIGADDI  
Jessie JENKINS  
Donald JOHNSON  
Annie JOHNSTON  
Judy KENNY  
John KERRY  
Lucy LYONS  
Mary Ann LYONS  
Richard MARSHALL  
Caroline MATHEWS  
Elizabeth MATTHEWS  
Annie MCGRATH  
Edward MOORE  
MUMBLER  
Jenny NIMEBUR  
George NIPPLE  
Margaret Ann NIXON  
Harry PICKALLA  
John PITTMAN  
Mary Ann ROSE  
Minnie ROWLEY  
John SIMS  
Sally of Wandandian, spouse of Dan Parsons  
Governor STEWART  
Mary Ann STEWART  
Peter THOMAS  
George TIMBERY  
Mary TURNER  
Edward WALKER  
William WALKER

and persons adopted and incorporated into the families of those persons in accordance with the South Coast People's traditional laws and customs (and the biological descendants of any such persons).

**REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:**

**The following Native Title Rights & Interests were entered on the Register on 31/01/2018**

The South Coast People claim the following native title rights and interests in relation to the claim area, subject to the valid laws of the State of New South Wales and the Commonwealth (including the right to conduct activities necessary to give effect to them):

1. Where exclusive native title can be recognised, the South Coast People, as defined in Schedule A of this application, claim the right to possession, occupation, use and enjoyment of the lands and waters of the application area to the exclusion of all others subject to the valid laws of the Commonwealth and State of New South Wales.
2. Where exclusive native title cannot be recognised, the South Coast People as defined in Schedule A of this application, claim the following non-exclusive rights and interests including the right to conduct activities necessary to give effect to them:
  - i. the right to access, to remain in and to use the land and waters for any purpose;
  - ii. the right to access and to take resources from the land and waters for any purpose;
  - iii. the right to maintain and protect places and objects of significance;
  - iv. the right to be accompanied onto those areas by persons who, though not native title holders, are:
    - a) spouses, partners or parents of native title holders, together with their children, grandchildren, great-grandchildren and their descendants;
    - b) people required under traditional laws and customs for the performance of cultural activities, practices or ceremonies; and
    - c) people requested by the native title holders to assist in, observe or record cultural activities, practices or ceremonies.

The native title rights and interests are subject to and exercisable in accordance with:  
a) the valid laws of the State of New South Wales and the Commonwealth;

- b) the rights (past or present) conferred upon persons pursuant to the laws of the Commonwealth and the laws of the State of New South Wales; and
- c) the traditional laws acknowledged and traditional customs observed by the South Coast People.

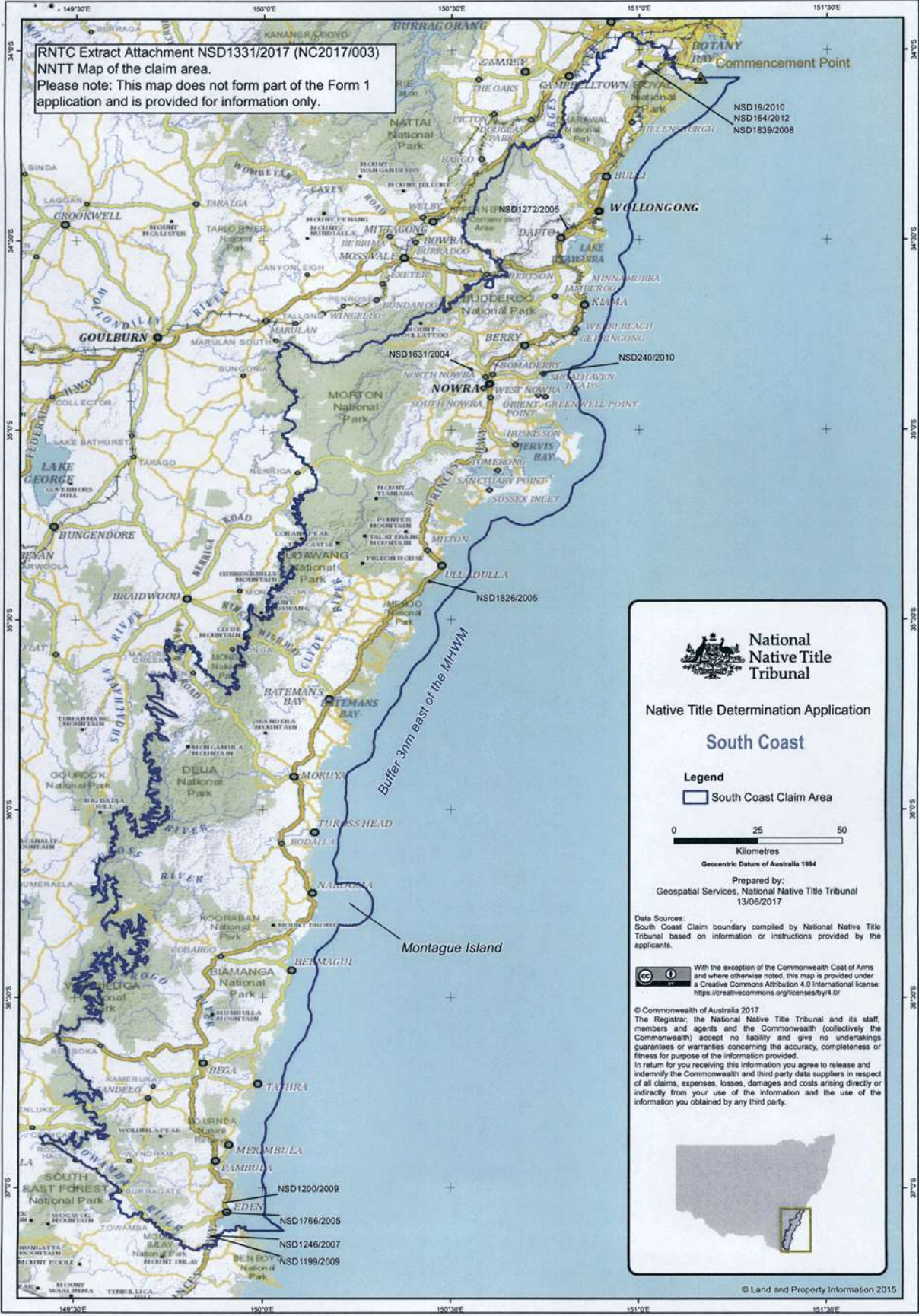
**REGISTER ATTACHMENTS:**

- 1. Attachment B Description of the area covered by the application, 6 pages - A4, 03/08/2017
- 2. Attachment C Map of the area covered by the application, 2 pages - A4, 03/08/2017
- 3. NNTT Map of the application area, 1 page - A4, 31/01/2018

*Note: The Register of Native Title Claims may, in accordance with s. 188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.*

**Item 11.2**

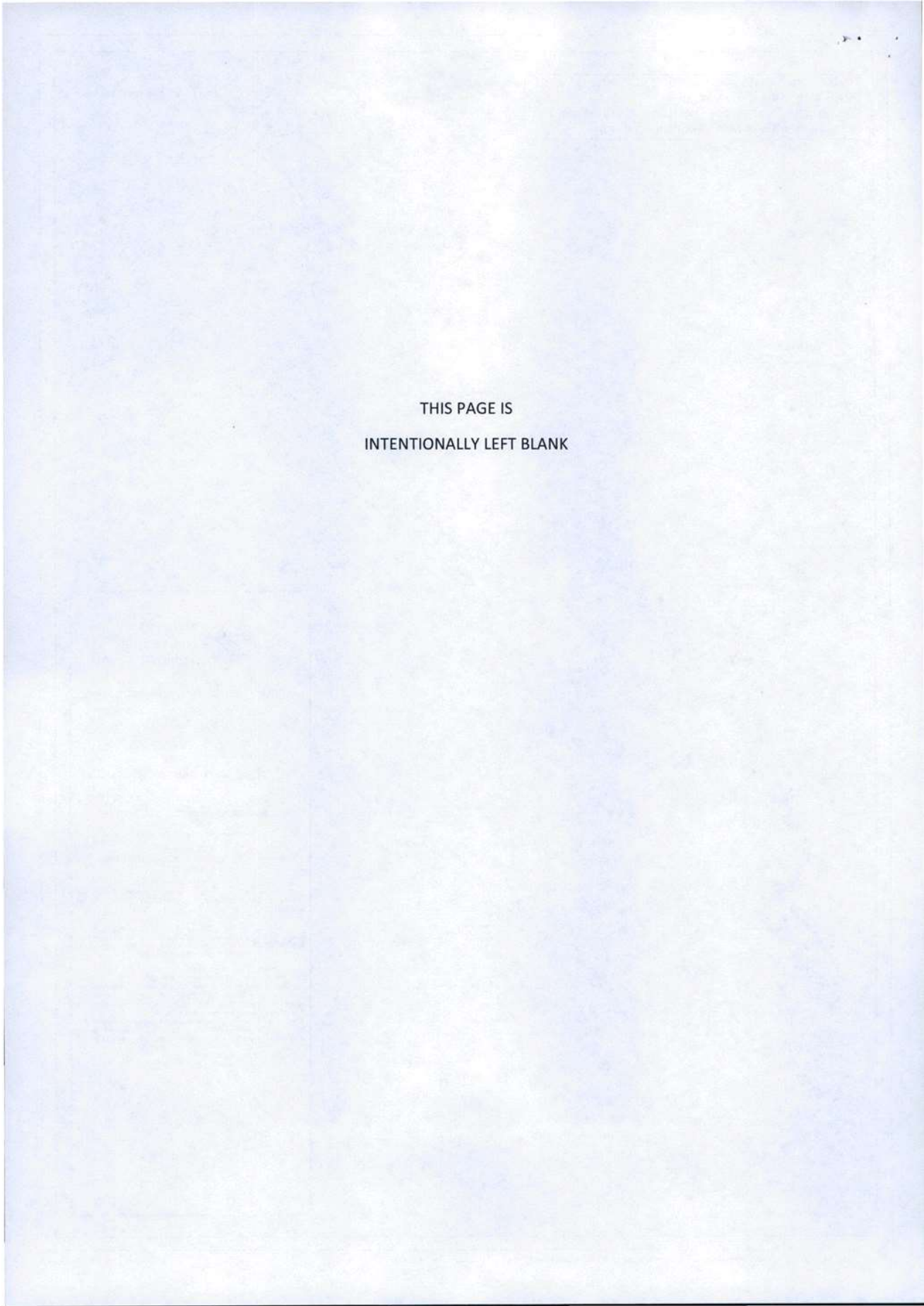
**Attachment 1**



Filepath: P:\GEO\_INFO\Products\NSW\NTDA\Proposed\South\_Coast\Mapping\GT2017\_0862\_Map\20170613\_Proposed\_South\_Coast\_Topo\_A3P.mxd Geotrack Number: GT2017/0862

Item 11.2

Attachment 1



THIS PAGE IS  
INTENTIONALLY LEFT BLANK

**Item 11.2**

**Attachment 1**



FEDERAL COURT OF AUSTRALIA  
REGISTRY

(Insert State where filing)

GENERAL DIVISION

Form 5  
Native Title Act 1993

Notice of Intention to Become  
a Party to an Application

To: The District Registrar  
Federal Court of Australia

<p><i>Insert the name of the Native Title Determination Application as shown on the notification advertisement in the newspaper or in the letter received from the National Native Title Tribunal.</i></p>	<p><b>1. Name of Native Title Determination Application:</b></p> <input type="text"/>
<p><i>Insert the Federal Court file number. This is shown on the notification advertisement or in the letter from the National Native Title Tribunal.</i></p>	<p><b>2. Federal Court File Number:</b></p> <input type="text"/>
<p><i>Insert the name of the person/s, company or other organisation wishing to become a party. If a person, write the name in full, initials are not sufficient.</i></p>	<p><b>3. Name of person, company or organisation wishing to become a party:</b></p> <input type="text"/>
<p><i>Insert the address of the person(s), company or organisation wishing to become a party.</i></p>	<p><b>4. Address of person, company or organisation wishing to become a party:</b></p> <input type="text"/>
<p><i>Describe the nature of your interest/s and the manner in which it/they may be affected by a Native Title Determination.</i></p> <p><i>Documentary evidence should be supplied. For example, if you hold a lease or licence in respect of the claim area please attach to this Form a copy or photocopy of that lease or licence. Identify the type of interest and its location in the claim area.</i></p>	<p><b>5. Details of interest claimed:</b></p> <p>I [or We] give notice under paragraph 84(3)(b) of the Act that I [or we] want to be a party in relation to the application under section 61 of the Act. The basis on which I [or we] want to become a party is *:</p>    <p>* More information can be provided and labelled "Attachment A"</p>

Item 11.2

Attachment 1

*Insert the name of your legal representative (if you are legally represented).*

**6. Name of legal representative (if any):**

*If you are not legally represented, insert the name of a person on whom documents can be served and to whom correspondence can be sent.*

**7. Name of contact person (if not legally represented):**

*Insert the full address of your legal representative (if any) or the contact person you have nominated in 7 above. Please note that this address must be a street address, not a post office box number.*

**8. Address for service of legal representative or contact person:**

**Address/DX:**

**Telephone:**

**Facsimile:**

**Mobile:**

**E-mail:**

*Insert the signature of:*

(a) *The legal representative (if any),*  
**or**  
(b) *Each person lodging the notice (eg members of a family group),*  
**or**  
(c) *Two directors of a company or a director and the company secretary (or one director, if a sole proprietor company). Note that a common seal may also be affixed.*  
**or**  
(d) *An authorised officer of an organisation (eg CEO of a local authority).*

**9. Signature/Execution:**

*Insert the full name of each signatory in 9 above. Please use capital letters.*

**10. Print Name(s) :**

**11. Date:**



FEDERAL COURT  
OF AUSTRALIA

[Main Menu](#)

## Guide to Native Title Form 5

### Notice of intention to become a party to an application

Please read this guide and the form carefully. As the person or organisation giving notice of intention to become a party to a native title determination application, you are responsible for making sure all your paperwork is in order before any court hearing. Although the Court's Registry staff can help you complete the form and give you information about procedure, they cannot give you legal advice and they are not responsible for the accuracy of your documents.

### How do you apply?

The [Form 5](#) should be completed and filed in the Federal Court within the period specified in the notification letter or advertisement from the National Native Title Tribunal. The Form 5 must be received by the Court no later than 4.30pm on the last day of that notification period.

### Where do you lodge the Form 5?

The Form 5 may be lodged in person at the Federal Court Registry, by post, by facsimile, by eLodgment or by email. Please refer to the contact information at the bottom of this guide. Information and instructions on registering and using eLodgment are contained in the [eLodgment information sheet](#). Further information about eLodgment can be found in the "Online Services" section of the Court's website: <http://www.fedcourt.gov.au/online-services>.

(Note: When eLodging a Form 5 – Notice of Intention to Become a Party, the document can be found in the drop-down menu under the 'Notice/Request' heading. The 'Role type' of the party seeking to be joined will be 'Interested Person'.)

### How do you fill in the Form 5?

The Form 5 is to be completed by printing clearly in pen or by typing.

A separate Form 5 should be completed by each person or the organisation (i.e. interest holder) wanting to become a party. However, persons or members of a family may use the one form where they are asserting that each person or family member holds the same or a similar interest that may be affected by a Native Title Determination Application and have the same service address. It is essential that a service address and preferably an email contact are provided in the form. Each person or family member must sign the form.

The form 5 **must** be accompanied by evidence of the interest you are seeking to rely upon to support your application, for example by attaching a copy of the lease, licence, permit, etc.

<http://www.fedcourt.gov.au/forms-and-fees/forms/native-title-regulations/form-5-guide> 14/03/2018

Please refer to the margin notes on the Form 5 to assist in filling out the form.

Should you require assistance about whether you have an interest that may be affected by a Native Title Determination Application you should obtain your own legal advice.

## What happens next?

The Federal Court considers and decides all applications to become a party. You will be notified whether you are required to attend Court or provide any further written reasons or documents to support your application. The Court will make orders joining all respondents at the end of the notification process. Those persons will then be given party access on the Commonwealth Courts Portal.

## What happens if I am made a party?

All parties in proceedings before the Federal Court are required to act consistently with the Court's goal of resolving disputes according to law and as quickly, inexpensively and efficiently as possible. All parties have a responsibility to participate in the proceedings when required, to comply with Court orders affecting them and to maintain their knowledge of where a proceeding is up to. You must inform the Court in writing of any change in your address for service or contact details within 14 days of the change.

## Federal Court Addresses:

### Australian Capital Territory Registry

Nigel Bowen Commonwealth Law Courts Building  
Childers Street  
CANBERRA CITY ACT 2601

Phone - (02) 6267 0666  
Fax - (02) 6267 0625  
Email - [NativeTitleNSW@fedcourt.gov.au](mailto:NativeTitleNSW@fedcourt.gov.au)

### New South Wales Registry

Level 17, Law Courts Building  
Queens Square  
SYDNEY NSW 2000

Phone - (02) 9230 8567  
Fax - (02) 9230 8535 (General)  
Fax - (02) 9230 8295 (Fax filing)  
Email - [NativeTitleNSW@fedcourt.gov.au](mailto:NativeTitleNSW@fedcourt.gov.au)

<http://www.fedcourt.gov.au/forms-and-fees/forms/native-title-regulations/form-5-guide> 14/03/2018

### Northern Territory Registry

Level 3, Supreme Court Building  
State Square  
DARWIN NT 0800

GPO Box 1806  
DARWIN NT 0801

Phone - (08) 8941 2333  
Fax - (08) 8981 4941  
Email - [NativeTitleNT@fedcourt.gov.au](mailto:NativeTitleNT@fedcourt.gov.au)

---

### Queensland Registry

Level 6, Harry Gibbs Commonwealth Law Courts Building  
119 North Quay  
BRISBANE QLD 4000

Phone - (07) 3248 1100  
Fax - (07) 3248 1266  
Email - [NativeTitleQLD@fedcourt.gov.au](mailto:NativeTitleQLD@fedcourt.gov.au)

---

### South Australia Registry

Level 5, Roma Mitchell Commonwealth Law Courts Building  
3 Angas Street  
ADELAIDE SA 5000

Phone - (08) 8219 1000  
Fax - (08) 8219 1001  
Email - [sanativetitle@fedcourt.gov.au](mailto:sanativetitle@fedcourt.gov.au)

---

### Tasmania Registry

Edward Braddon Commonwealth Law Courts Building  
39-41 Davey Street  
HOBART TAS 7000

Phone - (03) 6232 1615  
Fax - (03) 6232 1601  
Email - [NativeTitleVIC@fedcourt.gov.au](mailto:NativeTitleVIC@fedcourt.gov.au)

---

<http://www.fedcourt.gov.au/forms-and-fees/forms/native-title-regulations/form-5-guide> 14/03/2018

**Victoria Registry**

Owen Dixon Commonwealth Law Courts Building  
305 William Street  
MELBOURNE VIC 3000

Phone - (03) 8600 3333  
Fax - (03) 8600 3351  
Email - [NativeTitleVIC@fedcourt.gov.au](mailto:NativeTitleVIC@fedcourt.gov.au)

**West Australia Registry**

Peter Durack Commonwealth Law Courts Building  
1 Victoria Avenue  
PERTH WA 6000

Phone - (08) 9268 7100  
Fax - (08) 9221 3261 (*General*)  
Fax - (08) 9268 7208 (*Fax filing*)  
Email - [NativeTitleWA@fedcourt.gov.au](mailto:NativeTitleWA@fedcourt.gov.au)

*Updated March 2018*

<http://www.fedcourt.gov.au/forms-and-fees/forms/native-title-regulations/form-5-guide> 14/03/2018

**Item 11.2**

**Attachment 1**

**11.3 Request for CCTV cameras in Jamberoo**

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 informs Council of a motion passed at the April meeting of the Jamberoo Valley Ratepayers and Residents Association Inc. for Council to consider installing CCTV cameras in Jamberoo.

**Finance**

n/a

**Policy**

n/a

**Communication/Community Engagement**

n/a

**Attachments**1 Copy of letter of request from JVRRA for CCTV in Jamberoo [↓](#)**Enclosures**

Nil

**RECOMMENDATION**

That Council note the motion.

**BACKGROUND**

At the April meeting of the Jamberoo Valley Ratepayers and Residents Association Inc. (JVRRA), a motion was passed requesting Council to consider installing CCTV cameras to monitor the public use of Reid Park, the camping area, and the Jamberoo swimming pool toilet block. The JVRRA have written to Council conveying the motion and requesting Council consider the installation of CCTV cameras.

The JVRRA believe that the installation of CCTV cameras might be a useful and cost-effective step in monitoring the public use of the relevant areas.

Based on the cost of installing systems in Kiama and Gerringong CBDs, it is estimated that to install a system to cover all the areas identified would be a very costly project, most likely greater than \$240,000. Given that there are other more cost effective methods for addressing the issues raised, it is recommended that Council note the motion and explore alternative strategies to address the issues.



**From:** SECRETARY JVRRA <jvrrasecretary@gmail.com>  
**Sent:** Sunday, 8 April 2018 11:46 AM  
**To:** Council Mailbox  
**Subject:** CCTV cameras in the Reid Park area of Jamberoo  
**Categories:** Julie

To: Kiama Council  
From: Secretary, JVRRA [jvrrasecretary@gmail.com](mailto:jvrrasecretary@gmail.com)  
Topic: CCTV cameras in the Reid Park area of Jamberoo  
Date: 8 April 2018

Dear Kiama Council,

There was continuing ongoing concern expressed at the JVRRA General Meeting of 3 April regarding vandalism of public property and the mis-use of public facilities by caravan campers in the Reid Park area. Kiama Council has done an excellent job of improving our public facilities, including updating the signage, but policing of the regulations is clearly an ongoing challenge. The suggestion was made that the installation of CCTV cameras might be a useful and cost-effective step in monitoring the public use of the relevant areas. The following motion was passed at the meeting:  
**JVRRA requests that Kiama Council consider the strategy of installing CCTV cameras to monitor the public use of Reid Park, the camping area, and the Jamberoo swimming pool toilet block.**

We would be grateful if Council could let us know if it is possible to progress this request further.

Yours sincerely,

Ros Neilson

Secretary  
Jamberoo Valley Ratepayers and Residents Association Inc.  
PO Box 146  
Jamberoo NSW 2533

Item 11.3

Attachment 1



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

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

Item 11.4

**Summary**

Council entered into a five (5) year lease agreement with the Blowhole Tennis Club Inc on 1 September 2013 until 31 August 2018. Subsequently in 2015, a request was received from Blowhole Tennis Club Inc and Kiama Tennis Club Inc indicating their intentions to amalgamate the two clubs into one and as such the lease was to be assigned to the Kiama Tennis Club Inc. To ensure formal arrangements remain in place, this report recommends that Council re-negotiate lease terms.

**Finance**

Council receives nominal rental for the lease. Council will charge the Kiama Tennis Club Inc. in accordance with Crown Lands minimum statutory rental.

**Policy**

Local Government Act 1993

Crown Lands Act 1989

**Communication/Community Engagement**

Not Applicable

**Attachments**

1 Blowhole Tennis Club Final lease plan [↓](#)

**Enclosures**

Nil

**RECOMMENDATION****That Council**

1. enter into a five (5) year lease with the Kiama Tennis Club Inc.
2. Endorse rental in accordance with Crown Lands minimum statutory rental.
3. Delegate authority to the Mayor and the General Manager to sign under seal or on behalf of Council as required.

**BACKGROUND**

Council entered into a five (5) year lease agreement with the Blowhole Tennis Club Inc on 1 September 2013 until 31 August 2018. Subsequently in 2015, a request was

Report of the Director Corporate, Commercial & Community Services

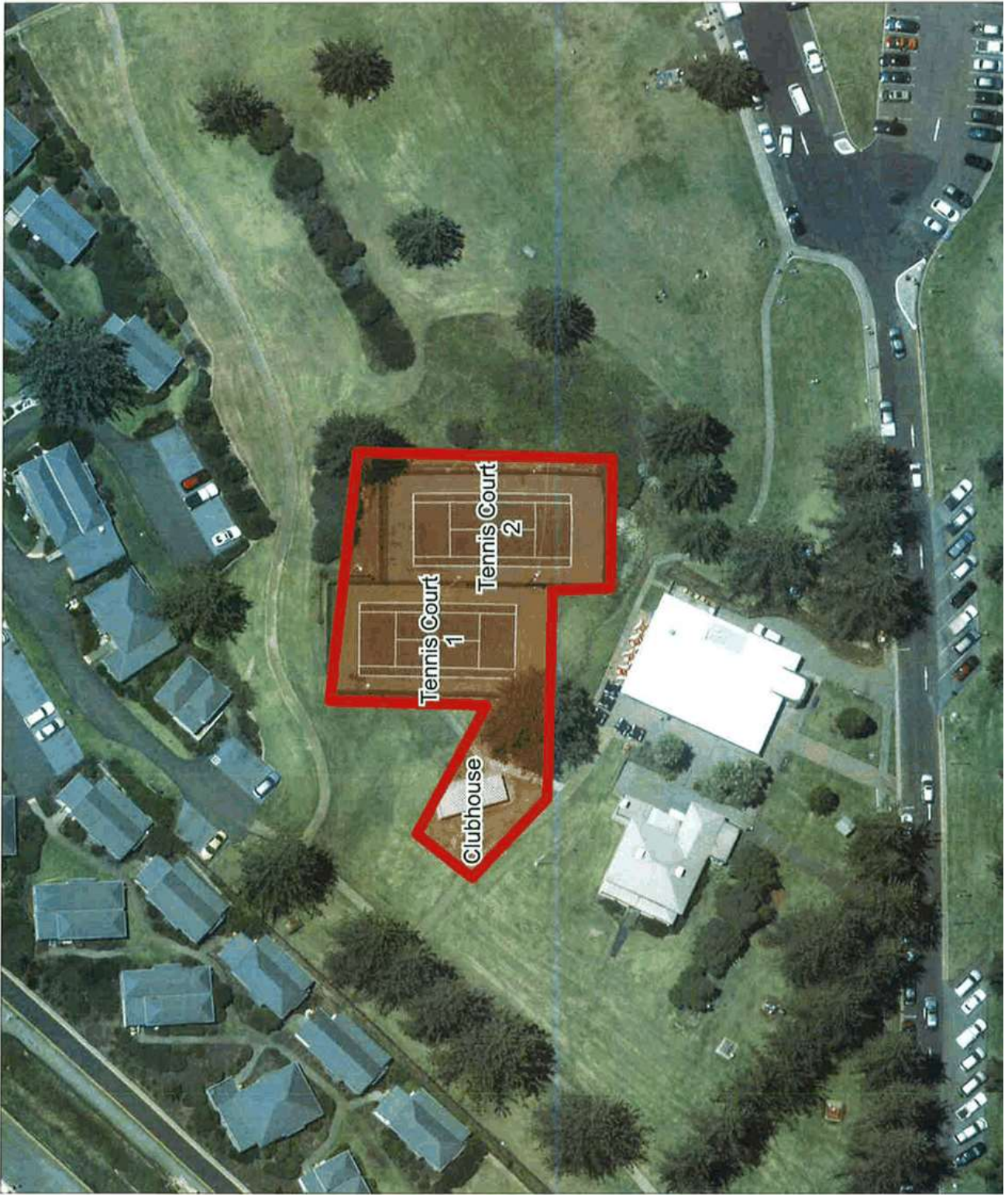
11.4 Renewal of Lease - Blowhole Point (R87397) Reserve Trust and Kiama Tennis Club Inc (cont)

---

received from Blowhole Tennis Club Inc and Kiama Tennis Club Inc indicating their intentions to amalgamate the two clubs. It was proposed that the current lease with the Blowhole Tennis Club Inc. be assigned to the Kiama Tennis Club Inc.

Council notified the Department of Industry-Lands of the proposal and received formal acknowledgement of the assignment of lease. During the process, Council requested the lease be extended from five (5) to ten (10) years however, this request was denied from Department of Industry. The agreement is now due for renewal and to ensure formal arrangements remain in place, a new lease will be required to be entered into.

**Item 11.4**



Item 11.4

Attachment 1



Blowhole Tennis Club

Leased Area:  
Part Lot 7009 DP 1074322  
being Tennis Courts 1 & 2  
and Clubhouse



Projection: GDA 1994  
MGA Zone 56

Cadastre Copyright  
LPMA NSW: 12/06/13

Scale: 1:500 @ A4

This map is supplied by Council on condition that Council will not be responsible for any loss or damage which may result from any use made of the map as a result of any errors or omissions contained in the map. It is recommended that site boundaries and overlapping advice should be obtained from a registered cadastral advisor or LPI New South Wales.

© All contents Copyright Kiama Municipal Council and others under license.

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

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.5 Facilitate sport and health related facilities and programs

**Summary**

This report provides information relating to the recent review of the Kiama Health Plan and includes an attached report detailing the results from the Kiama Health Plan community survey and consultations.

**Finance**

Nil

**Policy**

Kiama Health Plan

**Communication/Community Engagement**

N/A

**Attachments**

- 1 Kiama Health Plan Review Report - Results from the Community survey and consultations - Final Version - May 2018 [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

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

**BACKGROUND**

The Kiama Health Plan is currently under review with the aim of updating the plan’s strategies, and incorporating them into Council’s Integrated Planning and Reporting Framework.

In reviewing the current plan, national, state, regional and local strategic priorities along with relevant data for Kiama was considered, with the review process overseen by a sub-committee of the Health & Sustainability Committee

The community consultation to inform the review included both surveys (online/hard copy) as well as group consultation meetings, which were held between 22 September and 29 October 2017. Just over 500 surveys were completed.

Report of the Director Corporate, Commercial & Community Services

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

---

A draft report containing the outcomes of the consultations was shared with the Health & Sustainability Committee in December 2017. The report from the review, which includes the results and subsequent recommendations for inclusion in the revised Kiama Health Plan, is now finalised and attached.

It is intended that a revised Kiama Health Plan based on the attached report and recommendations will be reported to Council later in 2018 for endorsement.

**Item 11.5**



**Kiama Health Plan Review Report**  
Results from the community survey and  
community consultations

Item 11.5

Attachment 1

**Table of Contents**

<b>Executive Summary</b> .....	3
<b>Introduction</b> .....	5
<b>Background</b> .....	5
<b>Snapshot of Kiama Municipality Population Statistics</b> .....	5
<b>Methods</b> .....	6
<b>Online Community Survey</b> .....	6
<b>Community consultations</b> .....	6
<b>School consultations</b> .....	6
<b>Results</b> .....	7
<b>Community Survey</b> .....	7
<b>Community Consultations</b> .....	15
<b>School consultations</b> .....	16
<b>Discussion</b> .....	18
<b>Recommendations</b> .....	19
<b>Conclusion</b> .....	20
<b>Appendices</b> .....	21
<b>Appendix 1 Kiama Health Plan Survey</b> .....	21
<b>Appendix 2 Community Consultation Questions</b> .....	35
<b>Appendix 3 School Consultation Questions</b> .....	35

**Item 11.5**

**Attachment 1**

## **Executive Summary**

The first Kiama Health Plan was developed in 1997 and has been improving and developing ever since. The current plans main focus is to promote health, wellbeing and disease prevention through strategies aimed to support a healthier community.

This report gives an overview of a comprehensive review that Kiama Municipal Council has undertaken of the current plan in order to develop a new four-year plan to be released in 2018. Local Government has an important role in designing and developing the type of local environments that support and enhance health and wellbeing. Council sees the health of the local community as a shared responsibility in which they have a vital role to play.

The Kiama Health Plan consultations were incorporated with the Community Safety Plan consultations and therefore this report will only provide results from questions relating to the health plan. The consultations were undertaken from the 9 – 18 October 2017 and the survey was open from 22 September – 29 October 2017. There were two types of consultation undertaken an online survey and face-to-face community consultations. A number of different aspects of health were explored including physical activity, nutritional health, mental health, social health and environmental health.

