



ORDINARY MEETING OF COUNCIL

ENCLOSURES

Tuesday 6 February 2018

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Report of the Director Environmental Services

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

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

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

Summary

This report reviews the development application seeking consent for the demolition of an existing dwelling and swimming pool and construction of 46 townhouses with associated car parking.

The proposed development seeks variation to Council's DCP 2012 Chapter 5 -Medium Density Development cut and fill control (c7) as well as the side setback controls (c9).

Three submissions were received objecting to the proposed development.

The report recommends approval of the application.

Finance

N/A

Policy

N/A

Reason for the Report

The development application involves development of a value exceeding \$2 million.

Attachments

1 10.2016.301.1 - plans

Enclosures

Nil

RECOMMENDATION

That Council approve Development Application number 10.2016.301.1 pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.

BACKGROUND

Owner: Messrs M Lee & H B Trieu

Applicant: Wing Ho Kiama Pty Ltd

Development Site

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The property is described as Lot 34 DP 1181744 which is located at 2 Surfleet Place, Kiama.

The overall site measures 9,760m² in size and is irregular in shape. The site currently contains a dilapidated, unoccupied dwelling and outbuildings, as well as an inground pool that is residue from an earlier land subdivision. The site is bounded by a new residential estate (Surfleet Place) to the south containing principally dwellings, South Kiama Drive to the west, South Coast Railway line to the east and an unformed section of Marsden Street to the north.

The site is zoned part R2 Low Density Residential and part (predominantly) R3 Medium Density Residential pursuant to Kiama LEP 2011. The R2 zoned land is adjacent to the southern boundary of the site.

The site is mostly cleared and slopes gently to moderately from North downward to the South.

Access to the property is obtained from Surfleet Place and from the unformed section of Marsden Street linking from South Kiama Drive.

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

The site is subject to the following constraints:

- Filled land;
- Services/easements e.g. electricity, tree protection;
- Noise and vibration from adjoining transport corridors – South Coast Railway line.

Description of the Proposed Development

The proposal involves the demolition of existing dwelling and construction of 46 townhouses and car parking.

Of the 46 proposed townhouses, 16 are 2 bedroom units & 30 are 3 bedroom units.

The proposed units, excluding garage, range in size from 92.8m² (e.g. Unit 19) to 120.75m² (e.g. Unit 11).

Proposed Units 1 – 6 inclusive are single storey units, with all other units (7 – 46 inclusive) being two-storey.

Each proposed dwelling has ground level private open space area accessible from the living area of the dwelling.

Vehicular access to Units 1 - 12 inclusive is proposed from Marsden Street (to be constructed) and vehicular access to the remaining Units 13 – 46 inclusive is from Surfleet Place.

Parking for 108 cars is proposed, inclusive of 8 car parking spaces in the Marsden Street cul-de-sac to be constructed.

Proposed Units 1 - 12 inclusive, as well as units 27 & 37, have a single lock-up garage and Units 13 – 26, 28 – 36 & 38 - 46 inclusive have a double lock-up garage allocated

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to them. The car parking for proposed Units 13 – 46 inclusive is contained within the basement.

Waste storage for the development is distributed within 5 separate bin storage compounds (concealed by timber screens and landscaping) adjacent to South Kiama Drive, with kerbside bin servicing to occur from the South Kiama Drive.

The development is proposed to be finished with face brick external walls (brown in colour), mini-orb metal roofing (dark grey in colour), external feature walls (green and off white in colour), entry wall feature (paprika in colour) and hardwood timber pergolas.

Summary of non-compliances

- Kiama DCP 2012 Chapter 5 Medium Density Development
 - Control C7 – cutting and filling >900mm external to building
 - Control C9 – side setback variations (adjacent railway line)

Section 79C Assessment

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

Relevant Environmental Planning Instruments

- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)

Clause 4(3) of SEPP 65 states that “*this Policy does not apply to a building that is a class 1a or 1b building within the meaning of the Building Code of Australia.*” The proposed building is a Class 1a building; therefore, SEPP 65 does not apply to the proposal.

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

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

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

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

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

- State Environmental Planning Policy No 55 - Remediation of Land

The land is considered to be suitable for the proposed use. There is no known evidence or record of site contamination.

- State Environmental Planning Policy (Infrastructure) 2007

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The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. The required consultation with relevant public authorities during the assessment process has been undertaken, as follows:

- Electricity transmission or distribution

Clause 45 of the SEPP pertains to development likely to affect an electricity transmission or distribution network. In this instance the proposal involves work around an existing sub-station on the site as well as ground penetration within 2m of an underground electricity power.

Advice was accordingly sought from Endeavour Energy, who responded with recommendations and comment that they objected to any encroachment of the development on the electricity easement. This issue was clarified with the applicant and subsequent survey detail was submitted to Endeavour Energy demonstrating that the proposed development is clear of the registered easement. Endeavour Energy has subsequently raised no further objection to the development application.

- Railways

The subject land backs onto the South Coast Railway corridor. The development involves excavation to a depth beyond 2m below natural ground level within 25m of the rail corridor (Clause 86) and the application was accordingly referred to Transport Sydney Trains for concurrence.

By way of letter dated 24 July 2017, Transport Sydney Trains has granted concurrence to the proposal subject to conditions, including deferred commencement condition. The conditions imposed are in relation to noise and vibration; stray currents and electrolysis from rail operations; excavation and construction impacts; crane and other aerial operations; environmental conditions; drainage and fencing etc.

These recommended conditions will be included in the consent notice, should development consent be granted to the proposal.

In relation to noise and vibration, Clause 87 of the SEPP states that where development consent is sought for development for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building - 35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

The development application is supported by a Rail Noise Intrusion Assessment, prepared by Harwood Acoustics and dated 13 October 2016 (Ref: 1607015R-R), which acknowledges the requirements of the SEPP and makes recommendations accordingly. Should consent be granted to the proposal, conditions will be imposed requiring compliance with the recommendations of the Acoustic Report.

- Kiama LEP 2011

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The subject land is zoned predominantly R3 Medium Density Residential and part R2 Low Density Residential pursuant to Kiama LEP 2011. The proposal (multi dwelling housing) is permitted with consent in the R3 zone (within which it is proposed) and is considered to be consistent with the zone objectives, which include:

- To provide for the housing needs of the community within a medium density residential environment.

Comment: The proposed multi dwelling housing development creates 46 new dwellings. The development results in an increase of the housing density, as is intrinsically sought by the medium density residential zone.

- To provide a variety of housing types within a medium density residential environment.

Comment: The proposed multi dwelling housing development, consisting of 46 multi storey dwellings in a townhouse type configuration, represents one type of medium density residential development. Other types include attached dwellings, group homes and residential flat development. These types of medium density residential development exist elsewhere within the R3 zone. The proposed multi dwelling housing development contributes to the variety, stock and choice of medium density residential development in Kiama.

- To provide opportunities for multi-storey residential accommodation in locations close to shops, transport nodes, commercial services, public open space and employment opportunities.

Comment: The R3 zones in Kiama have been strategically selected because they are within close proximity to shops, transport nodes, commercial services, public open space and employment opportunities. The subject site represents the southern edge of the R3 zone in Kiama and the proposal constitutes suitable multi dwelling housing within the R3 zone and the mapped 8.5m height limit.

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 (being 8.5m in this instance – measured vertically from the highest point of the building to the existing ground level below).

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. In this instance the LEP permits an FSR of 0.7:1 for the majority of the lot and 0.45 for the southern portion of the site. The FSR of the proposed development as identified by the applicant is 0.55:1 (in the mapped 0.7:1 area) and 0.32:1 (in the mapped 0.45:1 area), being compliant with the development standard.

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

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

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development control plan and are permitted to be removed as part of the development approval.

Clause 6.2 lists considerations for proposals which involve earthworks. The proposal meets with the objectives of the clause and the matters prescribed for consideration are satisfied.

Any draft Environmental Planning Instruments

- Draft State Environmental Planning Policy (Coastal Management) 2016 - The land is wholly affected by the Draft State Environmental Planning Policy (Coastal Management) 2016.
- Draft State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016.
- Draft State Environmental Planning Policy No 64 (Advertising and Signage) - Amendment proposing changes to planning rules for outdoor advertising and signage.

