ORDINARY MEETING OF COUNCIL

To be held at 5 pm on

Tuesday 20 April 2021

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

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

Members

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

14 April 2021

To the Chairman and Councillors:

NOTICE OF ORDINARY MEETING

You are respectfully requested to attend an **Ordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers, 11 Manning Street, KIAMA NSW 2533** on **Tuesday 20 April 2021** commencing at **5 pm** for the consideration of the undermentioned business.

Yours faithfully

Mike Dowd

Acting General Manager

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AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 20 APRIL 2021

1 APOLOGIES

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Minutes of the 16 March 2021 Ordinary Council Meeting

Attachments

1 Minutes - Ordinary Council - 16/03/2021⇩

Enclosures
Nil

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held on 16 March 2021 be received and accepted.

KIAMA MUNICIPAL COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5 pm on

TUESDAY 16 MARCH 2021

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE ORDINARY MEETING
OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON TUESDAY 16 MARCH 2021 AT 5 PM

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

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

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council on 9 February 2021

21/033OC

Resolved that the Minutes of the Ordinary Council Meeting held on 9 February 2021 be received and accepted.

(Councillors Way and Watson)

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

Against: Nil

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 DECLARATIONS OF INTEREST

Disclosure of Interest - Councillor Brown

Councillor Brown declared a less than significant non-pecuniary interest in Item 12.5 *10.2017.291.2 - 10 Bong Bong Street, Kiama - Modification of Consent* as he is a member of an associated company or other body.

Disclosure of Interest - Councillor Steel

Councillor Steel declared a less than significant non-pecuniary interest in Item 12.6 *10.2020.113.1 – Lot 10 DP 38751 – 4 Darien Avenue, Bombo - Staged development - Stage 1 demolition of existing dwelling and construction of dual occupancy, Stage 2 - two (2) Lot Torrens Title subdivision* as he lives in Darien Avenue, Bombo.

Disclosure of Interest - Councillor Way

Councillor Way declared a less than significant non-pecuniary interest in Item 14.1 *Council Submission on the Draft Kiama Harbour Revitalisation Strategic Framework* as he is a member of an associated company or other body.

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Roy Schmidt	12.4	10.2020.190.1 - Lot 201 DP 1022563 - 16 Crooked River Road, Gerroa - Primary and secondary dwelling, 2 pools, shed, driveway and 2 wood heaters
Michael Gamble	12.6	10.2020.113.1 – Lot 10 DP 38751 – 4 Darien Avenue, Bombo - Staged development - Stage 1 demolition of existing dwelling and construction of dual occupancy, Stage 2 - two (2) Lot Torrens Title subdivision

Name	Item No.	Subject
Christine Stirman	14.1	Council Submission on the Draft Kiama Harbour Revitalisation Strategic Framework
Paul Wyer	14.1	Council Submission on the Draft Kiama Harbour Revitalisation Strategic Framework

8 MAYORAL MINUTE

Nil

9 MINUTES OF COMMITTEES

9.1 Minutes: Access Committee Meeting - 5 February 2021

21/034OC

Resolved that the Minutes of the Access Committee Meeting held on 5 February 2021 be received and accepted.

(Councillors Reilly and Watson)

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

Against: Nil

9.2 Minutes: Catchment and Flood Risk Management Committee – 2 February 2021

21/035OC

Resolved that the Minutes of the Catchment and Flood Risk Management Committee Meeting held on 2 February 2021 be received and accepted.

(Councillors Westhoff and Way)

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

Against: Nil

9.3 Minutes: Destination Kiama Tourism Advisory Committee extraordinary meeting - 8 March 2021

21/036OC

Resolved that the Minutes of the Destination Kiama Tourism Advisory Committee extraordinary meeting held on 8 March 2021 be received and the following recommendations accepted:

1. Kiama Municipal Council, via Destination Kiama, run a Winter Event to replace the New Year's Eve Fireworks, engaging a professional event organiser and contracting local event providers, such as KISS Arts to perform and provide entertainment as described within the supporting document, utilising Regional Events Acceleration Funds and the previously reserved New Year's Eve Funding.
2. If grant fund application is unsuccessful, Kiama Municipal Council, via Destination Kiama, run a 'scaled back' Winter Event to replace the New Year's Eve Fireworks within the existing allocated New Year's Eve Council Budget.

(Councillors Brown and Westhoff)

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

Against: Nil

9.4 Minutes: Health and Sustainability Committee - 18 February 2021

21/037OC

Resolved that the Minutes of the Health and Sustainability Committee Meeting held on 18 February 2021 be received and accepted.

(Councillors Sloan and Reilly)

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

Against: Nil

9.5 Minutes: Kiama Local Traffic Committee - 2 March 2021

21/038OC

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 2 March 2021 (attachment 1 of the report) be received and the following recommendations accepted:

1. That Council approve the Anzac March in Jamberoo for Saturday 24 April 2021, subject to organisers and suitably qualified traffic controllers complying with the following conditions:
   1) the road closures to be undertaken by organisers in compliance with the Traffic Management Plan No. NT-0011 prepared by Traffic Management Services Pty Ltd (attachment 2 of the report)
   2) a Road Occupancy Permit being issued by Transport for NSW
   3) notification of this closure be given to Police, Local Emergency Services businesses and residents effected by the closure
   4) proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event
   5) an advertisement be placed in the local media advising of the closure
   6) subject to public health orders at the time.

2. That Council approve the Anzac March in Kiama for Sunday 25 April 2021, subject to organisers and suitably qualified traffic controllers complying with the following conditions:
   1) the road closures to be undertaken by organisers in compliance with the Traffic Management Plan Nos. 6134 and T2305-0415 prepared by Traffic Logistics Pty Ltd and Traffic Management Services Pty Ltd (attachment 3 of the report)
   2) notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure
   3) an advertisement be placed in the local media advising of the closure
   4) proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
   5) subject to public health orders at the time.

3 That Council approve the extension of the current Bus Zone time for the bus stop at Allowrie Street Jamberoo by half an hour to end at 4:30pm, with the appropriate change to regulatory signage (see attachment 4 of the report).

4 That Council approve the proposed Work Zone adjacent to No. 33 Collins Street, Kiama in accordance with the signage plan provided in attachment 5 of the report.

(Councillors Steel and Way)

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

Against: Nil

9.6 Minutes: Walking Tracks and Cycleways Committee - 10 February 2021

21/039OC

Resolved that the Minutes of the Walking Tracks and Cycleways Committee Meeting held on 10 February 2021 be received, and the following recommendation accepted:

1. That the Walking Tracks and Cycleways Committee request to Council to contact Professor Bruce Tom, or some other recognised coastal scientist, to gain support for Stage 2 of the Coastal Walk, and that an application for funding to the Coastal Lands Protection Scheme be made as a matter of urgency and before the next meeting of this Committee.

(Councillors Sloan and Reilly)

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

Against: Nil

COMMITTEE OF THE WHOLE

21/040OC

Resolved that at this time, 5.08pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

Report of the General Manager
Report of the Director Environmental Services
Report of the Director Engineering and Works
Reports for Information

(Councillors Steel and Westhoff)

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

Against: Nil

10 PUBLIC ACCESS REPORTS

21/041OC

Committee recommendation that at this time, 5.08pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Reilly and Rice)

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

Against: Nil

12.4 10.2020.190.1 - Lot 201 DP 1022563 - 16 Crooked River Road, Gerroa - Primary & Secondary Dwelling, 2 Pools, Shed, Driveway & 2 Woodheaters

21/042OC

Committee recommendation that development application 10.2020.190.1 - Lot 201 DP 1022563 - 16 Crooked River Road, Gerroa be refused. The proposal does not satisfy clause 4.2A(3)(a) minimum lot size under the Local Environmental Plan Lot Size Map to permit the erection of a dwelling house. It is such an overdevelopment of the site that it extinguishes any argument for Council to vary this clause due to the proposal's additional non-compliance with Council's Local Strategic Planning Statement Planning Priority 9, E3 zone objectives and Development Control Plan clauses O:3.2.4, O:3.2.8, O:3.2.9, O:3.2.10, 3.2.11, 3.2.14, 6.2.12 and 8.4.10.

(Councillors Rice and Reilly)

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

Against: Councillor Watson

12.6 10.2020.113.1 – Lot 10 DP 38751 – 4 Darien Avenue, Bombo - Staged Development - Stage 1 Demolition of Existing Dwelling and Construction of Dual Occupancy, Stage 2 - Two (2) Lot Torrens Title Subdivision

Disclosure of Interest - Councillor Steel

Councillor Steel declared a less than significant non-pecuniary interest in this matter as as he lives in Darien Avenue, Bombo. Councillor Steel took part in discussion and voting on this matter.

21/043OC

Committee recommendation that Council approve Development Application No 10.2020.113.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Way)

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

Against: Councillors Honey, Rice and Westhoff

14.1 Council Submission on the Draft Kiama Harbour Revitalisation Strategic Framework

Disclosure of Interest - Councillor Way

Councillor Way declared a a less than significant non-pecuniary interest in this matter as he is a member of an associated company or other body. Councillor Way took part in discussion and voting on this matter.