There were 413 health plan surveys completed over a five-week period. Additionally, there were approximately 25 people in attendance at the community consultations and 47 young people were consulted in a school setting.

The main findings from the review are listed below:

- Only 25% of survey respondents met the National Physical Activity Recommendations however, over 60% of survey respondents answered that exercise was a priority for them
- Majority of survey respondents are not meeting the recommended five serves of vegetables everyday however, they feel confident in making health food choices, regard healthy eating as important and can afford to purchase healthy foods
- Young people conveyed that one of the biggest barriers to their health was eating junk food. Therefore, there are opportunities to educate the community on healthy eating practices
- Young people indicated that stress, anxiety and bullying were huge barriers to them feeling healthy and they suggested more mental health programs would support them
- Although the majority of survey respondents felt confident about accessing support services for their mental health there was some concern expressed about access to mental health services in the Kiama Local Government Area (LGA)
- Results also indicated that the community feel strongly about protecting their natural environment and indicated this in both the survey and consultations. The main priorities areas reported included a plastic free Kiama, more trees, shaded playgrounds, parks, sporting fields and events, open & green spaces, minimising energy & water waste, promoting environmentally friendly practices in our business (e.g. recycling) and limiting overdevelopment.
- Across both the survey results and community consultations participants indicated that community events that bring the community together were important.

The main recommendations from this review are that Council use these findings to inform the new four year Kiama Health Plan. Some of the main areas of concern to be addressed include:



- Vegetable consumption
- Physical activity levels
- Mental Health in both young people and the wider community
- Knowledge and access to mental health support services
- Understanding healthy eating
- Drugs and alcohol access for young people

The community also indicated the following areas as priorities for them to support their health:

- Plastic free Kiama
- Shaded playgrounds, parks, sporting fields and events
- More trees and open, green spaces
- Having art in the public environment
- Less development
- Access to physical activity options outdoors (fitness equipment, bike, pools & walking tracks)
- Access to affordable physical activity options
- Cheaper healthy food options in the community
- Access to mental health programs and support services
- Keeping our reserves
- Access to public water stations
- Community events and social gatherings
- Music and art spaces, facilities and support
- Access to facilities, better transport and parking

Council will utilise these results in planning to meet the needs of the community and continue to develop a local environment that supports community health and wellbeing.

## **Introduction**

The Kiama Health Plan has been an initiative of Council since 1997, when the first plan was developed. The 2011-2017 health plan is the current plan and it is primarily focused on strategies to promote health and wellbeing and disease prevention. It is principally designed to guide how sections of Council and the community can work together to support a healthier community within the municipality. Council is currently undertaking a comprehensive review of this plan and will be developing a new four-year plan (2018-2022) to be released in 2018.

This report gives an overview of the results from the community survey and community consultations that were undertaken from July – October 2017. The community were given the opportunity to have their say, on what health means to them and how Council can support their health, through either completing a short online survey or attending a community consultation. In addition to presenting the results, this report will provide recommendations that will help to shape strategies in the new Kiama Health Plan.

## **Background**

The foundations for the health promotion and sustainability programs implemented by Council are drawn from the Kiama Health Plans - 2001-2004 and 2005-2008 and most recently 2011-2017 “Creating Environments for Health and Sustainable Living”.

The Plan covers a broad range of areas, which Council believes interact to have an impact on the health of residents, visitors, and the environment. It offers a balance between the practical and theoretical, with links that draw on international, national, state and regional research, policies and best practices.

Local Government has always been considered the level of government closest to the people and it has a lead role in community building. Local Government also has an important role in designing and developing the type of local environments that support and enhance health and wellbeing. Council sees the health of the local community as a shared responsibility in which they have a vital role to play.

The implementation of the Health Plan is overseen by the Kiama Health and Sustainability Advisory Committee. The Committee consists of Council staff, Councillors, organisational and community representatives to ensure a coordinated, community based approach to the development, implementation and evaluation of initiatives.

### **Snapshot of Kiama Municipality Population Statistics**

According to 2016 Australian Bureau of Statistics (ABS) census data:

- Kiama municipalities population is 21,466
- The population grew by approximately 13% since 2006
- 23.5% of the population are aged 65 years and older and 16.15% of the population are aged 55-64 years.
- The population aged 55-64 years has increased by 48% and the population aged 65 years and older has increased by 41.4% from 2006-2016
- The youth population (5-19) equates to 17.5% of the population

- Youth population, aged 15-19 has decreased by 18.15% since 2006, and
- 1.74% of the population is Aboriginal and/or Torres Strait Islander.

## **Methods**

The Kiama Health Plan consultations were incorporated with the Community Safety Plan consultations and therefore this report will only provide results from questions relating to the health plan. The consultations were undertaken from the 9 – 18 October 2017 and the survey was open from 22 September – 29 October 2017.

### **Online Community Survey**

An online survey was developed using zoho and distributed through a number of promotional channels. Those channels included media releases, Facebook, Instagram, Council's website, Council's Health & Sustainability newsletter, emails, local papers, stalls at markets, word of mouth and mail outs. The survey was developed in consultation with Council's Health and Sustainability Committee and consisted of 19 questions. The questions included closed and open-ended questions, rating of statements and other statement questions. The survey can be found in Appendix 1.

### **Community consultations**

In addition to the school consultations outlined below, there were five community consultations advertised throughout the LGA. They included a morning session at Kiama Pavilion, a lunchtime session at Gerringong Town Hall, an evening session at Jamberoo School of Arts, an evening session with the Gerringong Lions Club and an evening Aboriginal Yarning session held at Gerringong Town Hall.

At the Kiama Pavilion and the Gerringong town hall session, five questions were asked and the groups brainstormed and recorded their answers on butcher's paper see Appendix 2. Both the Jamberoo session and the Aboriginal Yarning circle session were cancelled because there were no attendees. At the Gerringong Lions Club consultation, it was difficult to conduct a proper consultation because there was only a short time allocated with the group as the consultation was incorporated into one of the clubs regular meetings. Therefore, the group were just asked to brainstorm what does health mean to them. For the purpose of this report we will only be providing results from the questions relating to health.

### **School consultations**

We conducted consultations with young people attending Kiama High School, St Peter and Paul's Catholic Primary School, Minnamurra Primary School, and Kiama Public School. There were approximately 50 students consulted and each group were asked the same four questions (see Appendix 3), people who were consulted at Kiama High School were also asked, what ideas do you have to help Council improve your health and safety? This question was only asked at Kiama High School because at the other three schools there was only limited time for consultations and there wasn't the opportunity for this further question. For the purpose of this report we will only be providing results from the questions relating to health.

There were slight variations in the way in which each consultation was conducted. At both Kiama High School and Minnamurra Primary School there were a large number of young people in each session therefore a world café style consultation was utilised: young people were divided into four groups and a facilitator was placed on each table; the facilitators role was to ask the consultation questions and clarify

any questions that young people had. Each group was given butchers paper to write their responses on and given approximately 8-10 minutes to answer each question. Once they had completed a question the group moved to another table, this way they had the opportunity to answer all four questions. At both St Peter and Pauls Catholic Primary School and Kiama Primary School, there was only a handful of students therefore students were asked all four questions by a facilitator in a group with a scribe recording their responses.

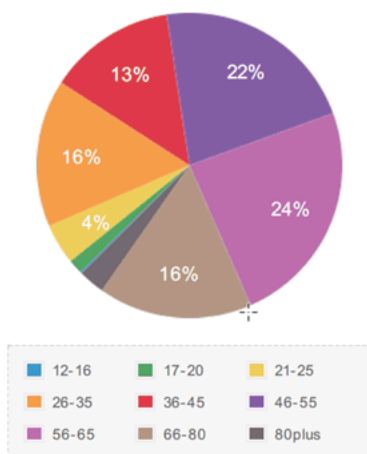
At Kiama High School students were asked as a whole group, what ideas do you have to help Council improve your health and safety? They were given a few minutes to think about their answers and then were asked to record their responses on post it notes and place them up on the board at the front of the room.

**Results**

**Community Survey**

There were 413 health plan surveys completed over a five-week period. Of those who completed the survey 69% were female, 30% were male and 1% identified as either transgender or intersex. Respondents indicated that they lived in the followings town or villages in the LGA; 44% Kiama, 23% Kiama Downs/Minnamurra, 14% Gerringong, 9% Jamberoo, 2% Gerroa and 8% other. The age breakdown of respondents can be found in Figure 1. People aged 56-65 years of age and 46-55 years of age were amongst the highest cohorts to complete the survey (24% and 22% respectively). The lowest cohorts to complete the survey were people aged 12-16 and 17-20 (0.21% and 1.5%).

**Figure 1 Age breakdown of respondents**



In general people living in the Kiama LGA who completed the survey rated their overall health pretty well; 21% rated it as excellent, 38% rated it as very good, 32% as good and 8% as fair. Only 1% rated their

health as poor. To understand how physically active people in the Kiama Community are, we asked people how often they exercised and how often they were seated or lying down. The results to these questions are shown in Table 1. Only 25% of respondents met the National Physical Activity Recommendations of 150 to 300 minutes of moderate intensity physical activity or 75 -150 minutes of vigorous intensity activity each week (18-64 years of age) or at least 30 minutes of moderate exercise on most days (65 years of age and older)<sup>1</sup>. However, over 50% of respondents said that they sat or laid down for short periods of the day (less than four hours).

Table 1 Physical Activity and Daily Movement

not exercise at all	exercise 1-2 times a week (for at least 30 minutes)	exercise 3-4 times a week (for at least 30 minutes)	exercise 5-7 times a week (for at least 30 minutes)
17.06% (58)	23.53% (80)	36.18% (123)	25.88% (88)
sit or lie down for long periods during the day i.e. sitting to use TV, computer, tablets and phones. (over 8 hours)	sit or lie down for the most of the day (6- 8 hours)	sit or lie down for some of the day (4-6 hours)	sit or lie down for short periods of the day (less than 4 hours)
10.82% (37)	9.36% (32)	23.98% (82)	57.6% (197)

Results regarding fruit and vegetable consumption indicated that over 60% of respondents are meeting the recommended daily serves (two to three per day) for fruit consumption however, only 19% are meeting the recommended daily serves (five per day) for vegetables<sup>2</sup> (see Table 2). The substandard consumption of vegetable serves seems to be spread across all age groups, as at least three out of four respondents across each age group indicated consuming less than five serves per day. Although the proportion seems to increase slightly with older age groups, at least one in four respondents across all age groups indicated consuming between zero and two serves of vegetables per day. The substandard consumption of vegetable serves seems to be high in both males and females (above 75% for both gender); however, it seems to be more present in males as 90% of male respondents (versus 77% of female respondents) indicated consuming less than five serves of vegetables per day.

<sup>1</sup> Department of Health and Ageing 2017, Australia's Physical Activity and Sedentary Behaviour Guidelines, <http://www.health.gov.au/internet/main/publishing.nsf/content/health-pubhlth-strateg-phys-act-guidelines>.

<sup>2</sup> Department of Health and Ageing, Australian Guide to Healthy Eating, <https://www.eatforhealth.gov.au/guidelines/australian-guide-healthy-eating>

**Table 2 Fruit and Vegetable Consumption**

consume 0 serves of fruit per day	consume 1 serve of fruit per day	consume 2 serves of fruit per day	consume 3 or more serves of fruit per day
7.16% (24)	28.36% (95)	42.09% (141)	23.28% (78)
I consume 0 serves of vegetables every day	I consume 1-2 serves of vegetables every day	I consume 3-4 serves of vegetables every day	I consume 5 or more serves of vegetables every day
3.32% (10)	25.91% (78)	51.83% (156)	18.94% (57)

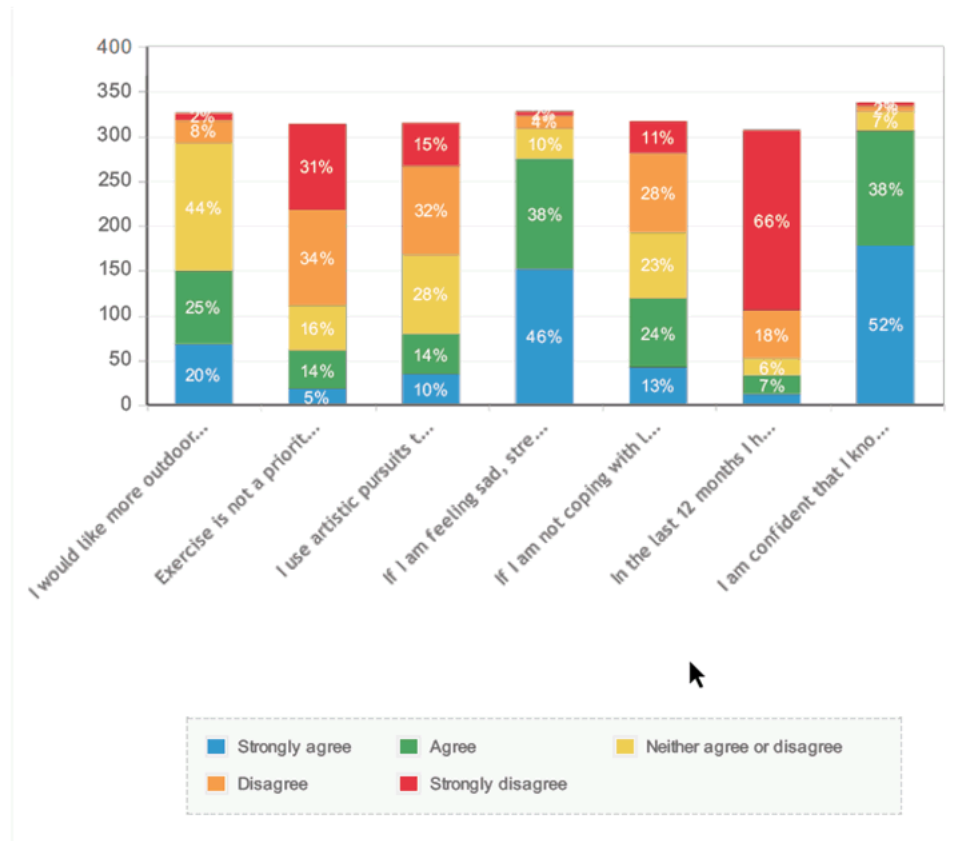
When asked how many days do you drink alcohol 40.34% said they drank one to three days/week, 17.33% said they drank four to five days/week, 10.8% said they drank seven days/week and 32.67% said they drank rarely or never. Additionally, 94% of respondents reported that they “drink alcohol because it helps me relax and I enjoy the taste”.

On the topic of physical activity and mental health, respondents were asked to rate the following statements from strongly agree to strongly disagree;

- I would like more outdoor physical activity equipment
- Exercise is not a priority for me
- I use artistic pursuits to improve my physical health (e.g. dance, music, performance etc.)
- If I am feeling sad, stressed or unhappy I have someone to turn to
- If I am not coping with life’s daily stresses I am likely to go to the doctors to receive a referral for professional help
- In the last 12 months I have had suicidal thoughts
- I am confident that I know where to get information to support my physical and mental health

The results are shown in Figure 2. The positive findings from this question were that over 60% of respondent’s view exercise as a priority for them and over 80% of respondents know where to get information to support their physical and mental health. Furthermore, when further analysis was conducted on the data, the questions about mental health identified some areas of concern. Of the 305 people who responded to the question on suicidal thoughts, 10% said that they have had suicidal thoughts in the last 12 months (4% were male and 6% were female). Furthermore, an estimated 39% of respondents indicated that they wouldn’t go to their doctors to get a referral for professional help if they were not coping with life’s daily stresses (15% were male and 24% were female). Additionally, 6% of respondents ‘strongly disagreed’ or ‘disagreed’ when asked if they had someone to turn to when they were feeling sad, stressed or unhappy.

Figure 2 Rate these statements - Physical and Mental Health



On the topics of healthy food choices, healthy eating and breastfeeding, respondents were asked to rate the following statements from strongly agree to strongly disagree;

- I know where I can purchase locally grown products in my community
- I can afford healthy food choices
- I know how to make healthy meals at home
- Healthy eating is not a priority to me.
- I would like more education on healthy food choices
- I would like there to be more breastfeeding friendly places in public spaces

The results to these statements can be found in Table 3. Over 80% of the respondents also conveyed that healthy eating is a priority for them.

With regards to breastfeeding, some respondents did want to see more breastfeeding friendly places in the LGA (over 50%) however, for others it was less important (38% neither agreed or disagreed).

**Table 3 Healthy food choices, Healthy eating and Breastfeeding**

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
I know where I can purchase locally grown products in my community	52.89% (174)	39.21% (129)	2.43% (8)	4.56% (15)	0.91% (3)
I can afford healthy food choices	42.86% (141)	42.86% (141)	6.69% (22)	6.69% (22)	0.91% (3)
I know how to make healthy meals at home	60.91% (201)	36.67% (121)	1.82% (6)	0.3% (1)	0.3% (1)
Healthy eating is not a priority to me.	3.03% (9)	4.38% (13)	11.78% (35)	36.36% (108)	44.44% (132)
I would like more education on healthy food choices	10.78% (33)	22.55% (69)	37.91% (116)	23.86% (73)	4.9% (15)
I would like there to be more breastfeeding friendly places in public spaces	28.76% (88)	28.76% (88)	37.91% (116)	2.94% (9)	1.63% (5)

Item 11.5

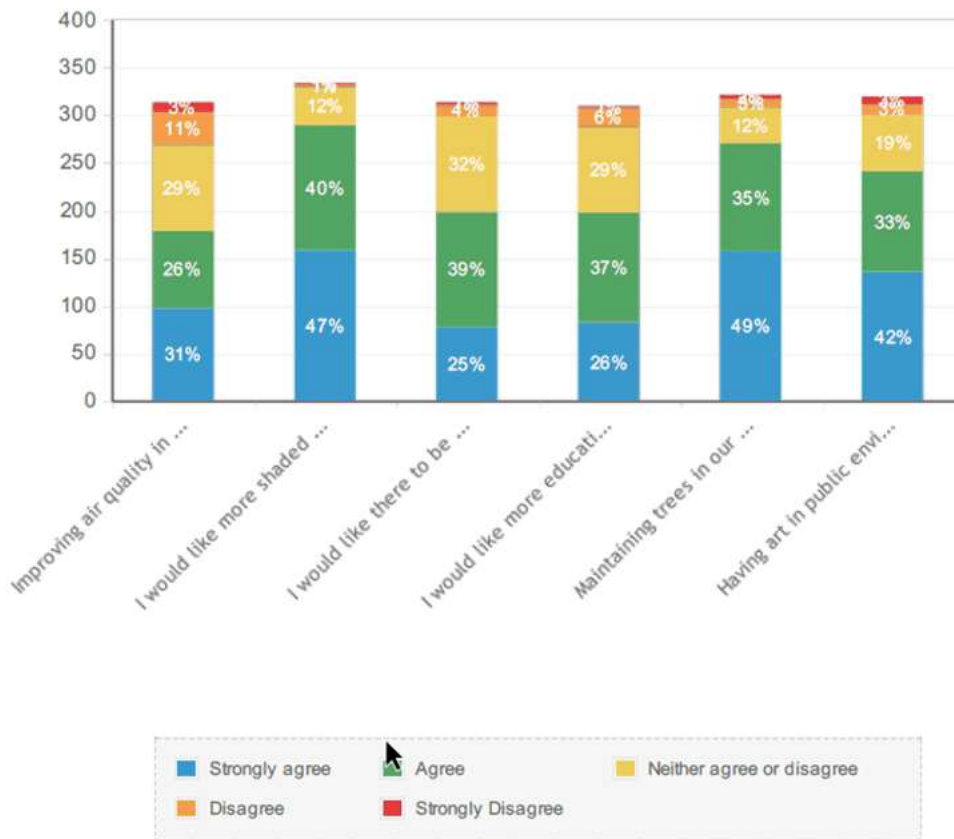
Attachment 1

The survey also asked people to rate statements on the environment. Those statements were:

- Improving air quality in my community is a priority for me (e.g. reducing smoke from indoor fireplaces and outdoor fire pits).
- I would like more shaded areas at sports grounds and local events
- I would like there to be more energy saver workshops
- I would like more education on how to support the environment
- Maintaining trees in our urban environment is important to me
- Having art in public environments is important to me (e.g. theatre, sculptures, murals, musical festivals, and street performers etc.)

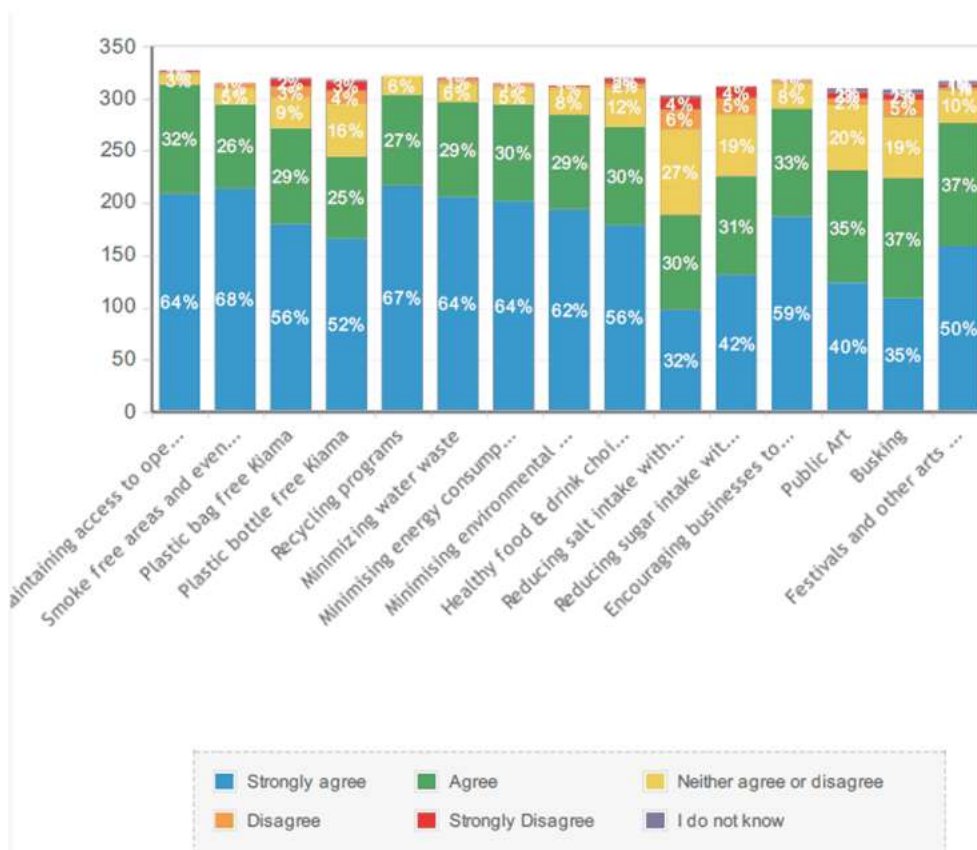


Figure 3 Rate these statements - The environment (built and natural)



The main areas survey respondents indicated they would like to see more attention paid to: were shaded areas at sports grounds and local events (87%), maintaining trees in the urban environment (84%), and more art in the public environment (75%) (see Figure 3). Additionally, over 50% of respondents would like to have improved air quality, education about supporting the environment, and energy saving.

Figure 4 Should Council have polices on the following



Survey respondents were asked to rate whether Council should have policies on the following topics from strongly agree to strongly disagree (see Figure 4).

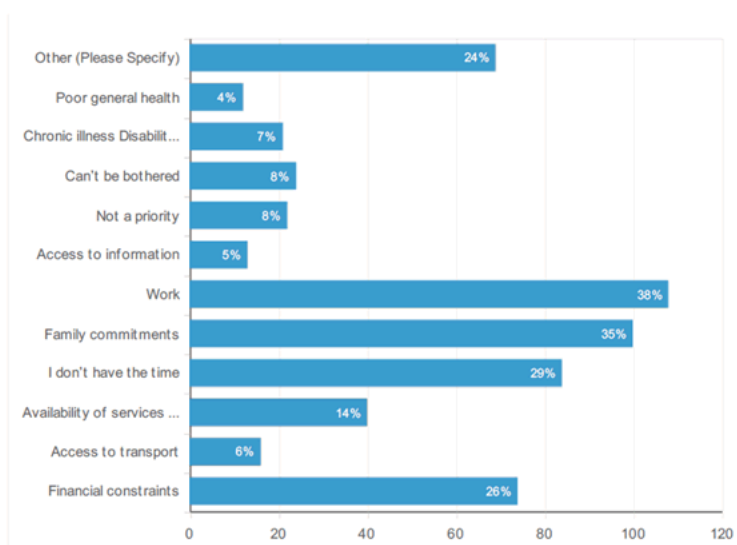
- Maintaining access to open spaces and parks in urban areas
- Smoke free areas and events
- Plastic bag free Kiama
- Plastic bottle free Kiama
- Recycling programs
- Minimizing water waste
- Minimising energy consumption
- Minimising environmental footprint
- Healthy food & drink choices at local events
- Reducing salt intake within the community
- Reducing sugar intake within the community
- Encouraging businesses to use environmentally friendly practices

- Public Art
- Busking
- Festivals and other arts events

Survey respondents indicated that they would like to see Council policies on all of these areas. However, the areas that were rated of highest importance (agreed or strongly agreed) were: maintaining access to open spaces and parks in urban areas (96%), recycling programs (94%), smoke free areas and events (94%), minimising water waste (93%), minimising energy consumption (94%), encouraging businesses to use environmentally friendly practices (92%) and minimising the environmental footprint (91%).

Survey respondents were asked what stops them from being healthy, with results shown in Figure 5. The three main areas that were reported were work, family commitments and I don't have time.

Figure 5 What stops you from being healthy



In addition to the closed survey questions, there was also an opportunity for the survey respondents to answer an open-ended survey question. The question was, "what ideas do you have for Council to improve your health and wellbeing? The health & wellbeing of the community and the environment (natural, built & social)?" There were 203 responses to this question which have been grouped into seven themes. Those themes include social health, mental health, environmental health (built & natural), physical health, nutritional health, access and other suggested activities. Under **social health** respondents would like to see more community events that bring the community together in a social setting, music and art spaces and facilities and support for local artists and musicians. Under **mental health**, mental health programs and support groups, meditation, support for those with dementia and domestic violence counselling and support, were all mentioned as important.

There were many suggestions made under the theme of **environmental health** (built & natural) with plastic free Kiama, shaded playgrounds for children, more shaded areas in public parks, less development and more open spaces, more trees and green spaces, installing of more public water stations, keeping our reserves and more footpaths being most prominent. Respondents to the survey suggested a variation of ideas under the theme of **physical health** with access to more public facilities to which can be used for exercise such as outdoor fitness equipment, pools, walking & bike tracks being important to survey respondents. Additionally, more affordable fitness options and improved sporting facilities were also mentioned a number of times.

Sub themes that arose under **nutritional health** included: cheaper healthy food options in cafes and at sporting events, education on cost effective meals and how to cook them, support for local farmers' markets and more options for fruit and vegetables (another supermarket, fruit and veg shop). Access to facilities, better transport and parking were also identified by respondents. Other subthemes that came out of the survey included rangers to enforce parking rules and later times for lifeguards during summer.

**Community Consultations**

The main findings that came out of the community consultations can be broken into four themes; physical health, social health, environmental health and nutritional health. Table 4 outlines the main findings from the community consultations. Unfortunately, there were only a small number of community members (approximately 20-25) who attended consultations and therefore the depth of information reported was limited.

**Table 4 Themes from the Community Consultations**

Theme	Supportive	Barrier
Social Health	<ul style="list-style-type: none"> <li>• Communication with neighbours/Community</li> <li>• Cultural connections &amp; acceptance</li> <li>• Looking out for each other</li> <li>• Mediation</li> <li>• Music</li> <li>• Communication network (Bugle, independent, touch screen &amp; community notice boards)</li> <li>• Town is a good mix of ages</li> </ul>	<ul style="list-style-type: none"> <li>• Conflict with neighbours</li> <li>• Homelessness</li> <li>• Catching "at risk young people"</li> <li>• Youth drinking alcohol</li> <li>• Attitudes of people after you have a fall</li> </ul>
Physical Health	<ul style="list-style-type: none"> <li>• Rangers regulations on dogs in main St</li> <li>• Heart moves</li> <li>• Weight classes &amp; leisure centre</li> <li>• Understanding what healthy weight is</li> <li>• Access to clean drinking water and oceans</li> <li>• Aged care services</li> <li>• Reducing plastics effecting sea life</li> </ul>	<ul style="list-style-type: none"> <li>• Fighting off old age</li> <li>• Global warming</li> <li>• Chemist opening hours</li> <li>• Activities harder in old age</li> </ul>

Nutritional Health	<ul style="list-style-type: none"> <li>• Meals on wheels</li> </ul>	<ul style="list-style-type: none"> <li>• Fast food places</li> </ul>
Environmental Health	<ul style="list-style-type: none"> <li>• Wood smoke education</li> <li>• Open fireplaces</li> <li>• Plastic free markets</li> <li>• Encouraging school involvement in the environment</li> <li>• Caring for native &amp; domestic animals</li> <li>• Plastic free Kiama</li> </ul>	<ul style="list-style-type: none"> <li>• Parking issues</li> <li>• Overdevelopment</li> <li>• Safe pedestrian crossings</li> <li>• Tree management in public places</li> </ul>

**School consultations**

Overall the main themes that young people reported that supported their health on a daily basis were: availability of sporting opportunities, enough sleep each night, easy access to clean water, personal hygiene (washing hands, showering etc and using other peoples cultery or toilets) and other peoples hygiene (washing hands, covering mouth when coughing, and showering).

The main themes young people reported as stoping them from being healthy on daily basis included; over eating junk food, peer pressure from others and stress and anxiety about life which leads to negative perceptions of themselves.

When the results were analysed closer, five main themes emerged. They included: mental health, social health, environmental health, physical health and nutritional health. Table 5 provides the main results that were reported under these themes.

**Table 5 Themes from the school consultations**

Theme	Supportive	Barrier
Social Health	<ul style="list-style-type: none"> <li>• Friends</li> <li>• expressing true feelings in a healthy way</li> <li>• not being judged</li> <li>• parents and teachers being educated on disabilities</li> <li>• family</li> <li>• social media</li> <li>• healthy relationships</li> <li>• gaming</li> </ul>	<ul style="list-style-type: none"> <li>• peer pressure</li> <li>• telling a lie</li> <li>• pressure to find a job</li> <li>• other people's behaviour</li> <li>• bullying</li> </ul>
Mental Health	<ul style="list-style-type: none"> <li>• kindness to others</li> <li>• positivity</li> <li>• school</li> <li>• friends and family</li> </ul>	<ul style="list-style-type: none"> <li>• stress and anxiety</li> <li>• scales</li> <li>• I am fat</li> <li>• broken heart</li> <li>• transitioning into high school</li> <li>• feeling pressured to have your whole life figured out by 18.</li> </ul>

Nutritional Health	<ul style="list-style-type: none"> <li>• healthy eating, access to clean water</li> <li>• eating vegetables</li> <li>• eating fruit and eating greens</li> </ul>	<ul style="list-style-type: none"> <li>• eating junk food</li> <li>• over eating</li> <li>• access to money</li> <li>• self-control</li> <li>• temptation to consume junk food.</li> </ul>
Environmental Health	<ul style="list-style-type: none"> <li>• a clean environment</li> <li>• fresh air</li> <li>• clean public toilets/facilities</li> <li>• planting more trees</li> <li>• clean beaches</li> </ul>	<ul style="list-style-type: none"> <li>• unsanitary public toilet amenities</li> <li>• pollution</li> <li>• rubbish</li> <li>• climate change</li> <li>• dead animals.</li> </ul>
Physical Health	<ul style="list-style-type: none"> <li>• availability of sporting opportunities</li> <li>• sleep</li> <li>• exercise/gym</li> <li>• individual's hygiene and others hygiene (people washing their hands and covering their mouth when coughing or sneezing)</li> </ul>	<ul style="list-style-type: none"> <li>• not doing enough exercise</li> <li>• having easy access to drugs &amp; alcohol</li> <li>• lack of sleep</li> <li>• passive smoking</li> </ul>

**Improvements Council can make**

Young people at Kiama High School were also asked to identify ways Council could improve on the areas that they had reported. The following actions were suggested:

**Mental health**

1. Radical artwork
2. Mental health programs- Quotes from young people included “promote/ congratulate achievements of individuals in order for groups to feel proud and happy with their commitments (providing a healthy mind set)” and “relaxation station (couches, chairs and chilling)”.
3. Stress hotline

**Social health**

1. Mentoring programs – Quotes from students included “Create bonding sessions in schools to work towards the improvements of youth attitudes towards others, allowing others to feel safe and healthy in their own body” and “Mentoring Programs in high school (buddy system like primary school)”
2. More community events with police involvement
4. Drug education programs
3. Kiama Notice board (central location in Kiama)
4. More consultation with public

**Physical health**

1. More physical activity programs
2. Electronic sunblock dispenser on the beach

#### Nutritional health

1. Nutritional health programs – Quotes from students included “Free education on nutritional health” and “Teach people how to be healthy and foods you can eat”.