Comment:- The proposed development is not inconsistent with the Aims and Objectives of these draft EPI's.

Development Control Plans (DCPs)

- Kiama DCP 2012

The proposed development is generally consistent with Kiama DCP 2012.

Chapter 5 – Medium density development

The proposed development complies with Chapter 5, except in relation to the following matters where variation is sought:

- Control C7 – Cutting and filling on site is limited to 900mm external to the perimeter of the building

The proposed development involves a breach of this control in two specific areas. The applicant has addressed this breach and sought variation to the control as follows:

“As shown in the Sections prepared by Architects Edmiston Jones fill external of the building greater than 900mm is required adjoining Unit 38 and along the units with frontage to Surfleet Place. The extract of the section below shows the fill required external to the building adjoining Unit 38. At the greatest point the fill is approximately 1.3m.

Item 10.2

Enclosure 1

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The development follows the topography of the land and steps down the site towards Surfleet Place. However, the slope fronting Surfleet Place drops significantly external to the building and at the greatest point the fill required is 1.8m in depth. This can be seen in the extract of the section below.



The proposed development is a direct response to the topography of the site. The slope of the site falls 7m from the Marsden Street and South Coast Drive intersection towards Surfleet Place. The proposed buildings undulate along the site sensitively to the constraint. This is reflected by the two styles of dwelling available. These being the basement from Surfleet Place with the dwellings above and those dwellings accessed from Marsden Street having at grade garages.

Regardless of the variation the objective of the control that may be associated with the cut and fill control is "to select building types appropriate to the site's topography, local context, location, dimensions and landform". As discussed above the development responds the topography of the site and provides two different components to the development."

Comment:- The comment made above that the proposed development appropriately responds to the topography of the site is agreed with. The areas whereby variation is sought to control C7 typically correspond with the more steeply sloping area of the site and the development proposed reasonably steps down with the fall of the land.

It is also acknowledged that the impacts of the filled areas on neighbouring properties is reasonable in that it does not interfere with or undermine the existing driveway access bordering the site to its south.

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Having regard to the above discussion and the justification for the variation submitted by the applicant, no significant concern is raised to the proposed variation in this instance.

- Control C9 - Side setbacks. This control requires:
 - a ground floor 6m setback for habitable rooms and balconies/terraces and a 0.9m setback for non-habitable rooms.
 - a first floor 6m setback for habitable rooms and balconies and a 3m setback for non-habitable rooms.

The 6 units on the eastern edge of the site (proposed Units 1, 7, 13, 21, 30 & 39) do not satisfy the side boundary setbacks prescribed by control C9. The applicant has addressed the non-compliance and seeks variation as follows:

“There are 6 units adjacent to this eastern side boundary, all of which do not meet the side boundary setbacks to some extent. A justification for such variation is provided by also addressing the objectives of that control.

- *Sufficient separation between buildings adjacent to the eastern boundary has been provided with areas including private open space, landscaping, footpaths etc. The buildings are all well-articulated to ensure a high level of amenity, daylight access, privacy and noise attenuation between units both in a westerly direction and north-south to other units along the eastern boundary.*
- *The development has been designed to minimise overshadowing of adjacent properties and private or shared open space within the development itself. There are no adjoining owners beyond the subject site that could be impacted by the design of this proposal.*
- *The design produces dwellings with setback compliance from all boundaries except the eastern side boundary. Small upstairs balconies are proposed within the side setback for those units adjacent to the eastern boundary, however these provide opportunity for distant views and more importantly access to the north-easterly breeze in summer and flow through ventilation.*

Reduced side setbacks have been adopted as there is no adjoining residential to the east of the subject site. The rail corridor is approximately 50m wide then a further 20m for road reserve (Wilson St) and 6m building line setback to dwellings in Wilson St. All up the distance between units in this proposal & dwellings on Wilson St is likely to be 76m. On that basis we contend that the side boundary setback requirements are unnecessary in this instance and it is physically impossible for the development in its proposed form to impact dwellings in any way, that are located in Wilson St.

The medium density development to the north of the subject site is located to the northern side of the Marsden St road reserve being 20m wide. The existing development is well established with landscape screening and fencing. Much of the development is single storey and is not considered likely to be impacted at all by this new proposal.

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The relationship of units to the rail corridor is another matter and has been addressed in Attachment 3 in terms of noise abatement and management of noise to the residents. The design of units adjacent to the eastern boundary has taken this matter into account with minimisation of east facing windows, along with noise abatement measures recommended in the Acoustic report Attachment 3, which are likely to be imposed by way of conditions of consent.

Given the site location and relevant considerations of visual privacy, daylight access overlooking, shadowing and acoustic privacy, we are of the opinion that the reduced setbacks sought from the eastern boundary are not unreasonable and do not represent a negative outcome to either the future residents or any neighbouring properties.”

Comment – The proposed setbacks to the eastern (side) boundary are identified in the Table below:

Unit	Ground floor (mm)		First floor (mm)	
	Living	Dining	Bedroom	Terrace
1	930	1000	-	-
7	2400 (Entry)	-	3300	-
13	1790	1190	1700	1100
21	2920	1800	2800	1740
30	1595	990	1530	900
39	1915	1025	1790	1000

The measurements identified are taken from the nearest point of each unit to the boundary. The proposed building is not sited square with the boundary (given the irregular shape of the lot) and the setbacks taper outward as a result of this, meaning the setback breaches represent point encroachments.

Having regard to the Objectives underpinning the DCP setbacks, including providing sufficient separation between neighbouring buildings, providing a high level of privacy and minimising overshadowing of neighbouring properties; it is reinforced that the development adjoins the rail corridor to the east and as such there are no impacts on adjoining or adjacent residential development as a consequence of the side setback non-compliances identified.

In terms of rail noise and vibration, notwithstanding the side setback breaches, the development is designed with the rail corridor in mind and the application is accompanied by a rail noise and vibration report that contains recommendations that will be implemented should development consent be granted. Transport Sydney Trains has granted concurrence to development and the dwellings will be constructed to meet noise attenuation measures required by SEPP (Infrastructure) 2007.

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Under the circumstances and as put forward by the applicant, no significant concern is raised in relation to the proposed side setbacks and the proposed variations are thereby supported.

Chapter 9 – Car parking requirements

For multi dwelling housing development the DCP prescribes a minimum number of off-street, residential parking spaces of:

- One space per each 1 & 2 bedroom unit (16 x 2 bedroom units) = 16, plus;
- Two (2) spaces per each 3 bedroom (and above) unit (30 x 3 bedroom units) = 60 spaces, plus;
- an additional one space per each two units for visitor parking or part thereof (46 units = 23 visitor spaces).

Consequently, a total of 99 onsite car parking spaces are required and 107 are proposed in this instance. An additional 8 car parking spaces are proposed within the Marsden Street cul-de-sac to be constructed.

The proposed development satisfies Council’s DCP requirements for on-site parking.

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 design of the proposed development is considered to be reasonable when considered in relation to the context of the site, particularly having regard to the existing medium density residential development to the north of the site on the opposite side of (unformed) Marsden Street.

The proposed development presents as a two-storey medium density, townhouse style residential development that incorporates pitched roofs and broken building forms, providing suitable articulation in the overall form of the development.

The bulk, scale and design of the proposal is consistent with relevant planning instruments and is not inconsistent with the streetscape.

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Concerns have been raised regarding the presentation of the western unit's presentation when viewed from South Kiama Drive, and the lack of windows to break up this otherwise blank upper level elevation.

A deferred commencement condition will be imposed, should consent be given, to provide additional window treatments to the upper level of units along the western elevation to achieve a more presentable elevation to that street.

- 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.

Noise impact from the railway corridor has been addressed in the Rail Noise Intrusion Report accompanying the application. Recommendations are made mitigating the impact of rail noise and vibration that will form part of the conditions of consent should consent be granted.

- Privacy and Overlooking

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

- Overshadowing

Shadow diagrams have been supplied with the development application, which indicate that the overshadowing impacts of the proposed development will be reasonable.