21/044OC

Committee recommendation that Council:

1. Note the development of the Draft Kiama Harbour Revitalisation Strategic Framework by Transport for NSW in consultation with Council and the local community.
2. Endorse Council's submission on the Draft Kiama Harbour Revitalisation Strategic Framework as contained in the body of this report, with the following amendments and additions –
   a. amend Item 1 to remove first sentence expressing gratitude for collaborative consultation approach by Transport for NSW
   b. delete Item 2, stating that the draft plan generally aligns with associated Council strategies
   c. amend Item 3 to remove first sentence indicating Council support for the proposed Visions and Objectives for the strategic framework and recognising the appropriateness of the principles used
   d. amend Item 5b to remove the word 'severely' from sixth line referencing restrictions on access to the area around the rock pool
   e. amend Item 5c by adding the following to strengthen wording in the submission opposing the relocation of the boat ramp – "*Council is not supportive of the relocation on the basis that the existing location and supporting infrastructure is considered appropriate and adequate for the location. In addition, the proposed relocation of the boat ramp appears to contradict the guidelines and safety considerations for boat ramps as stated in Transport for NSW's Maritime Boat Ramp Facility Guidelines, specifically in regards to proximity to trailer parking, open space and public swimming areas.*"
   f. amend the first sentence of Item 5e to read "*Council is supportive of but is not the lead agency responsible for the repair and upgrade of the damaged seawalls (Item 1.3) as this is a State Government (TfNSW) responsibility.*"
   g. amend Item 5f to clarify Council's opposition to a Marina-style facility to include reference to Figure 30 in the draft Strategic Framework
   h. add a new Item 5,g) stating "*Council is supportive of further investigations into smaller scale breakwater extensions or groyne installation at the entrance of the harbour to improve and protect existing harbour infrastructure, similar to Figure 29 in the Draft Strategic Framework.*".

3. Grant the General Manager authority to finalise the submission based on Councillor feedback and forward it to Transport for NSW by 17 March 2021.

(Councillors Reilly and Brown)

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

Against: Nil

11 REPORT OF THE GENERAL MANAGER

11.1 Audited Annual Financial Statements 2019/2020

21/045OC

Committee recommendation that Council receive and adopt the Annual Financial Statements and Audit Reports for the period ended 30 June 2020.

(Councillors Brown and Westhoff)

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

Against: Nil

11.2 Delivery Program Report for July to December 2020 and Operational Plan Report for the second quarter - October to December 2020

21/046OC

Committee recommendation that Council receive the Delivery Program and Operational Plan Report for the period October to December 2020.

(Councillors Brown and Watson)

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

Against: Nil

11.3 Statement of Investments - February 2021

21/047OC

Committee recommendation that Council receive and adopt the information relating to the Statement of Investments for February 2021.

(Councillors Sloan and Westhoff)

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

12.1 Alcohol Free Zones – Kiama Municipality

21/048OC

Committee recommendation that :

1. Council adopt the proposal to re-establish the four existing alcohol-free zones as outlined in this report and as indicated on maps 1, 1b, 2, and 3 attached to the report with an exemption to apply to licensed outdoor eating licenses as issued by Council, subject to compliance with approval conditions.
2. The proposed alcohol-free zones for the Akuna Street car parking area be revoked once construction work commences on the subject site.
3. Council undertake the consultation process in accordance with Section 644A of the Local Government Act 1993 as outlined in this report.
4. A further report be submitted to Council after the consultation process has been completed.

(Councillors Watson and Rice)

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

Against: Nil

12.2 NAIDOC Week School Initiatives

21/049OC

Committee recommendation that Council agrees to participate in the 2021 NAIDOC Week School Initiative.

(Councillors Reilly and Way)

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

Against: Nil

12.3 Parthenium Weed

21/050OC

Committee recommendation that Council:

1. Recognise and endorse the works carried out by the Incident Management Team to combat the incursion of the Parthenium weed in the Kiama Municipal Council Local Government Area.
2. Support the ongoing site visits and inspections under the guidance of the Illawarra District Weed Authority.

(Councillors Westhoff and Brown)

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

Against: Nil

Item 12.4 was dealt with under Public Access Reports.

12.5 10.2017.291.2 - 10 Bong Bong Street, Kiama - Modification of Consent

Disclosure of Interest - Councillor Brown

Councillor Brown declared a less than significant non-pecuniary interest in this matter as he is a member of an associated company or other body..Councillor Brown took part in discussion and voting on this matter.

21/051OC

Committee recommendation that Council approve the Modification of Development Consent Application No 10.2017.291.2 under Section 4.55 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Watson)

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

Against: Nil

Item 12.6 was dealt with under Public Access Reports.

13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

Nil

14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Item 14.1 was dealt with under Public Access Reports.

14.2 Pedestrian and cycleway safety fencing - Princess Highway, Bombo

21/052OC

Committee recommendation that Council note the acceptance of the grant funding offer from Transport for NSW for the installation of pedestrian and cycleway fencing along the Princes Highway Bombo.

(Councillors Watson and Way)

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

Against: Nil

15 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

16 REPORTS FOR INFORMATION

21/053OC

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

16.2 Minutes: Minnamurra Progress Association - 2 February 2021 and 2 March 2021

16.3 Minutes: South Precinct - executive summary - 4 February 2021

16.5 Parking Statistics - February 2021

16.6 Questions for Future Meetings Register as at 10 March 2021

16.7 Spendmapp - January 2021 Report

16.8 Councillor Kathy Rice - Report on attendance LGNSW Annual Conference 2020

16.9 Mayor Mark Honey - Report on attendance LGNSW Annual Conference 2020.

(Councillors Westhoff and Way)

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

Against: Nil

16.1 Kiama Walking Guide

21/054OC

Committee recommendation that Council note the report.

(Councillors Brown and Sloan)

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

Against: Nil

16.4 Minutes: Jamberoo Valley Ratepayers and Residents Association – 2 February 2021 and 2 March 2021

21/055OC

Committee recommendation that Council congratulates the JVRRA on their proactive approach to broadening local community engagement.

(Councillors Rice and Sloan)

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

Against: Nil

RESUMPTION OF ORDINARY BUSINESS

21/056OC

Committee recommendation that at this time, 5.58pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Reilly and Sloan)

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

Against: Nil

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

21/057OC

Resolved that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 21/041OC to 21/056OC above.

(Councillors Westhoff and Way)

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

Against: Nil

17 ADDENDUM TO REPORTS

Nil

18 NOTICE OF MOTION

Nil

19 QUESTIONS FOR FUTURE MEETINGS

19.1 Seaside Markets - lease / licence

Councillor Brown requested a report on the lease / licence of the Kiama and District Business Chambers markets at Black Beach (Seaside Markets). The matter was referred to the Director Corporate and Commercial Services for investigation and report.

19.2 Section 7.11 and 7.12 Contributions - status

Councillor Sloan requested a report outlining the current status and review progress of the Section 7.11 and 7.12 Developer Contribution Plan. The matter was referred to the Director Environmental Services for investigation and report.

19.3 Bendigo Bank, Gerringong

Councillor Reilly requested a report on expediting Council's efforts in establishing the proposed physical Gerringong branch of the Bendigo Bank. The matter was referred to the Director Environmental Services for investigation and report

19.4 Council Managed Crown Lands - leases and licences

Councillor Reilly requested a report, to assist Councillors in their deliberations on Plans of Management for Council Managed Crown Lands (CMCL), that provides a copy of each lease and licence currently in force over CMCL. The matter was referred to the Director Corporate and Commercial Services for investigation and report.

19.5 Location for Jamberoo dog off leash area

Councillor Reilly requested a report on accurate costings and a suggested location for a dog off leash area in Jamberoo. The matter was referred to the Director Environmental Services for investigation and report.

19.6 Kiama Harbour boat owners

Councillor Steel requested a report in response to the following questions:

1. How much do boat owners pay monthly for their rent of their Kiama Harbour boat space and rented sheds at the harbour
2. Where are the two boat spaces positioned for visitors to rent on a daily basis?
3. Who do visitors contact to be able to rent these boat spaces?

The matter was referred to the Director Engineering and Works for investigation and report

19.7 SENTRAL Youth Centre closure

Councillor Steel requested a report on why the Youth Centre is closed, especially of an evening and whether staff from other areas of Council could be redeployed to the Youth Centre (eg Leisure Centre staff) to increase the number of staff on duty and assist with any safety concerns. The matter was referred to the Director Environmental Services for investigation and report.

19.8 Tree removal notification

Councillor Rice requested a report on the most efficient way that Council can notify the community of approved and expected tree removal activity across the Municipality. The matter was referred to the Director Engineering and Works for investigation and report.

20 CONFIDENTIAL SUMMARY

21/058OC

Resolved that at this time, 6.02pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Steel and Brown)

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

Against: Nil

Public Representations:

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

20.1 Exclusion of Press and Public:

21/059OC

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

21.1 Carparks and road widening tender

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

(Councillors Sloan and Rice)

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

Against: Nil

21 CONFIDENTIAL REPORTS

21.1 Carparks and road widening tender

21/060OC

Committee recommendation that Council:

1. In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of J.B.G Civil Pty Ltd for Tender KIAMA-946946 – 'Construction of Carparks and Road Widening in the Kiama Area', in the sum of $607,564 (excluding GST), but including a construction contingency allowance.
2. Delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. Grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.
4. Approves the deferral of the Shoalhaven Street and Kendalls Beach carpark elements of the contract to 2021/22 and reallocation of available 2020/21 budgets towards the completion of the Glenbrook Drive road widening, Bonaira Oval carpark and the Kiama Downs Surf Club carpark.
5. Allocates budget in the 2021/22 Capital Works program for the completion of the Shoalhaven Street and Kendalls Beach carparks
6. Endorses the inclusion of Shoalhaven Street and Kendalls Beach carparks in its application for grant funding under the State Government's Phase 2 of the Local Roads and Community Grants program.