#### Environmental health

1. Maintaining bush and grass area on east beach headland
2. Improve bike tracks from Kiama to north Kiama
3. Improve lighting in public places
4. Improve cleanliness of public toilets
5. Lockers in change rooms at rock pools

### Discussion

The results from this process indicate that overall survey respondents regard themselves as pretty healthy. The key findings of this process will inform strategies in the Kiama Health Plan. With regards to physical activity, only 25% of respondents met the National Physical Activity Recommendations however, over 60% of survey respondents answered that exercise was a priority for them. This may mean that although being physically active is important, there may be barriers as to why people are not meeting the national recommendations. When comparing these to responses to the open-ended questions in the survey and the community consultations, it seems that people feel there needs to be an increase in physical activity options in the LGA such as additional facilities to support physical activity, more affordable options for exercise and more Council supported physical activity programs.

Findings from the question on vegetable consumption indicate that the majority of survey respondents are not meeting the recommendations for vegetable consumption. However, survey respondents indicated that they felt confident in making healthy food choices, can afford to purchase healthy foods and regard healthy eating as important to them. Thus an assumption can be made that respondents may not have a good understanding of what healthy eating is and what the national healthy eating guidelines recommend. Additionally, results from the consultations with young people conveyed that one of the biggest barriers to their health was eating junk food. Therefore, there are opportunities to educate the community on healthy eating practices.

Although the majority of survey respondents felt confident about accessing support services for their mental health there is some concern and opportunity to explore provision of mental health services in the Kiama LGA. This was strongly conveyed in the consultations with young people who indicated that stress, anxiety and bullying were major barriers to their health and suggested more access to mental health programs would better support them.

Results also indicate that the community feel strongly about protecting their natural environment and indicate this in both the survey and consultations. The main priorities areas portrayed included a plastic free Kiama, more trees, shaded playgrounds, parks, sporting fields and events, open & green spaces, minimising energy & water waste, promoting environmentally friendly practices in our businesses (e.g. recycling) and limiting overdevelopment. This was also consistent with the policies that they would like to see implemented within Council (see Figure 4).

Additionally, across both the survey results and community consultations, participants indicated that community events that bring the community together were important.

#### **Limitations with consultation and survey design**

Although this study had a significantly large sample size and provides some interesting findings, there are still some limitations to consider when interpreting the results. The survey was broken up into five themes and therefore this may have influenced the way in which people answered the open ended questions. Additionally, our survey may not have been completely comprehensive in exploring the entire spectrum of themes related to health and thus there may still be opportunities to explore other areas of health in future reviews. Survey respondents also self-selected to complete the survey and therefore the results may have only captured more proactive members of the community.

Potential limitations in this consultation process included different group sizes for consultations in each session, different questions asked compared to the survey, different duration allocated to consultations in each session, differing methods in consultation due to group sizes and interpretation of results. With no control of the variables in the consultations, the results conveyed in this report are indicative in nature and may not completely represent all of the population in Kiama. However, the results do provide good insights into the general priorities for people living in the Kiama LGA.

#### **Recommendations**

This review process has taken place to ensure the next Kiama Health Plan is in line with the Communities' needs and aspirations around health and wellbeing. The results from the community survey and consultations have identified some key areas that the community see as priorities to be addressed through strategies in the Kiama Health Plan. Additionally, results from the community survey have outlined key priority areas of focus for the Kiama LGAs health status.

Key priority areas for focus include:

- Vegetable consumption
- Physical activity levels
- Mental Health in both young people and the wider community
- Knowledge and access to mental health support services
- Understanding healthy eating
- Drugs and alcohol access for young people

It is recommended that these areas are considered when developing the new Kiama Health Plan and that Kiama Council looks at ways to better promote existing programs and/or activities in these areas or develop new strategies targeting them. Additionally, the survey results indicate that the majority of respondents feel that work, family commitments and time are the main deterrents from them from being healthy. Survey results indicate that it is vital to consider these factors when developing programs, activities or events around health so that they are attractive, time efficient, easy to access and effective for the community.

The reoccurring themes that survey respondents indicated as being priorities to support their health included:



- Plastic free Kiama
- Shaded playgrounds, parks, sporting fields and events
- More trees and open, green spaces
- Having art in the public environment
- Less development
- Access to physical activity options outdoors (fitness equipment, bike, pools & walking tracks)
- Access to affordable physical activity options
- Cheaper healthy food options in the community
- Access to mental health programs and support services
- Keeping our reserves
- Access to public water stations
- Community events and social gatherings
- Music and art spaces, facilities and support
- Access to facilities, better transport and parking

Additionally, there were a number of topics that survey respondents thought that Council should have policies on and they included;

- maintaining access to open spaces and parks in urban areas
- recycling programs
- smoke free areas and events
- minimising water waste
- minimising energy consumption
- encouraging businesses to use environmentally friendly practices
- minimising the environmental footprint

A number of these areas are already being addressed within current planned Council programs, activities and policies. However, it is recommended that these suggestions are used to revise current strategies or bolster existing strategies and/or programs in the new Kiama Health Plan. Additionally, when developing new strategies, it is recommended that a thorough analysis of existing services and/or programs is undertaken to see if existing resources can be used to address some of these key areas.

## **Conclusion**

Overall people living in the Kiama LGA who took part in this process view their health and wellbeing as important and understand what makes a healthy community. However, after undertaking this process it is clear that there are still areas for improvement in the health status of the community. People generally have a good understanding of what health is and can see how Kiama Council may be able to influence their health in a positive way. There are opportunities to develop targeted strategies to improve the health status of the community and support positive health behaviour change. Furthermore, Kiama Council can use these results to respond to the needs of the community and continue to develop a local environment that supports community health and wellbeing.

These results will be used to support the development of the new Kiama Health Plan and influence how sections of Council can work together to develop a healthier community within the municipality.

**Appendices**

**Appendix 1 Kiama Health Plan Survey**

About the Survey

Kiama Council is currently seeking feedback for the development of its **Kiama Health Plan, and Community Safety and Crime Prevention Plan**. These two plans will provide Council with strategies to incorporate into its four and one-year Integrated Planning and Reporting Framework

All residents of the Kiama local government area are invited to participate.

**This survey is completely anonymous; your survey answers will not be connected to you in any way.**

Kiama Council appreciates and values your time in completing this survey. **Therefore, at the end of the survey you can also choose to be included in the running for a \$100 gift voucher prize.**

**Demographics**

These questions will help us in understanding the differences in responses by geography, age, gender and duration of residency.

**1. Where do you live?\***

- Kiama Downs/Minnamurra
- Kiama
- Jamberoo
- Gerringong
- Gerroa
- Other (Please Specify)

**2. What is your gender?\***

- Male
- Female
- Transgender
- Intersex

**3. Age\***

- 12-16
- 17-20
- 21-25
- 26-35
- 36-45
- 46-55
- 56-65
- 66-80
- 80plus

4. How long have you lived in...  
your street?\*

- All my life
- 1 year or less
- 2-10 years
- 11-20 years
- 21 years or more
- Don't know

5. The Kiama local government area?\*

- All my life
- 1 year or less
- 2-10 years
- 11-20 years
- 21 years or more
- Don't know

6. Please choose which survey you wish to complete below, you may do the Health Plan, Community Safety and Crime Prevention Plan or both.\*

- Health Plan Survey – go next page
  
- Community Safety and Crime Prevention Plan Survey (approx. 10mins to complete) – go to page 16
  
- Both surveys – go to next page

- . . . . .

**Kiama Health Plan**

A healthy community is one that is continually creating and improving physical, social and economic environments, thereby expanding community resources. "Health is created where people live, love, work and play. It is created by human beings in their interactions with each other and with their physical environments" (Ilona Kickbusch, WHO).

Kiama Council recognises that the health of the community (both human health and environmental health) is a shared responsibility.

**Your responses to the following survey questions will assist Council in informing the new Kiama Health Plan in a way that is beneficial and responsive to the needs and perspectives of our local community** and adds to our expanding community resources.

The Health Plan survey **will take you approximately 5 mins to complete**, and if you choose to complete it, the Community Safety and Crime Prevention Survey a further 10mins.

- - - - -

**Health and Wellbeing**

Wellbeing is an important element of health, it is the state that we are in if we are:

- free of disease or sickness (physical wellbeing)
- coping with the normal stresses of life (mental wellbeing)
- feeling the support of a group that may share your values or beliefs eg family, friends or community (social wellbeing)

The maintenance of wellbeing is important in preventing ill health

7. In general, would you say your health is?

- Excellent
- Very good
- Good
- Fair
- Poor

Health guide

The following information is for the question below:  
 1 serve of vegetables = 1/2 cup cooked veg or 1 cup raw veg  
 1 serve of fruit = 1 median banana or 1 medium orange etc.

8. Exercise, do you...

not exercise at all	exercise 1-2 times a week (for at least 30 minutes)	exercise 3-4 times a week (for at least 30 minutes)	exercise 5-7 times a week (for at least 30 minutes)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Daily movement, do you...

sit or lie down for long periods during the day i.e. sitting to use TV, computer, tablets and phones. (over 8 hours)	sit or lie down for the most of the day (6- 8 hours)	sit or lie down for some of the day (4-6 hours)	sit or lie down for short periods of the day (less than 4 hours)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. Fruit consumption, do you...

consume 0 serves of fruit per day	consume 1 serve of fruit per day	consume 2 serves of fruit per day	consume 3 or more serves of fruit per day
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. Vegetable consumption, do you...

consume 0 serves of vegetables every day	I consume 1-2 serves of vegetables every day	I consume 3-4 serves of vegetables every day	I consume 5 or more serves of vegetables every day
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



12. Alcohol consumption, do you...

drink alcohol 1-3 days per week	drink alcohol 4-5 days per week	drink alcohol 7 days per week	rarely/never drink alcohol
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. Reason for alcohol consumption, do you...

drink alcohol because it helps me relax and I enjoy the taste	drink alcohol because it helps me forget about my problems	drink alcohol because I feel pressured by my friends or family	drink because I enjoy getting drunk
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

---

---

---

---

---

---

Item 11.5

Attachment 1

**Mental and physical health**

Physical wellbeing is being free of disease or sickness. Mental wellbeing is coping with the normal stresses of life

14. Please rate the following statements

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
I would like more outdoor physical activity equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exercise is not a priority for me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I use artistic pursuits to improve my physical health (e.g. dance, music, performance etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If I am feeling sad, stressed or unhappy I have someone to turn to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If I am not coping with life's daily stresses I am likely to go to the doctors to receive a referral for professional help	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In the last 12 months, I have had suicidal thoughts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am confident that I know where to get information to support my physical and mental health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item 11.5**

**Attachment 1**

**Nutritional health**

Nutritional health is having access to healthy food.

15. Please rate the following statement

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
I know where I can purchase locally grown products in my community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I can afford healthy food choices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I know how to make healthy meals at home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Healthy eating is not a priority to me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would like more education on healthy food choices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would like there to be more breast feeding friendly places in public spaces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item 11.5**

**Attachment 1**

-----

**Environmental health**

Environment al health is having access t o a clean and safe environment

16. Please rate the following statements

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
Improving air quality in my community is a priority f or me (e.g. reducing smoke from indoor fireplaces and outdoor fire pits).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would like more shaded areas at sport s grounds and local events	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would like there to be more energy saver workshops	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would like more education on how to support the environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintaining trees in our urban environment is import ant to me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Having art in public environment s is import ant to me (e.g. theat re, sculptures, murals, musical festivals, and street performers etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item 11.5**

**Attachment 1**

Council policies

17. Should council have policies on the following?

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
Maintaining access to open spaces and parks in urban areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Smoke free areas and event s	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plastic bag free Kiama	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plastic bott le free Kiama	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recycling Programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Minimising water waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Minimising energy consumption	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Minimising environmental foot print	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Healthy food & drink choices at local event s	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reducing salt intake within the community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reducing sugar intake within the community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encouraging businesses to use environment ally friendly practices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Art	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Busking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Festivals and other art s event s	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Item 11.5

Attachment 1

**Barriers to you being healthy**

What obstacles stop you from being healthy on a daily basis?

18. Tick the boxes that stop you from being healthy on a daily basis:

- Financial constraints
- Access to transport
- Availability of services in your local community (e.g. markets, gym, outdoor facilities, medical services etc.)
- I don't have the time
- Chronic illness Disability
- Family commitments
- Work
- Access to information
- Not a priority
- Can't be bothered
- Poor general health
- Other (Please Specify) \_\_\_\_\_

\_\_\_\_\_



### **Appendix 2 Community Consultation Questions**

The five questions asked at the community consultations were:

- What helps you support your health on a daily basis?
- What stops you from being healthy on a daily basis?
- What makes you feel safe on a daily basis?
- What stops you from feeling safe on a daily basis?
- What ideas do you have to help Council improve your health and safety?

### **Appendix 3 School Consultation Questions**

The four questions asked at the School Consultations were:

- What helps you support your health on a daily basis?
- What stops you from being healthy on a daily basis?
- What makes you feel safe on a daily basis?
- What stops you from feeling safe on a daily basis?

Young people who were consulted at Kiama High School were also asked:

- What ideas do you have to help Council improve your health and safety?



**11.6 Statement of Investments - May 2018**

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

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.2 Identify opportunities to diversify and maximise funding sources

**Summary**

This report recommends receipt and adoption of the Statement of Investments for May 2018.

**Finance**

N/A

**Policy**

Clause 625 of the Local Government Act 1993 (NSW)

Clause 212 of the Local Government (General) Regulation 2005

Kiama Municipal Council – Investment Policy

**Attachments**

1 Statement of Investments May 2018 - Investment Report [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council receive and adopt the information relating to the Statement of Investments for May 2018.

**BACKGROUND**

Attached is a copy of the Statement of Investments for May 2018.

**Investment Commentary**

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

A decision by the Reserve Bank board meeting on 3 May 2018 has seen the cash rate unchanged at 1.50%. "*The low level of interest rates is continuing to support the Australian economy*". As progress in lowering unemployment and having inflation return to the midpoint of the target was expected to be only gradual, members also agreed that there was not a strong case for a near-term adjustment in monetary

Report of the Director Corporate, Commercial & Community Services

11.6 Statement of Investments - May 2018 (cont)

policy. (Minutes of the Monetary Policy Meeting of the Reserve Bank Board, Reserve Bank Australia, 3 May 2018)

The Commonwealth Bank is quoting the following rates:

3 Months	6 Months	9 Months	12 Months	18 Months
2.57%	2.63%	2.71%	2.73%	2.77%

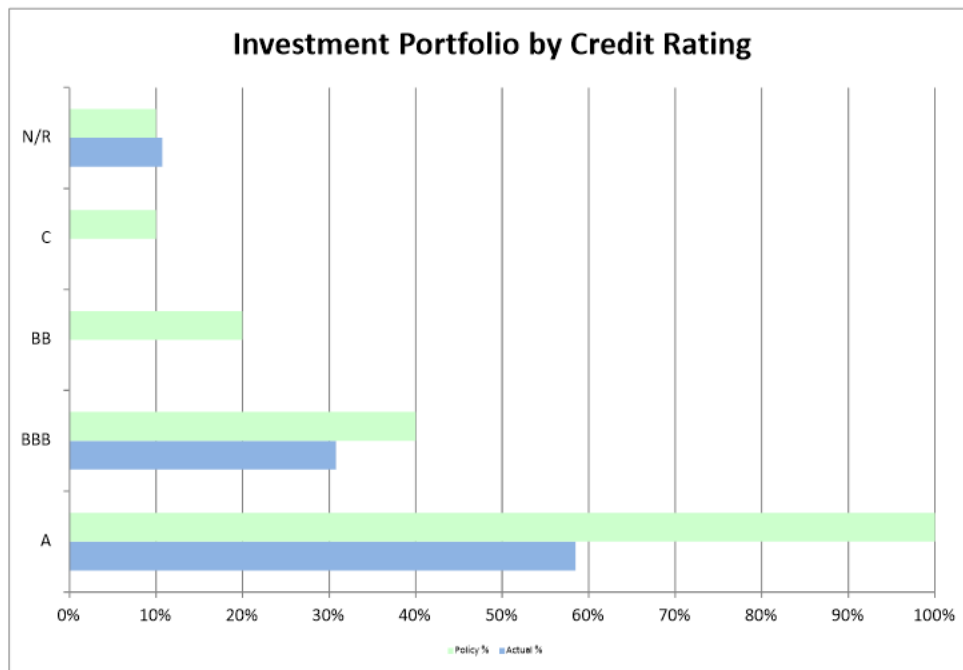
**Certification – Responsible Accounting Officer**

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

## (b) Council Investments as at 31 May, 2018

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	A	500,000	Term Deposit	13/09/17	13/06/18	273	2.60
AMP	A	1,000,000	Term Deposit	21/02/18	21/11/18	273	2.65
AMP	A	1,000,000	Term Deposit	06/09/17	06/06/18	273	2.60
AMP	A	500,000	Term Deposit	18/10/17	24/10/18	371	2.60
Beyond Bank	BBB+	1,000,000	Term Deposit	10/01/18	11/07/18	182	2.55
Bankwest	AA-	1,000,000	Term Deposit	11/01/18	13/06/18	153	2.55
Bank of Qld	BBB+	2,000,000	Term Deposit	22/11/17	22/08/18	273	2.60
Bank of Qld	BBB+	1,500,000	Term Deposit	29/11/17	29/08/18	273	2.60
Bendigo	BBB+	1,000,000	Term Deposit	04/10/17	04/07/18	273	2.55
Bendigo	BBB+	1,000,000	Term Deposit	31/08/17	01/06/18	274	2.50
Community Alliance Credit Union	N/R	1,000,000	Term Deposit	13/09/17	12/09/18	364	2.65
Community Alliance Credit Union	N/R	1,000,000	Term Deposit	13/09/17	12/09/18	364	2.60
Credit Union Australia	BBB	1,500,000	Term Deposit	29/11/17	26/09/18	301	2.55
ME Bank	BBB	1,000,000	Term Deposit	13/12/17	13/06/18	182	2.55
ME Bank	BBB	1,500,000	Term Deposit	24/01/18	25/07/18	182	2.60
ME Bank	BBB	1,000,000	Term Deposit	15/01/18	18/07/18	184	2.60
NAB	AA-	1,000,000	Term Deposit	03/01/18	04/07/18	182	2.50
NAB	AA-	1,000,000	Term Deposit	13/12/17	13/06/18	182	2.45
NAB	AA-	1,000,000	Term Deposit	27/09/17	26/09/18	364	2.60
NAB	AA-	2,000,000	Term Deposit	25/10/17	24/10/18	364	2.55
SA Police Credit Union	N/R	1,000,000	Term Deposit	14/06/17	20/06/18	371	2.92
SA Police Credit Union	N/R	1,000,000	Term Deposit	14/02/18	15/08/18	182	2.61
Suncorp	A+	1,000,000	Term Deposit	15/11/17	13/06/18	210	2.61
Suncorp	A+	1,000,000	Term Deposit	06/12/17	06/06/18	182	2.55
Suncorp	A+	1,000,000	Term Deposit	10/01/18	11/07/18	182	2.45
<b>Total Term Deposits</b>		<b>27,500,000</b>					<b>2.58</b>
TcorpIM Cash Fund	AAA	3,064,070	Cash Fund		AT CALL		<b>2.46</b>
Westpac	AA-	6,659,217	Bank Account	-	AT CALL		1.62
Westpac	AA-	81,579	Maxi Account	-	AT CALL		0.50
<b>Total 'At Call' Funds</b>		<b>9,804,866</b>					<b>1.06</b>
<b>TOTAL CASH &amp; INVESTMENTS</b>		<b>37,304,866</b>			Average Rate- May 2018		2.44
					Average Rate- May 2017		2.60
<b>TOTAL INVESTMENTS Apr 2018</b>		<b>38,734,794</b>					-3.83% Change in total investment over prev 1 month
<b>TOTAL INVESTMENTS May 2017</b>		<b>43,480,258</b>					-14.20% Change in total investment over prev 12 months

Note: The Westpac Bank Account balance shown above of \$6.66M includes deposits at month-end not processed to Council's financial system and excludes cheques that have not been presented.



(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	5,116,008
	Grants	298,611
	Domestic Waste	2,346,477
	Waste & Sustainability	403,006
	Southern Council's Group	2,730,925
Internally Restricted	Blue Haven ILU	5,732,557
	Blue Haven Care-Residential	1,367,602
	Carer Respite Centre	1,379,706
	Land Development	2,662,484
	Waste Business Unit (Plant Replacement)	1,081,912
	Plant Replacement	2,006,982
	Employee Leave Entitlements	2,400,000
	S94 Recoupments	2,182,802
	Carry-over works*	1,604,488
	Holiday Parks	1,779,238
	Contingencies	779,730
	Computer	879,698
	Property Insurance	120,000
	Community Bus	263,239
	CACP	110,856
	Organisational Development	200,000
	Fleet Replacement	100,000
	Council Election	55,000
	Leisure Centre Renewal	180,000
	Revolving Energy Fund	315,000
Future Project Development	70,000	
Arts Precinct	85,000	
The Pavilion	210,000	
<b>Unrestricted Funds:</b>	<b>Funds to meet current budgeted expenditure</b>	<b>788,545</b>
<b>TOTAL INVESTMENTS</b>		<b>37,304,866</b>

**Note:**

The above Application of Invested Funds reflects audited balances as at 30 June 2017. Actual movement in these balances are recorded at the end of the financial year.

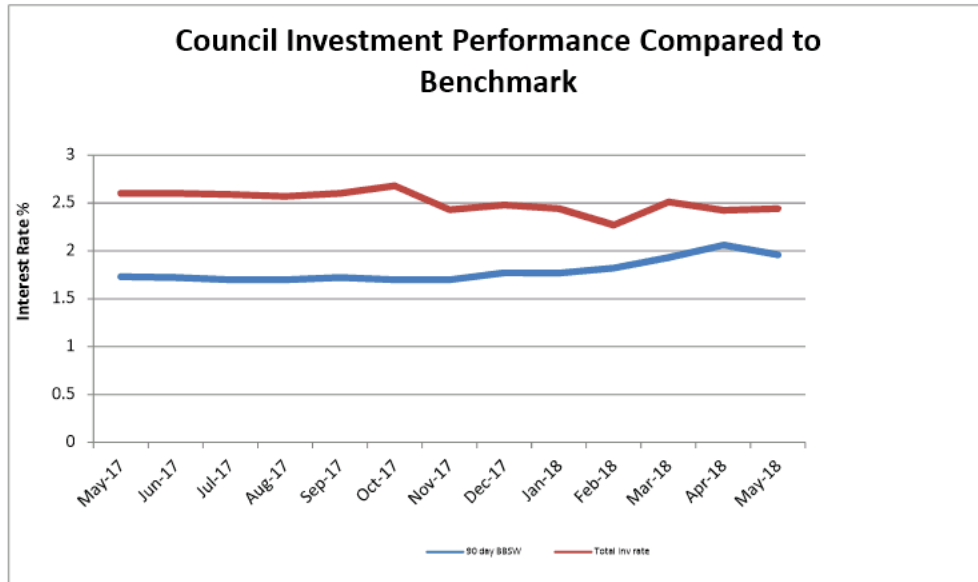
The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

\*Adjusted as expensed during financial year.

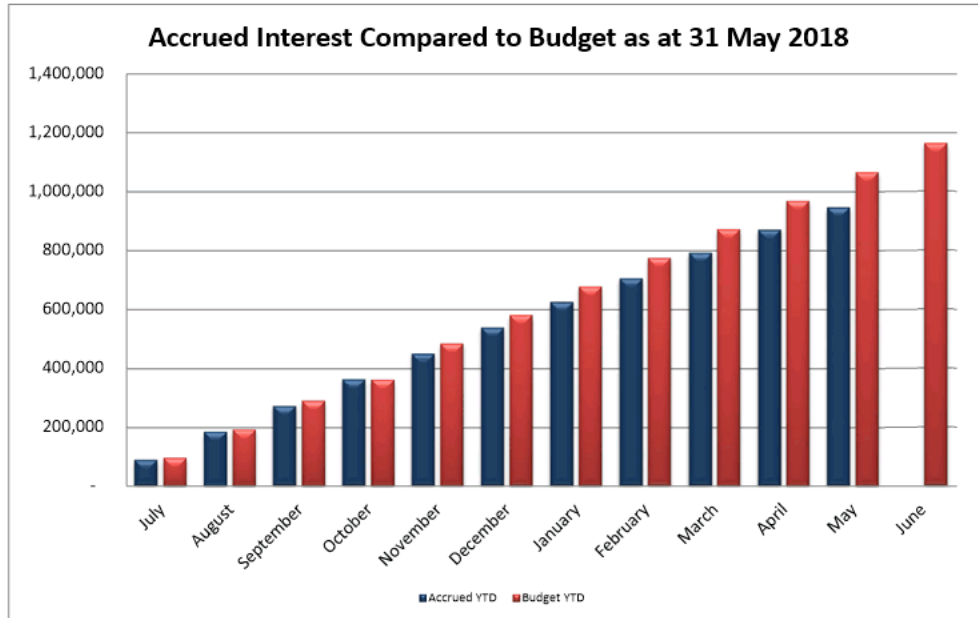
(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark:BBSW 90 day Bank Bill Index (source RBA)
1 month	2.44	1.96
3 months	2.46	1.98
6 months	2.43	1.89
12 Months	2.50	1.80



Council has been able to consistently perform above the Reserve Bank 90 day Bank Bill Index.



\*Interest forecast has been adjusted based cash flow expenditure for the KACCOE project.

**11.7 Investment Policy Review**

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

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.3 Ensure maximum revenue return is achieved

**Summary**

This report recommends adoption of a revised Investment Policy.

**Finance**

Not Applicable

**Policy**

Requirement of the Local Government (General) Regulations 2005.

**Attachments**

1 DRAFT Revised Investment Policy 2018 [↓](#)

**Enclosures**

1 Investment Policy Revised August 2016 [⇒](#)

**RECOMMENDATION**

That the Investment Policy Revised June 2018 be received and adopted.

**BACKGROUND**

In accordance with the Ministerial Investment Order dated 12 January 2011, all councils are required to adopt an Investment Policy, which is consistent with the Order and investment guidelines issued by the Chief Executive (Local Government) of the Department of Premier and Cabinet.

Finance staff have reviewed the policy. The policy was sent to TCorp for review. The policy now incorporates recommendations from Tcorp and is enclosed. The previous policy has also been enclosed for review purposes.

**REPORT**

The Investment Policy provides the governance framework, which safeguards Council's investment portfolio. The primary objectives of the policy are as follows:

- **Capital Preservation** – Preservation of capital is the principal objective of the investment policy. Investments will be placed in a manner, which ensures security

and safeguarding of the investment portfolio.

- **Liquidity Requirements** – Investments will be placed giving due consideration to liquidity and ensuring Council has sufficient cash flow to meet its operational and capital requirements.
- **Performance** – Investments are expected to achieve a market average rate of return, which is in line with Council’s risk tolerance.

## LEGISLATIVE REQUIREMENTS

Section 625 of the Local Government Act 1993 states that a Council may invest money that is not, for the time being, required for any other purpose and that it may only be invested in a form of investment notified by order of the Minister as published in the NSW Government Gazette.

In May 2010, the Department of Premier and Cabinet developed Investment Policy guidelines for councils, including a model Investment Policy template. Council has based its Investment Policy on this template.

In reviewing this policy, Council officers have ensured that Council continues to comply with the requirements of the Local Government Act 1993 and that the policy incorporates the recommendations contained with the Investment Policy Guidelines issued by the Department of Premier and Cabinet.

## RISK MANAGEMENT FRAMEWORK

The revised Investment Policy recommends the following changes to Council’s risk management framework:

### 1. Credit Risk

Credit risk limits the overall credit exposure of Council’s investment portfolio. It states the maximum level of funds Council can hold within a particular credit rating. The recommended changes will increase the level of investments Council can place in BBB rated institutions to 60%. BBB rated institutions, while more susceptible to changes in economic conditions than A rated institutions, still have an adequate capacity to meet its financial commitments.

### 2. Diversification Risk

Long Term Credit Rating	Current Maximum Exposure	Recommended Maximum Exposure
AAA	50%	50%
AA	40%	50%
A	20%	40%
BBB	10%	30%
Government**	0%	30%
CCC	10%	10%
Not Rated	10%	10%

## Report of the Director Corporate, Commercial &amp; Community Services

## 11.7 Investment Policy Review (cont)

\* Or Moody's/Fitch equivalents

\*\* Relates to unrated NSW T Corp hour glass facility – cash and strategic cash options only. While these funds are unrated they provide a high degree of capital security as all underlying investments are highly rated.

Diversification risk limits the exposure to an individual institution. It states the maximum level of funds Council can hold with any one institution. The recommended changes include the BBB rated from 10% to 30% allows for an expected higher return and to present options for a more ethical and social investment policy. Adding Government to the above also allows Council to consider medium to long term investing with such institutions as NSW treasury Corporation (TCorp).

Item 11.7

**Term to Maturity Framework**

<b>Overall Portfolio Term to Maturity Limits</b>			
<b>Description</b>	<b>Maturity</b>	<b>Previous Maximum %</b>	<b>Proposed Maximum %</b>
Short term	Portfolio % < 1 year	100%	100%
Short to medium term	Portfolio % > 1 yr < 3 yr	40%	40%
Medium term	Portfolio % > 3 yr < 5 yr	30%	30%
Long term	Portfolio % > 5 years	10%	30%

The application of a modest limit for investments over five years may restrict the potential for matching assets with longer term liabilities. Therefore, the recommended change is to allow for more strategic planning of investments.



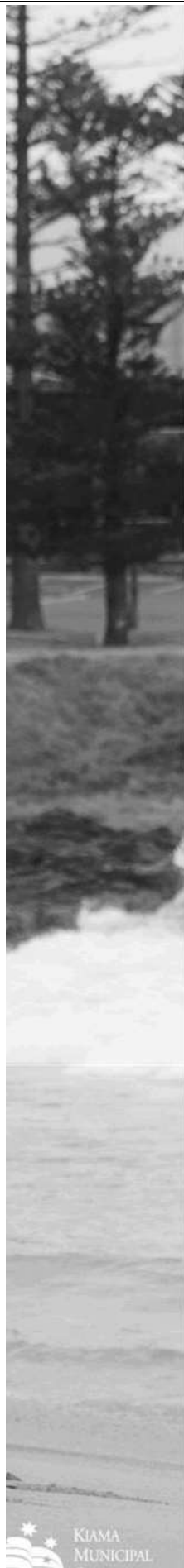


Item 11.7

Attachment 2

**Investment Policy**  
Adopted DD Month YEAR  
Corporate and Commercial Services





## Investment Policy

### 1.0 Purpose

The purpose of this policy is to provide a framework for Investment of Kiama Municipal Council's funds with a view to minimizing the risk of loss of capital or interest, to ensure that liquidity requirements are observed and after having regard to these two prime objectives, seeking to achieve the best rate of return available.