- Views

Views from properties opposite (in Stewart Place) over the site are already heavily restricted by the row of Coral trees as well as vegetation and built form further east on the opposite side of the railway line.

The proposal will have no unreasonable impact upon views currently available from neighbours. No submissions have been received expressing concern about view loss.

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is proposed, as discussed above under DCP 2012 Chapter 9.

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 (Marsden Street and Surfleet Place).

- Environmental Impacts

Vegetation Removal – Numerous existing trees on the site, most notably the row of Coral trees along South Kiama Drive, are proposed to be removed to make way for the development. The most significant trees on site are the Fig and Norfolk Island

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Pine, both of which are to be retained and protected. An arborist report accompanies the development application addressing in detail the vegetation on site.

The issue of tree removal and tree protection has been considered by Council's Landscape Officer and no concerns have been raised. Conditions have been recommended that will be included in the consent notice should Council approve the development.

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

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

Impact on Water Resources – Stormwater will be conveyed to the street (Marsden Street and Surfleet Place). Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

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

The Suitability of the Site for the Development

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

Other issues to consider include:

- Traffic

The proposed 46 unit residential development is not expected to result in unacceptable levels of additional traffic movement. The subject site is a sizable parcel of land zoned for medium density residential development, which is delivered with the proposal. The existing local road network is capable of accommodating additional traffic movements generated by the proposed development.

The application was referred to Council's Traffic Committee meeting of the 7 November 2017 where the following resolution was adopted:

“Resolved that the Committee does not support the intersection treatment at Marsden Street and South Kiama Drive due to concerns with the design speed limit utilised in the traffic analysis and the associated compliance with the Safe Intersection Sight Distance in the Austroads guidelines. The applicant shall review these matters and the proposal be resubmitted for the Committee’s review in future.”

A Deferred Consent condition will be applied, should consent be granted, requiring a review of the intersection treatment to the Marsden Street/South Kiama Drive junction.

Contamination from Previous Land Uses

There is no evidence onsite or known record of site contamination.

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- Effect on Public Domain

The presentation of the development is contemporary, is compatible with the existing mixed-use development to the north and is generally considered to be acceptable.

- Utility Needs and Supply

The proposal is serviced by all essential services.

- Safety, Security and Crime Prevention

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

- Operational Waste

The proposal properly considers waste storage and retrieval. Council's Waste Services have raised no objections with the development.

- Operational Noise

No ongoing significant noise impacts are expected as a result of the development. The more relevant issue is impact on the development associated with the adjacent rail corridor. In this regard an acoustic report covering rail noise and vibration accompanies the application. The recommendations of the report will be included as conditions of consent should consent be granted.

- Risks to People and Property from Natural and Technological Hazards

The proposal involves work around an existing sub-station on the site as well as ground penetration within 2m of an underground electricity power. Endeavour Energy has commented that no objection is raised to the development application and provided recommendations that were forwarded to the applicant at the request of Endeavour Energy.

The proposal also involves ground penetration more than 2m deep within 20m of the rail corridor. Transport Sydney Trains has granted concurrence to the development, subject to conditions. An 1800 high timber fencing will be provided along the property boundary with the rail corridor to prevent entry.

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

- BCA Compliance

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

- 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

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Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, 3 submissions were received which raised the following (summarised) matters of concern:

Item 1:- It was queried how 46 units, as proposed, can be accommodated on the site. Comment is furthermore made that the development is too large.

Response:- The site is 9,760m² in size and is zoned to permit medium density residential development. The bulk and scale of proposed development is principally governed by the Council's floor space ratio and building height development standards. The development satisfies these primary controls. In terms of bulk and scale, the proposed multi dwelling housing development is acceptable for the site.

Item 2:- The adequacy of car parking for the development was queried.

Response:- A total of 99 onsite car parking spaces are required under the terms of DCP 2012 Chapter 9 and 107 are proposed in this instance. An additional eight (8) car parking spaces are proposed within the Marsden Street cul-de-sac to be constructed. The proposed development satisfies Council's DCP requirements for on-site parking, including visitor car parking.

Item 3:- It is claimed that the development will not blend with existing dwellings. Comment is also made that Kiama will turn into "Sydney LEGGO LAND" [sic].

Response:- The subject site is zoned R3 Medium Density Residential, as is the site to the north which supports an established medium density residential development. The land south of the subject site, on the other hand, is zoned R2 Low Density Residential while the land on the opposite side of South Kiama Drive (west of the site) is zoned R5 Large Lot Residential.

There is inevitably a difference in housing form between the R3, R2 & R5 zones, by virtue not just of the differing zone objectives but also as a result of the different floor space ratio (FSR) development standard that applies between the R3 (0.7:1) & R2/R5 (0.45:1) zones. Where the FSR development standard varies, in this instance it must be acknowledged that the building height development standard (8.5m) for the subject site is the same as that applying to the R2 zoned land to the north and to the R5 zoned land to the west.

The proposed medium density development utilises modern building materials, pitched roofs, a recessive colour palette (with feature wall colours), broken building form and appropriate landscaping, which overall is compatible with the urban environment.

Having regard to these factors, the proposed development is not considered to be unacceptable for the site in terms of its form, layout or compatibility with surrounding residential development within the Kiama township.

External Referrals

The application was referred to the following State Government Departments.

- Transport Sydney Trains

Transport Sydney Trains issued their concurrence to the application on 24 July 2017.

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A requirement of the concurrence is that, should Council approve the development, deferred commencement consent be issued (pursuant to Section 80(3) of the EP&A Act, 1979) as Transport Sydney Trains have outstanding matters that require resolution prior to operational consent being issued. Operational consent conditions are also to be applied in accordance with the concurrence.

- Endeavour Energy

Endeavour Energy provided with recommendations and comment that they objected to any encroachment of the development on the electricity easement. This issue was clarified with the applicant and subsequent survey detail was submitted to Endeavour Energy demonstrating that the proposed development is clear of the registered easement. Endeavour Energy has subsequently raised no further concerns about the development application.

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.

- Environmental Health Officer - Waste

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

- Property Manager

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

GIS Officer

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

The Public Interest

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

Final Comments and Conclusions

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The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and generally consistent with the relevant DCP Chapters. The proposed development is consistent with the objectives of the R3 Medium 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 Development Consent

Deferred Commencement Conditions

This deferred commencement consent is issued pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979. This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

1. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items:
 - (a) Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 - (b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - (c) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - (d) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
 - (e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

2. The applicant shall review and provide amended plans for Councils approval detailing the intersection treatment at Marsden Street and South Kiama Drive that complies with the Safe Intersection Sight Distance requirements in the Austroads Guidelines.

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3. The applicant shall provide amended plans detailing the provision of window treatments to the upper level of units located adjacent to the western boundary with South Kiama Drive in so as to improve the presentation to the South Kiama Drive public domain.

END OF DEFERRED COMMENCEMENT CONDITIONS

Conditions of Operational Development Consent (when all Deferred Commencement Conditions have been satisfied):

General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2016.301.1 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 developer shall provide with the Works as Executed detail, a Closed Circuit Television (CCTV) video surveillance and commentary that will detail the stormwater drainage network for the development that is within the public road. (g110.doc)
- (7) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this development consent on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - a Motor vehicle insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or Roads and Traffic Authority permit (Including Compulsory Third Party insurance). Primary producer's registration is not valid registration for use on Public Road construction work.
 - b Workers Compensation Insurance.
 - c Ten Million Dollar Public Liability Insurance. (g155.doc)
- (8) Road Occupancy approval, pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council prior to any proposed interruption to pedestrian and/or

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vehicular traffic within the road reserve caused by the construction of the development. This shall include, but is not limited to the following activities:

- (a) erect a structure or carry out work in, on or over a public road;
- (b) dig up or disturb the surface of a public road;
- (c) remove or interfere with a structure, work or tree on a public road;
- (d) pump water into a public road from any land adjoining the road; or
- (e) connect a road (whether public or private) to a classified road

The following items shall be submitted to Council with the road Occupancy Approval a minimum of five days before approval is required:

- A completed application form;
 - Fees in accordance with Council's adopted fees and charges;
 - A traffic control plan endorsed by a person with Roads & Maritime Services accreditation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTMS Traffic Control at Worksites Manual. This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development;
 - Public liability insurance for an amount of no less than \$20M;
 - Where excavation will take place, a security bond in accordance with Council's adopted fees and charges; and
 - Where road and footpath levels will be varied or the surface is altered, plans and specifications to Council's requirements.
- (9) A suitably qualified person shall prepare a Construction Environmental Management Plan (CEMP) and shall be provided to the Principal Certifying Authority for their written endorsement, prior to any works commencing on site. The CEMP shall include, but not be limited to, the following items:
- timing and duration of works;
 - location of work sites offices, compounds, stockpiles and refuelling areas;
 - a description of the site and surrounds and location of environmentally sensitive areas;
 - description of the impacts associated with the construction; activities and control measures;
 - legislative requirements;
 - onsite staff structure and responsibility;
 - staff training, awareness and competency requirements;
 - emergency planning and response;

Item 10.2

Enclosure 1

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-
- auditing and monitoring; and
 - the supplementary plans:
 - Soil and Water Management Plan;
 - Noise and Vibration Management Plan;
 - Air Quality (Dust Control) Management Plan;
 - Waste Management Plan; and
 - Traffic Management Plan.
- (10) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times. (g160.doc)
- (11) 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)
- (12) The nominated adaptable housing units shall, as a minimum, meet “Adaptable house class C” requirements set out in Appendix A of Australian Standard AS 4299-1995 Adaptable housing. Certification from a suitably qualified professional stating that the Construction Certificate plans have met the requirements listed above shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.
- (13) The development is to satisfy the recommendations of the Rail Noise Intrusion Assessment, prepared by Harwood Acoustics and dated 13 October 2016 (Ref: 1607015R-R).

Transport Sydney Trains

- (1) If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (2) An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will

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comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines".

- (3) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (4) Given the possible likelihood of objects being dropped, thrown or blown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that face the rail corridor, the Applicant is required to install measures (e.g. awning windows, louvres, enclosed balconies etc) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.
- (5) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (6) No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- (7) If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- (8) Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- (9) No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- (10) Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be

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discharged into the corridor unless prior approval has been obtained from Sydney Trains.

- (11) During all stages of the development, environmental legislation and regulations will be complied with.
- (12) During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- (13) During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- (14) No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains.

Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.
- (15) Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (16) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (17) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (18) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the

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development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

- (19) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (20) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- (21) Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
- (22) Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- (23) The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- (24) To ensure that graffiti can be easily removed, the Applicant is to ensure that fencing along the rail corridor is coated with anti-graffiti paint or other coating.
- (25) To improve the comfort of future occupants, the landscaping and fencing in the plan should be designed to screen views of the rail tracks and reduce exposure to passing trains.
- (26) There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development landscaping and planting plan should be submitted to Sydney Trains for review.
- (27) The developer must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Occupation Certificate. The Principal Certifying Authority shall not issue an Occupation

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Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.

Contributions

- (1) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 2 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is \$300,538.76. (bo005.doc)

Prior to Commencement of Works

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:

- i The licensee's name and contractor licence number;
- ii That the licensee has complied with Part 6 of the Home Building Act 1989.

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

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

or

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

- (2) The developer shall lodge with Council a bond of \$22,000 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:

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- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
- b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
- c You **must** notify the Council of the appointment; and
- d You **must** give at least two (2) days' notice to Council of your intention to commence work.

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

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

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

- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the 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)

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- (9) All works within the public road shall be based on the plans prepared by Footprint Engineering P/L - Reference 1703 – Sheets 1 to 3 (inclusive) - Issue 2 – dated 09/10/2017. Fully detailed construction plans shall be approved by the Road Authority prior to any works commencing on within the public road reserve.
- (10) A signposting and line marking plan shall be prepared in accordance with Australian Standard 1742 and NSW Road and Maritime Services' "Supplements to the Australian Standards", for all works within the public roads. This plan shall be approved by the Kiama Local Traffic Committee prior to the commencement of any works within the public road reserve.
- (11) A Project Arborist shall be appointed prior to any works commencing on site. The Project Arborist is responsible for:
- a) The placement of protective fencing for the existing trees to be retained
 - b) The supervision of any tree branch pruning
 - c) The supervision of any tree root severing greater than 50mm diameter
 - d) Recommendation and supervision of tree root barriers
 - e) Recommend appropriate treatments as required when construction conflicts with tree protection
 - f) Confirmation that the project arborist has identified to the tree contractor the trees that shall be removed or retained in accordance with the conditions of consent.
 - g) Report attendance and actions by certification to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.

The Project Arborist is to be adequately experienced and qualified with minimum Level 5 (AQF): Diploma in Horticulture (Arboriculture).

Civil Engineering Design

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

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

- a The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with *Australian Rainfall and Runoff* published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);
- b Plan, longitudinal and cross sectional detail shall be provided for the proposed access driveways, car spaces and aisles;

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- c The proposed pavement treatment to the access driveways, car spaces and aisles. The minimum surface treatment shall be cement concrete/segmental paving;
- d A Construction Environmental Management Plan (CEMP) shall be prepared in accordance with Australian Standard AS/NZS ISO 14001: 2004 for all civil engineering work associated with the development.

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

- (2) The developer shall construct footpath, stormwater drainage, full width road, turning head, parking bays, pavement, asphalt surfacing, kerb and gutter in Marsden Street for the full frontage of the property. The developer shall liaise with the Road Authority to determine the proposed road alignment.

Site Facilities

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

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

Erosion and Sedimentation Controls/Soil and Water Management

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
 - a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.
 - b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
 - c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
 - d All the above requirements must be in place for the duration of the construction works. (esc005.doc)

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- (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)
- (4) Any material deposited on public roads resulting from the works must be removed within the same day.
- (5) The emission of dust from the site must be controlled and in this regard watering
- (6) A shaker pad is to be installed at the exit point of the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
- (7) Sediment traps must be installed on-site around all affected stormwater inlets and drainage lines. All sediment control measures must be maintained on a daily basis until the site has been fully revegetated.

Tree Protection

- (1) The trees numbered T1, T2, T4, T5, T6, all trees labeled B – Coral trees, all trees labeled C (dead trees) and all shrubs labelled A (vegetation less than 3 metres tall), as detailed in the Aboricultural Impact Assessment by Allied Tree Consultancy dated 3 June 2016, Reference no. D2782, may be removed for the development. Note - The trees to be retained are: T3 Norfolk Island Pine and T7 the large Moreton Bay Fig.
- (2) Protection fencing shall be erected around the trees to be retained, trees numbered T3 – Norfolk Island Pine and T7 Moreton Bay Fig, as detailed in the Aboricultural Impact Assessment by Allied Tree Consultancy dated 3 June 2016, Reference no. D2782. The fencing shall be erected prior to the commencement of works. The fencing shall consist of 1.8 metres high cyclone wire supported on galvanised steel posts at a minimum 3.0 metre centres. The fencing shall be positioned as shown in the Aboricultural Impact Assessment by Allied Tree Consultancy dated 3 June 2016, Reference no. D2782. The fencing shall be maintained and remain in situ until all building works are completed.
- (3) No machinery, builder's material/s and/or waste shall be located inside the protective fencing.
- (4) Tree No. T3 – Norfolk Island Pine - the proposed driveway will encroach upon the Structural Root Zone (SRZ) of the tree. The area of the driveway impacting

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the SRZ shall be made of porous flexible material as directed by the Project Arborist.

- (5) Tree No. T7 – Morton Bay Fig - the development may impact the Tree Protection Zone (TPZ) of the tree. The Project Arborist shall determine the treatments to minimise the impact of construction on the tree.
- (6) The route of the timber decking path near Unit 38 and the route of the gravel path, both in the vicinity of Tree No. T7 – Moreton Bay Fig, shall be determined after consulting the Project Arborist. Construction shall be in accordance with any treatments recommended, and with the approval and supervision of the Project Arborist.
- (7) Trenching for stormwater pipes and other works in the vicinity of Tree No. T3 and Tree No. T7 shall be with the approval and supervision of the Project Arborist.
- (8) During construction any branches of the trees on site that need pruning for clearance of scaffolding or building shall be removed with the approval and supervision of the Project Arborist.
- (9) During construction any tree roots greater than 50mm diameter that need pruning or severing shall be referred to the Project Arborist for advice on actions or treatments.
- (10) Root barrier should be installed to protect built assets. The type, depth and location of any root barrier shall be determined by the Project Arborist.
- (11) Gutter guards appropriate to the foliage and fruit of the existing trees on site should be installed in areas likely to be in the fruit/foliage fall area of the existing trees.
- (12) During construction any other matter arising that may harm the Norfolk Island Pine or the Moreton Bay Fig shall be referred to the Project Arborist.
- (13) Prior to the release of the Occupation Certificate a Compliance Certificate from the Project Arborist shall be issued to the Principal Certifying Authority detailing the attendance on site and actions performed in accordance with the conditions of the development consent.