(Councillors Way and Brown)

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

Against: Nil

Close of Confidential Committee of the Whole:

21/061OC

Committee recommendation that at this time, 6.05pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Reilly and Steel)

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

Against: Nil

Adoption of Report

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

21/062OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 21/059OC to 21/061OC be confirmed and adopted.

(Councillors Reilly and Way)

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

Against: Nil

22 CLOSURE

There being no further business the meeting closed at 6.07pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 20 April 2021

.....
Mayor

3.2 Minutes of the 13 April 2021 Extraordinary Council meeting

Attachments

1 Minutes - Extraordinary Council - 13/04/2021⇩

Enclosures
Nil

RECOMMENDED

That the Minutes of the Extraordinary Council Meeting held on 13 April 2021 be received and accepted.

KIAMA MUNICIPAL COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 13 APRIL 2021

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,KIAMA ON TUESDAY 13 APRIL 2021 AT 5PM

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

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

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

DECLARATIONS OF INTEREST

Disclosure of Interest - Councillor Watson

Councillor Watson declared a less than significant non-pecuniary interest in relation to Item 3.2 *10.2019.221.1 - Lot 47 DP 245502 - 41 Hillview Circuit, Kiama - Staged 2 Lot Torrens Title Subdivision and Construction of Dwelling House* as he is a near neighbour. Councillor Watson proposed to disclose and vote.

TABLING OF PETITIONS AND OTHER DOCUMENTS

Councillor Reilly tabled a petition containing 400 signatures in relation to the proposed amendment to reclassify (Lot 69A DP 30126, 85 Attunga Avenue, Kiama Heights) from community land to operational land.

PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Alan Woodward	3.1	Planning Proposal to reclassify 85 Attunga Avenue, Kiama Heights
Alan Boyd	3.2	10.2019.221.1 - Lot 47 DP 245502 - 41 Hillview Circuit, Kiama - Staged 2 Lot Torrens Title Subdivision and Construction of Dwelling House
Matt Philpott	3.2	10.2019.221.1 - Lot 47 DP 245502 - 41 Hillview Circuit, Kiama - Staged 2 Lot Torrens Title Subdivision and Construction of Dwelling House
Mark Greaves	5.1	Akuna Street property

COMMITTEE OF THE WHOLE

21/063OC

Resolved that at this time, 5.08pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

Report of the Director Environmental Services

(Councillors Way and Westhoff)

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

Against: Nil

3 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

3.1 Planning Proposal to reclassify 85 Attunga Avenue, Kiama Heights

It was **moved** by Councillor Brown and seconded by Councillor Steel that Council defer a decision on the reclassification of 85 Attunga Avenue, Kiama Heights pending a report back to Council on the outcomes of a meeting with the land owners at the rear of 85 Attunga Avenue, to discuss options for access from 85 Attunga Avenue to Easts Beach as per the recommendation from the 17 November 2020 Council meeting.

The motion on being **put** was **lost**.

For: Councillors Brown, Steel and Watson

Against: Councillors Honey, Reilly, Rice, Sloan, Way and Westhoff

21/064OC

Committee recommendation that Council not endorse this Planning Proposal to reclassify Lot 69A DP 30126 – 85 Attunga Avenue, Kiama Heights from Community to Operational land, retaining the existing R2 Low Density Residential zoning and consent to its use as a Recreation areas as permitted in that zoning by The Kiama LEP 2011. Further that negotiations take place with the Kiama Heights Residents Group with regards to maintenance of the land including shade trees and location of a bench seat on that land.

(Councillors Reilly and Rice)

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

Against: Councillor Honey

21/065OC

Committee recommendation that Council proceeds with its prior resolution for a small delegation to meet with the owners of the adjacent property to discuss the potential for access arrangements in the future.

(Councillors Rice and Brown)

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

Against: Nil

3.2 10.2019.221.1 - Lot 47 DP 245502 - 41 Hillview Circuit, Kiama - Staged 2 Lot Torrens Title Subdivision and Construction of Dwelling House

Disclosure of Interest - Councillor Watson

Councillor Watson declared a less than significant non-pecuniary interest in this matter as he is a near neighbour. Councillor Watson took part in discussion and voted on this matter.

21/066OC

Committee recommendation that Council approve Development Application No 10.2019.221.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Reilly and Brown)

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

Against: Councillors Rice and Steel

21/067OC

Committee recommendation that Council write to the Roads and Maritime Services requesting a noise assessment be undertaken and consideration given to the installation of barriers to mitigate road noise for affected residents in Hillview Circuit and surrounds.

(Councillors Brown and Reilly)

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

Against: Nil

RESUMPTION OF ORDINARY BUSINESS

21/068OC

Committee recommendation that at this time, 5.44pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Sloan and Way)

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

Against: Nil

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

21/069OC

Resolved that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 21/064OC to 21/068OC above.

(Councillors Westhoff and Sloan)

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

Against: Nil

4 CONFIDENTIAL SUMMARY

21/070OC

Resolved that at this time, 5.44pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Steel and Way)

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

Against: Nil

Public Representations:

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

4.1 Exclusion Of Press And Public:

21/071OC

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

5.1 AKUNA STREET PROPERTY

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

(Councillors Watson and Sloan)

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

Against: Nil

5 CONFIDENTIAL REPORTS

5.1 Akuna Street Property

It was **moved** by Councillor Brown and seconded by Councillor Steel that Council:

1. enter into direct negotiations with the current proponent of the lands owned by Council and the proponent, together known as Akuna Street
2. confirms its position of support for extra public parking, open space and a supermarket as well as insisting on an updated valuation of Council owned land should Council decide to sell its land to the current proponent.

The motion on being **put** was **lost.**

For: Councillors Brown, Steel, Watson and Way

Against: Councillors Honey, Reilly, Rice, Sloan and Westhoff

21/072OC

Committee recommendation that Council:

1. Complete the Town Centre Development Control Plan which will include site specific controls for the Akuna Street site prior to undertaking any further work or negotiations relating to the sale of the property.
2. Continue to develop a masterplan for the Akuna Street site which includes options for a supermarket, open space, and residential and commercial uses including parking.
3. Confirm that any potential future sale of this site is to be undertaken within a competitive tender process. This is to allow for due diligence, probity and conflicts of interest to be appropriately managed and ensures that the highest value and best use of the property will be maintained.
4. Investigate the development of appropriate covenants and documentation required, including an appropriate policy for any potential future sale of this and other sites, following the finalisation of required planning controls.

(Councillors Sloan and Reilly)

For: Councillors Honey, Reilly, Rice, Sloan, Way and Westhoff

Against: Councillors Brown, Steel and Watson

Close of Confidential Committee of the Whole:

21/073OC

Committee recommendation that at this time, 6.30pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Watson and Rice)

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

Against: Nil

Adoption of Report

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

21/074OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 21/071OC to 21/073OC be confirmed and adopted.

(Councillors Way and Westhoff)

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

Against: Nil

6 CLOSURE

There being no further business the meeting closed at 6.33pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 20 April 2021.

.....
Mayor

4 BUSINESS ARISING FROM THE MINUTES

5 DECLARATIONS OF INTEREST

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

7 PUBLIC ACCESS SUMMARY

8 MAYORAL MINUTE

8.1 Kiama Jazz and Blues Festival 2021

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council formally congratulate the Kiama Jazz & Blues Club for coordinating a remarkable 2021 Festival.

REPORT

The Kiama Jazz and Blues Festival held its 34th year festival on 5-7 March 2021.

What is interesting to note is that the Kiama Jazz and Blues Festival was one of the last events to occur before lockdown in 2020, and one of the first to occur in 2021. The call to go ahead with this year's festival was made just six weeks prior to the event, with intensive strategic planning, contact tracing and ticketing of some events.

Council provided 'in kind' support for the hire of community buildings, waste services as well as financial contributions to fund and market the event.

The 2021 festival was well attended and accommodation within the municipality was full.

Members of the Kiama Jazz & Blues Club, including Tom Oxley, Becky Guggisberg and Morgan Lewis should be congratulated on their hard work and creativity in providing such a high standard Festival.

9 MINUTES OF COMMITTEES

9.1 Minutes: Audit, Risk and Improvement Committee - 2 March 2021

Responsible Director: Office of the General Manager

Attachments

1 Minutes - Audit Risk and Improvement Committee - 02/03/2021⇩

Enclosures
Nil

RECOMMENDED

That the Minutes of the Audit, Risk and Improvement Committee meeting held on 2 March 2021 be received and the recommendations therein accepted.

KIAMA MUNICIPAL COUNCIL

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

commencing at 4pm on

TUESDAY 2 MARCH 2021

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE

AUDIT, RISK AND IMPROVEMENT COMMITTEE

HELD IN THE COUNCIL CHAMBERS, KIAMA

ON TUESDAY 2 MARCH 2021 AT 4PM

PRESENT: Dr P Ross,
Mr B Robertson, Councillors N Reilly and A Sloan, Ms J Rippon (Acting General Manager)

IN ATTENDANCE: Mayor, Councillor M Honey, M Dowd (DEW), J Galloway (CFO), Ms R Mpaya (Deloittes), Mr S Thompson (Deloittes)

1 APOLOGIES

Dominika Ryan from Audit NSW tendered her apology.