### 2.0 Objectives

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return of investment. The objectives of this policy are:

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.
- Investments are expected to achieve a market average rate of return in line with Council's risk tolerance.
- Notwithstanding the preceding objectives, investment consideration is encouraged in local or regional community enterprises that foster the local and regional economy and in particular enterprises that are community based cooperatives and those without interest in Coal Seam Gas wherever practical.

### 3.0 Scope

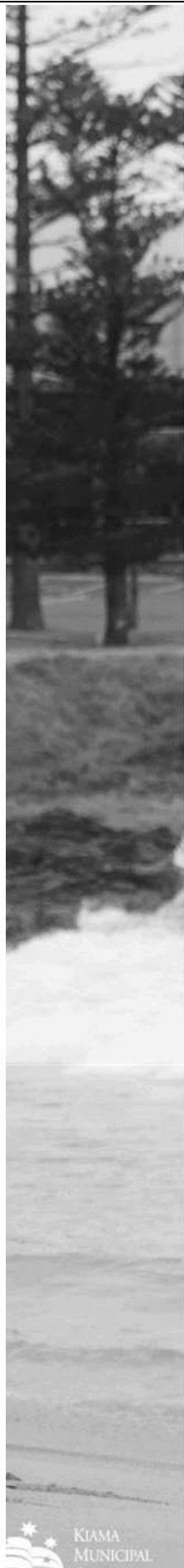
The effective date of the Investment Policy is (date of Council meeting) and will be reviewed at regular twelve monthly intervals, or when changes in regulation or market conditions necessitate a review.

This policy applies to all officers within Kiama Municipal Council delegated to invest Council's surplus funds.

### 4.0 References

This document should be read in conjunction with:

- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Ministerial Investment Order 2011;
- Local Government Code of Accounting Practice and Financial Reporting;
- Australian Accounting Standards;
- Office of Local Government Circulars
- The Trustee Amendment (Discretionary Investments) Act (1997) – Section 14
- Aged Care Act 1997
- Aged Care Prudential Standards Policy



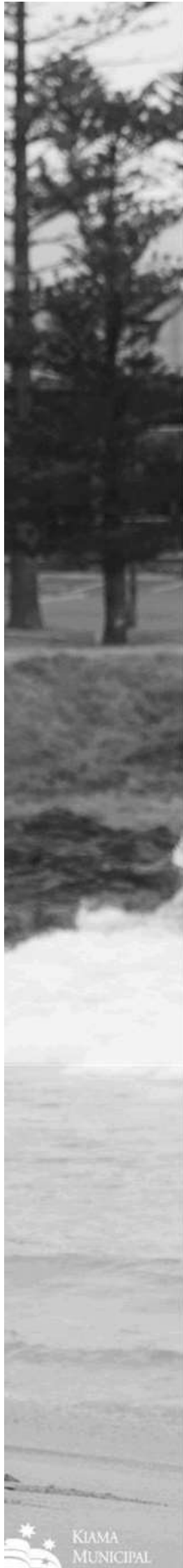
**5.0 Definitions**

For the purpose of this document the following definitions apply:

<b>Act</b>	Local Government Act, 1993
<b>ADI</b>	An Authorised Deposit-taking Institution (ADI) is a corporation that is authorised under the Banking Act 1959 (C'wth) to take deposits from customers.
<b>Bill of Exchange</b>	A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.
<b>BBSW</b>	The Bank Bill Swap Reference Rate (BBSW) is the midpoint of the nationally observed best bid and offer for AFMA Prime Bank eligible securities. The BBSW is calculated daily. Floating rate securities are most commonly reset quarterly to the 90-day BBSW.
<b>Council Funds</b>	Surplus monies that are invested by Council in accordance with section 625 of the Act.
<b>Debenture</b>	A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders.
<b>FRN</b>	A Floating Rate Note (FRN) is a medium to long term fixed interest investment where the coupon is a fixed margin ("coupon margin") over a benchmark, also described as a "floating rate". The benchmark is usually the BBSW and is reset at regular intervals – most commonly quarterly.
<b>LGGR</b>	Local Government (General) Regulation 2005 (NSW)
<b>OLG</b>	NSW Office of Local Government
<b>RAO</b>	Responsible Accounting Officer of a council means a member of the staff of the council designated by the General Manager, or if no such member has been designated, the General Manager. (LGGR, clause 196)
<b>T-Corp Grand-Fathered</b>	New South Wales Treasury Corporation  Investments held by Council that were previously allowed under the Minister's Order but were grandfathered when the NSW State Government issued the Ministerial Order dated 12/1/2011.

Item 11.7

Attachment 2



## 6.0 Policy

### Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*. The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy. Officer's delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

### Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

### Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

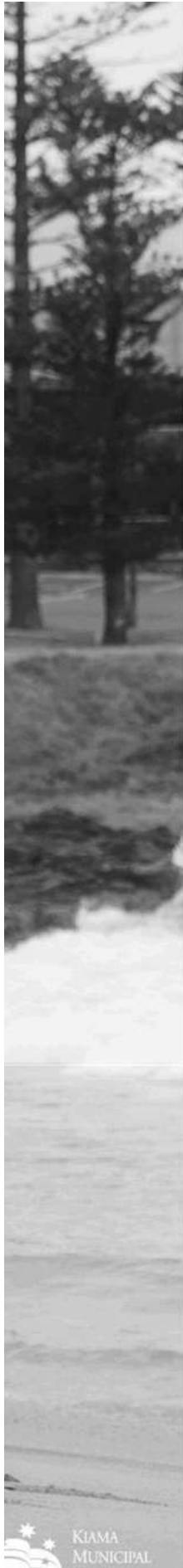
Independent advisors are also required to declare that they have no actual or perceived conflicts of interest.

### Approved Investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

All investments must be denominated in Australian Dollars. Authorised new investments as from 12 January 2011 are limited to the following, as per the attached Ministerial Investment Order.

- Any public funds or securities issued by or guaranteed by, the Commonwealth, any State or the Commonwealth or a Territory
- Any debentures or securities issued by a Council (within the meaning of the Local Government Act 1993 (NSW))
- Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (ADI) (as defined in the Banking Act 1959(Cwth)), but excluding subordinated debt obligations
- Any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an Authorised Deposit-taking institution by the Australian Prudential Regulation Authority
- A deposit with the New South Wales Treasury Corporation or investments in a TCorpIM Fund of the New South Wales Treasury Corporation



Council officers making decisions on investments should take all reasonable care to ensure that such investments are not made with companies whose activities would bring Council into disrepute or would conflict with its proclaimed policies on health, sustainability and ethical governance.

### Prohibited Investments

In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

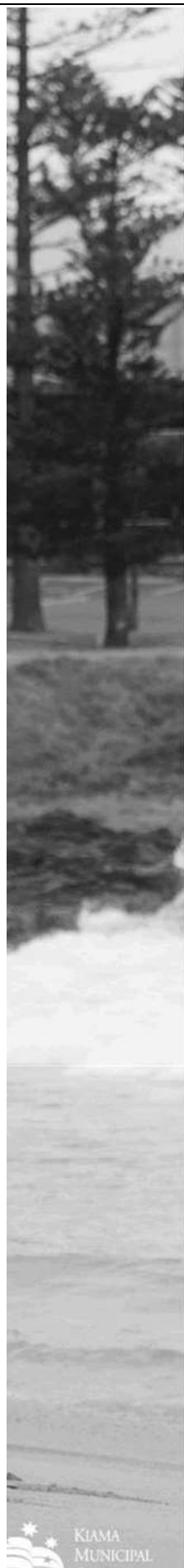
This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

### Risk Management Guidelines

Investments obtained are to be considered in the light of the following key criteria:

- **Preservation of Capital** – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
- **Diversification** – the requirement to place investments on a broad range of financial institutions or government authorities so as not to be overexposed and to reduce credit risk;
- **Credit risk** – the risk that a party council has invested in fails to pay the interest and or repay the principal of an investment;
- **Market risk** – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices, or benchmark returns will unexpectedly overtake the investments return;
- **Liquidity risk** – the risk that Council will have insufficient funds to meet its financial commitments in a timely manner, also an investor is unable to redeem the investment at a fair price within a timely period; and
- **Maturity risk** – the risk relating to the length of exposure and risk to market volatilities.

Investment portfolio parameters are risk-management tools used to manage credit risk by diversifying the portfolio to avoid a narrow concentration of investments. Investment credit risk parameters are based on credit rating bands as published by the credit rating agencies (eg. S&P, Moody's, Fitch).



Council will use Standard and Poors (S&P) long term credit ratings (or Moodys or Fitch equivalents). The S&P ratings are broadly defined as follows:

Rating	Description	Max % of total investment portfolio
AAA	Extremely strong capacity to repay	100%
AA+, AA, AA-	A very strong capacity to repay	100%
A+, A, A-	A strong capacity to repay	100%
BBB+, BBB, BBB-	Adequate protection and adequate capacity to pay	60%
BB+, BB, BB-	Less vulnerable to non-payment however adverse economic conditions could lead to inadequate capacity to meet financial obligations	20%
CCC,CC,C	Vulnerable to non-payment and required positive economic conditions to meet its financial obligations	10%
NR	Not Rated	10%

Item 11.7

Attachment 2

**Direct Investments**

Council’s direct investments will be with Authorised Deposit-taking Institutions as authorised by the Australian Prudential Regulation Authority.

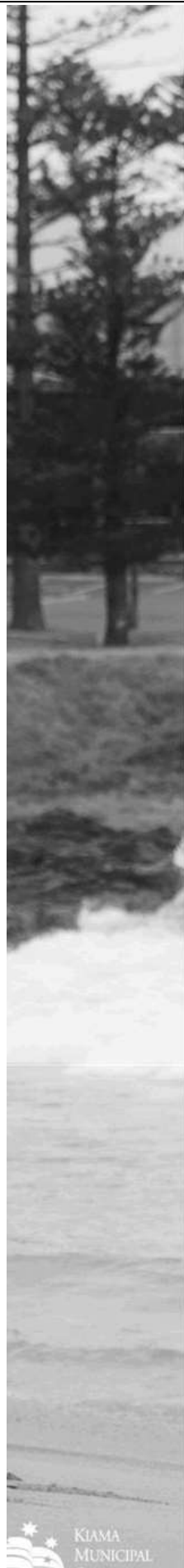
**Counterparty Limits**

Exposure to individual counterparties/financial institutions will be restricted by their rating so that single entity exposure is limited, a detailed in the table below. It excludes any government guaranteed investments. Limits do not apply to Federal or NSW-guaranteed investments, which are uncapped. It should be noted that the NSW government does not guarantee the capital value or unit price of the TCorp Hour-Glass Facilities. This table also does not apply to any grandfathered managed fund where it is not possible to identify a single counterparty exposure.

Long Term Credit Rating	Maximum Exposure
AAA	50%
AA	50%
A	40%
BBB	30%
Government**	30%
CCC	10%
Not Rated	10%

\* Or Moody’s/Fitch equivalents

\*\* Relates to unrated NSW TCorpIM Fund– cash and strategic cash options only. While these funds are unrated they provide a high degree of capital security as all underlying investments are highly rated



**Term to Maturity Framework**

The investment portfolio is to be invested with the following term to maturity constraints:

Overall Portfolio Term to Maturity Limits		
Description	Maturity	Maximum %
Short term	Portfolio % < 1 year	100%
Short to medium term	Portfolio % > 1 yr < 3 yr	40%
Medium term	Portfolio % > 3 yr < 5 yr	30%
Long term	Portfolio % > 5 years	30%

**Accounting for Premiums and Discounts**

From time to time financial assets may be acquired at a discount or premium to their face value. Any such discount or premium is to be taken into account in line with relevant Australian Accounting Standards.

**Safe Custody Arrangements**

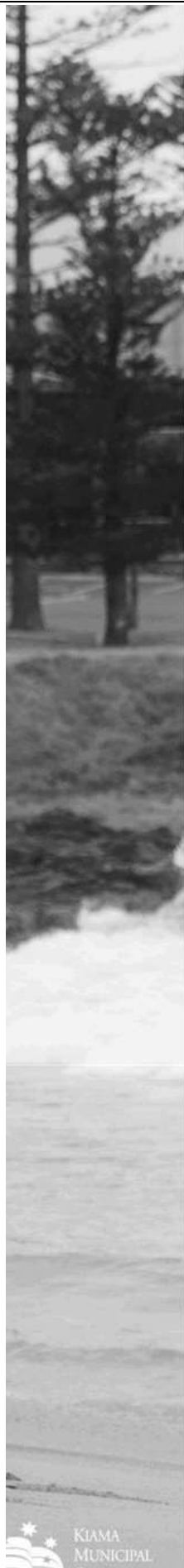
Where necessary, investments may be held in safe custody on Council's behalf, as long as the following criteria are met:

- Council must retain beneficial ownership of all investments
- Adequate documentation is provided, verifying the existence of the investments
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems
- The Institution or Custodian recording and holding the assets will be:
  - The custodian nominated by TCorp for investment in the TCorpIM Funds
  - Austraclear or,
  - An institution with an investment grade issued by Standards and Poor's or Moody's rating or,
  - An institution with adequate insurance, including professional indemnity insurance and other insurance considered prudent and appropriate to cover its liabilities under any agreement.

**Investment Advisor**

Kiama Council's investment advisor must be approved by Council and licensed by the Australian Securities and Investment Commission with the exception of NSW TCorp. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed, unless such remuneration is rebated 100% to Council.



**Benchmarking**

Performance benchmarks need to be established and should be based on sound and consistent methodology.

Investment	Performance Benchmark
Investment Portfolio with maturity up to 2 years	AFMA BBSW Rate: Average Mid 90 day
Investment Portfolio with maturity exceeding 2 years	Bloomberg Ausbond Composite 2-5 year Index

**Reporting and Reviewing of Investments**

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register. The documentary evidence must provide Council legal title to the investment.

For audit purposes, certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council’s behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council’s financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

The General Manager shall establish a system of internal controls governing the administration and management of Council’s investment portfolio, which shall be reviewed annually by the Independent External Auditor to Council. The controls shall be designed to prevent and control losses of Council assets arising from fraud, error, misrepresentation, unanticipated market changes, conflicts of interest or imprudent actions.

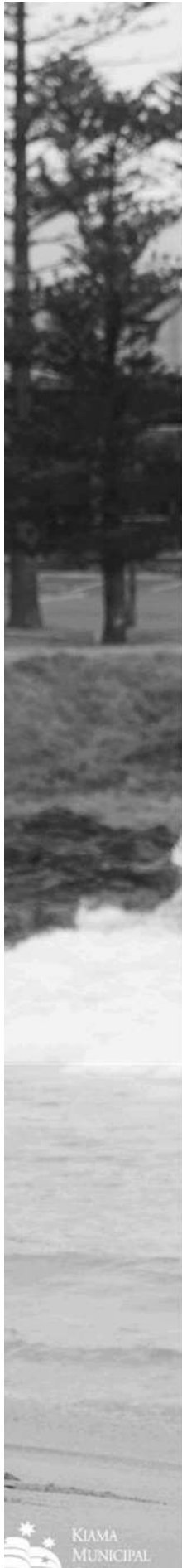
**7.0 Review history**

This Investment Policy will be reviewed at least annually or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this policy. Any amendment to the Investment Policy must be by way of Council resolution.

**8.0 Attachments**

- Local Government Act 1993 – Investment Order dated 12 January 2011





**9.0 Document control**

<b>Directorate:</b>	Finance, Corporate & Commercial Services
<b>Policy name:</b>	Investment Policy
<b>Date adopted by Council or N/A:</b>	Draft
<b>Date endorsed by Manex:</b>	NA
<b>Last revision date:</b>	August 2016
<b>Next review date:</b>	June 2018
<b>Trim document number:</b>	

Item 11.7

Attachment 2

Local Government Act 1993 – Investment Order dated 12 January 2011

**LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER**  
(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12<sup>th</sup> day of January 2011   
Hon BARBARA PERRY MP  
Minister for Local Government

Item 11.7  
Attachment 2



**11.8 Kiama Cultural Board - meeting 24 May 2018**

CSP Objective: 1.0 A healthy, safe and inclusive community

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

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

**Summary**

This report provides the minutes of the Kiama Cultural Board meeting held 24 May 2018 and recommends Council not endorse a motion from the meeting to increase the hours for community and cultural development.

**Finance**

2018/19 Budget

**Policy**

BISI Cultural Planning Document

**Communication/Community Engagement**

N/A

**Attachments**

1 Minutes Kiama Cultural Board Committee meeting May 2018 [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council:

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

**BACKGROUND**

This report provides the minutes of the Cultural Board meeting on 24 May (enclosed). At the meeting, Clr Reilly moved a motion to double the hours of Council's Community and Cultural Development from 30 hours per week to 60.

This report recommends that this motion is not endorsed because there is no operational budget to cover the increased costs, and it is an operational matter that would need to go through a due process first.

---

**Minutes of the Kiama Cultural Board meeting held on Thursday 24 May 2018 in  
Committee Room 1 at 5.30pm.**

---

**Present:** Clr. Mark Honey, Catherine Carr, Gail Morgan, Clr Neil Reilly, Nick Guggisberg, Clr Kathy Rice, Gregor Cullen.

1. **Apologies:** Anthony Body, Mike Lothian, Louise Croker, Tamara Campbell.

2. **Minutes of previous meeting**

**Motion:** That the minutes of the previous meeting held 22 March 2018 be accepted as an accurate record of the meeting with the following corrections: the Mayors surname being correctly recorded as Honey not Way, for the apologies to including Catherine Carr, and only include Nick Guggisberg once.

**Moved:** Gregor Cullen      **Seconded:** Gail Morgan      CARRIED

3. **Business arising**

Bruce Ferguson & Paula Gowan have tendered their resignations from the Board.

**Motion:** That the Board accept their resignations and for a letter to be sent to Bruce and Paula thanking them for their time on the Board

**Moved:** Clr Reilly      **Seconded:** Catherine Carr      CARRIED

4. **General Business**

**Vacant Positions**

**Motion:** That Expressions of Interest (EOI) are called for the 2 vacant member positions on the Kiama Cultural Board.

**Moved:** Catherine Carr      **Seconded:** Gail Morgan      CARRIED

Mayor Mark Honey to chair Board meetings in the interim.

**Meeting Format**

A discussion took place around how the Board meetings could potentially be more engaging and strategic in focus. Ideas for improvement include:

- A standing agenda item on new ideas and/or spot for guest speakers to present ideas to the Board including from other Council's in our region; re: strategic co-operation.
- Light refreshments to be provided at meetings.

The Board would also like to see Council's Community & Cultural Development Officer Louise Croker, be a guest speaker at local service clubs (Rotary, Lions, U3A, etc.)

**Art Precinct**

The Cultural Board would like to see the development of the Arts Centre designs to Development Assessment approval utilising the existing draft floor plans.

**Cultural Board**

Further changes to cultural grants process include:

- acquittals to come back to Board meetings
- change to one funding round a year

**Art Award**

Louise to follow up with Meagan Seres regarding her offer of \$2000 for an art prize.

**Business without notice:**

Clr Reilly raised the suggestion for additional days for the Community & Cultural Development role.

**Motion:** That it be recommended to Council that the hours for the Community and Cultural Development role be increased from 30 hrs per week to 60 hrs per week.

**Moved:** Clr Neil Reilly **Seconded:** Catherine Carr CARRIED

**Motion:** Send the Cultural Boards condolences to Tamara Campbell in regards to her mother's recent passing.

**Moved:** Catherine Carr **Seconded:** Clr Reilly CARRIED

Neil informed the Board that the Community Awards in August will include Arts, Sport and Services to the environment awards, which will be presented during the Local Government week event.

**There being no further business the meeting closed at 7pm**

**11.9 Request for Partnership - Collaborative branding for Green Caffein Project**

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 recommends that Council provide funding for a new business initiative to enable collaborative branding and marketing of an environmentally sustainable innovation.

**Finance**

Economic Development Budget

**Policy**

NA

**Communication/Community Engagement**

**No formal consultation undertaken**

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

That Council provide Green Caffein with funding support of \$5,000 to enable co-branding of 2500 reusable swap and go coffee cups.

**BACKGROUND**

Council have been approached by a locally based innovative new business Green Caffein who is aiming to save 1 million disposable coffee cups from entering landfill by the end of 2019.

The business brains behind this innovative concept, Martin Brooks and Damien Clarke of Kiama Downs estimate that every year approx. 500 billion disposable cups are thrown away worldwide after a single use. Over 1.2 billion disposable coffee cups are used each year in Australia, 90% of which end up in landfill or littering the streets. Cups and lids are also finding their way into our oceans where they breakdown and form tiny pieces called micro plastics. These are ingested by marine life and cause millions to die every year. Paper coffee cups are lined with plastic (Liquid paper board- LPB) to make them waterproof. Although the paper outside will breakdown, the plastic inner won't. To recycle them they must be sent to a specialist

## Report of the Director Corporate, Commercial &amp; Community Services

11.9 Request for Partnership - Collaborative branding for Green Caffein Project  
(cont)

---

recycling facility that is costly and complicated. Consequently less than 8% are recycled. This equates to 2.7 million coffee cups in Australia going to land fill each day.

The demand for takeaway café coffee is on the rise, particularly with students and early-career workers (ages 15 to 35yrs) and busy professionals with stable incomes (ages 35 to 55 yrs). One in five coffee customers in Australian cafes is take-away only (20% and on the rise) and half of the remaining customers switch between take-away or sit down.

The positive news is that re-useable cups have seen a dramatic rise in popularity in recent years globally. However, café owners today claim that typically only around 1.5-2% of all coffees sold are poured into the reusable cups. When it comes to using keep-cups, Australian coffee customers have the following three pain points:

1. Forget to bring the keep-cup.
2. Forget to wash the cup.
3. Leave the cup in the car for days (and it smells).

Moreover, some baristas have also voiced concerns about the health and safety of using BYO cups.

Green Caffein have identified a solution to the issues identified above. Their Swap-and-Go Coffee Cup scheme provides re-useable coffee cups to participating cafes and coffee outlets which are available for scheme members to use when they buy a coffee. They can take the cup away with them and return the dirty cup to another participating café when empty or keep the cup and hand it in when they buy another coffee in a clean scheme cup. The management of the scheme is via a phone-app and customers sign up to be a member of the scheme via a monthly subscription.

Members can feel part of a growing movement of eco-conscious people determined to reduce waste, to reuse rather than throw away. This sense of community will be backed up by a social media campaign for Swap and Go Coffee, congratulatory messages from the app. for milestones reached, such as disposable cups saved from landfill, and the kudos of drinking coffee from a recognisable cup which demonstrates their eco-credentials. The cup could become a symbol for the movement such as the successful designer shopping bag emblazoned with the words 'I am not a plastic bag' that 'repositioned reusable bags desirable, mainstream and important.'

Cafes can participate in the scheme free of charge and they receive a monthly data analytics report on their customer's purchasing patterns. All they have to do is receive the dirty cups and wash them (cheaper than buying single-use cups). The cafes can wear their eco-credentials on their sleeves and use the scheme to promote their café and manage their loyalty programs.

Local Councils will see a reduction in litter in the streets (NSW recorded that nearly a quarter of litter was from disposable cups and food containers). This will increase community pride and be of benefit for tourism. Waste collection and landfill charges will be reduced and the local area will reduce their carbon footprint. Councils can promote their eco-credentials in the press and media and could have knock on

Report of the Director Corporate, Commercial & Community Services

11.9 Request for Partnership - Collaborative branding for Green Caffeen Project  
(cont)

---

benefits in starting new initiatives in other areas of sustainability. Green Caffeen can also utilise the data from our app to regularly report to Councils on how many coffee cups are being saved from landfill.

The revenue model is based around a service subscription model, a \$4.99 monthly fee to the regular takeaway coffee drinkers, which covers access to all reusable cups across the network.

The business requires some significant capital investment. The major start-up costs are:-

- initial cup stock (2.5 cups required per customer);
- phone app development and
- promotion and advertising.

Council's support of this innovative project will provide many benefits for the Kiama LGA and is not just about supporting sustainable habits and reducing landfill. By being associated and supportive of a project that is capable of being replicable and scale able will have broader reaching benefits and will result in increased brand image and awareness of the Kiama LGA as a destination. It will also reinforce our commitment to proactive sustainable initiatives and fostering innovative local businesses.



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

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 seeks Council's endorsement for the Manager Community & Cultural Development, Nick Guggisberg, to accept an invitation to present on the Dementia-friendly Kiama Project in Singapore.

**Finance**

Nil

**Policy**

N/A

**Communication/Community Engagement**

N/A

**Attachments**

- 1 Invitation from Singapore Alzheimer's Disease Association for Manager Community & Cultural Development to present in Singapore in September 2018 [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council approve Nick Guggisberg accepting the invitation to present in Singapore.

**BACKGROUND**

Council has received an invitation for Nick Guggisberg to co-present with Dennis Frost (Chair Dementia Advisory Group) in Singapore on the Dementia-friendly Kiama Project. The invitation is from Alzheimer's Disease Association's (ADA) Deputy Chief Executive Officer in Singapore, Theresa Lee, on behalf of ADA Singapore, and invites both Dennis & Nick to participate in a 5 day program that includes being Keynote speakers at the ADA conference and participating in round table meetings.

The invitation includes covering return flight, accommodation, meals and airport transfer costs. A Copy of the letter of invitation is enclosed for Councillors information.



NEW HORIZON CENTRE (TOA PAYOH) Blk 157, Toa Payoh Lorong 1, #01-1195, Singapore 310157, Tel: 6353 8734 Fax: 6353 8518  
NEW HORIZON CENTRE (BUKIT BATOK) Blk 511, Bukit Batok Street 52, #01-211, Singapore 650511, Tel: 6565 9958 Fax: 6565 2257  
NEW HORIZON CENTRE (TAMPINES) Blk 362 Tampines Street 34, #01-377, Singapore 520362, Tel: 6786 5373 Fax: 6784 9587  
NEW HORIZON CENTRE (JURONG POINT) 1 Jurong West Central 2, #04-04 Jurong Point Shopping Centre, Singapore 648886, Tel: 6790 1650 Fax: 6790 1521  
FAMILY OF WISDOM (BENDEMEER) 72 Bendemeer Road, #05-29 Luzerne Building, Singapore 339940, Tel: 6291 6268 Fax: 6291 6260  
FAMILY OF WISDOM (TIONG BAHRU) 298 Tiong Bahru Road, #10-05 Central Plaza, Singapore 168730, Tel: 6593 6440 Fax: 6273 0996  
CAREGIVER SUPPORT CENTRE (BENDEMEER) 70 Bendemeer Road, #03-02A Luzerne Building, Singapore 339940, Tel: 6389 5121 Fax: 6293 6631  
ADA RESOURCE & TRAINING CENTRE 70 Bendemeer Road, #06-02 Luzerne Building, Singapore 339940, Tel: 6293 9971 Fax: 6293 3438

18 May 2018

Mr Kerry McMurray  
General Manager  
Kiama Municipal Council  
11 Manning St, Kiama, NSW, Australia, 2533.

Dear Mr McMurray

We have heard about the Dementia Friendly Kiama project from Alzheimer's Disease International, of which the Alzheimer's Disease Association (ADA) is a member, and from Kate Swaffer whom we had invited to Singapore in November last year as a Keynote Speaker for a Symposium on "Dementia – It Can Strike Early." The event was attended by 400 participants.

ADA will be organizing a Conference spread across 1½ days on 21 and 22 September 2018 in conjunction with World Alzheimer's Month to Educate, Enable and Empower. The proposed theme is "Every 3 Seconds" and to highlight the urgency to build Inclusive and Accessible Communities. The conference on 21 Sept will be targeted at industry partners and stakeholders whilst the session on 22 Sept will be for members of the public who are keen to know more about dementia. All in, we are targeting to reach out to 800 people, (300 for 21 Sept and 500 for 22 Sept).

In conjunction with the Conference, we would like to invite Mr Nick Guggisberg, Manager, Community and Cultural Development to be Co-Keynote Speakers in sharing the Dementia Friendly Kiama project with Mr Dennis Frost. In addition, we would like to invite Nick to be part of a Resource Panel for one of the Conference Breakout discussion groups on 'Dementia-Friendly Efforts'

Besides the conference, we would also like to invite Nick to share the Dementia Friendly Kiama project with a core team that ADA is working with to pilot a Dementia Inclusive Community in a local neighbourhood. This meeting on 20 September, will also be attended by the Member of Parliament (Advisor) of that locality and other grassroots leaders.

As the invitation to Singapore will be for 5 days, we are also scheduling for Nick and Dennis to share at a Round table discussion with policy makers and service providers in eldercare and to meet with a group of persons with dementia and their caregivers. A media interview is also planned to share on the Dementia Friendly Kiama project and inclusion of people with dementia as advocates and partners in dementia care.

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

**Attachments 1 - Invitation from Singapore Alzheimer's Disease Association for Manager Community & Cultural Development to present in Singapore in September 2018**

---

**Item 11.10**

**Attachment 1**

ADA is pleased to provide sponsorship for the return airfare (economy), 5 nights accommodation, local airport transfer and daily expenses for meals for Mr Guggisberg. The programme will be from Tuesday, 18 September 2018 (arrive in Singapore) to Sunday, 23 September 2018 (depart from Singapore).

We are excited and look forward to having Nick come to Singapore to join us in our World Alzheimer's Month programme. We look forward to a continued collaboration with Kiama Municipal Council as we embark on our journey to pilot a Dementia Inclusive Neighbourhood in Singapore.

We look forward to a favourable reply.

Thank you

Yours sincerely

  
Theresa Lee  
Deputy Chief Executive Officer

**11.11 2018 Illawarra Business Awards Supporting Partnerships Sponsorship**

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: 3.1.1 Implement the Kiama Economic Development Strategy

**Summary**

This report recommends that Council provide sponsorship support to the Illawarra Business Chamber for the 2018 IMB Bank Business Awards.

**Finance**

Economic Development Budget

**Policy**

N/A

**Communication/Community Engagement**

Nil

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

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

**BACKGROUND**

The 2017 IMB Bank Illawarra Business Awards were held in October 2017 and was well attended with over 700 guests in attendance and over 100 business entries in 14 different categories.

The Illawarra Business Chamber have invited Council to take part in the 2018 event as a Supporting Partner with a financial commitment of \$2,000. As a Supporting Partner, Council will have the opportunity to leverage sponsorship through:

- Recognition and exposure as a business leader and supporter of the Illawarra Business Community
- Council's Logo on all IBC Awards and related marketing collateral
- Council's logo placed in the Awards evening program
- Council's logo on the banner advertising at WIN Entertainment Centre entrance generating maximum exposure

## Report of the Director Corporate, Commercial &amp; Community Services

**11.11 2018 Illawarra Business Awards Supporting Partnerships Sponsorship (cont)**

---

- Logo displayed on rotation on the big screen during the dinner breaks on the awards night
- Four (4) tickets to the 2018 IMB Bank Illawarra Business Awards ensuring exclusive seats on the night
- Potential to leverage Council's involvement in the Awards through our own marketing activities and brand association with the region's largest and most prestigious business awards.
- Council to host a workshop for participants in partnership with the Kiama and District business Chamber to encourage local participation and assistance with application process.