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 the Principal Certifying Authority.

Asbestos – Licensed Contractors

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Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

Asbestos – Notification of Neighbours

Fourteen days prior to the commencement of any demolition works involving asbestos, all immediate neighbours should be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and provided to Council.

Asbestos – Tip receipts

Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts shall be provided to Council prior to any further building works being undertaken on the site.

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 10m² of Bonded Asbestos Sheeting

Demolition works involving the removal of less than 10m² 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)

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 applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

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

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Car Parking and Vehicular Access

- (1) The car parking and manoeuvring area shall be line marked and signposted in compliance with the requirements of the Australian Standards AS 1742.2, AS 1743, AS 1744, AS/NZS 1906.1, AS 1906.2, AS 1906.3 and AS 4049.1. (c025.doc)
- (2) The access driveway, car parking and manoeuvring areas shall be paved in materials other than plain concrete or asphaltic concrete (eg brick pavers, exposed aggregate, coloured concrete, stencilled concrete etc). Details of the proposed paving material, including colour, shall be submitted to the Principal Certifying Authority prior to the issuing of the construction certificate. In this regard:
 - a Masonry pavers shall comply with design requirements of AS/NZS 4455 and AS/NZS 4456.
 - b Cement concrete access driveways shall be designed and constructed in accordance with the principles of the Cement, Concrete and Aggregates Australia technical notes. (c030.doc)
- (3) 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)
- (4) All visitor parking bays and car wash bays are to be clearly delineated and sign posted.

Stormwater Management

- (1) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. (sm055.doc)
- (2) The developer shall provide 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 a connection to an underground piped inter-allotment drainage system in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama Development Control Plan 2012, for all lots which are unable to direct stormwater runoff to the existing road network. Details of the proposed drainage system must be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. (sm075.doc)

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- (4) The developer shall provide Chartered Professional Engineer's certification for the structural design and construction of detention tanks to the Principal Certifying Authority prior to the release of any Occupation Certificate. (sm080.doc)
 - (5) 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)
 - (6) 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)
 - (7) 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)
 - (8) 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)
 - (9) The developer at its cost shall, carry out any necessary amplification or upgrading of the downstream drainage system, including the negotiation and dedication of appropriate easements, to ensure that the treatment standards of this development consent are complied with. (sm165.doc)
 - (10) The developer shall treat all natural watercourses for scour protection in accordance with the "Managing Urban Stormwater: Soils and Construction" Volume 1 (Landcom 2004). Details of the treatment must be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. (sm175.doc)
 - (11) The Concept Drainage Plans prepared by Ian Baker Consulting P/L - Reference 11605211.1 – Sheets 1 to 12 (inclusive) - Issue D – dated 04/10/2017 shall be updated with full construction details and approved by way of a Construction Certificate by the Certifying Authority prior to any works commencing on site. The Principal Certifying Authority shall ensure that all works on the Drainage Plan are fully completed prior to the issue of any Occupation Certificate.

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Civil Engineering Construction

- (1) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties. (cec015.doc)
- (2) No vibratory rollers are to be used during the construction of this civil engineering work unless a geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent properties and the approval has been issued to the Principal Certifying Authority. (cec030.doc)
- (3) All new construction work shall make smooth junctions with existing work. (cec080.doc)
- (4) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama Development Control Plan 2012, and civil engineering drawings approved by the Principal Certifying Authority. (cec085.doc)
- (5) The developer shall undertake engineering inspections, sampling, testing and recording of results of all constructed civil engineering works in accordance with the requirements of the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama Development Control Plan 2012 and civil engineering drawings approved by the Principal Certifying Authority. (cec070.doc)

Geotechnical Requirements

- (1) 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 (i.e. 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)
- (3) All earthworks associated with the development shall be completed in accordance with AS 3798-2007 Guidelines on Earthworks for Commercial and Residential Developments. (gr075.doc)

Inspections

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

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

Building Construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)

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- (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 6.00 pm
Saturdays - 8.00 am to 1.00 pm
No construction work is to take place on Sundays or Public Holidays. (bu151.doc)
 - (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)

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) Prior to the issue of the Construction Certificate for any civil work the developer shall submit to the Principal Certifying Authority:
 - a A detailed design plan of the street and pathway lighting proposed throughout the development that is designed to avoid glare for pedestrians and adjacent dwellings. The lighting design shall comply with the Australian Standard AS/NZS 1158.
 - b The developer shall liaise with Council in order to determine the required design treatment for all public lighting. (us025.doc)
- (3) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document "A Model Agreement for Local Councils and Utility/Service Providers" prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area. (us035.doc)
- (4) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access. (us045.doc)

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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. A row of street trees shall be planted along South Kiama Drive from the unformed Marsden Street to Surfleet Place. The trees shall be *Waterhousea floribunda*, minimum 75 litre size positioned east of the existing footpath at 12 metre centres. The street trees shall be detailed on the landscape 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) Prior to the release of the Occupation Certificate all landscape works shall be completed. The developer shall provide a Compliance Certificate from the Landscape Architect stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent.
- (5) Any paved areas within the dripline of the trunk of the Norfolk Island Pine shall be paved using a porous segmented paving. Details of the proposed paving material and specification for installation shall be submitted to Council for approval prior to the issuing of a Construction Certificate. (lw085.doc)
- (6) Mulch (min 100mm thick) is to be spread under the full extent of the canopy of the Moreton Bay Fig tree. (lw115.doc)

Prior to Occupation

- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to release of the Final Occupation Certificate.
Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)
- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)
- (3) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.

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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 civil engineering works prior to the issue of any Occupation Certificate. (po010.doc)
- (5) Prior to the issue of an Occupation Certificate the applicant shall obtain accurate street numbering for the development from Council's Geographical Information Services section. (po025.doc)
- (6) The development is to be provided with mail boxes in accordance with Australian Standard AS/NZS 4253 - 1994 which covers the dimensions, installation and positioning for mail boxes for receipt of mail. (sf060.doc)

Conveyancing Requirements

- (1) Under the provisions of the Conveyancing Act 1919, an Instrument under Section 88B shall be prepared and shall contain a restriction on the use of land denying vehicular access to the South Kiama Drive frontage of proposed Lot 34 DP1181744. (cr025.doc)
- (2) 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 and associated stormwater 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.