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Audit, Risk and Improvement Committee meeting on 13 October 2020

21/046ARIC

Committee recommendation that the Minutes of the Audit, Risk and Improvement Committee Meeting held on 13 October 2020 be received and accepted.

(Mr Robertson and Councillor Sloan)

3.2 Business arising from the minutes

Action: The A/GM to schedule a meeting prior to the next ARIC meeting for the Public Officer to provide the Committee with an update and overview.

- Recruitment for a new Committee member is underway through Council's normal HR process. It would be worthwhile through this process to note candidates for future vacancies, particularly with regard to the legislation changes that may result in removing councillors from the Committee.
- Note that presentations on the Werri Beach Holiday Park redevelopment and Project Management Framework be included on a future ARIC agenda.

Motion

21/047ARIC

Committee recommendation that when calling for Expressions of Interest for candidates for the ARIC, applicants are advised that they may be placed on an eligibility list for future vacancies.

(Councillor Sloan and Mr Robertson)

4 DECLARATIONS OF INTEREST

Nil

5 REPORTS FOR INFORMATION

21/048ARIC

Committee recommendation that the Report for Information listed for the Committee's consideration be received and noted:

5.1 Status Report – Enterprise Software Project.

(Mr Robertson and Councillor Reilly)

- This is a significant project with a number of risks and will be included on the agenda for each meeting
- Budget review for project currently underway and the Project Manager is working through the future schedule, risks, budgetering impacts and mitigation measures
- The risk module has not been released yet and the Risk Management Coordinator is working through templates to use in reporting to ARIC

6 ARIC STANDARD REPORTS

6.1 Overview Report Acting General Manager

21/049ARIC

Committee recommendation that the Risk, Audit and Improvement Committee receive and note the Overview report from the Acting General Manager and provide comments or recommendations as it determines.

(Councillors Reilly and Sloan)

- Recruitment of the Internal Auditor is near finalisation with negotiations underway with the preferred candidate

6.2 Assessment of impact of Accounting Standard changes

21/050ARIC

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

(Councillor Reilly and Mr Robertson)

6.3 Update on Risk Management activity

21/051ARIC

Committee recommendation that the Committee note the information on Risk Management activity and make any required recommendations.

(Mr Robertson and Councillor Reilly)

6.4 Audit 2021 plan and update

21/052ARIC

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

(Mr Robertson and Councillor Sloan)

6.5 Changes to restricted assets disclosure

21/053ARIC

Committee recommendation that the Committee provide feedback on requested information and the draft policy.

(Councillors Sloan and Reilly)

Action: The Chief Financial Officer will investigate other councils' policies to determine what the nature of internal restrictions are, the length of time a restriction can be held, the process by which a new restriction can be added and the process to which a restriction is to be removed.

6.6 Council 2020 Financial Statements

21/054ARIC

Committee recommendation that the Committee:

1. note the contents of the report; and
2. make any appropriate recommendation to the General Manager or Council.

(Councillor Sloan and Mr Robertson)

Ms R Mpaya gave an overview of the audited financial statements.

At this time, 5:35pm, Ms R Mpaya and Mr S Thompson left the meeting.

7 GENERAL BUSINESS

Next meetings to be scheduled for May and July 2021.

8 CLOSURE

There being no further business the meeting closed at 5:50pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 19 April 2021.

.....
Chair

9.2 Minutes: Jamberoo Youth Hall s355 Committee - 22 March 2021

Responsible Director: Office of the General Manager

Attachments

1 Minutes: Jamberoo Youth Hall s355 Committee - 22/03/2021⇩

Enclosures
Nil

RECOMMENDED

That Council receive and accept the Minutes of the Jamberoo Youth Hall s355 Committee General Meeting held on 22 March 2021.

BACKGROUND

A copy of the Minutes of the Jamberoo Youth Hall s355 Committee General Meeting held on 22 March 2021 are attached for Councillors' information.

S355 Jamberoo Youth Hall Committee – General Meeting
Monday 22nd March 2021, Jamberoo Youth Hall 2.00-3.00pm.

MINUTES

Present: Megan Collins, Cathy Delhaas, Tim McCleod, Vivienne Marris, Ros Neilson, Neil Reilly, Stuart Richards, Greg Walsh.
Apologies: Nicole Rodgers

Pre-meeting: Inspection around the outside of the Youth Hall with Tim McCleod (s355 Liaison) and Billy Wang, Project engineer, KMC.
Tim: The building was not expected to be handed over to s355 committee 'in tip top condition' – just the quoted repairs and refurbishments.
Project was completed just over budget, but within range.
Notes:

- Brickwork and sealing of back wall seem good.
- Windows and flyscreens good.
- Gutters are undersized and need urgent cleaning.
- The pipe between the second pit on the western side and the riser pipe on the North West corner of the building requires upgrading from a 90mm pipe to a 150mm pipe. The riser is to be replaced with a pit. From the pit, it should flow into the drain in front of the Youth Hall on the north side.
- Playgroup Storeroom still shows signs of fresh damp in the far-right corner from the current rain. This will be monitored. May be related to overflowing gutters. (Photo of moisture in Playgroup storeroom attached, taken 23/3/2021)
- The water damage to the timber floor is still visible and appears to be the same as it was pre-building works. There is no sign of further flooding across the floor with current rainfalls. This will also be monitored, and we will wait and see if further damage appears before getting it sanded and re-finished.
- Landscaping western side of hall.
- Soap dispenser in kitchen need to be fixed securely to the tiles next to the sink.

Meeting opened by Chair Megan Collins at 1.55.

Acknowledgement of Country presented by Neil Reilly

1. Minutes of s355 JYH Meeting 15th December 2020. Accepted.
Business arising from the Minutes not mentioned elsewhere:

- Karlee Matthews and Megan Collins have spoken to Susan Mills about Playgroups. Follow-up needed. Megan to follow up directly with Susan.

2. Correspondence January to March 2021
January 2021:

- To Veronica Lee, response re fence discussion
- Received: Domain Name
- To Council: December S355 Minutes

February 2021:

- From Council: COVID SAFE arrangements
- To Westpac Banking Corp re online access to bank account and connection with Xero bank feeds.
- To Tim McLeod requesting follow-up of online access set up of bank account

March 2021:

- To Tim McLeod requesting information re completion of building works and set up of bank account.

3. Banking.

Megan: Account for s355 Committee is setup and active since October 2020. We have cheque and deposit books. KMC has promised to authorise online access due to being a corporate customer of Westpac.

Update from Tim McCleod: Online access has been delayed because Council is adopting a new software system. Jason Galloway is the Council person handling corporate finance issues.

Megan: Online access to the account is urgent – we are unable to view statements, and will be needing to receive payments and refund bonds in the near future. Noted by Tim McLeod.

4. JYH-specific Charter for S355 document:

Draft charter: Carry over until next meeting. Tim is working on this and will update committee asap.

Stuart: Important to clarify the allocated budget. How will maintenance and repairs be funded?

Insurance: KMC covers building, we do our own contents. Will KMC pass on a proportion of insurance costs to s355 committee? Tim to check.

5. Bookings update:

- Taken 2 new bookings already.
- CWA payment: pay January to December 2021.

6. Publicity

- Facebook – Megan would like to post details on the local Jamberoo page encouraging locals to hire the hall. Agreed.
- Bugle App – bookings advert – Ros to follow up with Cathy Law.

7. Jamberoo Rugby League Football Club

JRLFC have advised their bookings for 2021 – there are 9 confirmed with a possible further 5 due to semi-finals, etc. Booked 7.00am – 5.00pm. Discussion: Essentially a full day hire, but agreed that we could go with ½ day hire for good will. It was agreed JRLFC would be charged the rate per Council Schedule of Hall Hire Fees for NFP. Discussion: If they want to hire the whole hall in order to have access to the bathrooms, this makes it clearly a full day hire as we would be unable to book the hall for the evenings as well, due to need for cleaning. [Would we request no access to kitchen?] Megan to offer JRLFC the choice. $200 bond will be required for the year.

8. Fence issue:

- Summary from meeting with Veronica Lee – could Tim take this on?

- Megan to forward to Tim Veronica's initial summary.
- Important to widen vehicle approach to enable access for market stall holders – this has still not been done as agreed, and market stallholders are seriously affected.
- Attend to trip hazard – gate at water meter.
- Greg: Request fence consultation with KMC to include a suggestion that the double gates not be fixed, but rather be stored in JRLFC storeroom and attached on game days in order to leave the park more open on other days. Tim to pass this suggestion to Mike Dowd.
- Further consultation urgently requested, with all stakeholders included, before more work on the fence is done.

ACTION: Letter to Council requesting consultation.

9. Replacement of power pole. Stuart & Greg have sent a note to Neil regarding pole replacement ,as it is in this year's council budget expenditure as a funded item for $40,000. Needs to be done before 30th June. Urgent risk management: the pole doesn't appear to have been inspected for termites, and the electricity box is in an extremely dangerous state of disrepair – not far from falling from the pole.
ACTION: Further reminder to Council.