The Illawarra Business awards provide an opportunity for business development and growth and our sponsorship support will encourage our local businesses to participate in the awards, and to strive to achieve business excellence and regional recognition.

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

Nil

## 13 REPORT OF THE DIRECTOR BLUE HAVEN

### 13.1 Blue Historical decisions

Haven

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.2 Planning for and assisting specific needs groups

Delivery Program: 1.2.1 Operate Blue Haven Care

#### Summary

This report responds to a query from Cllr Brown in regard to the history of Blue Haven and the significant decision points that resulted in the current construction project on the site of the old Kiama Hospital.

#### Finance

N/A

#### Policy

N/A

#### Communication/Community Engagement

N/A

#### Attachments

- 1 Blue Haven Retirement Village 1970-1987+[↓](#)
- 2 Provision Allocation - Summary since allocation January 2014[↓](#)

#### Enclosures

Nil

### **RECOMMENDATION**

That Council note the information contained in the report.

### **BACKGROUND**

#### First Origins

Blue Haven will celebrate its 40<sup>th</sup> birthday in 2019. A speech made to an unknown audience by Tony Matterson, the Town Clerk (General Manager) of Kiama Council, titled 'Blue Haven Retirement Village 1970 – 1987+) is attached for Councillors reference. This speech provides a contemporary account of how the original facility came in to being and why.

There has always been a Blue Haven 'Board' or Advisory Committee, with community and Councillor representatives, that has overseen the activities of the independent living units (ILUs) and aged care facility (ACF). However, until recently, the ILUs and ACF have operated independently, with the Director of Nursing and the Manager of the ILUs each reporting to the General Manager.



Report of the Director Blue Haven

13.1 Blue Haven  
Historical decisions (cont)

---

Community Aged & Disability Services

During the 1990's Council also extended its provision of aged care services and introduced disability services with funding obtained through the Home and Community Care (HACC) program. This built on the already well-established Community Nursing program that existed. However, the community services that became established over the next decade were managed separately to both the Blue Haven Independent Living Units and Blue Haven Aged Care Facility. Those services originally operated under a variety of individual names eg. Illawarra Domestic Assistance, Community Options and Kiama Community Transport and reported to the Director Community Services. In approximately 2007 these services all began trading under the name of Illawarra In Home Support (IHS).

In 2012, following some restructuring in Council, the Director of Nursing began reporting through the Director of Community Services rather than through the General Manager.

In 2014 major changes were occurring in the aged care sector, including the introduction of consumer directed care. In March 2014 both the Advisory Committee and Council endorsed a recommendation that the ILUs, ACF and IHS should be branded under the Blue Haven name and logo as part of a business strategy to reflect the continuum of care available.

In May 2014 Council considered a report on its continued participation in the sector; a decision that many local governments were considering. The report to Council is provided as an enclosure, however it posed the options of continuing to own and operate aged care services, create an arm's length entity, or withdraw altogether. Council nominated to continue to own and operate the services, with the following recommendations:

- endorse option one: Retain Control and Ownership of Blue Haven Care, with the necessary structural and system changes needed for Council to continue delivering these services in a sustainable way.
- endorse Blue Haven Care to investigate appropriate partnerships with other not for profit providers to enable benchmarking, potential shared services and exchange of knowledge.

Following this decision, in 2015, all the community aged and disability services were re-branded to Blue Haven Care, providing a consistent brand image for all of Council's services.

Kiama Hospital Redevelopment

In December 2006 Council was successful in its application for additional bed licences and received 52 Provisionally Allocated Places. This marked the beginning of a process to identify where to operationalise the places. The original concept had been to add an additional floor to the existing facility. When the Mackellar Wing had been completed in 2002, the capacity for such an extension had been created, including the provision of a lift well. However, the disruption to the operation of the home, coupled with the ageing infrastructure, meant that this option was ruled out at an early stage.

## Report of the Director Blue Haven

13.1 Blue Haven  
Historical decisions (cont)

---

Following the decision not to proceed with the existing site, other sites were reviewed. Initially, this was the quarry on Barney St and a greenfield site on the Spring Creek land owned by Council. Then a third option was also considered, being the hospital site on Bonaira St.

In 2008 negotiations commenced with the Illawarra Area Health Service to acquire the site of the Kiama Hospital. The report details much of the process undertaken during the ensuing years in dealing with different governments and changes within the health service.

In 2013 Council submitted an application under Restart Illawarra (from the proceeds of the Port Kembla lease) for \$8m to construct a 134 bed aged care facility on the site of the Kiama Hospital. The application was supported by the Illawarra Shoalhaven Local Health District. Following the success of the Expression of Interest stage, Council was advised by NSW Infrastructure that the application would be stronger if it was submitted jointly with ISLHD. This was agreed to, however, that meant that the \$8m was now a shared application and would not be solely for the benefit of KMC.

In December 2013 Council was notified that the application was successful. At that time the project involved the purchase of the site by KMC to construct a 134 bed aged care facility and for the ISLHD to refurbish the outpatient facilities on site. There would also be capacity on the site for future senior living, there would be an interface with Council's community aged and disability services and Barroul House would be restored. The proposed development cost at that time was \$45m.

Council has since progressed the planning of the new construction. In the early stages it was identified that the whole site needed to be master-planned to ensure the best outcome. It was also identified that it would be preferable to construct the seniors living at an early stage, as this is an income generating component of the project. In addition, it would also cause less disruption to residents and neighbours if the project was constructed in a single phase.

Council engaged Premier Consultants, aged care specialists, to develop the feasibility analysis, advise on the project and undertake the initial project management. They continued to work with Council until the engagement of the current Project Managers, APP. The final design, at the value of \$104m, includes the 59 ILUs, offices for the community services staff, community hall and meeting rooms and Barroul House. The increased cost reflects both the increased scope of the project and the increase in costs between 2013 and 2018.

-1-

**BLUE HAVEN RETIREMENT VILLAGE**  
1970 - 1987+

KIAMA IS LIKE MANY OF THE SMALLER TOWNS AND VILLAGES OF EARLIER TIMES. IT HAS A RECORD OF A POPULACE OF CARING, SHARING AND A HELPING HAND TO ITS COMMUNITY.

THE LONG ESTABLISHED COUNCIL HOME NURSING SERVICE HAD ITS BEGINNING IN VOLUNTARY SERVICE. SMALL INFORMAL COMMUNITY GROUPS RAISED FUNDS TO CONTRIBUTE TO THE CAPITAL COSTS OF THIS SERVICE. THIS WAS AND STILL IS A 7 DAY A WEEK SERVICE WHICH HAS OPERATED IN THE AREA FOR ALMOST 40 YEARS.

THE STATE GOVERNMENT AUGMENTED THIS SERVICE IN THE MID 70'S. THAT SERVICE HAS CONTINUED TO GROW ON A 5 DAY A WEEK BASIS SUPPLYING A WIDE RANGE OF SPECIALIST SERVICES.

A FURTHER EXAMPLE OF COMMUNITY INVOLVEMENT IS THE MEALS ON WHEELS SERVICE. MUCH OF THE CENTRAL CORE OF THE SERVICE IS GOVERNMENT FUNDED WHILE THE HARD WORK, REACH OUT, PUT A HUMAN TOUCH ON IT, IS EXECUTED BY THE DEDICATED GROUP OF VOLUNTEERS.

THUS IS WAS NATURAL THAT THE RETIREMENT HOME CONCEPT SHOULD DEVELOP IN KIAMA.

THE STIRRINGS OF THIS STARTED TO OCCUR IN THE LATE 60'S. WHEN PAUL SAPHIN BECAME MAYOR HE STARTED

Item 13.1

Attachment 1

-2-

IN 1971 HE FORMED THE BLUE HAVEN COMMITTEE. THIS WAS A PUBLIC COMMITTEE WHICH WAS SEEKING MEANS OF ESTABLISHING A RETIREMENT COMPLEX.

THIS COMMITTEE RECEIVED AN EARLY FILLIP TO ITS ACTIVITIES WHEN TONY FREEDMAN, THE OWNER OF THE OLD STATE RAIL QUARRY INDICATED HE WAS GIVING AN ACRE OF LAND FOR THE ESTABLISHMENT OF A RETIREMENT COMPLEX.

THE MT. WARRIGAL RETIREMENT TRUST RECEIVED ADVICE OF A GRANT FOR A 56 BED HOSTEL. THE TRUST COGNISANT OF THE HELP IT HAD RECEIVED FROM KIAMA MUNICIPAL COUNCIL INDICATED IT WOULD ONLY USE 28 BEDS OF ITS GRANT. THE BALANCE THE TRUST WOULD GIVE TO KIAMA MUNICIPAL COUNCIL. IN MANY WAYS MUCH HAD BEEN ACHIEVED IN THE EARLY YEARS OF THE COMMITTEE, A PROMISE OF LAND, ADVICE OF A GRANT FOR A HOSTEL.

HOWEVER, IN 1973 THERE WAS SOME WIND DOWN IN ACTIVITIES DUE TO RESIGNATION OF ITS SECRETARY G.T. WRIGHT. NO FUNDS WERE AVAILABLE TO MEET THE COSTS, NOR WERE PLANS IN HAND TO RAISE FUNDS. THIS WAS PERHAPS UNDERSTANDABLE AS THERE WAS NO OVERALL VIEW OF WHAT SHOULD BE CARRIED OUT ON THE SITE.

IN 1974 COUNCIL CALLED FOR EXPRESSIONS OF INTEREST FOR ARCHITECTURAL SERVICES FOR THE DEVELOPMENT OF ITS SITE. AT THIS STAGE IT WAS APPARENT THAT MORE LAND WAS REQUIRED TO ALLOW THE APPROPRIATE DEVELOPMENT.

Item 13.1

Attachment 1

-3-

AN APPROACH WAS MADE TO MR. FREEDMAN TO EXTEND HIS EARLIER GENEROSITY AND PROVIDE MORE LAND. THIS WAS SUCCESSFUL. MR. FREEDMAN WHO AT THAT TIME WAS IN THE PROCESS OF DISPOSING OF HIS LAND ARRANGED FOR ADDITIONAL LAND TO BE MADE AVAILABLE TO COUNCIL. THESE NEGOTIATIONS WERE CONCURRENT WITH THE APPOINTMENT OF AN ARCHITECT. FOLLOWING SHORT LISTING INTERVIEWS, AND NEGOTIATIONS COUNCIL APPOINTED G.K. TWIBILL AS PROJECT ARCHITECT TO PRODUCE SCHEMATIC PLANS. AT THIS STAGE THE BLUE HAVEN COMMITTEE WAS STILL A PUBLIC COMMITTEE, REPORTING TO COUNCIL WHO ACTED ON THE RECOMMENDATIONS. THE ACTUAL PERSONNEL OF THE COMMITTEE TENDED TO CONTINUALLY CHANGE ALTHOUGH THE STALWARTS HUNG IN THERE. THE PROCESS OF CLOSE EXAMINATION OF BUILDING PROPOSAL WAS UNDERTAKEN BY THE COMMITTEE. THE DISCUSSION WAS MONITORED THE ARCHITECT G.K. TWIBILL. AT THIS STAGE THE TRUE VALUE OF COUNCIL'S APPOINTMENT WAS FOUND. TWIBILL PROVED HIMSELF TO BE AN ARCHITECT OF REPUTE, VERSED IN COMMONWEALTH DEPARTMENT MYTHOLOGY WHO WAS POSSESSED OF A LOGICAL, PERSUASIVE CAPACITY.

UNDERLYING ALL THIS WAS A GREAT PROBLEM OF NOT BEING ABLE TO REGISTER PLAN OF SUBDIVISION AND THUS OBTAIN TITLE TO THE SITE. THERE WAS A PROBLEM IN THE REGISTRAR GENERAL'S DEPARTMENT WITH MORE LAND ON PAPER THAN PHYSICALLY

Item 13.1

Attachment 1

-4-

EXISTING. THIS SUBDIVISION WHICH WAS FOR ALL OF THE OLD STATE RAIL QUARRY DID NOT ACCORD WITH OTHER ESTABLISHED REFERENCE POINTS. THE REGISTRAR MADE REQUISITIONS ON VARIOUS SURVEYORS. THIS CONTINUED FOR ALMOST TWO YEARS. THE PLAN OF BLUE HAVEN WAS FINALLY ACCEPTED IN ITS ORIGINAL FORM.

THE PLANS OF THE COMPLEX PROPOSING A 40 BED NURSING HOME 28 BED HOSTEL AND 16 INDIVIDUAL LIVING UNITS WAS ACCEPTABLE TO THE COMMITTEE AND BY COUNCIL. THE TERMS OF THE ORIGINAL GRANT ONLY COVERED 28 HOSTEL UNITS. THE GRANT FOR A NURSING HOME OR INDIVIDUAL LIVING UNITS WAS NOT DETERMINED. THE PROVISIONS OF THE PARTICULAR ENABLING ACT REQUIRED THE FORMAL APPLICATION AND PLANS TO BE LODGED WITH THE DEPARTMENT IN CANBERRA NOT LATER THAN 28TH AUGUST 1975. THIS WAS ACHIEVED.

IT IS INTERESTING TO NOTE THAT ONE OF THE REQUIREMENTS OF THE GRANT APPLICATION WAS THE ESTIMATED COST, ESTIMATED VALUE OF THE POSSIBLE GRANT AND FUNDS PHYSICALLY IN A BANK ACCOUNT TO MEET THE SHORTFALL. THE COMMONWEALTH GOVERNMENT WOULD NOT ALLOW COUNCILS TO USE LOAN FUNDS TO FINANCE THE SHORTFALL. ANYONE WITH KNOWLEDGE OF KIAMA MUNICIPAL COUNCIL OF EARLY 70'S WOULD REALISE THE DIFFICULTY TO FIND THE \$200,000. FOUND IT WAS. THIS STAGE REPRESENTED

Item 13.1

Attachment 1

-5-

WAS A DECISION TO PROCEED.

THIS SENSE OF ACHIEVEMENT WAS SHORT LIVED. THE DECISIONS OF ARMISTICE DAY 1975 NOT ONLY BROUGHT AN END TO THE WHITLAM GOVERNMENT BUT ALSO ITS SPENDING PROPOSALS. IT BECAME ABUNDANTLY CLEAR BEFORE THE END OF 1975 THE FUTURE OF THE PROJECT WAS BLEAK.

1976 WAS FOR THE PROJECT POINT OF VIEW A VERY DREAR YEAR. CONSTANT CONTACT WAS MAINTAINED WITH THE DEPARTMENT BOTH IN SYDNEY AND CANBERRA. EVERY EFFORT WAS MADE TO ENSURE THAT FUNDS WOULD BE PROVIDED IN THE 1976 BUDGET. HOWEVER, THE BUDGET OF 1976 WAS RAVAGED BY THE RAZOR GANG WITH LITTLE OR NO FUNDS PROVIDED FOR NEW NURSING HOME OR HOSTEL GRANTS.

THIS TIME WAS A VERY DIFFICULT PERIOD FOR THE BLUE HAVEN COMMITTEE. THERE WAS NO KNOWN TIMING FOR POSSIBLE GRANTS. HOWEVER, EFFORTS WERE CONTINUED TO ENSURE THAT PLANNED PROPOSALS WERE UPDATED TO MEET THE CHANGING STANDARDS BEING ADOPTED BY THE DEPARTMENT. EFFORTS WERE MADE TO RAISE FUNDS FROM THE COMMUNITY. ONE PARTICULAR ACTION TAKEN WAS A DOORKNOCK APPEAL. THIS ACTION WAS LIMITED TO THE AREA NORTH OF MT. PLEASANT IN ORDER NOT TO CONFLICT WITH MAYFLOWER VILLAGE WHICH WAS STARTING TO CONSIDER ITS PROPOSALS. THIS DOOR KNOCK WAS WELL RECEIVED RAISING AN AMOUNT APPROACHING \$5,000.

Item 13.1

Attachment 1

-6-

AT THIS STAGE THE END OF 1976 IT WAS APPARENT THAT NO GRANT WAS FORTHCOMING FOR THE BLUE HAVEN PROJECT. ANOTHER YEAR OF FRUSTRATION. ANOTHER YEAR OF INFLATION!

LIAISON WITH THE DEPARTMENT CONTINUED IN 1977 IT BECAME APPARENT THAT THERE MIGHT BE SOME PROSPECTS OF DEPARTMENTAL FUNDING. NO GUARANTEES THOUGH!

IN ORDER TO BE READY IN CASE THERE MIGHT BE FUNDS AVAILABLE COUNCIL CONSIDERED IT APPROPRIATE TO CALL TENDERS FOR THE PROJECT. THIS RESULTED IN CONSIDERABLE INTEREST BY THE BUILDING INDUSTRY. WHEN TENDERS CLOSED THE CHEAPEST TENDER WAS FROM A LARGE WELL REPUTED SYDNEY BUILDER. THE DIFFERENCE BETWEEN THE LOWEST AND 2ND LOWEST WAS SLIGHT. HOWEVER, DESPITE THE DESIRE TO DEAL WITH A LOCAL FIRM IT WAS NOT JUSTIFIABLE TO DO SO. THIS ACTION OF CALLING TENDERS EARLY PROVED WISE AS THE BUDGET OF 1977 ALLOCATED SUFFICIENT FUNDS TO PROVIDE GRANTS FOR BLUE HAVEN.

CONTACT WAS MADE WITH THE DEPARTMENT TO CONTINUE THE APPLICATION OF TWO YEARS EARLIER, AND TO UPDATE IT TO CURRENT COSTS. THE DEPARTMENT WAS MOST UPSET THAT COUNCIL HAD CALLED TENDERS. INDEED THEY TRIED TO STATE NO AUTHORITY HAD BEEN GIVEN FOR SUCH ACTION. TRUE BUT AS POINTED OUT TO THE DEPARTMENT NO AUTHORITY, OTHER THAN THAT OF THE PROPRIETOR WAS REQUIRED IN FACT THE ONLY AUTHORITY WAY TO

Item 13.1

Attachment 1



-7-

KNOW THE COST WAS TO TEST THE MARKET BY WAY OF TENDER. THIS VIEW WAS BEGRUDGINGLY ACCEPTED BY THE DEPARTMENT. A REASSESSMENT OF THE GRANT OF A COUPLE OF MONTHS BEFORE WAS NEGOTIATED WITH THE DEPARTMENT RESULTING IN AN INCREASE FROM LESS THAN \$800,000 TO SLIGHTLY OVER \$1,000,000.

IT IS NOT KNOWN FOR THE VEHEMENT VIEW OF THE DEPARTMENT. HOWEVER, MY PRIVATE OPINION IS THE EMBARRASSMENT OF DEPARTMENT OFFICIALS WAS THE REASON. FUNDS HAD BEEN ALLOCATED ON 1975 COSTS IN A 1977 ENVIRONMENT CONSIDER THE KIAMA CASE AND MULTIPLY THIS THROUGHOUT AUSTRALIA, THE AMOUNT AT STAKE IS SUBSTANTIAL. THE BLOW TO DIGNITY WAS GREATER

NOW A DEPARTMENTAL GRANT HAD BEEN MADE AVAILABLE FOR A 40 BED NURSING HOME AND A 28 BED HOSTEL. NO FUNDS WERE FORTHCOMING FOR INDIVIDUAL LIVING UNITS. HENCEFORTH THE DEPARTMENT WOULD NOT PROVIDE ASSISTANCE FOR THESE.

IN ORDER TO HASTEN THE START OF CONSTRUCTION A LETTER OF INTENT WAS SIGNED WITH THE BUILDERS. THERE WAS AN ABSOLUTE LIMIT ON THE LETTER OF INTENT OF \$100,000. THE CONTRACT DOCUMENTS WERE GIVEN TO THE BUILDER TO CHECK AND SIGN.

IN NOVEMBER 1977 PRELIMINARY WORK STARTED ON THE SITE. THIS WAS BY WAY OF SITE WORK, SITE HUTS GATHERING LOCAL LABOUR SUBCONTRACTORS WITH A SYDNEY BASED PROJECT MANAGER. BY CHRISTMAS 1977

Item 13.1

Attachment 1

-8-

THE BUILDER HAD NOT SIGNED THE CONTRACT WHILST WORK SEEMINGLY WAS SLOW. EFFORTS WERE MADE TO RECTIFY THIS HOWEVER COMMUNICATION SEEMED POOR. COME THE END OF JANUARY 1978 COUNCIL TERMINATED THE BUILDER. THE LETTER OF INTENT STOOD THE TEST OF LAW. NO DOUBT COUNCIL RECEIVED VALUE FOR ITS COST. HOWEVER THE PAPER WORK WAS SUBSTANTIAL. IT IS A DIFFICULT SITUATION AT ANYTIME TO TERMINATE A BUILDER WITH A GOVERNMENT DEPARTMENT INVOLVED IT IS MORE SO. RESOLUTION WAS FOUND. RATHER THAN GO TO THE MARKET AGAIN AND LOOSE TIME IT WAS DECIDED TO ASK THE SECOND LOWEST TENDERER TO UPDATE HIS TENDER IN ACCORD WITH THE PRESCRIBED MEANS OF DEPARTMENT AND BUILDING PRACTICE.

THESE NEGOTIATIONS WERE SUCCESSFUL AND AS A RESULT HUGHES BROS. BECAME THE BUILDER. THEY ARRIVED ON SITE IN MARCH 1978. ON 15TH APRIL 1978 SENATOR MARGARET GUILFOYLE, MINISTER FOR SOCIAL SECURITY CAME TO THE SITE AND LAID BRICKS TO MARK THE RECOMMENCEMENT.

1978 SAW COUNCIL BEING SUCCESSFUL IN ITS APPLICATION TO RECOVER FUNDS FROM THE UNCLAIMED FUNDS SECTION OF N.S.W. TREASURY. THIS RESULTED IN AN ENLARGED PRINT OF H.M.A.S. KIAMA BEING PLACED IN THE HOSTEL ALONG WITH THE BUILDERS PLACE OF THE VESSEL. IN ADDITION A MEMORIAL PLAQUE TO SERVICE PERSONNEL WAS ALSO ERECTED.

UNDER THE CONTRACT WITH HUGHES BROS. THE

Item 13.1

Attachment 1

-9-

BUILDING PROCEEDED SMOOTHLY UNTIL WIND BLEW DOWN A SUBSTANTIAL PART OF SUPPORTED ROOF TRUSSES. WHILST THE COST WAS RECOVERED THE TIME WAS LOST.

WHEN THE PROJECT RECEIVED ITS GRANT A NEW DIMENSION WAS ADDED TO THE CHALLENGE OF THE OPERATION. NO GRANT WAS AVAILABLE TO BUILD THE INDIVIDUAL LIVING UNITS WHICH MEANT THAT PERSONS HAD TO BE FOUND WITH FUNDS SUFFICIENT TO MAKE INTEREST FREE LOANS TO GAIN A LICENCE TO OCCUPY. THE SERVICES OF A LOCAL LADY MRS. GWEN MACPHERSON WERE ENGAGED TO ASSIST IN THIS PARTICULAR PART OF THE PROJECT. BY MEANS OF PROMOTIONS IN VARIOUS PAPERS, MAGAZINES, THE PROJECT BECAME KNOWN. A LIST OF INTERESTED PERSONS WAS ESTABLISHED. THESE UNITS WERE COMPLETED IN MARCH 1979. THE FIRST SIX UNITS WERE OCCUPIED THAT MONTH. THE BALANCE FILLED OVER THE ENSUING 5 MONTHS.

IN JUNE 1979 COUNCIL ADVERTISED FOR A MATRON MRS. MARGARET LENEHAN WAS THE SUCCESSFUL APPLICANT. PRIOR TO THIS COUNCIL HAD APPOINTED THE TOWN CLERK AS CHIEF EXECUTIVE OFFICER.

COUNCIL DELEGATED TO THE CHIEF EXECUTIVE OFFICER AUTHORITY TO APPOINT STAFF AND PURCHASE FURNITURE AND FURNISHINGS. AS A RESULT OF THIS THE MATRON WAS ACTIVE IN THE NEXT FEW MONTHS IN INTERVIEWING STAFF, ASSESSING AND ARRANGING DELIVERY OF FURNITURE AND FURNISHINGS.

Item 13.1

Attachment 1

-10-

THE LONG AWAITED DAY ARRIVED, THE BUILDING WAS COMPLETED. THE FIRST HOSTEL RESIDENTS WERE ADMITTED FROM 12TH SEPTEMBER, 1979. THE NURSING HOME COMMENCED IN THE FOLLOWING DAYS. WITHIN THE MONTH THE NURSING HOME, THE HOSTEL, AND THE INDEPENDENT LIVING UNITS WERE ALL FULLY OCCUPIED.

THIS REPRESENTED THE CULMINATION OF A LONG STRUGGLE BY A WIDE RANGING DEDICATED GROUP OF PEOPLE.

*Official opening 18<sup>th</sup> December 1973  
Sir Roden Cutler Mayor B.J. Noble*

WITH THE OPENING OF THE BLUE HAVEN COMPLEX COUNCIL ESTABLISHED A COMMITTEE STYLED BLUE HAVEN RETIREMENT VILLAGE BOARD TO ADMINISTER THE VILLAGE. THE FIRST CHAIRMAN OF THIS WAS MR. P.J. SAPHIN, VICE CHAIRMAN, MR. DAVID COTTEE. IN 1980 MR. SAPHIN WAS TRANSFERRED AWAY FROM KIAMA. MR. COTTEE BECAME CHAIRMAN, MR. A FOWLIE VICE CHAIRMAN. IT BECAME APPARENT THAT THE CONSTRUCTION OF FURTHER INDIVIDUAL LIVING UNITS COULD BE WELL JUSTIFIED. NOT ONLY WAS THIS ECONOMICALLY DESIRABLE BUT THERE WERE SOCIAL, EMOTIONAL BENEFITS IN ADDITION TO THE PHYSICAL CONNECTION TO THE NURSING HOME AND HOSTEL. AGAIN THE SERVICES OF G.K. TWIBILL WERE SOUGHT. THIS RESULTED IN A 6 LEVEL BUILDING FRONTING TERRALONG STREET AND HAVILAH PLACE.

COUNCIL PROCEEDED TO TEST PUBLIC REACTION TO SUCH PROPOSAL. A PROMOTION DAY WAS HELD IN THE UNITING CHURCH HALL. THIS MEETING WAS WELL

Item 13.1

Attachment 1

-11-

ATTENDED AND COUNCIL WAS INUNDATED WITH PERSONS PREPARED TO SIGN LETTERS OF INTENT AND LODGE SMALL HOLDING DEPOSITS WHILST THE PROPOSAL WAS FURTHER INVESTIGATED THE ECONOMIC DOWNTURN OF 1982 CAST COLD WATER ON THE SCHEME. THE PROPOSAL WAS PLACED ON THE BACK BURNER.

IN MID 1985 THIS 6 LEVEL BUILDING SCHEME WAS REVIVED. COUNCIL DECIDED TO PROCEED WITH THE PROJECT. THE METHOD OF EXECUTION MOVED AWAY FROM PRINCIPAL ARCHITECT - BUILDER ARRANGEMENT TO CONSTRUCTION MANAGEMENT SCHEME. MR. M.C. HARROLD WAS APPOINTED TO THE TEAM AS CONSTRUCTION MANAGER. ON THIS BASIS STAGE II OF 51 UNITS COMMENCED EARLY 1986 AND FINALISED IN AUGUSTS 1987. THE UNITS WERE DISPOSED OF ON A LOAN LICENCE BASIS THROUGH AN OUTSIDE GROUP RETIREMENT LIVING SERVICES.

COUNCIL HAS CONTINUED IN THE DEVELOPMENT OF THE SITE. IN THE EARLY 90'S IT PURCHASED THE ADJOINING 4 ACRES. IT HAS HAD PREPARED A TOTAL SCHEMATIC PLAN FOR DEVELOPMENT AS NEED ARISES. CURRENTLY IT HAS IN PROGRESS THE CONSTRUCTION OF 27 INDIVIDUAL LIVING UNITS. THE METHOD OF CONSTRUCTION IS ON A CONSTRUCTION MANAGEMENT BASIS WITH THE UNITS BEING OFFERED FOR DISPOSAL THROUGH COUNCIL'S OWN RESOURCES.

CURRENTLY THE PRESENT TOTAL CONSTRUCTION WOULD HAVE A VALUE OF APPROXIMATELY \$15 MILLION. IT EMPLOYS A TOTAL OF 60 FULL AND PART TIME PERSONS.

Item 13.1

Attachment 1

-12-

THERE IS A VALUABLE INPUT TO THE COMMUNITY  
BEYOND THE FACILITY PROVIDED.

IT SHOULD BE REALISED THAT KIAMA MUNICIPAL  
COUNCIL PRESENTS A UNIQUE OPERATION IN THE  
RETIREMENT VILLAGE CONCEPT. NO OTHER COUNCIL IS  
AS ACTIVE AS THIS.

IN 1981 MATRON LENEHAN DIED. COUNCIL APPOINTED  
ANN CLEARY TO THE POSITION OF DIRECTOR OF  
NURSING. THE SERVICE OFFERED IS EXCEEDINGLY HIGH,  
ONE OF WHICH SHE CAN BE JUSTLY PROUD.

\*\*\*\*\*

[speech.gwm]

Item 13.1

Attachment 1

**Approved Provider:** The Council of the Municipality of Kiama

**Service Name:** Blue Haven Retirement Village

**Quarterly Report:** Due 12/1/2014 - Additional Information

### **Background**

There has been a lengthy delay in being able to make operational the additional bed licences allocated to Kiama Council in December 2006. This has largely been due to the ongoing negotiations with the Local Health District around the acquisition of the Kiama Hospital site for the purpose of redeveloping the entire Blue Haven Aged Care Facility (existing 82 beds plus additional 52 licences). However, significant progress has been made and this report will outline progress to date in greater detail than previously provided.

### **Negotiations with Illawarra Shoalhaven Local Health District (ISLHD)**

Council has been negotiating since early 2008 in regard to the potential for redeveloping the Blue Haven Aged Care Facility on the Kiama Hospital site. During this time there has been a change in the State government as well as a restructure of the relevant health authority, from the South East Sydney Illawarra Area Health Service (SESAHS) to the current Illawarra Shoalhaven Local Health District (ISLHD). These changes have slowed the process as each change has required negotiations to be repeated with the new government or authority.

Other options for the redevelopment have also been considered, however the hospital site is the preferred option. The hospital site has been agreed as the preferred site given that: it has adequate space to build the aged care facility; could accommodate the co-location of Council's community aged care services; and would create an integrated hub of health and aged care with the existing hospital services remaining on site.

A summary of the negotiations that have occurred to date are as follows:

- In 2008 meetings were held with representatives of the health service as well as the local Member for Kiama. At this time the proposal put forward by Council was to purchase the hospital site and build both the new aged care facility and a health service building, which in turn would be leased back to the Area Health Service to continue their existing operations. During these meetings it was expressed that Council and the community strongly supported the retention of the existing hospital beds and community health services on the site to complement the aged care development.
- In 2009 Council was advised confidentially that the NSW Government would be prepared to exclusively negotiate with Council for the sale and development of the Kiama Hospital site. At that time it was anticipated that 15 of the existing 20

beds would remain on site as part of the aged care facility serving aged care patients being discharged from hospital following an acute episode of care. The other five beds would be transferred to Shellharbour hospital and/or other appropriate acute care facility. Council would undertake to build a new facility on site specifically designed to deliver integrated primary and community care services by the Area Health Service. Some of the proceeds from the transfer of the site to Council would be returned to Council as payment for a 40 year lease of this facility.