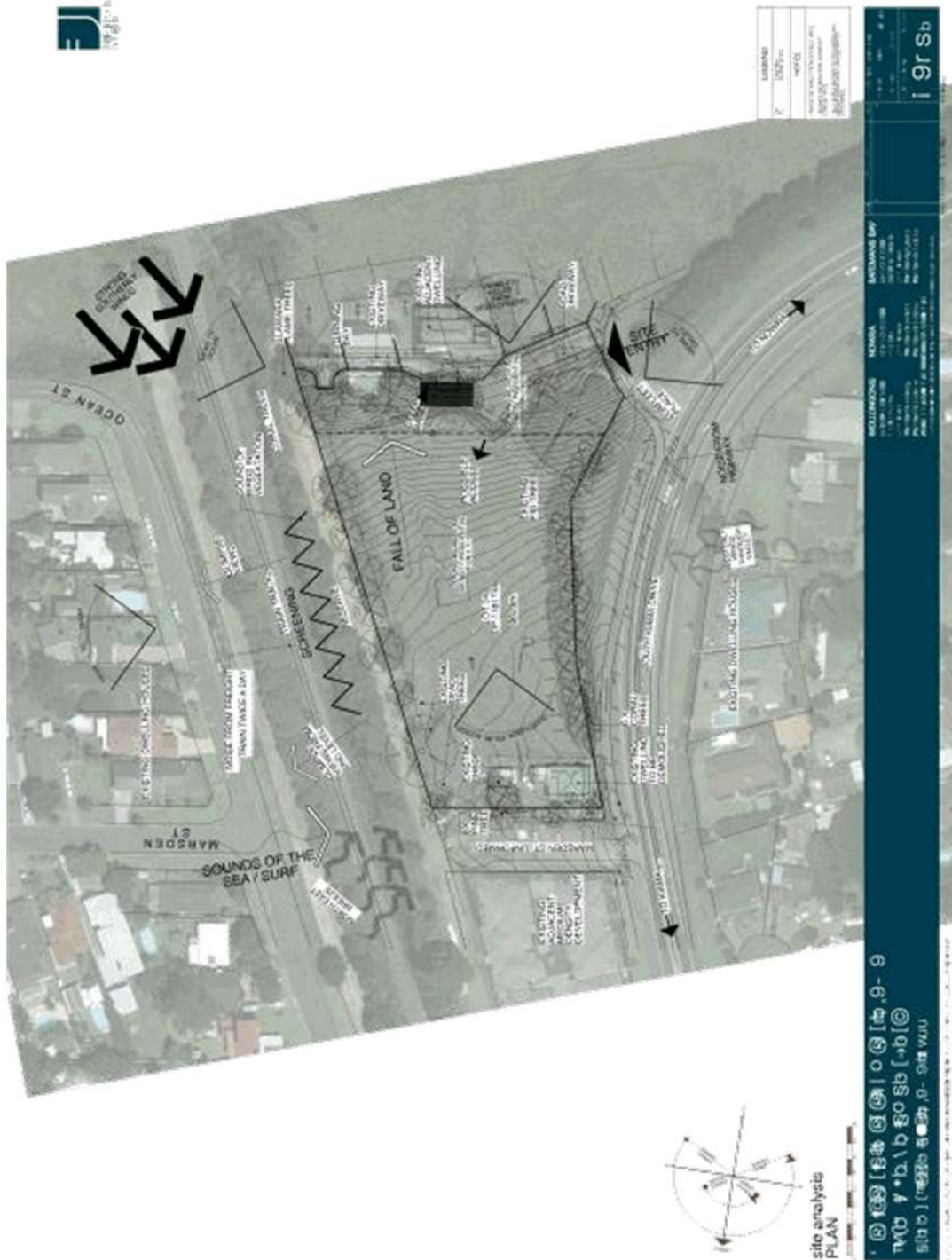
The above requirements shall be undertaken prior to the issue of any Occupation Certificate. (cr040.doc)

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1 - 10.2016.301.1 - plans



Item 10.2

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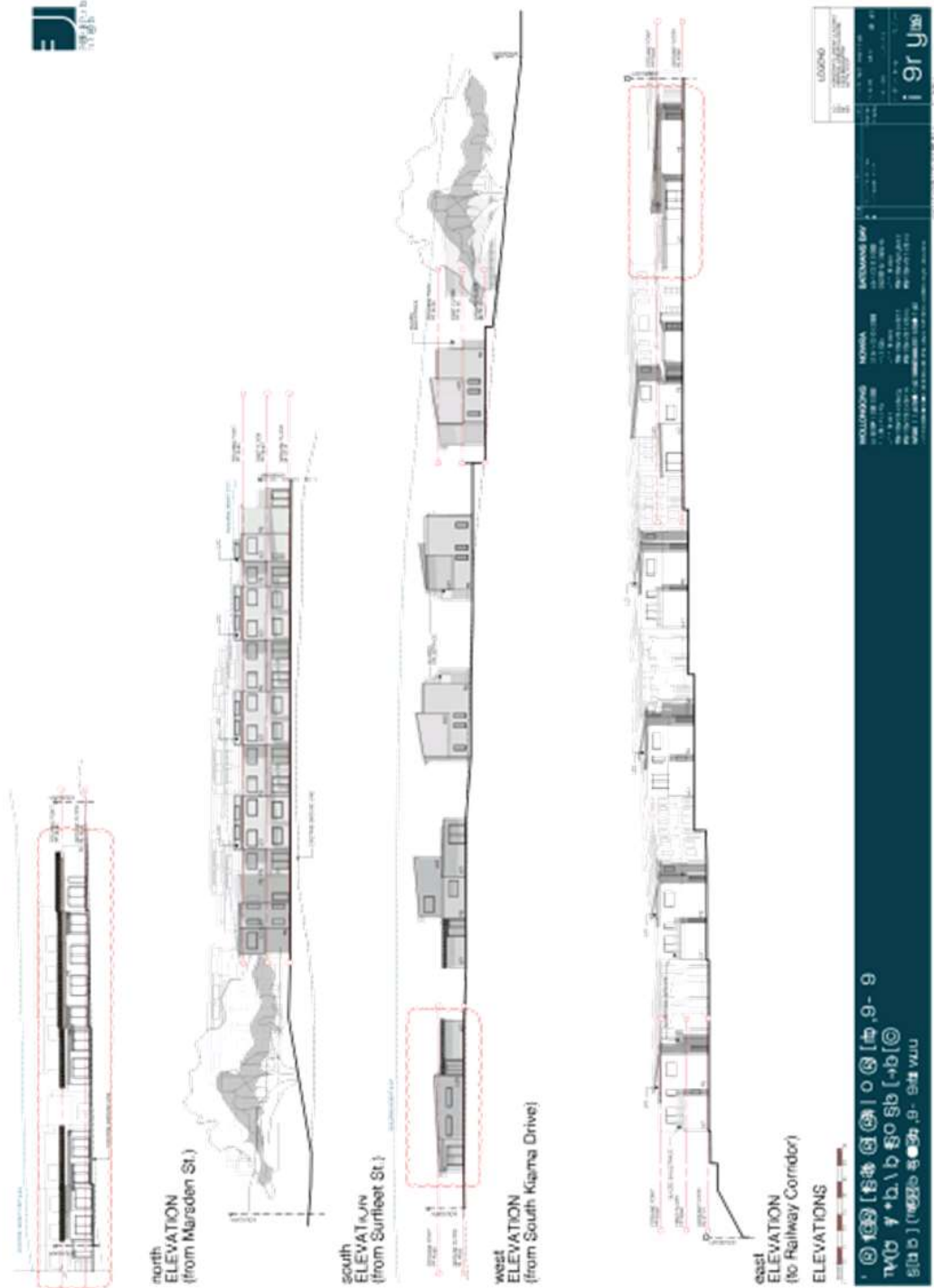