10. Gutters: Urgent to get them cleaned out. Neil gave Stuart a contact number for a gutter cleaning professional – to go ahead. Stuart to get a quote and approval before proceeding.

11: Budget for overall precincts upgrade
Greg and Stuart: Whole precincts upgrade budget needs clarity and transparency. Tim to follow up.

12. Outstanding items on wish list for JYH (not in priority order):

- Gutters cleaned, gutter guard installed with possible replacing of gutter to a wider gutter.
- Fans
- Lockable storage cupboards for catering facilities (plates, bowls etc)
- Lockable storage cupboard for Hall storage room for cleaning and maintenance facilities
- Change fluoro lights to LED
- Replace signage on outside wall and façade to give new bookings phone number
- Repair tiles at all doorways
- Curtains/blinds and rods
- Monitor floor
- External landscaping
- Appearance of external façade
- Paint storage doors, overhead beams, skirting boards.
- External steel beams rusting, need repair and painting
- Internal bricks: could be bagged and painted?
- Chairs: Cathy to get pricing on replacements
- Replace doors on north facing wall. Replace windows above doors with louvre windows to allow airflow.

Meeting closed 3.00 p.m.

Next s355 Committee meeting: 19 April 1.30 p.m.
Working bee to clean, set up kitchen, plan storage – Tuesday 23rd 12.00pm

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Summary of Actions for Tim McCleod:

- Continue with s355 draft document, including maintenance arrangements, and check on insurance arrangements
- Note urgency re online access to bank account
- Follow up summary of fence issue, referring discussions to Mike Dowd and arranging for consultation with all stakeholders before fence installation continues
- Follow up budget for precincts upgrade – transparency of expenditure

Summary of actions for Council maintenance and repair

- Upgrade gutters – wider gutters and leaf guard needed (NB rain overflow soaks the back wall, possibly leading to moisture in Playgroup storeroom)
- Repair electrical box on pole in car park outside Youth Hall

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9.3 Minutes: Kiama Cultural Board Minutes - 18 February 2021

Responsible Director: Environmental Services

Attachments

1 Minutes - Kiama Cultural Board - 2021 - February⇩

Enclosures
Nil

RECOMMENDED

That:

1) The Minutes of the Kiama Cultural Board Meeting held on Thursday 18 February 2021 be received and accepted.

2) Council includes in the budget an acquisition fund of $10,000 per year, with an additional $10,000 added each year for the purchase of public artwork. Funds to be rolled over each year if not expended in the preceding year.

3) The Visitors Centre blank toilet wall be considered for a mural, commissioning the same artists who undertook the mural for the rest of the Visitors Centre.

BACKGROUND

The minutes of the Kiama Cultural Board meetings held Thursday 18 February 2021 are attached for Councillors' information.

KIAMA MUNICIPAL COUNCIL

Minutes

Kiama Cultural Board

Date:	18 February 2021	**Time:**	5.32pm	**Venue:**	Joyce Wheatley Community Centre
Chairperson:	Graeme Gherashe			**Minutes:**	Louise Croker
Meeting Objective:	Regular Meeting				
Present:	Nick Guggisberg (Manager Community & Cultural Development), Mayor, Mark Honey, Graeme Gherashe, Cr Don Watson, Peter McAra, Olivia Gates, Louise Croker (Community & Cultural Development Officer), Gail Morgan, Helen Pain, Rhonda Murray, Catherine Carr.				
Apologies:	Megan Seres, Cr Neil Reilly, Terri Rowe, Zeynep Testoni				

1. **Acknowledgement to Country** by Graeme Gherashe

2. **Welcome**
   2.1. Graeme gave thanks to Catherine Carr for the previous work she has done as chairperson of the Cultural Board.

   2.2. Graeme acknowledged that members would like time to talk and discuss issues, raise ideas and concerns.

3. **Previous Minutes**
   3.1. Catherine Carr and Helen Pain noted that they were apologies for the previous meeting.

   MOTION: Moved that the November 2020 Minutes of the Cultural Board meeting, with amendments, be accepted.
   Moved: Cr Don Watson **Seconded:** Mayor Mark Honey **CARRIED**

4. **Business Arising**
   4.1. Graeme Gherashe raised the question whether there are currently enough resources available for writers in the community. Council's Community and Cultural Development Officer advised:

   - There are a number of groups and venues including; Kiama Library, Bouquiniste, South Coast Writers Centre, Pi$%ed Poets Society and the Kiama Creative Writers Group which support local writers.
   - In relative terms there is possibly less support for writers than the others genres of performance and visual arts.

   Peter McAra noted that as a writer himself, that it is fairly solitary pursuit that does not require much support.

   Gail Morgan noted that there are now two new groups being run by U3A for writing and poetry and an informal group that meets at a local café.

4.2. Action from previous minutes - Council's Community and Cultural Development Officer spoke to the Manager Strategic Planning regarding feedback from the Kiama Town Centre Study relating to public artwork and gardens. He stated that feedback has been focused on the Kiama main street and at this point in time no feedback of this nature had been received regarding Hindmarsh Park.

4.3. Action from previous minutes - Council's Community and Cultural Development Officer spoke to the Manager Information Technology regarding options for recording further visitor data at the Old Fire Station. At this time none of the technology solutions that we have available will work for the Old Fire Station, all require further technology hardware and/or active staff intake operations on site.

Current hardcopy records kept by exhibitors provide information on visitor numbers, including number of residents, people from out of town and unknown, as well as the amount of sales. The data is collected into Council's TRIM system and provides information for:

- future funding applications
- potential use by Tourism in promoting the Old Fire Station site
- understanding the impact of the Old Fire Station for supporting the arts in Kiama

It was noted that the principal reason for the Old Fire Station is to support local artists and Helen Pain (president of the Kiama Arts Society) stated how appreciated the Old Fire Station is by local artists especially the Kiama Art Society.

It was also noted that the Old Fire Station provides for community health and well-being as a place of connection and engagement, with groups and individuals working together to put on exhibitions and programs, and residents connecting with artists and with each other through the arts.

5. Community and Cultural Development Officer (CACDO) Update

5.1. Kiama Cultural Arts Network

Artist Gatherings now named Creative's Connections

Gatherings for 2021 are scheduled for Thursday evening, 5.30pm at the Joyce Wheatley Community Centre on:

- 1 April
- 17 June
- 16 September
- 16 December

Local artists Michelle Springett and Olivia Deans have volunteered to explore facilitating some additional coffee and chat mornings at the Joyce Wheatley Communtiy Centre as well.

5.2. Kiama Cultural Arts Network Newsletter
A 2020 annual review newsletter was developed and sent out in January documenting the range of arts activities that took place in Kiama despite COVID.

The compilation demostrated the degree of adaptability and creativity that local artists undertook to respond to the changing enviroment.

5.3. Council Art Collection Public Art
An audit of public art throughout the local government area is being undertaken, with a register of artworks being compiled.This work has the potential to be the beginnings of a public arts trail once completed and shows that we do have a foundation of public artwork currently in place.

Catherine Carr raised the issue of the need for provenance to be researched and provided for each piece of public artwork. In addition, the requirement for each piece of artwork in both Council's public artwork and paintings collections to have either a Deed of Gift (for donations) or a Contract of Sale.

Mayor Mark Honey advised he has a number of stored paintings in his office. It was noted that there are paintings also stored in the kitchen in the Old Council Chambers and that all these artworks need to be moved to safer and more appropriate storage at the Old Fire Station store room.

5.4. Cultural Board - Cultural Grants
A number of enquiries have been received from people interested in submitting applications for the March round of the Cultural Grants including:

- Japanese Drumming Workshops
- Music video development and album marketing
- Writer living expenses support to finish a book
- Paintings and stories collection development
- Book research
- Outdoor Art Show Event

The requirement to contact Council's Community and Cultural Development Officer, at least two weeks prior to submission is allowing for helpful conversation regarding, project development and appropriate research required for the application. It is hoped that this will result in improved quality of written applications with all requirements for the development of each project, such as DA's, licences etc, having been undertaken prior to submission of the application.

Cr Don Watson and Mayor Mark Honey enquired regarding, whether we were aware if additional conditions that have been placed on previous successful applicants had been completed. Community and Cultural Development Officer to research and provide information back to the Board.

Overdue Acquittals/Project Reports are currently being chased up, to-date there are 8 outstanding reports;

- 3 are projects still in progress,
- 1 project incomplete and outstanding
- 4 projects completed but not acquitted.

A question was raised regarding the process for seeking funds back from incomplete or unstarted projects if required. The Manager Community and Cultural Development advised that there are Council processes through our Finance Department for seeking funds to be returned if required including undertaking legal action.

MOTION: Community and Cultural Development Officer Report accepted.

Moved: Graeme Gherashe **Seconded:** Catherine Car **CARRIED**

6. General Business

6.1. Cultural Plan Survey

The Community and Cultural Development Officer provided Board members with a list of draft Cultural Plan survey questions for review and feedback. Members to provide feedback to the Community and Cultural Development Officer by Wednesday 24 February 2021. Graeme Gherashe noted that the survey and other associated face to face consultations will be a valuable opportunity for data to be gained for the development of the new Cultural Plan.