- In 2010 there were further meetings and correspondence and SESIAHS determined to seek approval from NSW Health to enter into direct negotiations with Council for the transfer of the site. Assessments of the site were also begun in relation to bushfire risk, significant trees, demolition costs, estimate for the upgrade of Barroul House and preliminary valuation of the site
- In 2011 negotiations and correspondence continued with the new (current) member for Kiama, Mr Gareth Ward, the Minister for Health and the CEO of the newly formed ISLHD.
- At this time negotiations still centred on the transfer of the hospital site to Kiama Council with the same intention for redevelopment.
- In 2012 negotiations began with the Chair of the Board of the ISLHD. In July Council received notification that the Board had received permission to have direct discussions with Council about the redevelopment, however approval would be needed from the Minister for Finance and Services and Cabinet approval would normally be required for direct negotiation.
- Early in 2013 Council was proceeding on the advice that the NSW government would not be willing to sell the hospital site but would be willing to enter into a long term lease arrangement. The Ministry of Health and the ISLHD were asked to engage with Council to develop a detailed business case demonstrating the viability of the proposal which would provide the basis to seek formal Government approval to commit to the proposal. For this stage Council and the ISLHD engaged a consultant to develop the business case and share the cost. During the early stages of preparing the business case Council was advised that the ISLHD would be prepared to sell the site rather than enter into a long term lease.
- The ISLHD released its 10 year strategic plan which indicated that the ISLHD does not intend to maintain the existing 20 hospital beds on site in the future.



However, the community health services will continue to operate at a similar level to their current capacity.

- In July 2013 Kiama Council submitted an application to the NSW Restart Illawarra funding program, requesting \$8million toward the Kiama Hospital project.
- In August the project was shortlisted for funding, however, Council was advised by Infrastructure NSW to consider making a joint application with the ISLHD in order to strengthen the application. The project envisages the creation of a centre of excellence in aged care, combining residential aged care, co-location of community aged care services, health out-patient care and strong links to the University of Wollongong. The final stage of the application was submitted as a joint project which entailed the following components:
  - Purchase of the hospital site by Kiama Council
  - ISLHD to refurbish a ward in Port Kembla Hospital in order to transfer the existing 20 inpatient beds off-site
  - Demolition of the inpatient wing of the Kiama Hospital and demolition of additional unusable buildings on site
  - New build of a 134 bed Aged Care Facility
  - Refurbishment of an older section of the site for the retention of ISLHD services
  - Provision of a facility to locate Council's grant funded aged care services on site
  - Restoration of a heritage cottage on site for incorporation into the overall master plan of the site
  - Potential future development of a portion of the site for Senior Living
- In December 2013 Council was notified that the grant application was successful.

### **Current Progress**

A number of activities are running concurrently in order to progress the building of the Aged Care Facility as soon as possible.

- 1) Approval is still to be obtained from NSW Property for the sale transaction to occur. A joint business case between Kiama Council and ISLHD has been prepared for their review and approval.
- 2) A Capital Expenditure Review has to be submitted to the Division of Local Government for approval for Council to proceed. This is near finalisation.

- 3) The Funding Agreement document is being prepared in conjunction with the ISLHD for NSW Infrastructure
- 4) The aim is to enact the sale on the 30<sup>th</sup> June 2014.
- 5) Council has engaged expert advice from Premier Consulting, specialists in aged care development to progress the project planning. Additional assistance is also still being obtained from Capital Insight, jointly contracted consultant for Council and ISLHD
- 6) During the period until the 1<sup>st</sup> July 2014, Council is undertaking a range of planning activities for the project including
  - a. Detailed site survey
  - b. Heritage assessment
  - c. Arborist report
  - d. Engagement of a town planner for planning purposes
  - e. Engagement of architect to complete concept designs
  - f. Preparation of tender documents for the purpose of detailed architectural planning
  - g. Detailed quantity surveying
  - h. Refined financial feasibility assessments.
- 7) Council staff are continuing to meet with representatives of the ISLHD and NSW Health on a regular basis, monthly at a minimum, but more frequently as required.

**Attachments:**

- 1) NSW Restart Illawarra application. This provides the information assessed for the \$8 million funding grant. There are additional attachments which I will send in a separate email due to size.
- 2) A draft plan of works is attached for your information. This is a working document, but provides some detail of work to be done prior to the exchange of contracts.

## 14 REPORTS FOR INFORMATION

### 14.1 Minutes: Central Precinct - April and May 2018

Responsible Director: Office of the General Manager

---

Attached for Councillors' information are the minutes of the Kiama Central Precinct meeting held on 24 April 2018.

#### Attachments

- 1 Central Precinct Minutes - 24 April 18 [↓](#)
- 2 Central Precinct Minutes - 22 May 2018 [↓](#)

**Kiama Central Precinct Meeting, 24/04/2018****Joyce Wheatley Centre, Kiama.**

Chair/President (P) Peter O'Neill

Vice President (VP) – Kim Elder

Secretary (S) – John Kril

Meeting commenced 7:03pm

**Present**

*P. O'Neill, J Kril, S. Eggins, F. Holman, G. Stewart, A. Wallace-Pannell, M. Wallace-Pannell, K. Lang, J. Fowler, G. Wilson, B. Makin, J. Williams, N. Reilly, P. Stuckey, H. Bell, G. Bell, K. Elder, M. Watson, H. O'Neill, A. Sloan(Cr), C. Brosnan, D. Balding, J. Onions, S. McGhee, C. Law(The Bugle), W. Reilly.*

1. *General welcome from The Chair.*
2. **Welcome to Country** –*Acknowledging the traditional owners of the land.*
3. **Apologies:** *M. Honey (Mayor), K. McMurray, L. Eggins, S. Alexander, C. George, D. Fawlkner*
4. **Correspondence**  
**Outgoing:**  
*Invitation to speak.*



FW Invitation to speak to Ordinary Meetings of Kiama Central Precinct.msg

*On the basis that, with the exception of Mayor Honey, no Councillors had responded to the letter of invitation sent one month earlier (see correspondence for meeting 27-03-18) inviting them to address KCP on their vision for the future development of Kiama. KCP at its March meeting voted to resend this invitation to all remaining Councillors (excluding Cr Reilley who has previously spoken on the topic).*

*To date and once again, there has been no reply, either accepting or otherwise, of this 2<sup>nd</sup> invitation from any of the addressees named as follows;- Cr Rice (Deputy Mayor), Cr Brown, Cr Sloan, Cr Steel, Cr Watson, Cr Way, Cr Westhoff.*

**Incoming:**

*Invitation to speak.*

*From Mayor Honey confirming acceptance of KCP invitation to speak at its May meeting on the topic of Future Vision for the Development of Kiama.*

*Council decision - 31 Bong Bong Street Kiama. Refer Correspondence in dropbox.*

5. **Minutes of last meeting** – *moved P. Stuckey that a correction at item 7(a) of the draft minutes under General Business be made in relation to land re Spring Creek reserve. Wording to be changed to “....land indicated as part of Spring Creek reserve will not be....”*  
2<sup>nd</sup> S. Eggins      Carried
6. **Business arising from the previous meeting** – Nil

7. **General Business**

- a) New Spring Creek development – news?

*No change to status from last meeting.*

- b) Kiama Arts Hub – news?

*Nothing further at this stage*

- c) Rubbish – bin distribution in holiday times. Rangers checking picnic areas?

*Council's response is that it does provide extra bins during holiday times however it acknowledges the community feedback that the bins need to be cleared more frequently during peak periods. It is looking to better project the level of service that is needed in the future.*

- d) Original detailed Council listing for the local heritage buildings?

*Re a study done in 2000 -2004. Some information has been provided to Sue Eggins however not the specific documents she was looking for;- specifically an inventory showing a grading of historical significance for buildings across the whole of the Kiama municipality. In the last two weeks Council has received electronic files from Dawbin Architects who undertook the 2000-04 study. It will review those files and provide same to Sue to study as appropriate.*

*Motion:*

*Put forward by P. Stuckey. The motion can be viewed in full under Attachments which appear at the end of these minutes – (Clicking on this [link](#)).*

*Moved P. Stuckey 2<sup>nd</sup> M. Watson*

*Discussion on the motion:*

*S. Eggins queried the need of a new heritage study given that the one undertaken in 2004 was comprehensive and took four years to complete.*

*Cr Sloan noted what he saw as a potential difficulty with the proposal re 'backzoning'.*

*The motion was put to the members present and was Carried.*

- e) Heritage precinct for Manning and Terralong Sts.

*Council has resolved to move forward on same. In doing so it requires that a detailed heritage study be performed to support its planning proposal. Funding for this has been included in Council's budget proposal for 2018-2019.*

- f) 31 Bong Bong St (Kiama Inn Hotel aka Tory's Hotel) development.

*Council has given approval to the proposal. Note that this approval is for the development of the site at the rear of the Grand Hotel and not for the Grand Hotel itself. The latter was the subject of a separate application to Council which was previously refused.*

- g) Akuna St. development - JRPP mtg. 12.00 Monday 30th April.

*The Chair notes that the Cowman Stoddard (town planning consultants) report provided to Council as well as review by Council's heritage officer support the development in its currently revised form going ahead.*

- h) Physical Models of large developments. Council response on the threshold for inclusion of same for large developments.

*There is no threshold as such – any such requirement being a judgement call by Council on a case by case basis.*

*There are significant costs associated with preparing a physical model if the proponent doesn't have access to a 3D printer and a model is of limited use if the design changes through the DA assessment process. Council generally requests applicants to prepare a 3D CAD model and a series of colour perspectives. These computer based models can be easily modified if the design changes – but once again there is no specified threshold for this requirement.*

- i) Bombo Quarry  
*Nothing further at this stage.*
8. CCAG update. Presentation by Karen Lang (*Chair of the Combined Community Action Group*) on the Kiama Operational Plan - 2018-19.  
*Refer the minutes folder to this evening's meeting in dropbox for the summary document [CCAG notes](#) which cover Karen's presentation on the KOP.*  
*Note - Input submissions provided by the CCAG to Council in the development of the Kiama Operation Plan can also be found in a separate CCAG folder in dropbox.*  
*\* With thanks to Karen for making her notes available for inclusion in these minutes.*
9. Planning for future mtgs.  
  - Councillors have been invited to address KCP meetings on their strategic vision and policies for Kiama. Mayor Honey has agreed to address the May meeting of the KCP on the topic.*
  - Guest speakers – new CEO, Kerry McMurray - Director Corporate, Commercial and Community Services will give a presentation later in the year.*
10. Preserving the character of Kiama or killing the goose! Implications for development.  
*Reference is given to the Dept of Planning and Environment paper – “Stepping up planning and designing for better places: respecting and enhancing local character” refer the link:- (<http://www.planning.nsw.gov.au/~media/Files/DPE/Circulars/local-character-planning-circular-2018-01-16.ashx>).*
11. Planning for government anticipated dwelling numbers  
Presentation by L. Davis – Director Environmental Services  
*Refer the minutes folder to this evening's meeting in dropbox for a copy of Linda's presentation.*  
*\* With thanks to Linda Davis for making this presentation available for inclusion in these minutes.*
12. Resolution for the meeting to consider.  
*This matter was dealt with as a motion proposed and carried under General Business item d) Refer the item under Attachments or follow the [link](#).*

In concluding the meeting The Chair advised that the next meeting of the KCP scheduled for the 22<sup>nd</sup> May would be the AGM. The current Executive will be stood down and nominations will be called for all executive positions to be filled at that meeting. Nominations may also be sent to the secretary for inclusion prior to the meeting.

---

The meeting was declared closed at 08.56pm

Next Meeting is the AGM - 22<sup>nd</sup> May, 7pm at the Joyce Wheatley Community Centre

---

ATTACHMENTS

Motion put by P. Stuckey under General Business Item e) - Heritage Precinct for Manning and Terralong Streets.

*Moved.*

- 1) *That the Kiama Central Precinct request Kiama Council to take action to preserve the Heritage values and historic character of the town of Kiama. To achieve this, KCP requests that a new heritage study be undertaken that would review all heritage items and offer protection to those items that form the character of Kiama towns, villages and rural landscapes.*
- 2) *That the present planning Policies applying to the Kiama Town area be amended to reduce the density proposed in present policies.*
- 3) *That this reduction in proposed density in Kiama be offset by allowing high density development in the proposed Bombo Quarry site.*

*Statement in support of the motion:*

*The heritage values and historic character of the town of Kiama are recognised by the thousands of tourists and visitors to the area and residents. The Kiama Charette identified those values as one of the most important aspects for the future planning of Kiama.*

*Recent developments and also many proposed developments are having a dramatic negative impact on those values. There is a serious conflict between these developments and the character of the town. The heritage value of individual buildings and items needs to be recognised when new developments are proposed, with new designs being in harmony with existing streetscapes. Currently this is difficult, as many of the older buildings that give character to Kiama are not recognised in the Kiama Heritage Register.*

*If the sites are separated so that high density modern development is concentrated at Bombo Quarry this would satisfy requirements for higher density development but preserve the historic character of Kiama Town. This model, separating the higher density development from the historic areas has been followed successfully in Europe and many towns in the UK for decades.*

*[\(Go back\)](#)*

## ***Kiama Central Precinct Meeting Executive Summary***

### *Attendance:*

John Krill, Kim Elder, Neil Reilly, Peter Stuckey, Heather Bell, Gordon Bell, Ginny Rhys, Vlado Damjanovski, Sue Eggins, Julie Wardell, Diane Westgate, L Schneider, Roz Davies, Su Montgomer-Brady, Nick Brady, Robyn Dorney, Dick Dorney, Margaret Watson, Karen Lang, Geoff, Wilson, Mark Graves, Chris Murray, Vicki Murray, RJ Phipps, Anne Greaves, Shane Gardner, Susan Alexander, Janelle Fowler Rick Scott-Murphy, Judy Losco, Ken McGrade, Mark Croxford.

1. Annual General Meeting resulted in no nominations for positions, so Peter O'Neill and Kim Elder will stay on as the executive.
2. Mayor Honey delivered his presentation on his vision of 'Kiama's Future' which included (but was not limited to) a main street makeover and improved agricultural prosperity.
3. Peter Stuckey spoke on the necessity of delivering vastly improved road safety for Shoalhaven and Bong Bong Streets, successfully putting a motion requesting council increase budget in this area.
4. Overall and continuing concern at increased development without proper controls, parking or infrastructure having the effect of spoiling amenity and diminishing the character of our town.

## ***Kiama Central Precinct Meeting Minutes***

### AGM

The meeting commenced at 7pm with Kim Elder in the chair. Kim then handed the chair to Clr. Neil Reilly, who acted as returning officer for the Annual General Meeting

All executive positions were declared vacant. There were no nominations to fill the positions, as such, Clr Reilly sought the approval of the meeting to continue



in the chair to deal with the meeting's business, permission was given by assent.

**I. Administrative Business**

**Apologies:**

Peter and Heather O'Neill, Ron Parkinson, Doug Faulkner, Cllr Andrew Sloan, Margaret, Libby Eggins,

**Correspondence:**

Email from Linda Davis, Director of Environmental Services KMC

**Minutes of Last Meeting:**

Approved

**Matter's Arising from Minutes:**

Nil

**Finance:**

Annual Finance Statement Approved

**II. General Business**

- a) CCAG Update by Karen Lang
- b) Heritage precinct. Ongoing
- c) JRPP hearing , Akuna Street
- d) Guest Speaker: Mayor Mark Honey. "My Future Vision For Kiama"
  - (i) Enhanced Main Street Façade
  - (ii) Improved Utility of Harbour
  - (iii) Improved Parking
  - (iv) Identify sites of heritage value to ensure new development would be sympathetic
  - (v) Improved Parking
  - (vi) Flourishing Rural Business

**III. Open Business**

- a) Road and Pedestrian Safety in the area of Shoalhaven & Bong Bong Streets: Peter Stuckey
  - (i) Motion: That Council include sufficient funding in the forthcoming budget to action all of the requirements of the Pedestrian and Movement Safety Plan in 2018. M: Peter Stuckey S: Chis Hollaway
- b) Question regarding Bombo Development and Spring Creek Development
  - (i) Councillor Reilly undertook to seek clarity on this issue in the form of a brief report from council that can be distributed to precinct members, it is hoped, within a week

**IV. New business**

- a) Council response to emails was said to be unsatisfactory. Clr. Reilly to investigate and report to next meeting

**V. Adjournment**

Clr Reilly adjourned the meeting at time 8:45.

Minutes submitted by: Neil Reilly

**14.2 Question for future meeting: Building Certification by Private Certifiers**Responsible Director: Environmental Services

---

At its meeting held on 17 April 2018, a Question for Future Meeting was asked by Councillor Way requesting a report on building certification and why private certifiers are taking up more business than Council. Also, how this has affected Council income over past few years.

Background to Building Certification

Building certification began when new legislation was passed by the NSW State Government in 1998. Before this time local Councils had a monopoly on this type of work. Since commencement of the legislation in 1998 the private sector has increased its market share at the expense of Council in many local government areas. This is especially the case in metropolitan areas and in major regional centers where significant amounts of new building activity is occurring that makes it profitable for the private sector. In rural areas and more remote parts of the State where less new building work is taking place or the building work is more dispersed, the private sector has been less eager to compete with local Councils as the infrequent and scattered nature of the work greatly reduces profitability. Councils however do not have the choice to withdraw from offering building certification service in their local government area due to a lack of profitability as Council is required by legislation to offer a building certification service for their area.

What work are Building Certifier's allowed to do?

Accredited Certifiers working as Building Surveyors may determine applications for construction certificates and complying development certificates, and may be appointed as the Principal Certifying Authority (PCA) for the development if they hold the appropriate level of accreditation. When accredited certifiers working as Building Surveyors issue development certificates they confirm that they are satisfied the development meets legislative requirements. Accredited certifiers undertaking building certification also inspect construction work at critical stages, which differ according to the type of development. The PCA or accredited building certifier carries out these critical stage inspections during construction to ensure the building work is in generally in accordance with the approved plans, development consent and any other relevant legislative requirements.

The PCA is also responsible for issuing the occupation certificate at the completion of the development. At the end of construction, the property owner must apply to the PCA for an occupation certificate. The PCA will then conduct a final inspection and issue this certificate if satisfied that the building is suitable for occupation or use. A building must not be occupied or used without an occupation certificate.

Categories of Builder Certifiers

Building certification is one of many different categories of accredited certifiers regulated by the Building Professionals Board. Building Certifiers are subject to different levels of accreditation criteria and legislative requirements depending upon their level of accreditation:

- A1 building certifiers are unrestricted and can certify all classes of buildings.

## Reports for Information

## 14.2 Question for future meeting: Building Certification by Private Certifiers (cont)

- A2 building certifiers can certify all class 1 (single dwellings) and 10 buildings (garages/sheds), and certain class 2-9 buildings subject to restrictions.
- A3 building certifiers can certify class 1 and 10 buildings meet the deemed-to-satisfy provisions of the Building Code of Australia.
- A4 accredited building surveyors can only act as building inspectors and cannot issue any certificates.

Review of the Past Five years of Building Certification Work in Kiama

The two tables shown below illustrate building certification work in the Kiama Council area over the past 5 years.

**Breakup of Construction Certificates Issued for Building Work**

Year	2013	2014	2015	2016	2017	2018*	Annual Averages
Council	96	89	101	85	68	22	87.8
%	40.5	39 ↑	33 ↑	27.9 ↓	20.4 ↓	21.6	32.1
PCA	141	139	207	220	266	80	194.6
%	59.5	61 ↓	67 ↓	77.1 ↑	79.6 ↑	78.4	67.9
<b>Total</b>	<b>237</b>	<b>228 ↓</b>	<b>308 ↑</b>	<b>305 ↑</b>	<b>334 ↑</b>	<b>102</b>	<b>282.4</b>

**Breakup of Complying Development Certificates Issued**

Year	2013	2014	2015	2016	2017	2018*	Annual Averages
Council	13	12	9	15	26	3	15
%	18.3 ↑	12.9 ↓	11 ↓	17.6 ↑	17.2 ↑	7.5	15.4
PCA	58	81	73	70	125	37	81
%	81.7 ↓	87.1 ↑	89 ↑	82.4 ↓	82.8 ↓	92.5	84.6
<b>Total</b>	<b>71</b>	<b>93</b>	<b>82</b>	<b>85</b>	<b>151</b>	<b>40</b>	<b>94.4</b>

Key:

↑ above 5 year average;

↓ below 5 year average;

\* Year to date (end May) excluded from annual averages.

Why do PCAs have a Greater Market Share than Council in the Kiama LGA?

The decision to choose between a PCA and a Council is the choice of the property owner. The reasons why they make their decision are both many and varied. Property developers generally elect to use a PCA that either they or their builder has a working relationship with and in their mind they may feel that they possibly have a

## Reports for Information

## 14.2 Question for future meeting: Building Certification by Private Certifiers (cont)

greater capacity to influence their decision making or timing on the release of certificates both of which may have a bearing on the profitability of the project for them. Owner occupiers that have little knowledge or experience with the appointment of an accredited certifier are generally influenced by the recommendation of their builder. Savvy owner occupiers or owner builders may choose to use Council certifiers to ensure that the builder is “kept honest” during the build.

PCAs being in the private sector also have the capacity to offer inducements such as gift cards, free tickets to sport events, fully catered Christmas parties, cash back bonuses and other incentives to induce owners and builders to use their services. PCAs often have more staff offering a quicker more responsive service with early, late and weekend work available to service the demands of their clients. Private certification firms often have bigger salary budgets so can pay more to attract and retain more highly accredited and experienced staff. Councils are often under severe budget constraints and are then constrained further by a salary system that cannot compete with the private sector. Accredited certifiers are also in high demand with a clear skills shortage generated by a property construction boom and the retirement of many older “baby boomer” building certifiers that were often employed by Council.

Councils are also maligned by an unfair reputation that they do not offer an efficient service. Often DAs require a higher standard of assessment against State and Council policy with variations to policy common place. The determination process takes longer because of this more complex assessment process, variations and neighbour notification which private certifiers issuing relatively simple compliant CDC’s and CC are not subject to. Furthermore, sometimes DAs are required to be reported to Council for determination especially relatively minor applications that receive 4 or more submissions. These processes add to the timeliness of the determination of DAs and can place Council in a bad light and encourage more people to use PCAs.

Council’s Development Assessment Division is also currently under staffed and has been for the past 9 months. A number of staff left at a time when Council had an application backlog and we have not been able to fully recover given the current staff shortage.

**14.3 Question for future meeting: Dual occupancy applications approved under delegation where minimum solar access has not been met**Responsible Director: Environmental Services

---

At its meeting held on 17 April 2017, a Question for Future Meeting was asked by Councillor Rice for a report providing the number of dual occupancy applications that have been approved under delegation where minimum solar access has not been met.

A review of Council's Development Application (DA) records for dual occupancies developments for 2016 and 2017 is shown below:

2016

- A total of 19 dual occupancies were determined by Council during this calendar year. These can be broken down further into:
  - 1 being determined by the elected Council. This application was recommended for approval by staff but was refused by the Council. The applicant appealed this decision to the Land & Environment Court and was granted an approval.
  - 18 being determined by staff under delegation.

A review of the 18 determined by staff under delegation found that:

- Dwelling 1 of DA 10.2016.4.1 will not receive the minimum solar access for the private open space (POS) area as the owner chose to provide a roofed "alfresco" area. It should be noted that a roofed "alfresco" area over the POS can be erected as Exempt Development up to 25m<sup>2</sup> so could have been erected post development consent if Council staff required the roof to be removed from the plans before issuing the development consent
- Both dwellings of dual occupancy DA 10.2016.16.1 will not receive the minimum solar access to their living areas as they are located in Northpoint Place, Bombo and the design had the living areas on the south side to take advantage of water views over Bombo Beach. Each dwelling is however provided with north facing private open space areas at the rear to compensate.
- The other 16 DAs were fully compliant with solar access requirements.

2017

- This was a busier year with 48 applications lodged for dual occupancy development. Of this number a total of 35 dual occupancies were determined by Council representing an 84% increase in the total number determined when compared to 2016. These applications can be broken down further into:
  - 17 being determined by the elected Council, 16 of which were recommended for approval by staff. Of these 17 applications 15 were approved and 2 were refused by the elected Council. DA 10.2017.81.1 was refused on staff recommendation and DA 10.2017.241.1 was recommended for approval by staff but was refused by Council. This application has subsequently been appealed by the applicant to the Land

## Reports for Information

## 14.3 Question for future meeting: Dual occupancy applications approved under delegation where minimum solar access has not been met (cont)

---

& Environment Court and the outcome will be known after the Section 34 Conciliation and Hearing set down for 3 and 4 September 2018.

- 18 being determined by staff under delegation.

A review of the 18 determined by staff under delegation found that:

- Only DA 10.2017.93.1 will not receive the minimum solar access for the POS area situated at ground level. To overcome this deficiency the designer created 2 x 24m<sup>2</sup> POS areas with the first floor POS area being north facing, directly accessible from the main living areas and highly functional.
- All other dual occupancies will meet the minimum solar access requirements.

Of the 36 dual occupancies approved under delegation authority over the 2016 and 2017 calendar years only 2 (ie 5.5%) will not receive the minimum solar access for the private open space area but provided alternative solar access opportunities. As mentioned above most of these designs compensated for the fact that the primary private open space areas were in south facing rear yards (and hence not receiving the minimum solar access requirement) by introducing a second north facing balcony which achieved a high level of solar access.

Of the 36 dual occupancies approved under delegation authority over the 2016 and 2017 calendar years only 1 (ie 2.7%) will not receive the minimum solar access to their living areas.

The above analysis demonstrates that Council staff have used their delegations very carefully with respect to varying the minimum solar access requirements contained within Kiama DCP 2012. Staff have worked with applicants to get good built form outcomes that achieve high amenity for occupants balanced with the constraints of allotments that either have sloping southerly aspects to the rear of the site or southerly aspect to frontage but enjoy a great view.

On the basis, Councillors can have confidence that the intent of solar access provisions to private open space areas and living areas contained in Kiama DCP 2012 is being respected in determinations issued by Council staff under delegated authority.

**14.4 Funding offer for completion of the Kiama Coastal Management Program from the Office of Environment and Heritage**Responsible Director: Environmental Services

---

Council has been approved for funding under the Coast and Estuary Grants Program – Planning Stream, to undertake the development of a Coastal Management Program for the Kiama Local Government Area.

Council has received a formal letter of offer and funding agreement, with the requirement for submission of a work plan by 5 November 2018. Council officers will be working with the Office of Environment and Heritage contact officer to develop and submit the work plan in the coming months.

Council will need to allocate \$35,000 for each of the 2018/19, 2019/20 and 2020/21 financial years to complete the project. The \$35,000 for 2018/19 has been included in the budget.



**14.5 Minutes: Jamberoo Valley Ratepayers and Residents Association meeting - 1 May 2018**

Responsible Director: Office of the General Manager

---

The minutes of the Jamberoo Valley Ratepayers and Residents Association meeting held on 1 May 2018 are attached for Councillors' information.

**Attachments**

- 1 Minutes - Jamberoo Valley Ratepayers and Residents Association meeting - 1 May 2018 [↓](#)

**JAMBEROO VALLEY RATEPAYERS AND RESIDENTS ASSOCIATION Inc.**

PO Box 146  
JAMBEROO  
NSW 2533

[JVRRASecretary@gmail.com](mailto:JVRRASecretary@gmail.com)

**Minutes of the JVRRA's Monthly General Meeting  
on Tuesday 1 May 2018 at 7.30 p.m. in Club Jamberoo**

**Attendees**

Jaqueline Jakeman, Kevin Mills, Ros Neilson, John Zimmer, Ray Nolan, Brian Dixon, Ken Jeffrey, Rob McKinnon, Neil Reilly, Kerry McMurray, Greg Harris, Margaret Stephens, Max Brennan, Michael Brennan, Andrew Waugh, John Friedmann, Gary Cochran, Helen Cochran, Mary Lou Reid, Geoff Reid, Narelle Day, Kylie Jullien, Hazel Lewis, Phil Lewis, Marea Gardner, Veronica Baker, Sidney Baker, Peter Brown, Diane Thompson, Stuart Richards, Paul Rogers, Barbara Jakeman, Viv Boxsell, Geoff Boxsell, Roger Lyle.

**Apologies**

Mayor Mark Honey, Graham Pike, Anne Pike, Gordon Streek, Colin Hollis, Glenys Day, Ros McKinnon, Vivienne Maris, Julie McDonald, Tony Day, Sally Rogers, Lesley Friedman, Bob Neilson.

**Meeting opened by Chairman, Rob McKinnon, at 7.30.**

1. **Chair welcomed members and guests, including Kiama Council General Manager Kerry McMurray and Councillor Neil Reilly**

Rob McKinnon thanked the CWA for the loan of their data projector and screen for JVRRA General Meeting use.

2. **Minutes of the previous JVRRA General Meeting of 3 April 2018.**

The minutes as published were carried.

3. **Any matters arising from the previous Minutes not listed elsewhere in the Agenda.**

There was no business arising.

4. **Correspondence In and Out.**

**Correspondence IN:**

- Road safety issues (see Matters arising from the Correspondence)
- Infrastructure issues (see Infrastructure Discussion – correspondence between Roger Lyle and Gino Belsito about the Chapel Lane footpath completion)
- GVR responses (see Item 6 below)
- Link to ABC News discussion of the management of agricultural land surrounding urban areas

**Correspondence OUT**

- Letters to Council re road safety concerns, opening hours of swimming pool toilets, CCTV cameras in Kevin Walsh oval and Reid Park, and footpath in Chapel Lane

5. **Matters arising from the correspondence not listed elsewhere**

Re the traffic safety issues raised at April meeting: Gino Belsito will be sending out inspectors to investigate safety concerns in North Curramore Road. The issue of speeding at the

1

Item 14.5

Attachment 1

Churchill Street Drualla Road intersection should be referred by concerned residents to NSW Police.

**6. Outcome of the Golden Valley Road campaign**

General discussion:

- Several letters were received by JVRRA expressing disappointment with the Council vote to recommend that the rezoning proceed.
- Copies of letters written by JVRRA members to the Councillors and media were forwarded to JVRRA.
- Concern was expressed at the meeting that an interview with Mayor Honey reported in the media indicated that the Mayor had received majority community support for the new Council decision, but it was difficult to understand how that support could have been garnered in the time frame preceding the interview.
- Concern was expressed regarding the little weight that appeared to have been placed on community submissions in the debate.

Kerry McMurray confirmed that Council's letter documenting their vote on GVR has been forwarded to the NSW Minister for Planning, and a response is not expected for a couple of months.

Discussion re specific problems that the GVR developer is going to have to address: At this stage the most concerning is **vehicular access**. Andy Waugh reported that he has suggested to Council that the boundary on the east side of the subdivision be extended to allow road access to Allowrie Street, with a roundabout installed at the intersection. There were queries about whether such an extension has been included in the development site. Marea Gardner mentioned that Macquarie Street residents may also be affected by problems with vehicular access to Golden Valley Road. Garry Cochran argued that the widening of Golden Valley Road itself cannot be done without resuming existing properties. It was agreed at the meeting that JVRRA will write to Council requesting information about what vehicular access planning is being made.

Discussion about **village boundaries** - specifically whether the Mayor's expressed hope that the Golden Valley Road subdivision will 'book end' the western edge of Jamberoo, is formalised in any existing Council policy. Councillor Neil Reilly commented that the Kiama Urban Strategy is due for review, and boundaries can indeed be incorporated into that Strategy document. Councillor Reilly said he would be able to place a Question without Notice requesting that the boundaries be made public.

Roger Lyle stressed that it is vital for the community to keep involved in strategic planning, keeping track of the extent to which strategies are being met, and also keeping track of the objectives that the strategies are intended to serve.

Discussion re whether the campaign opposing the rezoning has necessarily ended, as it is still open to the Minister for Planning to deny it.