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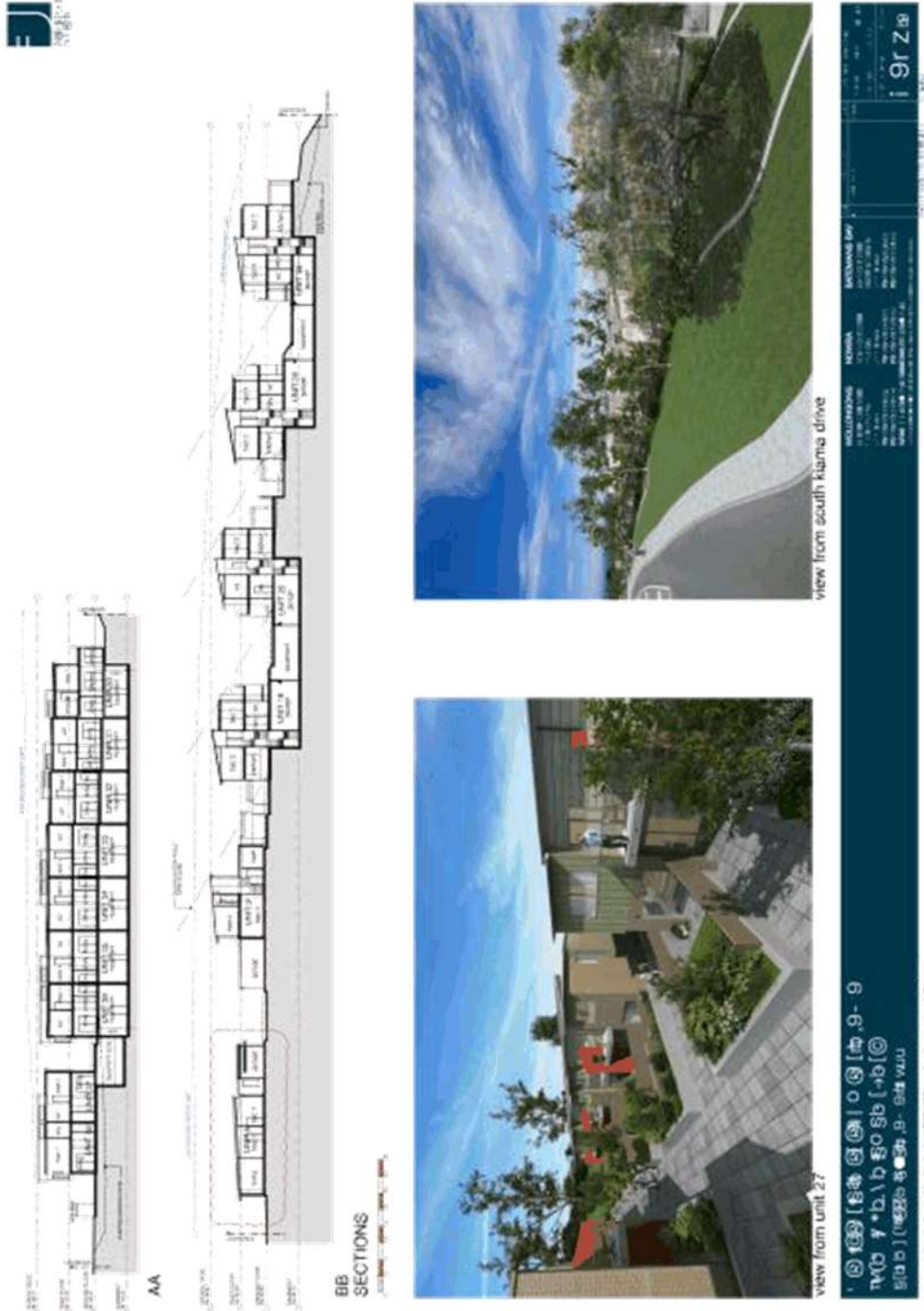
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Item 10.2

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Item 10.2

Enclosure 1

Minutes of the Kiama Youth Advisory Committee meeting held on Thursday 9th November 2017 at Kiama High School at 10:47am

Present: Cllr Kathy Rice (Kiama Municipal Council, Chair), Andrew Chatfield (Kiama Municipal Council, minutes), Carly Abbott, Mitchell Micallef, Simon Case, Amelia Beahan, Bethany Chapman, Charlotte Beahan, Ariba Amal, Emilio Goytizolo, Isaac Baker, Carlo Cullen, Jayden Wilshire, Cyrus Piggott, Alira Morgan, Josie Mansell, Lauren Perry, Nicholas Gregory, Alex Wunsch

1. Apologies: Cllr. Mark Westhoff (Kiama Municipal Council), Nick Guggisberg (Kiama Municipal Council), Michael Dalitz (Kiama Municipal Council Library Services), Linda McGavock (Kiama High School staff).

2. Minutes of previous meeting:

Moved by Carly Abbott and seconded by Isaac Baker.

CARRIED

3. Business arising from previous meeting:

3.1 KHS recycling program

Andrew Chatfield followed up on a request from students regarding developing a recycling program at Kiama High School and reiterated that this would have to be a student led initiative and that Council officers could assist in helping to develop a waste audit and planning a way forward. Andrew recommended students speak with the KHS School Executive Committee to identify a way forward.

ACTION: SRC to identify plans to move forward and report back next meeting

3.2 Indigenous cultural programs in the Municipality

Andrew Chatfield invited Alira Morgan to meet with Council's Aboriginal Community Liaison Officer, Trish Levett on a Tuesday afternoon to discuss possible programs and initiatives.

ACTION: Alira to meet with Trish at SENTRAL

3.3 Mental Health Awareness program

Andrew Chatfield has yet to meet with Zahli Howard, Caterina Loss and Taylor Lee Byrne to discuss future mental health initiatives and as they were not at the meeting, Andrew suggested we keep the item on the agenda and discuss at the December meeting.

3.4 KHS fest

Andrew Chatfield responded to a request from Carly Abbott regarding information on a photo booth stall for a student organized event at KHS called 'KHS Fest'. Andrew provided Carly with the information and agreed to assist the students on event logistics.

ACTION: Andrew to attend 'KHS Fest' planning meetings at KHS.

3.5 Riding of bikes on footpath

Clr. Kathy Rice updated the committee on the issue of riding bikes on the footpath and reported that she has spoken with Council's Road Safety Officer who recommended that students obey current signage for their own safety; however children under 12 years can currently ride bicycles on any path despite signage. Clr. Rice distributed a 'Share the Path' handout explaining the current rules for cyclists and recommended a copy be placed at KHS.

ACTION: Information to be distributed at KHS

3.6 Flashing school lights

Clr Kathy Rice responded to the issue of the flashing lights outside of Kiama High School in the 40km zone, which are not in operation on Monday afternoons due to the early school finishing time. Clr Rice informed the committee that Council cannot solve this issue as it is a Roads and Maritime Services (RMS) responsibility and that the RMS cannot cater for individual school leaving times. The RMS recommended that it is currently best to leave the system as it is so drivers do not become confused, especially as the lights are currently not in operation for a 20 minute period only.

4. Reports

4.1 SENTRAL programs

Senior Youth Worker Andrew Chatfield reported on current programs at SENTRAL including Yoga, group fitness sessions each Wednesday and Thursday and Intrergen Munch Out each Thursday from 5pm. All programs are free and young people are encouraged to register.

4.2 SENTRAL renovations update

Andrew Chatfield provided an update on the renovations to SENTRAL Youth Centre including the construction of an outdoor eating pavilion complete with a BBQ and pizza oven. The new works will allow us to plan many more events including dinner theatres, café and twilight theatre.

4.3 KHS Programs

Andrew Chatfield provided information on current joint programs with Kiama High School students including; Young Men's Program, Youth Advisory Committee and Youth Worker at KHS each Friday. We look forward to continuing our partnership with KHS in 2018 where we are excited to offer Event Management and Young Entrepreneurs programs.

4.4 Bike Skills Park

Andrew Chatfield provided an update on a proposed Bike Skills Park to be located in Minnamurra Quarry. The proposal is still being investigated as Council is currently consulting young people, bike riders and residents as to the suitability of the proposal. Andrew will keep the committee informed of the progress.

5. General Business:

5.1 Minnamurra to Kiama bike track

Carlo Cullen asked if a bike track from Minnamurra to Kiama was being created to which Clr Kathy Rice responded that there is no plans for a bike track as such, but there are plans for a boardwalk along Minnamurra River to Jamberoo. Carlo stated that it is dangerous to ride along the highway into Kiama especially with the flooding issue that occurs under the southern bridge. Clr Rice reiterated that there is no current plans for any improvements along the current bike path from Bombo to Kiama, but will find out more information on the bike path from Kiama to Jamberoo for the next meeting.

ACTION: Clr. Rice to present further information on the Kiama to Jamberoo bike path for the next meeting.

6. Next Meeting

The next Kiama Youth Advisory Committee will be held on Thursday December 2nd 2017 from 10:30 – 12pm at Kiama High School.

There being no further business the meeting closed at 11.45am



The NAIDOC Week School Initiative Competitions have brought a coordinated educational component to the week-long celebrations. The competitions have been overwhelmingly successful and last year was no exception which produced over 206,127 entries from schools who participated in a variety of competitions and we are delighted to announce this year's "2018 NAIDOC Week" Colouring-in/short story and Creative/Essay writing Competitions. Entry is open to all primary and secondary school students in communities.