6.2. Arts Centre Update

Council's Manager Community and Cultural Development advised that the Art Centre plans are still on hold, pending the development of a Voluntary Planning Agreement (VPA) regarding car parking for the centre. A consultant has been engaged to prepare the VPA. The Board was advised that the consultant will assess the difference between what car parking is currently available, what the new Centre can provide and what needs to be provided. The VPA will be an agreement for Council to contribute funding to offset any shortfall of parking onsite.

In addition, the need for the development of an Operational Plan for the Art Centre was discussed. The Manager Community and Cultural Development is currently investigating the possibility of engaging a consultant to investigate and propose operational structures to Council for the Centre.

The Board will form a sub-committee with members being; Catherine Carr, Graeme Gherashe and Olivia Gates, to develop a scope of works for a consultant tender.

Operational questions include:

- How the centre will be run, by Council with council employed staff or by an independent Association?
- How many staff? What roles?
- What functions will the centre have?
- Who will the Centre service? Schools and community and/or international standard shows?
- Productions and/or venue for hire?
- Financial modelling?

It was noted that the Illawarra Performing Arts Centre, Shoalhaven Entertainment Centre and Gawler Community Art Exhibition Spaces (https://www.gawler.sa.gov.au/about-gawler/art-culture/community-art-exhibition-program) in South Australia are similar Centres and it could be helpful to speak to them regarding their operational styles.

6.3. Public Artwork

On behalf of Cr Neil Reilly, Graeme Gherashe raised the issue of Council funding public artwork within the Kiama local government area. The Manager Community and Cultural Development noted that a discussion was held regarding this matter during the Cultural Board's June 2019 meeting. The report to the July 2019 Council meeting recorded the following:

Further, the Council note that the Board intends to request consideration of the inclusion of a $10,000 budget allocation per annum to the Cultural Arts budget starting from the 2020/21 financial year, for an Acquisitive Sculpture Prize, to be cumulative from year to year.

Therefore, Council did not have a recommendation put to them to approve.

MOTION: That the Cultural Board recommend that Council includes in the budget an acquisition fund of $10 000 per year, with an additional $10 000 added each year for the purchase of public artwork. Funds to be rolled over each year if not expended in the preceding year.

Moved: Catherine Carr **Seconded:** Gail Morgan **CARRIED**

6.4. Visitors Centre

Mayor Mark Honey noted that there is currently a blank wall on the Visitors Centre toilet block that could be painted with a mural.

Motion: That the Cultural Board recommends to Council that the Visitors Centre blank toilet block wall be considered for a mural, commissioning the same artists who undertook the mural for the rest of the Visitor Centre.

Moved: Graeme Gherashe **Seconded:** Rhonda Murray **CARRIED**

Gail Morgan noted that the gazebo at surf beach needs updating and could benefit from a mural. Cr Don Watson advised that the Plans of Management for Surf Beach show that the gazebo is not a heritage item and therefore could be painted.

6.5. Argentine Artist Public Artwork

Mayor Mark Honey presented an email from an Argentine artist who has offered his Public Artwork designs for Kiama Council use.

https://www.facebook.com/angelricardo.dente.1

The Board formally rejected the offer, as it is considered preferable to support local artists through the development and design of new artworks.

6.6. Coach House

Mayor Mark Honey raised that Council already owns an arts venue in Kiama, The Coach House Gallery. Helen Pain advised that the venue was a bequest from the Spackman's to Council specifically to support the arts. The venue is currently leased, used and managed by the Kiama Arts Society and is home to the Kiama Spinners and Weavers group. The venue is a heritage listed old stable and loft and is not conducive due to its design or location, to supporting exhibition or performances, nor does it provide disability access.

6.7. Cultural Grants

The Cultural Grants Acquittals Register has been updated as per the Community and Cultural Development Officers Report.

Future incoming Acquittals/Project Reports will be provided to the Board as they are submitted. The Board will review and approve sign off, with the project being included in the minutes for Council.

Upcoming Cultural Grants assessment meetings:

Written Application Assessment – Short Listing - Tuesday 16 March, 9.30am, Joyce Wheatley Community Centre

Face to Face Shortlisted Application Interviews – Thursday 25 March, 5.30pm, Joyce Wheatley Community Centre

7. **Actions**

Action	By Whom	By When
Information about the community survey to be included in the Mayoral Column.	Mayor Mark Honey, Community and Cultural Development Officer and Communications Unit	When required
All Council Art Collection pieces not currently on display to be relocated to storeroom at back of the Old Fire Station Gallery.	Community & Cultural Development Officer	June 2021
Operational model for Arts Centre sub-committee meeting to be scheduled.	Community & Cultural Development Officer	With in the next month

8. **Next Meeting:** Thursday 25 March, 5.30pm, Joyce Wheatley Community Centre

9. **Meeting closed:** 7.20pm

9.4 Minutes: Kiama Local Traffic Committee - 6 April 2021

Attachments

1 Minutes - Kiama Local Traffic Committee - 06/04/2021⇩

Enclosures

1 Minnamurra Headland (Eureka Avenue)
2 James Holt Reserve Minnamurra
3 Rangoon Reserve Minnamurra
4 North Street Reserve, Minnamurra
5 Charmian Clift Reserve Kiama
6 Chapman Point Reserve
7 Surf Beach (South)
8 Black Head Reserve Gerroa
9 Kiama Coastal Classic
10 Manning Street Kiama

RECOMMENDED

That the Minutes of the Kiama Local Traffic Committee Meeting held on 6 April 2021 (Attachment 1) be received and the following recommendations accepted:

1. That Council endorse the proposed signage plans for Minnamurra Headland provided in Enclosure 1 of this Report.
2. That Council endorse the proposed signage plans for James Holt Reserve, Minnamurra provided in Enclosure 2 of this Report.
3. That Council endorse the proposed signage plans for Rangoon Reserve, Minnamurra provided in Enclosure 3 of this Report.
4. That Council endorse the proposed signage plans for North Street Reserve, Minnamurra provided in Enclosure 4 of this Report.
5. That Council endorse the proposed signage plans for Charmian Clift Reserve, Kiama provided in Enclosure 5 of this Report.
6. That Council endorse the proposed signage plans for Chapman Point Reserve, Kiama provided in Enclosure 6 of this Report.
7. That Council endorse the proposed signage plans for Surf Beach (South), Kiama provided in Enclosure 7 of this Report.
8. That Council endorse the proposed signage plans for Black Head Reserve, Gerroa provided in Enclosure 8 of this Report.

9. That Council approves the Kiama Coastal Classic Running Festival event (Enclosure 10 of this Report) for Saturday 6 June 2021, subject to organisers complying with the following conditions:
   i. the event organisers comply with the traffic management plan No. TCP-KCC-2021 (Attachment 10) prepared by the accredited design consultant
   ii. notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure
   iii. an advertisement be placed in the local media advising of the closure.
   iv. subject to public health orders at the time.
10. That Council endorse the proposed signage plan provided in Enclosure 10 of this Report.

KIAMA MUNICIPAL COUNCIL

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING

commencing at 9.03am on

TUESDAY 6 APRIL 2021

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

HELD IN THE COUNCIL CHAMBERS, KIAMA

ON TUESDAY 6 APRIL 2021 AT

PRESENT: Councillor M Honey (Mayor) (Chairman), Andy Gaudiosi (Transport for NSW Representative), Craig Gray (NSW Police Representative), Darrell Clingan (Local Member's Representative), Donna Binns (Transport for NSW), Mark Way (Councillor), Darren Brady (Acting Director Engineering and Works), Jessica Rippon (Director Environmental Services), Janelle Burns (Kiama Council Road Safety Officer), Chris Balzarano (Council Ranger) and Alyson Hodgekiss (Minutes)

1 APOLOGIES

Mike Dowd (Acting General Manager),

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Kiama Local Traffic Committee Meeting on 2 March 2021

21/006LTC

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on Tuesday 2 March be received and accepted.

(Member Andy Gaudiosi and Member Darrell Clingan)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 REPORT OF RMS DELEGATED FORMAL ITEMS

5.1 Proposed timed "No Parking" signs – Minnamurra Headland

21/007LTC

Resolved that the Committee endorse the proposed signage plans provided in Attachment 1 of this Report.

(Member Andy Gaudiosi and Member Darrell Clingan)

5.2 Proposed "No Parking" sign – James Holt Reserve, Minnamurra

21/008LTC

Resolved that the Committee endorse the proposed signage plans provided in Attachment 1 of this Report.

(Member Andy Gaudiosi and Member Darrell Clingan)

5.3 Proposed "No Parking" sign – Rangoon Reserve, Minnamurra

21/009LTC

Resolved that the Committee endorse the proposed signage plans provided in Attachment 3 of this Report.

(Member Andy Gaudiosi and Member Darrell Clingan)

5.4 Proposed "No Parking" sign – North Street Reserve, Minnamurra

21/010LTC

Resolved that the Committee endorse the proposed signage plans provided in Attachment 4 of this Report.

(Member Andy Gaudiosi and Member Darrell Clingan)

5.5 Proposed "No Parking" sign – Charmian Clift Reserve, Kiama

21/011LTC

Resolved that the Committee endorse the proposed signage plans provided in Attachment 5 of this Report.

(Member Andy Gaudiosi and Member Darrell Clingan)

5.6 Proposed "No Parking" signs – Chapman Point Reserve, Kiama

21/012LTC

Resolved that the Committee endorse the proposed signage plans provided in Attachment 6 of this Report.