Motion proposed by Garry Cochran, seconded by Jacqueline Jakeman:

*JVRRA write to the Minister for Planning on behalf of the JVRRA members who remain opposed to the rezoning of GVR, reminding him of their continued opposition to the rezoning.*

Motion carried. (A hand count was requested from the floor: the numbers were 18 for, 9 against).

**ACTION:** Letter to NSW Planning Minister.

7. **CCAG Representatives' Report** – Roger Lyle

Roger Lyle explained that the Combined Communities Action Group now comprises JVRRA, Kiama Central Precinct, and the South Precinct. He directed members' attention to ongoing CCAG documentation.

Roger stated that CCAG representatives have had legal advice that they should form a coalition of subcommittees from community associations that have been incorporated.

Motion, proposed Roger Lyle, seconded Ros Neilson:

*JVRRA establish a JVRRA CCAG Subcommittee comprising the current JVRRA CCAG Representatives: Rob McKinnon, Jeannie Lyall and Roger Lyle.*

Motion carried.

Roger stated that CCAG has given input into Kiama Council's new Operational Plan. The suggestions were well received.

At CCAG's request, Council will be making the documentation available for current Development Applications on public exhibition more easily accessible to the public, with associated documents filed separately instead of bundled together. Roger thanked Council for this improvement.

Roger has invited Karen Lang, who is chairing the CCAG meetings, to be a guest speaker at the next JVRRA meeting on 5 June. Karen will be providing a presentation on Council's 2018-19 Operational Plan, which will be on public display after 15<sup>th</sup> May.

8. **JVRRA Policy re Development Applications forwarded to JVRRA from Kiama Council**

Roger Lyle informed the meeting that Kiama Council sometimes forwards information about new Development Applications to JVRRA. Kerry McMurray confirmed that that information about DAs are sent to JVRRA when Council feels the DA may be of general interest to the Jamberoo community. It was agreed that when a DA is forwarded to the JVRRA Secretary, the information will be passed on the JVRRA members as speedily as possible. Andy Waugh suggested that this should include a reminder to members about when any comments to Council may be due. Members are welcome to lodge any relevant comments with Council, and to raise issues or concerns for discussion at JVRRA meetings if they wish to do so.

9. **Treasurer's Report**

The Treasurer's report as published was accepted.

Following a query by Max Brennan, it was agreed that the monthly Treasurer's report would be routinely mailed to those members who do not have email addresses, along with the Meeting Agenda.

10. **Infrastructure Report and Further Discussion**

Roger Lyle reported on a discussion with Gino Belsito about completion of the footpath in Chapel Lane. He presented a map showing exactly where the missing footpath in Chapel Lane will be located (see linked letter in Correspondence Out). He said that Gino Belsito has stated that after this has been completed, a footpath should be completed on the west side of the bridge, connecting Chapel Hill and the Brookwood Estate. Kerry McMahon commented that the funding for this footpath extension will have to be sourced from the amount that has been allocated for the Hyam Creek bridge.

Councillor Neil Reilly provided updates about infrastructure projects that will be included in the new Operation Plan:

- Air conditioning for the Jamberoo School of Arts hall
- Extensions to the cycleway
- Works on drainage and storage at the School of Arts
- Kevin Walsh Oval improvements (some of this work is to be done internally rather than being contracted out)
- Several roads are due to be re-sealed
- The missing footpath in Chapel Lane will be completed.

Michael Brennen stated that the residents in Browns Lane have not been informed about extensions to the cycleway. Kerry McMurray replied that the details will be included in the Operational Plan that is about to go on public exhibition, and all people affected will be consulted.

Kerry McMurray explained that when works attract 50% Council and 50% NSW State funding, the applications for grants have to be approved before contracts can be signed.

Discussion re public toilet facilities:

- Stuart Richards: It is urgent to get the Reid Park / Kevin Walsh Oval public toilets completed with disabled access.
- Max Brennan: Public toilets are urgently needed now that the Rugby League season has started
- Margaret Stephens explained that the delay in completion of the swimming pool toilets is related to a problem with having to resurface the area around the swimming pool. When this is done, the step in the disabled access ramp will be removed.

Andy Waugh commented that pram access is also needed in the street and footpath areas behind the school.

It was generally agreed that the plans for infrastructure improvements are promising, and Council is to be thanked for their efforts.

#### **11. Discussion regarding off-leash dog park**

Ken Jeffrey gave a presentation explaining the need for a fenced public area in Jamberoo where residents may legally let their dogs go off leash. Council had carried out a study of a possible area in 2011, with costings available. At that time a possible site was identified alongside the 4<sup>th</sup> fairway of the golf course next to the tennis courts, but it was not considered safe because of the danger of golf balls.

General discussion about the possibility of requesting a dog park area alongside Brookwood Estate – Ken presented a map suggesting where this might be placed. It was felt that the danger of erecting infrastructure in a zone that is particularly susceptible to flooding, made this suggestion unworkable.

Geoff Boxsell mentioned that the trees have grown considerably alongside the golf course in the original area that Council suggested, and this suggestion might be re-considered at this stage.

It was agreed that further discussion would be held over to a future meeting, and Councillor Neil Reilly offered to pass on JVRRA's letter from earlier this year requesting advice on how a dog park area might be planned, to the Companion Animals Committee.

**ACTION:** The relevant letter about an off-leash dog area will be forwarded to Councillor Reilly.

The discussion about the dog park area alongside Brookwood Estate led into further comments on what might be done with the land along the creek that will revert to Council later this year. Margaret Stephens suggested distributing a leaflet inviting Jamberoo residents to make suggestions, but it was argued that this might not be a useful strategy if those residents filling in the leaflet were not aware of the flood prone nature of the area. Several other suggestions were mooted, but it was agreed to hold this topic over to a future meeting.

**12. Market and Gardens Report – Margaret Stephens**

- The Jamberoo Markets went well on 29 April, with 12 stalls, including a new well-supported Indian Food stall.
- The plants in the wine barrels and planter areas along Allowrie Street have been very nicely replenished by Council.
- There has been further vandalism in the Reid Park picnic shed, with a fire being lit. We are grateful to Council for repairing the damage promptly.

**13. General Business**

- Max Brennan commented that the intersection of Burra Creek Road and Jamberoo Mountain Road is still very dangerous, with trees obstructing the view in both directions.  
**ACTION:** A letter will be sent to Council advising them that this is a continued hazard.
- Helen Cochran commented that the bus shelters in Jamberoo are very dirty, and she requested that they be hosed out on a regular basis.  
**ACTION:** This request will be forwarded to Council.
- Ken Jeffrey informed the meeting that Music in the Park at the Jamberoo Markets only has enough funding to cover May, June and July. More donations are being sought. This issue will be discussed further with the Treasurer.

**14. Future Guest Speakers for JVRRA General Meetings**

Glenys Day has organised for Josephine St Johns from Kiama Council to speak to us on the topic of waste and recycling at the August meeting, after the AGM.

Councillor Neil Reilly provided several ideas for other interesting speakers who might give presentations at JVRRA meetings:

- Brodie Bailey has carried out a Council survey on health and well-being in the local area;
- Andy Chatfield has useful perspectives emerging from his experience as a Youth Worker with Council.

Councillor Reilly was thanked for his ideas; they will be followed up by Glenys Day.

**15. Date of Next JVRRA Meeting – Tuesday 5 June 2018, 7.30 p.m., Club Jamberoo.**

**16. Close of meeting – 8.30 p.m.**

**14.6 Parking Statistics - May 2018**Responsible Director: Environmental Services

---

**CBD Parking**

Parking patrols conducted 19 specific – 31 general area

Infringements issued – 79

Vehicle spaces inspected – 1418

Noble Street 2P – 1 patrol

Rosebank Place 2P – 1 patrol

Manning Street 2P – 2 patrols

Fern Street 1P – 2 patrols

Fern Street 1/2P – 2 patrols

Terralong Street 1P – 2 patrols

Collins Street 2P – 2 patrol

Terralong Street 1/2P – 4 patrols

Surf Beach 2P – 1 patrol

Railway Parade 2P – 1 patrol

Terralong Street 2P – 1 patrol

**School Zone Patrols**

Kiama High – 2 patrols – 3 penalty notices

Jamberoo Public – 3 patrols – 7 penalty notices

Minnamurra Public – 2 patrols – 1 caution

**Reactive issues**

Bonaira and Williams Streets Construction – 2 cautions (ongoing inspections)

Merrick Circuit – 4 cautions (on going inspections)

No Stopping - 3 penalty notices

Park on path – 8 penalty notices

Park on path Kiama Fair – 2 penalty notices

Driveway – 1 penalty notice

Not Parallel – 1 penalty notice

Total value of infringements issued = \$11,331

Patrols for June will be for locations nominated above.

**14.7 Design upgrade - Stationery and correspondence**Responsible Director: Office of the General Manager

---

A project to rebrand Council's stationery and correspondence (letterhead, business cards, forms, templates, etc.) commenced in April.

The project will see all Council's customer-related forms, Authority templates, business cards and standard letters redesigned into a new, modern format in time for the 2018-19 financial year. There is an estimated 500 documents scheduled for upgrade.

The need to upgrade arose from both desired and legislative reasons.

Desired reasons:

- to include and reflect Council's values
- to make efficiency improvements and implement streamlined processes
- to achieve branding consistency across all departmental material for improved identification and useability
- to contribute modern templates for the introduction of online certificates
- to consider opportunities such as accepting online signatures, payments and forms.

Legislative reasons:

- to meet new GIPA legislation that requires disclaimer information to be included on all Council documents that collect personal information
- to assist with the design of key Easy Read forms as required in Council's Disability Inclusion Action Plan
- to contribute to Council's website achieving Level AA WCAG2.0 Accessibility requirements (required under the Disability Discrimination Act).

The project itself reflects the five values of Council.

**Respect**

We respect Council's customers and staff by providing information and forms that are easier to use, quick to identify, find, submit and receive.

An effort to involve staff at all levels and gather their valuable input has afforded respect to their knowledge, skills, contributions and ideas.

**Innovation**



## Reports for Information

## 14.7 Design upgrade - Stationery and correspondence (cont)

---

The project provides a unique opportunity to identify opportunities for Council to be innovative throughout the redesign process.

By encouraging staff to share ideas and raise any issues, staff involved in the project are exploring options for change such as; accepting online signatures and payments, providing online forms (electronically fillable pdfs and online html forms), introducing new, required privacy disclaimers, and introducing improved processes for branding and updating correspondence.

Item 14.7

**Integrity**

The project's goal is to improve the integrity of Council's stationery and correspondence. By developing improved processes that achieve strict version control and consistent branding, it will help to ensure the delivery of up-to-date documents to customers and staff.

**Teamwork**

Council staff have worked together to consolidate the record keeping of the organisation's stationery and correspondence, with the outcome being improved version control.

Key stakeholders from Information Technology, Communications, Public Officer/Corporate Planning, Organisational Development, Records, Business Improvement and Customer Services have met to collaborate on the project and provide vital input, skills and expertise from their units to ensure the upgrade considers all potential issues and opportunities.

Council's Communications Officer – Digital delivered presentations to MANEX, Managers, and staff (Quarterly Staff Meeting) to communicate details of the project.

**Excellence**

In its entirety, the design upgrade project seeks to capture and meet the requirements of internal and external stakeholders to achieve the best outcome for how we create correspondence.

The final stage of the project has all 500 estimated forms, templates and standard correspondence scheduled to undergo a redesign over a 1-2 week period at the end of June. The goal is to have the entire suite of documents upgraded and in use for the start of the new financial year.

**Attachments**

- 1 Information Report - Design upgrade before and after examples [↓](#)



Letterhead & Authority payment examples



### APPLICATION FOR COMPLYING DEVELOPMENT CERTIFICATE

Application for a complying development certificate under the Complying Development Code

**Project Name:** \_\_\_\_\_

**Site Address:** \_\_\_\_\_

**Proposed Use:** \_\_\_\_\_

**Site Area:** \_\_\_\_\_

**Lot Area:** \_\_\_\_\_

**Proposed Building Area:** \_\_\_\_\_

**Proposed Building Height:** \_\_\_\_\_

**Proposed Building Footprint:** \_\_\_\_\_

**Proposed Building Volume:** \_\_\_\_\_

**Proposed Building FSR:** \_\_\_\_\_

**Proposed Building Coverage:** \_\_\_\_\_

**Proposed Building Setback:** \_\_\_\_\_

**Proposed Building Elevation:** \_\_\_\_\_

**Proposed Building Materials:** \_\_\_\_\_

**Proposed Building Orientation:** \_\_\_\_\_

**Proposed Building Access:** \_\_\_\_\_

**Proposed Building Parking:** \_\_\_\_\_

**Proposed Building Landscaping:** \_\_\_\_\_

**Proposed Building Other:** \_\_\_\_\_

**Proposed Building Notes:** \_\_\_\_\_

### APPLICATION TO MODIFY A COMPLYING DEVELOPMENT CERTIFICATE

Application for a modification to a complying development certificate under the Complying Development Code

**Project Name:** \_\_\_\_\_

**Site Address:** \_\_\_\_\_

**Proposed Use:** \_\_\_\_\_

**Site Area:** \_\_\_\_\_

**Lot Area:** \_\_\_\_\_

**Proposed Building Area:** \_\_\_\_\_

**Proposed Building Height:** \_\_\_\_\_

**Proposed Building Footprint:** \_\_\_\_\_

**Proposed Building Volume:** \_\_\_\_\_

**Proposed Building FSR:** \_\_\_\_\_

**Proposed Building Coverage:** \_\_\_\_\_

**Proposed Building Setback:** \_\_\_\_\_

**Proposed Building Elevation:** \_\_\_\_\_

**Proposed Building Materials:** \_\_\_\_\_

**Proposed Building Orientation:** \_\_\_\_\_

**Proposed Building Access:** \_\_\_\_\_

**Proposed Building Parking:** \_\_\_\_\_

**Proposed Building Landscaping:** \_\_\_\_\_

**Proposed Building Other:** \_\_\_\_\_

**Proposed Building Notes:** \_\_\_\_\_

### Tree Management Application

For the removal or pruning of trees on private property

**Project Name:** \_\_\_\_\_

**Site Address:** \_\_\_\_\_

**Proposed Use:** \_\_\_\_\_

**Site Area:** \_\_\_\_\_

**Lot Area:** \_\_\_\_\_

**Proposed Building Area:** \_\_\_\_\_

**Proposed Building Height:** \_\_\_\_\_

**Proposed Building Footprint:** \_\_\_\_\_

**Proposed Building Volume:** \_\_\_\_\_

**Proposed Building FSR:** \_\_\_\_\_

**Proposed Building Coverage:** \_\_\_\_\_

**Proposed Building Setback:** \_\_\_\_\_

**Proposed Building Elevation:** \_\_\_\_\_

**Proposed Building Materials:** \_\_\_\_\_

**Proposed Building Orientation:** \_\_\_\_\_

**Proposed Building Access:** \_\_\_\_\_

**Proposed Building Parking:** \_\_\_\_\_

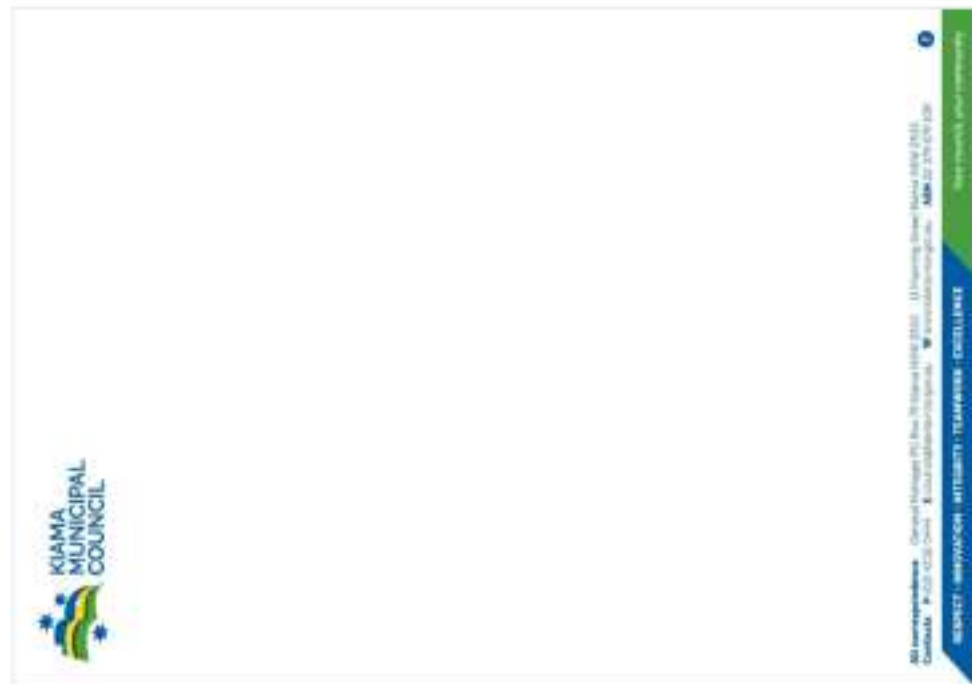
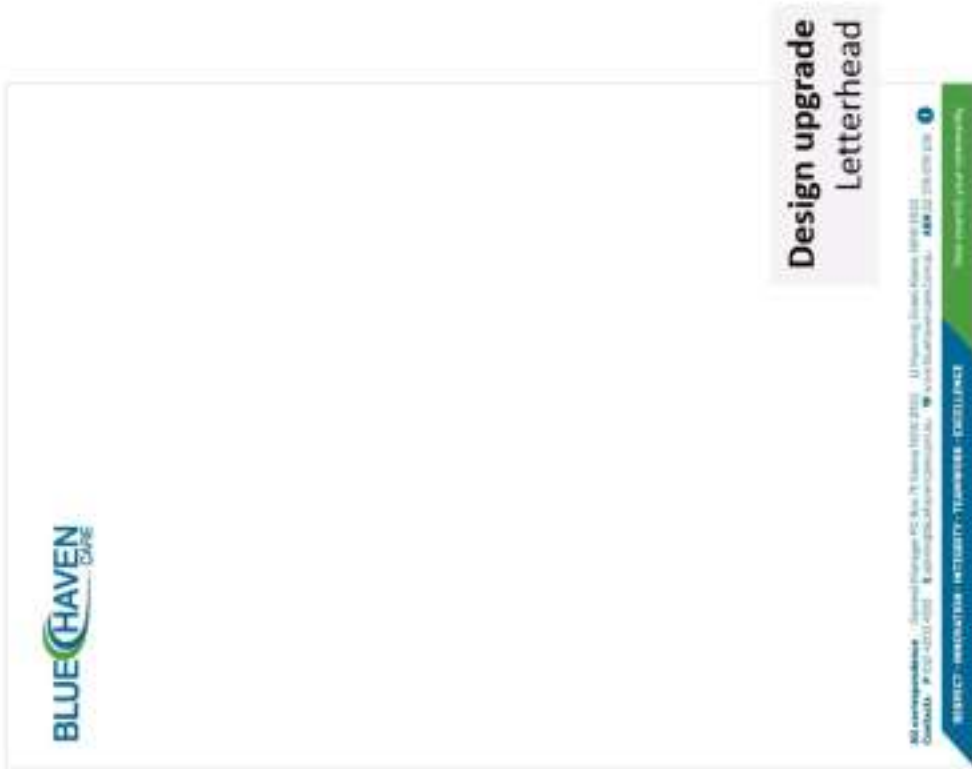
**Proposed Building Landscaping:** \_\_\_\_\_

**Proposed Building Other:** \_\_\_\_\_

**Proposed Building Notes:** \_\_\_\_\_

Current design

Various forms – no consistent design or logo use



Item 14.7

Attachment 1



Design upgrade  
Business card

Item 14.7

Attachment 1



Phone enquiries: 410 4212044  
 Fax: 410 4212044  
 22 March 2018

**Right works**  
**Road resurfacing - 8 April until 8 April 2018**

Whether planning Councils contacts will be undertaking road resurfacing work at Terrabong Street and Riverview Place.

Works will commence at 7.30am per morning through to the early hours of the next morning. Traffic controllers will be managing traffic through the work site, although delays are expected. Council apologises for any inconvenience caused due to this necessary work. Yours faithfully,  
 Glen Smith  
 Director Engineering & Works




**Tree Management Application**  
 (for the removal or pruning of trees or private plants)

Important: To assist in determining whether you require a Tree Management Application or Development Application please read Kiama Development Control Plan 2010 Chapter 3 - Maintenance and Management of Trees & Vegetation and refer to the flowchart attached to this document.

**PART 1: APPLICATION DETAILS**

Applicant Name:	Click or tap here to enter text.
Business/Company Name:	Click or tap here to enter text.
Residential address:	Click or tap here to enter text.
Postal Address:	Click or tap here to enter text.
Current phone number:	Click or tap here to enter text.
Email address:	Click or tap here to enter text.

**PART 2: SITE DETAILS**

Address (please type in full):	Click or tap here to enter text.
Lot & DP No (if known):	Click or tap here to enter text.
Do you own this property?	Choose yes or no. If no, you must enter the owner's contact details at Part 4 of this form.

**PART 3: LAND OWNER DETAILS**

Council Officers may require access to your property in order to provide and obtain your application in accordance with section 118 of the Environmental Planning and Assessment Act 1979, subsections of this application without Council Officers to enter your premises for the purpose of an inspection. Do Council Officers require your assistance to access the site? (Please type in your response in response)

Are there any high or utility easements Council needs to know about? (If yes, please specify)	Choose yes or no.
Do you consent to Council officers to enter your property to inspect and obtain your application?	Choose yes or no.

Please specify click or tap here to enter text.

**Design upgrade**  
**Standard letter template & form example**

inspect | installation | temporary | maintenance | electrical



**KIAMA MUNICIPAL COUNCIL**  
Application for review of determination

Made under Section 83 of the Environmental Planning and Assessment Act, 1979

Office Use Only		
Application No:	Click or tap here to enter text.	Priority:
Date of Receipt:	Click or tap here to enter text.	Click or tap to enter a date.

- Only the applicant of a Development Application may request a Review of Determination. How to complete this form:
1. Ensure that the form has been filled out correctly, and is signed as a PDF either on a USB drive or emailed to the Council.
  2. All fields are mandatory and must be completed before submitting the application.
  3. Once completed you must submit this form electronically, by mail or in person. Please refer to the Council's Guide to Lodging a Development Application or Construction Certificate for further information.
  4. Please ensure all information/documentation listed below is provided at the time of receipt. All information/documentation not to be stored as separate PDF's either on a USB drive or e-mail attachments.

<b>APPLICATION NUMBER</b>	Click or tap here to enter text.	Date of Determination:	Click or tap to enter a date.
<b>APPLICANT DETAILS</b>			
Name/Company:	Click or tap here to enter text.	Phone:	Click or tap here to enter text.
Contact Name (if Company):	Click or tap here to enter text.	Mobile:	Click or tap here to enter text.
Postal Address:	Click or tap here to enter text.		
Email:	Click or tap here to enter text.		

NOTE: The applicant must be accompanied with Section 12.2(1)(2) of the Local Government Act 1995. The applicant and all associated documents may not be treated for inclusion and copying at Council's discretion. Council will not be responsible for any loss or damage to documents submitted. All information relating to this Development Application will only be accessible with or without through the applicant.

Applicant Signature:	Date:	Click or tap to enter a date.
----------------------	-------	-------------------------------

All correspondence: Please address to the 30 Street NSW 2532 - 30 Street Street City NSW 2532  
 Councils: #127 127 1268 # Council Information Line # Council Information Line #127 127 1268

IMPACT RESOURCE PARTNERSHIP - SUSTAINABLE FUTURE

See us at your community



**KIAMA MUNICIPAL COUNCIL**  
Septic Tank Installation Application  
Related payments to be processed

Please present this document to our officers to assist in receipting.

Date of application	[date]
Application Number	[document type] [document number] [document part]
Property Owner	[owner name]
Property Description	[basic property description project address]
Project Detail	<< Tap to input name and address for receipting >>
<b>PLEASE RECEIPT THE FOLLOWING FEES</b>	
Septic Tank Application Fee	[press CA10 input button]
QSSM Operating Fee	[press CA10 input button]
QSSM Inspection Fee	[press CA10 input button]
Trust Account Payable	[press all input button]

**Design upgrade**  
Form example & Authority payment example

All correspondence: Please address to the 30 Street NSW 2532 - 30 Street Street City NSW 2532  
 Councils: #127 127 1268 # Council Information Line # Council Information Line #127 127 1268

IMPACT RESOURCE PARTNERSHIP - SUSTAINABLE FUTURE

See us at your community



**14.8 Seven Mile Beach Policy Review**

Responsible Director: Corporate, Commercial & Community Services

---

At the 20 March 2018, Council meeting, Council Steel requested a review of the “Policy on the Licensing of Surf Schools on Seven Mile Beach Gerroa”. This matter has been addressed within the confidential report “Surf School Operation – Seven Mile Beach Gerroa”.

**Item 14.8**

**14.9 Question for future meeting: Markets and events conducted at Black Beach Reserve**

Responsible Director: Corporate, Commercial &amp; Community Services

On 17 April 2018, Councillor Way requested a detailed report on all markets being held at Black Beach Kiama on weekends that includes; who the Licensee is for each market, the frequency of each market, and the completion date for each licence. Additionally it was requested that the report should include any other applications for use of Black Beach on weekends for events that occur on a regular and/or annual basis.

**Markets**

Licensee	Licence Expiry Date	Market Frequency
Kiama Farmers Markets Inc	12/11/2018	Wednesday (weekly)
Kiama & District Chamber of Commerce Inc	09/08/2021	One (1) Sunday per calendar month and three (3) other days during the year to coincide with special occasions
Hiviz Event Management and Promotion (Kiama Markers & Growers Market)	14/05/2019	Fourth Saturday of each month

**Regular/Annual events**

Event	Date conducted
Coastal Classic Run	23/07/2017
Car show	10/09/2017
Bike week event	16/09/2017
Secondhand Saturday carboot sale	23/09/2017
Car show	24/09/2017
Car show	08/10/2017
Relay for Life	04/11/2017
Zane Campaign	10/12/2017
Christmas Carnival	20/12/2017-08/01/18
New Years Eve celebrations	31/12/2017
Healthy Living Festival	03/03/2018-04/03/2018

Reports for Information

14.9 Question for future meeting: Markets and events conducted at Black Beach Reserve (cont)

---

Mororbike show	10/03/2018-11/03/2018
Secondhand Saturday carboot sale	24/03/2018
Kanahooka High School Cross Country	13/04/2018
KISS Arts	20/04/2018-04/05/2018
Colour run	03/06/2018
Coastal Classic run	24/06/2018

**Item 14.9**

**14.10 Renewal of Lease for Jamberoo Croquet Club**

Responsible Director: Corporate, Commercial & Community Services

A report was prepared for Council on 15 May 2018, recommending that Council re-negotiate a lease for five (5) years with Jamberoo Croquet Club. Unfortunately, the licensed area was omitted from the report and this Report for Information is to advise that the licensed area known as Croquet Lawn 3 will be included within the new agreement. This reserve cannot form part of the lease due to the shared usage between the Jamberoo Croquet Club and Jamberoo Cricket Club and therefore must be issued as a non-exclusive licence.

Item 14.10

Plan of licensed area



Plan of leased area



**14.11 Minutes: Minnamurra Progress Association meeting - 5 June 2018**

Responsible Director: Office of the General Manager

---

The minutes of the Minnamurra Progress Association meeting held on 5 June 2018 are attached for Councillors' information.

**Attachments**

- 1 Minnamurra Progress Association - meeting minutes 05/06/18 [↓](#)

Kiama Council Mayor, Councillor Mark Honey, thanks you for your kind invitation and wishes to advise that he will be pleased to attend the Year 12 Graduation Ceremony on Thursday 21 September 2017.

Could you please advise if Mayor Honey is expected to speak at the presentation or has any formal duties

## **Minnamurra Progress Association Inc.**

### **Minutes of Meeting on 5<sup>th</sup> June 2018**

**Present:** 18

President Cliff Mason [C.M.] Bruce Cole [B.C.] Graeme Collinson-Smith [G.C-S.]  
Carl Ellefson [C.E.] Pat Phelan [P.P.] Wayde Siemsen [W.S.]  
Rae McClymont [R.M.] Ray Smith [R.S.] Robert & Janice Westley [R.W.]  
Jeremy Martens [J.M.] Morrie Veness [M.V.] Arthur & Robyn Smithers [A.&R.S.]  
Ian Dodsworth [I.D.] Glenda Foster [G.F.]

**Guests:** Kerrie McMurray [K.McM.], KMC GM Councillor Mark Way [M.W.]

President Cliff welcomed everyone to the meeting particularly our two guests (Carried with acclamation)

**Apologies:** Barry Mahoney, Cheryl Collinson-Smith, Noelene & Bob Sinclair, Del Draxl, Alma Ellefson, Wendy Hooper, Councillor Andrew Sloan [Moved R.S./P.P. unanimously. accepted]

**Minutes of 1/5/2018 Meeting:** Unanimously accepted [Prop. W.S. Sec. C.E. ]

### **Business Arising from Minutes:**

1. President Cliff proposed a vote of thanks to K.M.C. for the Community Organisation Donation of \$250 to M.P.A. Our thanks to Councillor Mark Way and Kerrie McMurray for approving this. Carried with acclamation.
2. Letter sent to KLMC re concerns at Council's decision to drop a plan to construct footpaths along Rangoon Avenue (due to resident complaints) and the problem of cars & caravans parked on the verge. K.McM. in his talk suggested we re-affirm the footpath request in our Operational Plan submission and request Ranger inspections of parking in Austin, Rangoon & Railway Ave.
3. River bank erosion occurring on the northern side of the James Oates Reserve boat ramp and action needs to be taken. Pres. Cliff has invited Byron Robinson (K.M.C) to report on these matters and the Estuary Plan at the September meeting. K.McM. reported later that State funding of the plan was delayed and now expected in August.
4. A Facebook page has been launched for M.P.A. (with J.M. help) and a paid (\$6) Event advertisement used for a week promoting tonight's meeting. Good response so far, but still early days. It was noted that most Followers were younger people living in Minnamurra.

5. Dead trees in garden along rear of school. Email sent to M.W. and a KMC work crew is in the area. **M.W. asked C.M. to send him a reminder email.**

**Correspondence:**

1. Letter from NSW Fair Trading confirming appointment of Public Officer & Registered Address from last AGM.
2. A Thank You card received from Norma Gore on behalf of the MPA Ladies Auxiliary for our \$125 donation.
3. An emailed apology was received from Noelene & Bob Sinclair with points supporting a submission on resealing Charles & Railway Avenues.
4. Letter to KMC re Rangoon Street footpath and parking issues, and an email to Councillor Way and Council Mailbox re dead trees behind the school.

It was resolved to accept and endorse correspondence [Prop. G.F. Sec. I.D.]

**Treasurers Report:** Opening balance 1<sup>st</sup> May: \$1,258.99

Income: \$20.50; Expenditure: \$175.00 (incl \$125 donation to Ladies Aux);

Term Deposit: \$1,100.00 Total balance @ 30<sup>th</sup> April: \$1,104.49

The Treasurers report was accepted unanimously [Prop. R.S. Sec. P.P.]

Before moving to our Guest Speaker, President Cliff circulated a supper roster for all meetings through February next year, and it's pleasing that volunteers offered to cater for all meetings except one, August this year. Any other volunteers?

**Kerry McMurray (KMC General Manager) on the Draft 2018/19 Operational Plan:**

President Cliff thanked Kerry for agreeing to speak at fairly short notice. He also advised the meeting that he had provided a list of questions re the plan 24 hours prior to the meeting so that Mr McMurray could come prepared for some of our interests.