NAIDOC Week 2018 July 8th – 15th

The ultimate aim of these initiatives is to provide our kids with a greater understanding on the importance of friendship and cultural diversity. The competitions reflect Aboriginal ancestry and promote the growth of positive attitudes in all students towards Aboriginal people. They are broadly based around each year's national NAIDOC theme. The colouring-in/ Short-Story competitions are open to all primary school students and the creative writing/ Essay Writing competition will be open to all secondary students. **The winning students are each year awarded prizes from our major sponsors.**

As part of National NAIDOC Week celebrations Koori Kids coordinates, with the support of various government departments and local councils an educational component to provide a link of cultural diversity to our kids with the NAIDOC Week School Initiative Competitions. These competitions have been a successful part of NAIDOC Week and to date we have received over 2,224,910 entries which include colouring-in, short story, creative writing and essay writing. As a result we have awarded over 450 major prizes including; Computers, Televisions, Mountain Bikes, Xbox consoles, DVD Players, MP3 Players, Mini Stereos, and Encyclopedias. We have presented some 4950 encouragement awards including; CDS, DVDS, Movie Tickets and certificates to all participants

This year our highlighted Indigenous role models include a broader spectre recognising Indigenous talent in entertainment and sport and their contribution to the national identity **Jessica Mauboy (Indigenous Singer) and Jonathan Thurston (Indigenous sportsman)**. Our message this year is that education is knowledge and knowledge is **GOLD**

The logistics of the initiatives involve packages being sent to all school principals inviting students to participate in the competitions. Prizes will be awarded to the winning students along with the "NAIDOC Medal of Excellence" The Prime Minister has previously provided a message of support for the initiatives encouraging students to participate. "The wonderful work of student winners – and indeed all entrants – gives me great confidence for the future and our ability to forge a more united, harmonious and respectful future together in the spirit of reconciliation. We can draw inspiration from their idealism and creativity, and their instinctive sense of possibility and openness to change. That is why I am so delighted to be associated with the successful NAIDOC Week School Initiatives"



The judging of entries last year was adjudicated by a panel including; our patron, Aboriginal Elders and Sponsoring agency delegates. The judging this year will take a similar precedent. At an awards presentation held during NAIDOC Week the Minister praised the competitions and their purpose "The initiative we are here to celebrate today provides a perfect

illustration of how general public awareness has been raised around these issues in recent times. The NAIDOC School Initiative competitions are a perfect opportunity to bring Australians together. They have clearly done so".

We acknowledge and appreciate the support of the council last year and seek your involvement again in this year's competitions. **We are asking that you assist this year by preparing a report to council and continuing your support to the initiative with a \$450.00 contribution towards printing and distribution for students within councils LGA.** Support last year was recognised by the Prime Minister and Minister – Indigenous Affairs at the NAIDOC Awards presentation held during NAIDOC Week. Logo was displayed on all materials sent to both principals and student's across council's LGA and a proof the 2018 competition entry forms for your information is attached. Support was also recognised in all media which included the Advertiser, National Indigenous Times, ABC Radio, Local media and ABC TV's Message Sticks.

Presentation of NAIDOC Medals of Excellence were presented to the winning students were held at special school assemblies and were attended by Elders, Executive Director, NAIDOC Week School Initiatives, Director, Social Wellbeing & Community – Koori Kids, local Mayor or representatives, Regional Director of Schools, Delegates from the Department Education NSW and Australia Post. I would particularly like to acknowledge; **Hon. Rob Stokes M.P – Minister for Education, Hon. Leslie Williams M.P – Minister for Early Childhood Education and Aboriginal Affairs, Ms Mary Senj (NSW CEC), Local Mayors and Mayoral Representatives; Inner West Council, Gunnedah Shire Council, Wollongong City Council, Sutherland Shire Council, Parkes Shire Council, Orange City Council, Shoalhaven City Council, Queanbeyan-Palarang Regional Council, Albury City Council, Hawkesbury City Council, Tamworth Regional Council, City of Canada Bay, Kiama Municipal Council, Cowra Shire Council, Eurobodalla Shire Council, Canterbury Bankstown Council, Hornsby Shire Council, Ku-Ring-Gai Council, Wollondilly Shire Council, Goulburn-Mulwaree Council, Tweed Council, City of Ryde, Walcha Council, Northern Beaches Council, North Sydney Council, Bega Valley Shire Council, Broken Hill City Council, Waverley Council, Mid Coast Council, Strathfield Council, Wingecarribee Shire Council and Representatives of the Aboriginal Land Council** for taking time out of their schedules to attend the school presentations.

Without support these initiatives would not have been an overwhelming success and we hope that you will be able to assist us with this small community contribution. For further please contact the co-ordinator on (02) 8088-0791 or send an Email to director@koorikids.com

Warm Regards

Dylan Williams
Executive Director
NAIDOC Week 2018
School Initiative Competitions



‘ANNEXURE’

**NAIDOC Week 2018 School Initiatives
Koori Kids – Request for financial partnership**

**Mayor,
Chief Executive Officer
CC: Director: Community Services**

REPORT IN BRIEF

Koori Kids is a community organisation that engages young people in a range of school initiatives to promote education and awareness of Aboriginal & Torres Strait Islander culture. Each year Koori Kids conducts the NAIDOC Week School Initiative Competitions for school aged children. This is broken up into primary and secondary school categories being; colouring-in, short story writing and creative and essay writing. Koori Kids is seeking continued support from council and request consideration of council to be an associate partner with a \$450 towards the program

Purpose

The purpose of this annexure to the proposal is to inform council of the Koori Kids 2018 School Initiatives program. The initiatives are coordinated in partnership with Department of Education & Communities, Department of Education, Department of Health, Transport NSW, NSW Catholic Education Commission and Department of Premier & Cabinet.

Koori Kids has provided a proposal and draft entry forms for the 2018 initiatives. The contribution sought (\$450) will be utilised towards the costs for printing and distribution of information packs, posters and entry forms to schools across councils LGA. These initiatives are designed to educate all students on cultural diversity and involve a whole of community approach in the spirit of reconciliation and bringing us ‘all together as one community’.

Costing	Description	Cost
Printing	Entry forms – (LGA Schools)	325.00
Distribution	Postage and Delivery	125.00

Summary

This worthwhile cross cultural initiative has been operating very successfully since 2001 and is aligned with NAIDOC Week, celebrated in July each year. Hundreds of entries are received each year from schools within councils LGA, and the success of the program is due in part to the support of councils and partner organisations. The contribution sought (\$450) will be utilised towards the costs for printing and distribution of information packs, posters and entry forms for colouring-in, short story writing and creative essay writing competitions held in schools across the local government area (LGA). These initiatives are designed to educate all students on cultural diversity and involve a whole of community approach in the spirit of reconciliation and bringing us ‘all together as one community’.

Strategic

Strategic Plan – People and Culture

- A harmonious community based on respect and responsibility, where everyone is valued
- Recognition of Aboriginal & Torres Strait Islander heritage
- Cultural and community activity encouraging harmony and reconciliation

Environmental

The initiatives will enable participants to explore concepts linking environmental; and social/ cultural issues and foster harmony in the community.

Social

The initiatives enables a diverse range of children to benefit from discussion and curriculum topics focused around the development of NAIDOC Week and the broader history of Indigenous culture.

Recreation

Each year at some of the winning schools Koori Kids host some 'Healthy Lifestyle Clinics' with visiting celebrity sports persons the ultimate aim of these clinics is to encourage an active lifestyle; including nutrition, sportsmanship and skill development. All Students participating are provided a T-Shirt, Water Bottle and Ball.

Council Acknowledgement

Council is acknowledged through logo inclusion as an associate partner on information packs sent to schools throughout councils LGA. If there is a winner from a school within council LGA, an invitation for the Mayor and or a representative is invited to attend the school, along with Executive Director, NAIDOC Week Initiatives, Director, Social Wellbeing and other dignitaries to make special presentation of the NAIDOC Medal of Excellence and the student's prize. (only 30 Medals issued across the state). Media release for the winning school is prepared in consultation with council's media officer. Council is also forwarded a final report and a special NAIDOC plaque.

Conclusion

The NAIDOC Week School Initiatives are the only activity throughout NAIDOC Week that provides students with an educational component to NAIDOC Week and Indigenous culture and heritage.



Item 14.9

Enclosure 1