(Member Andy Gaudiosi and Member Darrell Clingan)

5.7 Proposed "No Parking" sign – Surf Beach (South), Kiama

21/013LTC

Resolved that the Committee endorse the proposed signage plans provided in the Attachment 7 of this Report.

(Member Andy Gaudiosi and Member Darrell Clingan)

5.8 Proposed "No Parking" signs – Black Head Reserve, Gerroa

21/014LTC

Resolved that the Committee endorse the proposed signage plans provided in Attachment 8 of this Report.

(Member Andy Gaudiosi and Member Darrell Clingan)

5.9 Kiama Coastal Classic Running Festival - 6 June 2021

21/015LTC

Resolved that the Committee recommends that the Kiama Coastal Classic Running Festival event for Saturday 6 June 2021, be approved subject to organisers complying with the following conditions:

1. the event organisers comply with the traffic management plan No. TCP-KCC-2021 (PLANS 1 -7) prepared by the accredited design consultant
2. notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure
3. an advertisement be placed in the local media advising of the closure.
4. subject to public health orders at the time.

(Member Craig Gray and Member Darrell Clingan)

5.10 Proposed "No Parking" zone – Manning Street, Kiama

21/016LTC

Resolved that the Committee endorse the proposed signage plan provided in Attachment 1 of this Report.

(Member Andy Gaudiosi and Mayor Mark Honey)

6 GENERAL BUSINESS

6.1 Traffic and Parking Issues in School Zones

JR reported that Council has received a number of complaints relating to traffic and parking issues in school zones, particularly at Kiama Primary School, where traffic in Bong Bong Street is queueing the full length of Thomson Street often to the Terralong Street roundabout. Council's Rangers are being abused by drivers infringed for non-compliance of parking restriction in school zones.

DB advised that while traffic issues around schools are not uncommon, this area has a long history of traffic concerns that are exacerbated by its location, topography, bus zones, off-street staff parking and increases in parent/caregiver traffic and that the Committee and Council have been working with the school over a number of years to improve pedestrian safety and parking in this precinct. AG & JB advised of recent meetings held with the school representatives and Transport for NSW (TfNSW) and to discuss the issues and potential opportunities for grant funding.

The Committee discussed a number of potential options for further investigation including, relocation of the bus zone, increase the number of students using buses, parking restrictions on the southern side of Bong Bong Street, one-way traffic flows in Bong Bong Street, footpath fencing, children's pedestrian crossing in Collins Street, increased staff parking within the school and staggered departure times for the school.

CG stated that the Committee had spoken pre-Covid regarding having the police attend schools at afternoon pickup, with a pop-up information stand to educate and inform parents of the school zone rules. CG advised that this has worked well in other areas in the Illawarra and can be requested to the Community Liaison Police.

Recommended Actions:

1. Kiama Primary School request an exemption through TfNSW from the current 2 km threshold for free bus passes to allow additional students to access bus transport.
2. Write to the Education Department regarding the issues surrounding this school and request that they investigate the staggering school finishing times, increasing the on-site parking availability for staff and other improvements to parent pick-up options to alleviate traffic impacts.
3. Submit a request to the Police Community Liaison office for attendance at Kiama Primary School with a pop-up information stand.

4. Further funding opportunities be explored with the assistance of TfNSW.

6.2 Traffic Issues at the Charles Avenue and Federal Avenue Intersection

MW advised that the Minnamurra Progress Association have expressed their concerns with the Federal and Charles Avenues intersection, particularly in relation to speeding vehicles, school children and cyclists crossing at this location.

DB advised that Council will investigate this location for possible treatments as deemed necessary and report to the Committee of any proposed changes.

6.3 Loading zone in front of Kiama Visitors Centre

CB queried if the temporary loading zone fronting the Kiama Visitors Centre is to remain given the renovation works are now completed. DB advised that this will be the subject of a future report to the Committee.

7 CLOSURE

There being no further business the meeting closed at 9.38 am

These Minutes were confirmed at the Ordinary Meeting of Council held on 4 May 2021

.....

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Mayor Director Engineering & Works

9.5 Minutes: Kiama Youth Advisory Committee - 4 March 2021

Responsible Director: Environmental Services

Attachments

1 Minutes - Youth Advisory Committee - 04/03/2021⇩

Enclosures

Nil

RECOMMENDED

That the Minutes of the Kiama Youth Advisory Committee meeting held on 4 March 2021 be received and accepted.

Minutes of the Kiama Youth Advisory Committee meeting held on Thursday 04th March, 2021 Kiama High School at 10:40am

Chair: Lara Farrell, Kiama High School (KHS)

Minutes: Joshua Maynard, Kiama Municipal Council (KMC)

Present: Mrs Jane Littrich & Ms Emily Sirilo (KHS staff), Melissa Andrews (KMC, SENTRAL Youth Services Coordinator [SYSC]) & Josh Maynard (KMC, SENTRAL Youth Centre Youth Worker), Mateo Goytizolo (Kiama District Stronger Community)

Kiama High School students: Mason Chmurycz, Kirra Marcucci, Mia Purcell, Emma Trudgett, Olivia Cunningham, Thomas McMahon, Amali Park, Ruby Sylvester, Bella Bolto, Lara Farrell, Tabitha Morley, Preston Seiler, Jack Thorne, Carlo Cullen, Emma Murphy, Cooper Taber, Halen Ryan, Luke Cairns, Cooper Lockwood, Gina Tangwattanakit, Lara Farrell.

1. **Acknowledgement of Country:** Lara Farrell

2. **Apologies:** Nick Guggisberg (KMC), Councillor Mark Westhoff (KMC), Councillor, Neil Reilly (KMC), Carla James (Kiama Library), Sidney George (KHS), Benjamin Lavis (KHS).

3. **Minutes of previous meeting:** SYSC summarised the minutes of the previous Youth Advisory Committee meeting on 12th November 2020 to the attendees due to length of time between meetings.

   Accepted by Emma Murphy, seconded by Tabitha Morley

4. **Business arising from previous meetings:**

4.1 Pedestrian Crossing – Saddleback Mt Rd

SYSC informed the meeting that this agenda item has not been actioned as yet, therefore it needs to be carried over to next meeting.

4.2 Kiama Skate Park Safety Audit

SYSC informed the meeting that this item is yet to be actioned due to need to coordinate various stakeholders and the need for the audit to be conducted after daylight savings has finished.

Thomas McMahon, Ben Lavis, Sam Scobie and Sidney George indicated their availability to participate in an audit of Kiama Skate Park after dark.

4.2.1 ***Action:*** Council's Community & Cultural Development Officer to set up a meeting time with Lake Illawarra Police District to conduct the safety audit.

4.2.2 ***Action:*** SYSC to coordinate attendance with Thomas, Ben, Sam and Sidney once a date has been set for the audit.

4.3 Input on Kiama Library programs – Outreach Library Services Officer

Input on the Kiama Library programs to be moved to the next meeting so the Outreach Library Services Officer can attend.

5. New business

5.1 Naming the Street that goes to the bus bay - Emma

This has been raised in relation to naming the street that goes to the bus bay at the school. Mrs Littrich informed the meeting that this had been looked into and it was discussed that the name would be an Aboriginal name. Mrs Littrich stated that someone from KMC's Engineering and Works Team has informed the school and provided the steps that are required for the naming of the street.

5.1.1 ***Action:*** SYSC to follow up with KMC staff and Mrs Littrich to follow up with KHS to see if any action has been taken and provide a report at the next meeting.

5.2 Upgrades to skate parks

Students raised concerns about the conditions of the skate parks in Gerringong, Kiama and Gainsborough. The students stated that the park in Gainsborough is too small for the amount of young people accessing it, the Kiama Skate Park is getting old and run down, and that Gerringong Skate Park is also outdated and not in an ideal condition.

5.2.1 ***Action:*** SYSC to organise for the relevant staff from Councils Engineering and Works Department to attend the next meeting.

5.3 Closure of SENTRAL Youth Centre

Mrs Littrich has asked if KMC staff could explain to the Youth Advisory Committee the reasons for the temporary closure of youth centre. Melissa explained that the service has closed the drop-in program due to an number of factors, mainly some anti-social behaviours and persistent vandalism. Over time these dynamics have created an unsafe environment for staff & service users.

KMC management made the decision to close the service and have directed the SYSC to conduct a service review and strategic plan for the service before reopening.

During the time while the Youth Centre is closed for drop-in, young people who are hanging at the youth centre after hours and also presenting through the day are able to access intensive individual support which is funded through Kiama and Districts Stronger Communities. Other programs continue to run, these include PCYC boxing (new program), Red Hot Confidence (Wednesday afternoons) and Empower during term 2.

Concerns raised by students:

Preston Seiler spoke about how she had noticed unsafe activities at the service and that it was a concern to them.

Another student spoke about how when they had visited SENTRAL Youth Centre outside of hours they noticed cut hoses and rubbish everywhere. They also discussed that they had not felt safe and they were not wanting to access the service.

Student recommendations:

A number of students voiced suggestions for ideas around funding for SENTRAL as well as options for volunteering utilising students, people from the community or other organisations.

Mateo (KDSC) suggested that the SRC could email Gareth Ward to inform him from a young person's perspective that Kiama youth require this service and that there is a need for youth workers at SENTRAL.

Thomas and Cooper suggested business sponsorship of SENTRAL. Mateo suggested the SRC to email Kiama Lions club in regards to this as an option.