Kerry thanked everyone for the opportunity to speak given that Council was looking for constructive input to the plan before the deadline of 4:00pm 20<sup>th</sup> June. He covered some of the major items facing Council in the next 12 months:

- KMC's request for a 6% compound increase in rates in each of the next three years was only approved for year 1, and KMC has been told to re-apply for the following two years. It does mean that the current Operational Plan will be funded by a 6% rise.
- Foundations and slabs have been laid for the new Kiama Aged Care Centre of Excellence (dementia friendly) facility on the old hospital site, and the building should start rising over the next few months. Total cost of the project is \$109 million and continues Kiama Councils proud record of provision of aged care services at Blue Haven. The Council is the largest Local Government provider of these services in NSW.

Kerry then addressed each of the questions (*in Italic*) initially raised by the President:

1. *Confirm that the item on page 100 Capital Renewal Program "North Street Amenities" refers to re-construction of the Nth Street toilet block from a \$75,000 grant?* Yes, it does. In fact, \$75,000 was allocated for male toilets and \$75,000 for female toilets & they'll be constructed FY 2018/19. A question was asked whether NSW Trains should provide toilets at the station, but all

agreed this was generally not happening anywhere and most unlikely at the unmanned Minnamurra Station.

2. *There are no Minnamurra roads or streets in the resealing program for 2018/19? When will our major streets (Charles Ave and Railway Ave) be resealed as they take heavy school and public bus usage and other traffic creating potholes in the northern end of Railway Ave.* Kerry noted that in the current FY, \$170,000 had been spent resealing other Minnamurra cross streets which proportionally was higher than in other areas. The two major streets are listed for resealing in 2020 (under the 15-year resealing model), but each is reviewed to see if they need to be done any earlier. He wasn't aware of any potholes and R.McC. noted that Nth Railway Ave width was only partially sealed last time. MPA was encouraged to report concerns about Nth Railway Ave and request an allocation out of the "yet to be determined" part of the resealing budget.

**Action: C.M.**

3. *There is no mention of the Minnamurra River in the whole Plan. When will projects highlighted in the 2015 Coastal Management (Estuary) Plan for Minnamurra River be funded and implemented? This includes improved parking in James Oates Reserve.* Refer Item 3 above in Business Arising from Minutes where Estuary Plan funding has to come from the State Government. However, the meeting emphasised the need for additional parking in James Oates Reserve. It was pleasing to see an allocation for a Water Bubbler Station in James Oates Reserve.
4. *Referring to our May letter re a footpath from the southern end of Railway Ave along Rangoon Rd, can this be included in the budget please? It could be included under the item on page 102, "Footpath Program – yet to be determined" worth \$76,876?* Kerry undertook to have the Rangoon Rd footpath decision reviewed and suggested we make a submission and also request that Council Rangers check nature strip parking in Rangoon. Members also asked for Austin and Railway Ave (near service station and rail station) checked by Rangers. **Action: C.M.**
5. *Can there be a planning allocation to study and plan improved car parking and drop-off arrangements at Minnamurra Railway Station (Cnr of North St & Railway Ave)?* Council and a number of members present believe this really needs to be addressed by NSW Railways to utilise the rail corridor. It was agreed that we write/meet with Gareth Ward MP. **Action: C.M.**
6. *Can there be a planning allocation to consider how to safely connect the footpath at the southern end of Charles Ave (corner of Eureka) across the railway bridge to join the Golf Club and footpath along Oxley Avenue? It's quite a dangerous crossing with traffic heading north around the bend on Oxley approaching the railway bridge.* Kerry and Mark Way advised that a recent pedestrian traffic study had been completed and the relatively low traffic didn't warrant the likely high cost of widening the railway overpass bridge. It was acknowledged that the situation was not ideal but road traffic on that part of Oxley Ave had reduced since the roundabout was constructed at Riverside Drive.

There followed further questions from the floor:

- a) Ray Smith expressed concern about the State Governments proposed new building code taking major development control away from Councils. Kerry noted that both Council and the Mayor has been actively campaigning against this and the Mayor gained support at the Country Mayor's Conference on Friday. Council is requesting a 12-month stay of proceedings so that our local LEP can be amended to provide better control DA's post implementation of the changes. The deadline is 6<sup>th</sup> July.
- b) There was general concern expressed about parking requirements in the current DCP given that multi-generational families increasingly have multiple vehicles forcing vehicles to be parked in the street or across the nature strip. The DCP should be



reviewed. This discussion also led into "Affordable Housing" but Kerry pointed out that with Kiama's high real estate values, affordable housing was economically possible here.

After drawing the raffle, Kerry asked to be excused. President Cliff presented him with a copy of "Minnamurra Memories" and thanked him for attending which was carried with acclamation.

**General Business:**

1. The meeting questioned the motivation behind installation of the slab and new park bench in front of the school tennis courts near the clothing bin? Most people thought this would have been much more useful if installed near or in the Nth Street Reserve. Mark Way offered to investigate.
2. Wayde Siemson asked about the status of the proposed BMX track in the quarry. A number of residents in the area had expressed concern. Mark Way noted that he had received overwhelming support for the project which had been unanimously accepted by Council and an allocation of \$20,000 was in this coming operational plan. President Cliff requested that Progress be advised once plans are finalised, so residents can have an opportunity to comment. Mark noted that it will only operate in daylight hours (no lights) and be for recreational use only (no competition use).

**Next Meeting:** 3<sup>rd</sup> July is our Annual General Meeting. President Cliff noted that we need a new Treasurer since Carl is moving out of the area and we really need a new (locally based, computer literate) Secretary if we are to continue effectively. We'd unfairly lumped Barry Mahoney with this job in his absence last AGM. Glenda Foster will supply supper for AGM.

**Raffle:** The winner was Robert Westley and he and Janice were subsequently thanked for providing supper.

The meeting closed for supper at 8:25pm.

END

**14.12 Question for future meeting: Waste bins**Responsible Director: Environmental Services

---

At its meeting held on 15 May 2018, Councillor Sloan requested an update be provided about re-instating red bins near council carparks frequented by tourists and also on the potential re-location of the dog waste bin in front of 41 Tingira Crescent to the off-leash area on the headland.

Due to illegal dumping of household waste in certain public place bins mainly at the entrances to designated off-leash area, a trial program was introduced to reduce the garbage bin size from a 240 litre bin to an 80 litre bin. The selected areas including car parking areas located at:

- north and south Bombo Beach;
- Little Blowhole;
- Gerringong Cemetery;
- the walkway entrance to the headland dog off-leash areas between No 41-43 and between No 91-93 Tingira Crescent;
- the walkway entrance to the headland dog off-leash area between No 1 and 2 Gwinganna Avenue, Kiama; and
- at the end of Attunga Avenue. Kiama Heights.

The smaller bins were fitted with a lockable lid and a rubber restriction was installed to prevent large bags of rubbish being placed in the bins. These sites were originally selected because they were known illegal dumping hot spots and were in areas where only a small amounts of beverage and takeaway packaging and dog poo bags were likely to be generated. Initially the rubber lid restrictions had to be increased in size to allow for the disposal of dog poo bags and large plastic bags of takeaway containers.

During the Christmas and New Year holiday period the bins were to be serviced more frequently, however there were reported incidents where the bins were not serviced due to increased service demands in other areas. It was also apparent that in certain locations, like the access walkways to the dog off-leash areas in Gwinganna Avenue and Tingira Crescent, the bins were used for the disposal of excess domestic waste, some of which may have been generated from premises used for short term holiday accommodation. Council has subsequently resolved to provide extra garbage services during this period and this should reduce this type of incidents occurring in the future. A service review is also being undertaken on the need to provide additional bins and more frequent services in all public place areas during holiday periods and long weekends and when scheduled community events are held to cater for the additional tourists to the Municipality.

During the last summer holiday period South Bombo Beach car parking area was another area where the bins could not cope. This was likely the result from the increased usage of the beach and off-leash areas and waste from construction workers from an adjoining development site using the site during their lunch break. However this site was also used for the disposal of large bags of household waste

## Reports for Information

## 14.12 Question for future meeting: Waste bins (cont)

---

most of which could have been placed in the residential recycling or food organics bins.

The 240 litre bins have been reinstalled in the car parking areas of south Bombo Beach and Gerringong Cemetery. Council's Waste Services will be requested to service these and all other public place bins on a daily basis during the holiday periods and on long weekends. Council's Ranger Services have been auditing all these bins and the advice provided is that the smaller bins are able to cope adequately outside these periods. Sometime an additional service is requested to be provided. This service is normally undertaken by Waste Service either on the same or the next day.

The waste bin located at the walkway entrance to the headland dog off-leash areas between 41-43 Tingira Crescent, Kiama was installed in 1998 on the reserve area behind these houses following Council's resolution to designate the location as a dog off-leash area. Under Section 20(2) (Dogs defecating in public place) of the Companion Animals Act 1998, it is the duty of a local authority to provide sufficient rubbish receptacles for the proper disposal of dog faeces in the places commonly used for exercising dogs, including an off-leash areas.

Last year, following a request from a property owner, the General Manager requested the relocation or removal of the bin as it was impacting on the scenic ocean views of residents and visitors using the premises for short term holiday letting. As a result of the legislative requirement for bins to be provided in off-leash areas, the bin could not be removed entirely from the area, however it could be relocated to minimise impact. Council wrote to adjoining property owners about the proposal to relocate the bins and no responses were received. The bin was subsequently relocated to its present location on Council's property near the street access point to the reserve and partial screening on three sides was installed. Council has received ongoing complaints from the owner who wants the bin removed.

Council has received a number of complaints about odours coming from public place bins including those located in the commercial areas and in dog off-leash areas including the Tingira Avenue site. A bin cleaning program is being investigated.

**14.13 Question for future meeting: Tree and Vegetation Vandalism Policy**

Responsible Director:      Engineering and Works

---

At its meeting held on the 17 April 2018, Councillor Rice requested a report on the feasibility of developing a Tree and Vegetation Vandalism Policy that is specific to Kiama local government area.

Attached is a draft policy for information and comment.

**Attachments**

- 1      Draft Tree Vandalism Policy - Engineering Works Services [↓](#)



Item 14.13

Attachment 1

**Tree Vandalism Policy**  
**DRAFT**  
Engineering and Works





## Policy Name

### 1.0 Purpose

The purpose of this Policy is to:

- Outline the actions that council may take in response to tree vandalism on public land.
- Provide council staff with guidelines for a consistent and appropriate response to acts of tree vandalism.

### 2.0 Objectives

The objectives of this policy are:

- Promote the value of and need for protection of trees and vegetation on Council owned or managed land.
- Provide consistency in Council's deterrence, investigation and response procedures to tree and vegetation vandalism incidents.
- Promote and guide broader community involvement in the prevention of vandalism, and in the investigation and enforcement processes undertaken by Council when responding to such incidents.
- Provide guidance to Council's investigation officers in the legal use of covert surveillance cameras for the purpose of investigating and prosecuting tree and vegetation vandalism offences.

### 3.0 Scope

This policy applies to all prescribed trees covered by Development Control Plan 2012 Chapter 3 (Preservation and Management of Trees and vegetation) or any existing Plan of Management within the Kiama Municipality.

### 4.0 References

This document should be read in conjunction with:

- Development Control Plan 2012
- Plan of Management for Council owned or managed land
- Customer request management system to record and monitor vandalism events

### 5.0 Definitions

For the purpose of this document, tree and vegetation vandalism means the unlawful ringbarking, cutting down, topping, lopping, pruning, removal, injuring, poisoning, burning, mowing over or willfully destroying any tree (regardless of height, trunk diameter or branch spread) or other native vegetation on Council owned or managed land.

### 6.0 Policy

#### 6.1 Prevention

Council will actively promote community involvement in the stewardship and maintenance of high risk native vegetation community areas.

Council will, as required, target community education initiatives toward high risk vandalism areas.

Where new plantings, or a substantial change to the way existing vegetation is managed on Council owned or managed land is proposed, Council may communicate with the local community the purpose of the plantings or the change to vegetation management and the expected outcomes. Where specific Plans of Management are prepared/reviewed for Council owned or managed land, the public consultation process provides



opportunities for the community to obtain feedback on the location and type of proposed vegetation.

## 6.2 Monitoring

Council will record tree/vegetation vandalism incidents and its response in the existing Council's customer request management system and will use this system to

- allow an assessment of the cumulative impacts of vandalism,
- identify high risk areas
- monitor the effectiveness of rehabilitation
- provide community education as required.

The following details about each tree/vegetation vandalism incident will be recorded as a minimum:

- a) The location of the offence.
- b) The area that has been impacted upon.
- c) Whether the vandalised tree(s)/vegetation was/were planted for amenity reasons, or was/were planted as part of a Bushcare site, or was/were planted as part of contracted restoration works, or form(ed) part of a native vegetation community.
- d) Method of vandalism (eg cut, poisoned, burnt or unknown).

## 6.3 Response

### 6.3.1 Low impact incidents

Examples may include unauthorised pruning of limbs, the repeated removal of recently planted street trees or landscaping or poisoning of understory vegetation.

- Post letters to surrounding properties notifying residents of the vandalism and requesting information.
- Investigate and interview relevant persons.
- Install a small temporary sign (A1 size) at the site pointing out the damage and requesting information from the public. Signs are to remain until replacement trees have been restored to council's satisfaction.
- Rehabilitate the site or re-plant trees at a ratio of up to five replacement trees for every tree damaged.
- Issue infringement notices where appropriate.

### 6.3.2 High impact incidents

Examples may include poisoning, ringbarking or removal of mature trees or damage to large areas of native vegetation. The vandalism has a significant visual impact to other residents and the public.

- Post letters to surrounding properties notifying residents of the vandalism and requesting information.
- Investigate and interview relevant persons as they are identified.
- Place a notice regarding the vandalism in the local media.
- Erect a large sign (1.2m x 1.2m) on the ground and/or install large banners (3m x 1m) in the tree canopy. Signs or banners are to remain until replacement trees have been restored to council's satisfaction.



- Where large trees have died from poisoning branch limbs or the trunk label the affected tree with a yellow painted stencil: "Poisoned".
- Retain dead trees once safety concerns are satisfied by council.
- Re-plant replacement trees at a ratio of up to five replacement trees for every tree damaged.
- Offer an appropriate reward (up to \$500) for information leading to a prosecution in accordance with council's Vandalism Reward Scheme.
- Consider legal proceedings if sufficient evidence exists.

**6.4 Regulation and Enforcement**

Council may become aware of tree and vegetation vandalism in a variety of ways, from the proactive actions of Council staff to the receipt of complaints or requests from members of the public.

Complaints or requests alleging tree and vegetation vandalism will be recorded in Council's customer request management system.

The request will be investigated and the impact of the incident (either low or high) will be determined using the incident impact assessment method above. The incident impact assessment will include consideration of the number of trees and/or the size of the area of established understorey that is involved, whether the tree(s) is/are part of a heritage item, whether the tree(s)/established understorey is/are a part of an endangered ecological community and whether the location where the vandalism of trees or damage to understorey vegetation has a significant visual impact on other residents and the public.

The response to the impact of the incident will be determined using the Proposed Response Measures for Low and High Impact Vandalism Incidents.

Covert surveillance cameras may be used as a response measure for high impact vandalism incidents at the discretion of the General Manager.

**7.0 Attachments**

**8.0 Document control**

<b>Directorate:</b>	Engineering and Works
<b>Policy name:</b>	Tree Vandalism Policy
<b>Date adopted by Council or N/A:</b>	draft
<b>Date endorsed by MANEX:</b>	
<b>Last revision date:</b>	7 June 2018
<b>Next review date:</b>	
<b>Trim doc number:</b>	18/47105



**14.14 Licence for use of Part Lot 53 DP 884475, Fern Street, Gerringong**Responsible Director: Corporate, Commercial & Community Services

---

A report was prepared for Council on 20 March 2018 in relation to a temporary licence renewal to Gosse Bros Pty Limited for the use of Part Lot 53 DP884475 for the temporary site fencing surrounding the Noble Street Development at Fern Street, Gerringong.

Council received formal recommendation to enter into a new agreement at that meeting, however subsequently it was discovered that Gosse Bros Pty Limited had gone into administration.

Council made further enquiry and discovered that Noble Bros (Gerringong) Pty Limited had taken over the site fencing from Gosse Bros Pty Limited and as a result this report advises that the agreement to be entered into for the temporary use of Council's Lot 53 DP884475, Fern Street, Gerringong now be made in favour of Noble Bros (Gerringong) Pty Limited.

**Attachments**

- 1 Licence renewal for Noble Street Development - 20 March 2018 [↓](#)

**ORDINARY MEETING**

**20 MARCH 2018**

Report of the Director Corporate, Commercial & Community Services

---

**11.1 Licence Renewal for Gosse Bros Pty Limited temporary site fencing adjoining Noble Street Development - Fern Street, Gerringong**

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

CSP Strategy: ~~2.12 Effectively manage recreation and open space infrastructure~~ to cater for current and future generations

---

Delivery Program: 2.12.1 Manage recreation and open space infrastructure for the community by the implementation of the Recreation and Open Space Asset Management Plan actions

**Summary**

A licence renewal for Gosse Bros Pty Limited is requested to allow temporary site/safety fencing onto part Lot 53 DP 884475, Fern Street, Gerringong.

**Finance**

The licence agreement fee will be charged at an annual charge of \$50.00 per square metre excluding GST.

**Policy**

Local Government Act 1993

Council's Guidelines for the use and hire of public land and property (Dec 2016)

**Attachments**

1 Site Fencing boundary - Gosse Bros Pty Limited - Noble Street Development

**Enclosures**

Nil

**RECOMMENDATION**

That Council enter into a licence agreement with Gosse Bros Pty Limited for a further twelve (12) months for the use of part Lot 53 DP884475 Fern Street Gerringong to allow temporary site/safety fencing to be erected subject to the following:

1. Licence term of twelve (12) months.
2. Annual charge of \$50.00 per square metre excluding GST.
3. The temporary site fencing to be setback no more than three (3) metres from Lot 52 DP884475 boundary as outlined in the attached plan.
4. That the licence monies be set aside and utilised on the enhancement works to be carried out on the reserve.
5. The General Manager or Mayor be authorised to sign any documentation associated with this licence.

**BACKGROUND**

Noble Bros (Gerringong) Pty Limited have been given consent (10.2015.232.1) for the development of Lot 51 & 52 DP 884475. The subject development comprises of the following:

---

**ORDINARY MEETING**

**20 MARCH 2018**

Report of the Director Corporate, Commercial & Community Services

11.1 Licence Renewal for Gosse Bros Pty Limited temporary site fencing adjoining Noble Street Development - Fern Street, Gerringong (cont)

- Lot 51 - Tourist apartments and retail building
- Lot 52 - Paved outdoor terrace and boundary balustrading

Lot 52 is owned by Kiama Council and its development as a paved outdoor terrace was embodied within the Gerringong Charette. There is also a current lease agreement in place between Kiama Council and Noble Bros (Gerringong) Pty Limited specifically permitting the creation of the outdoor terrace and ultimate use for outdoor furniture for the benefit of the patrons/public.

In consideration of the development of Lot 51 & 52 DP 884475 being built to the property boundary resulting in insufficient room for site fencing, Council considers the temporary placement of site fencing onto the adjoining Council owned land described as Lot 53 DP 884475 be approved. The attached plan indicates, the temporary site fencing is to be setback no more than three (3) metres from the Lot 52 DP 884475 boundary.

It is considered to enter into a further twelve (12) month temporary licence agreement with Gosse Bros Pty Limited. This will allow the continuation of the site fencing to encroach onto the adjoining Council community land (Part Lot 53 DP884475) given the development has not been completed.

The current activity is permitted under Section 46(1)(b)(iii) *Local Government Act 1993*, Section 116(4) *Local Government (General) Regulation 2005* and within Council's "Guidelines for the use and hire of public land and property".

Item 14.14

Attachment 1

**14.15 Conference Report - Integrated Seniors Housing**Responsible Director: Blue Haven

---

The LASA National Integrated Seniors Housing Conference 2018 was held on 14 & 15 June on the Gold Coast. The program consisted of a range of speakers, including operators of retirement villages and aged care as well as representatives from Dementia Australia, legal, architectural, marketing, solar power and financial firms.

The strong theme that came through most of the presentations was the changing nature of independent living and the opportunities that exist to meet the expectations of the baby boomer generation. These changes align with the government direction of maintaining people in their own homes as long as possible and increasing the number of home care packages being released.

There was a lot of emphasis on the role that independent living will play in the future. Firstly, retirement villages will appeal to people with low care needs who would have previously accessed hostel level aged care, which is no longer available. Secondly, it is likely that people living in retirement villages will remain in their units until they are far more frail, being supported by services into the home

Given the above expected changes, many operators have commenced delivering aged care packages and private services into their villages, either in their own right or in partnership with another Approved Provider. This is seen as a way to meet the needs of residents as well as being a strong marketing tool and provide an additional revenue stream. This has been made possible due to the de-regulation of the Home Care Package program since February 2017 giving the opportunity for more organisations to become Approved Providers. Examples were provided by several organisations who are approaching this with different financial models and marketing strategies.

There was also a strong emphasis among the presentations on the customer experience and ensuring that the person is kept at the centre of all service models and marketing. Many speakers referred to the drivers for people to consider retirement villages. One speaker from Shepparton Villages in Victoria referred to their research that consumers want retirement communities that: offer safety and security; have access to services they need when they need it; allow them to have choice and control over their life; offer privacy but also access to community and social engagement; and enable a life with meaning and purpose (quality of life). These themes were reiterated by a number of speakers.

Blue Haven has the opportunity to enact many of the trends that were discussed at the conference, given that Blue Haven Care is already an Approved Provider delivering Home Care Packages. However, a service model, budget and marketing would all need to be addressed. This should be considered as part of the strategic planning that is occurring for Blue Haven Bonaira.

**14.16 Minutes: South Precinct meeting - 17 May 2018**

Responsible Director: Office of the General Manager

---

The minutes of the South Precinct Committee meeting held on 17 May 2018 are attached for Councillors' information.

**Attachments**

- 1 Minutes - South Precinct Committee - 17 May 2018 [↓](#)

**MINUTES OF THE SOUTH PRECINCT MEETING  
held on Thursday 17 May 2018 at Gerringong Town Hall**

**Meeting Opened** at 7.55 pm

**Attendance:** 19 people present

**Chair:** Chris Cassidy                      **Minutes:** Linda Brazier

**Apologies:** Alma Macpherson, Debra Sandy, Ken Sandy

**Minutes of Previous Meeting**

**Moved:** that the minutes of the ordinary meeting of Thursday 19 April be accepted.

Shane Douglas/Darrell Clingan                      **carried**

**Business Arising From Minutes:** nil

**Correspondence IN:**

1. KMC Director Environmental Services, Linda Davis re. Mayflower development
2. Notice of DA 10.2018.103.1, 16 Greta Street, for proposed medical centre
3. Gerringong Pics and Flicks re. proposal for new chairs for town hall

**Moved:** that a letter of support go to pics and flicks to accompany their application for funds to acquire new chairs for the Town Hall.

Hedi Stein/Stephen Brazier                      **carried**

**Correspondence OUT:**

1. To KMC and Councilors re. 98 Fern Street, Council funding for landscaping lot 53
2. To KMC and Councilors re. Rose Valley abattoir – EIS called for
3. To KMC and Councilors re. North Kiama Precinct public meeting

**Executive Report:** some matters held over to general business.

**Treasurer's Report:**

As per report given at AGM – closing balance at 30/4/18: \$544.97

**Council Papers**

1. Surf School Seven Mile Beach: draft policy to allow more than one surf school operator to hold a license.

2. Cnr Jupiter and Coal streets Medical Centre: LEC decision to allow, thus overturning Council determination.

3. Mayflower Pioneer Building  
10.3 10.2018.18.1 - Lot 651 DP 611087 & Lot 50 DP 880425, Belinda Street, Gerringong - demolition of existing structures, and alterations and additions to existing Seniors Housing Development ; recommendation for Council approval.

4. DA 10.2018.103.1; 16 Greta St, Gerringong  
Demolition of existing dwelling and proposed medical centre with 3 residential apartments and associated car parking.

5. 8 and 10 Blackwood Street  
Modified DA Application: S96 (10 . 2017 . 215 . 2) restoration of School of Arts and construction of a library and community facilities.

6. Modified DA, 128 Belinda Street, Gerringong  
Mixed development comprising 5 shops, 8 professional suites and 29 Residential units.

#### **Traffic Committee**

1. Greta and Belinda Street intersection signage –flashing lights have been installed
2. Tasman Drive travelling east up Belinda Street – give way sign to be installed in Belinda Street
3. Bridges Road west near playing fields - speed monitoring devise to be installed to evaluate problem
4. “No overnight camping” signs to be installed, northern and southern ends Werri beach
5. Fern Street near entry to church yard – “no stopping” signs close to driveway

#### **General Business**

1. Darrell Clingan noted Council has allocated \$180,000 for Lot 53, 98 Fern Street, for landscaping.
2. Darrell Clingan noted allocation of \$20,000 for Arthur Campbell reserve; works to start next week.
3. Bendigo Bank update – Shane Douglas reported on a successful trivia night, raising \$3,520 to assist with running the community survey. Public information night on Weds 30 May, 7.30 in Gerringong town hall. Bank may be up and running by August/Sept this year.

4. Landcare Illawarra – noted that funding has been discontinued for the coordinator position; a loss for all landcare groups.

5. Council Tree Preservation Order policy – noted that Council resolved to review and redraft the tree management policy with a view to allowing property owners to remove non-native species less than 6 metres in height without permission. The draft will be available for public comment in due course.

6. Planning Alerts

**Moved:**

That a donation of \$100 be given to the Open Australia Foundation to help with their Planning Alerts program.

Stephen Brazier/Darrell Clingan **carried**

7. Seven Mile Beach tracks: an on-site meeting was held with landcare reps and council officers; plans discussed for reparation works and replantings.

8. DA tracker and link on planning alerts – noted by Howard Jones that documents are well listed and easier to use and that DA notifications procedures also improved.

Question raised as to whether comments on “planning alerts” go through to council as a formal submission; councilors to check on this.

9. Medium density code “the missing middle” – new code under state planning laws comes into effect on 1 July 2018 to allow medium density developments which will by-pass any local planning laws; this is a further lessening of local govt control on local development.

**Moved:**

That a letter be sent to State Member for Kiama, Gareth Ward, expressing concern about new laws which result in further erosion of local planning authority powers.

Stephen Brazier/Darrell Clingan **carried**

The above letter to also go out via discussion mail list.

10. Noted that lights and shade cloth have been replaced in the School Park, and a “thank you” noted for the table tennis table.

11. Readers Festival - a letter of thanks and congratulations to be sent to Michelle Hudson and library staff for very successful readers’ festival.

**Meeting closed:** 9.25 pm

**Next Meeting:** Thursday 21 June 2018.



**14.17 Questions for Future Meetings Register as at 20 June 2018**

Responsible Director: Office of the General Manager

---

Attached for Councillors' information is the Questions for Future Meetings Register as at 20 June 2018.

**Attachments**

- 1 Questions for Future Meetings Register - 20/06/18 [↓](#)

**Questions for Future Meetings Register**

16/73192

No	Details	Actions
<b>18 July 2017</b>		
17.1	<b>Bombo walking track – name</b> Councillor Steel requested that a report be provided on suggested names for the walk between Darien Avenue and the Bombo quarry look out, where the new signs will be placed. The Mayor referred this matter to the Director Engineering & Works for investigation and report.	To be reported to a future Council meeting
<b>20 March 2018</b>		
17.1	<b>Surf School Policy</b> Councillor Steel requested a report be presented to the April meeting of Council to review the Surf School Policy. The Mayor referred the matter to the Director Corporate, Commercial & Community Services for investigation and report.	Report to June Council meeting
<b>17 April 2018</b>		
17.1	<b>Dual occupancy approvals without minimum solar access</b> Councillor Rice requested a report providing the number of dual occupancy applications that have been approved under delegation where minimum solar access has not been met. The Mayor referred the matter to Director Environmental Services for investigation and report.	Reported to the June Council meeting.
17.3	<b>Tree and Vegetation Vandalism Policy</b> Councillor Rice requested a report on the feasibility of developing a Tree and Vegetation Vandalism Policy that is specific to Kiama. The Mayor referred the matter to Director Engineering & Works for investigation and report.	Reported to the June Council meeting
17.4	<b>Black Beach markets and events</b> Councillor Way requested a report on all the markets being held at Black Beach Kiama on weekends that includes; who the Licensee is for each market, the frequency of each market, and the completion date for each licence. In addition the report should include any other applications for use of Black Beach on weekends for events that occur on a regular and/or annual basis. The Mayor referred the matter to the General Manager for investigation and report.	Reported to the June Council meeting
17.5	<b>Building certification by private certifiers</b> Councillor Way requested a report on building certification and why private certifiers are taking up	Reported to the June Council meeting.

No	Details	Actions
	<p>more business than Council. Also, how this has affected Council income over past few years. The Mayor referred the matter to the Director Environmental Services for investigation and report.</p>	
<b>15 May 2018</b>		
17.1	<p><b>Waste Bins</b> Councillor Sloan requested an update be provided about re-instating red bins near council carparks frequented by tourists and also on the potential re-location of the dog waste bin in front of 41 Tingira Cres to the off-leash area on the headland.</p>	<p>Reported to the June Council meeting</p>
17.2	<p><b>Seating Locations</b> Councillor Rice requested a progress report which examines all factors to date on an item from a past Economic Development meeting that suggested documenting the best roadside locations for seating and/or picnic tables. The Mayor referred the matter to the Director Engineering &amp; Works for investigation and report.</p>	<p>To be reported to a future Council meeting</p>

**15 ADDENDUM TO REPORTS****16 NOTICE OF MOTION**

Nil

**17 QUESTIONS FOR FUTURE MEETINGS****18 CONFIDENTIAL SUMMARY****CONFIDENTIAL COMMITTEE OF THE WHOLE**

Submitted to the Ordinary Meeting of Council held on 26 June 2018

**PROCEDURE**

- Recommendation to go into Closed Committee.
- Mayoral call for Public Representations.
- Consideration of Representations and issues to be removed from Closed Committee.
- Recommendation to exclude Press and Public if required.
- Closed Committee discussions if required.

**18.1 Exclusion Of Press And Public:*****RECOMMENDATION***

That in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public on the grounds detailed under the report headings as detailed below.

**19.1 BLUE HAVEN ADVISORY COMMITTEE**

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

**19.2 BUSINESS DEVELOPMENT STRATEGY - WERRI BEACH HOLIDAY PARK**

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

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

**Reason for Confidentiality:** This matter deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged

from production in legal proceedings on the ground of legal professional privilege as per Section 10A(2)(g) of the Local Government Act. .

#### **19.4 PROPOSED ROAD CLOSURE - NOORINAN STREET, KIAMA**

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

#### **19.5 SURF SCHOOL OPERATION - SEVEN MILE BEACH GERROA**

**Reason for Confidentiality:** This matter deals with information that would, if disclosed, reveal a trade secret as per Section 10A(2)(diii) of the Local Government Act. .

## 19 CONFIDENTIAL REPORTS

### 19.1 Blue Haven Advisory Committee

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.2 Planning for and assisting specific needs groups

Delivery Program: 1.2.1 Operate Blue Haven Care

#### **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.*

---

### 19.2 Business Development Strategy - Werri Beach Holiday Park

CSP Objective: 3.0 A diverse, thriving economy

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

Delivery Program: 3.3.1 Management of Kiama Coast Holiday Parks as viable business entities

#### **REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

---

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

Responsible Director: Environmental Services

---

#### **REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to 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.*

---

### 19.4 Proposed Road Closure - Noorinan Street, Kiama

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.*

---

**19.5 Surf School Operation - Seven Mile Beach Gerroa**

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, reveal a trade secret.*

---

**20 CLOSURE**