Lara Farrell said that she sits on the board for Makuta and has said that if needed, she could speak about the need for support of SENTRAL.

SYSC said that she would take all suggestions on board whilst developing a service review and strategic plan for SENTRAL and get back to the committee to follow up any of their suggestions once that plan is finalised.

5.3.1 ***Action:*** SYSC to consider recommendations when developing the strategic plan for SENTRAL and report the plan back to the committee once complete.

6. Reports:

6.1 SENTRAL Programs

There was not enough time to go through the programs in this meeting so the SENTRAL website link is provided for checking what is coming up and also to book in for individual support.

https://sentral.kiama.nsw.gov.au/

7. Community Safety

7.1 Young Children at Skate Park

A student raised a concern that young children at skate parks are a serious safety risk. The students discussed how children are often unsupervised and either climbing up and down the ramps or leaving their bikes or scooters around and running all over the skate park. A number of students had examples of where they had witnessed a child causing someone who is utilising the skate park for its intended purposes, have a crash and injure themselves due to having to avoid a collision with one of these children.

The students brainstormed some ideas for how this concern could be managed. They have said that a sign that could educate parents or notify them of Skate park etiquette and ensure that the children are accessing the Skate Park for its intended purposes. Another suggestion was to have a park nearby for young children. A student had mentioned that this is already an option at Gerringong and doesn't seem to work as the concern of children running around and climbing at the skate park still occurs.

7.1.2 ***Action:*** SRC to research other skate parks to see what works and to bring ideas to the next meeting.

7.1.3 ***Action:*** SYSC to forward safety concerns to the Community Safety Committee.

8. Next Meeting

Thursday May 6, 2021

There being no further business the meeting closed at 11.35am

Committee Of The Whole

RECOMMENDATION

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

Report of the General Manager
Report of the Director Environmental Services
Report of the Director Corporate and Commercial Services
Report of the Director Engineering and Works
Reports for Information

10 PUBLIC ACCESS REPORTS

11 REPORT OF THE GENERAL MANAGER

11.1 Minutes and motions: South Precinct - 11 March 2021

Item 11.1

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

CSP Strategy: 4.3 Council and the community working together

Delivery Program: 4.3.1 Foster positive community relationships through open communication, opportunities for participation and sharing information

Summary

The South Precinct minutes and motions are submitted for Councillors' information and consideration.

Finance

N/A

Policy

Local Strategic Planning Statement

Plans of Management

Consultation (Internal)

N/A

Communication/Community Engagement

Councillors and staff regularly attend and address Precinct meetings.

Attachments

1 Executive Summary: South Precinct - 11/03/2021⇩

Enclosures
Nil

RECOMMENDATION

That Council:

1. Receive and accept the Executive Summary of the minutes of the South Precinct meeting held on 11 March 2021
2. Note the motion relating to development application no 10.2020.190.1 – 16 Crooked River Road, Gerroa.

Background

The executive summary of the minutes of the South Precinct meeting held on 11 March 2021 are presented for Councillors' information and include a motion relating

to concerns in regard to development application 10.2020.190.1 Lot 201 DP 1022563 No 16 Crooked River Road, Gerroa.

KIAMA MUNICIPAL COUNCIL

South Precinct Meeting Executive Summary

Organisation:	South Precinct	Date of meeting:	11/03/2021
Chair:	Chris Cassidy	Minute taker:	Damian Morris
Attendance numbers:	9	Bank balance:	$496.93

Motions for Council:
DA 10.2020.190.1 Lot 201DP 1022563 16 Crooked River Rd, Gerroa. Concerns in regard to the scale of the development, and the position on the ridgeline in contravention of Kiama DCP. Primary and secondary dwelling, with shed and two pools. Moved: Roger Collins Seconded: Warren Holder
Actions arising / Recommendations:
Correspondence:
Correspondence IN: • GCA Newsletter • CCAG email to KMC regarding Housing Numbers • Quarterly Meeting draft minutes with CCAG, KMC General Manger, and Mayor • Apology from Alma and asking follow up regarding mowing of Campbell Reserve. **Correspondence OUT:** • Agenda March Meeting • February Minutes
Guest speakers:
•
General business topics and outcomes:
• Confirm future dates in 2021 as follows: 11th March, 15th April, 20th May AGM, 17th June, 15th July, 19th August, 16th September (New Council), 21st October, 18th November, 16th December. • L Etape road closures 20th March • Housing Numbers • GA Association email expressing they are still operating • DA for Crooked River in regards to the scale of the project
Ongoing issues to be addressed:

Apologies: Apologies:
Shane Douglas, Roy Schmidt, Stephen and Linda Brazier, Helen McDermott, Alma Macperson, Stan Griffiths, Rob Coady, Susan Griffiths

Move: Warren Holder Seconded: Howard Jones

11.2 Statement of Investments - March 2021

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

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.2 Identify opportunities to diversify and maximise funding sources

Summary

This report recommends receipt and adoption of the Statement of Investments for March 2021

Finance

NA

Policy

Clause 625 of the *Local Government Act 1993*

Clause 212 of the *Local Government (General) Regulation 2005*

Kiama Municipal Council – Investment Policy

Consultation (Internal)

NA

Communication/Community Engagement

NA

Attachments

1 Statement of Investments - March 2021⇩

2 Carry Over Works Internal Reserve Changes⇩

Enclosures

Nil

RECOMMENDATION

That Council receive and adopt the information relating to the Statement of Investments for March 2021.

Background

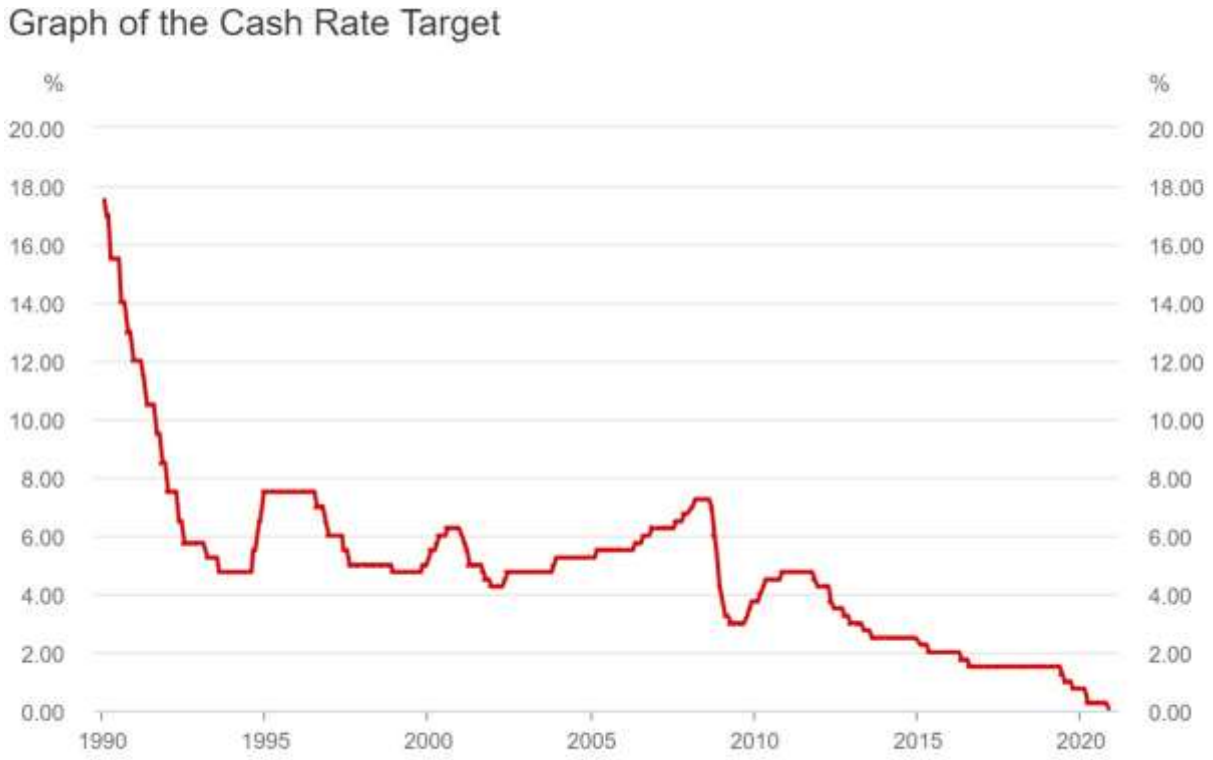
Attached is a copy of the Statement of Investments for March 2021.

Investment commentary

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations.

The investment portfolio is regularly reviewed in order to maximise investment

performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.



Source: RBA

Recommended changes to Internal Restrictions

The attached and below tables detail the recommended changes to internal restrictions and reasons for the recommendations.

Internal Reserve Description	Original Amount	Recommended Change	New Balance	Reason for change
Council Elections	$145,000	$105,000	$250,000	Change to reflect required funds for
Illawarra Shoalhaven Joint Organisation	$22,000	-$22,000	$0	Illawarra Shoalhaven Joint Organisation no longer administered by
CACP	$4,045	-$4,045	$0	Balance is included within Blue Haven Home Care Packages

Certification – Responsible Accounting Officer

I hereby certify that the investments listed in this report have been made in accordance

with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and Council's Investment Policy.

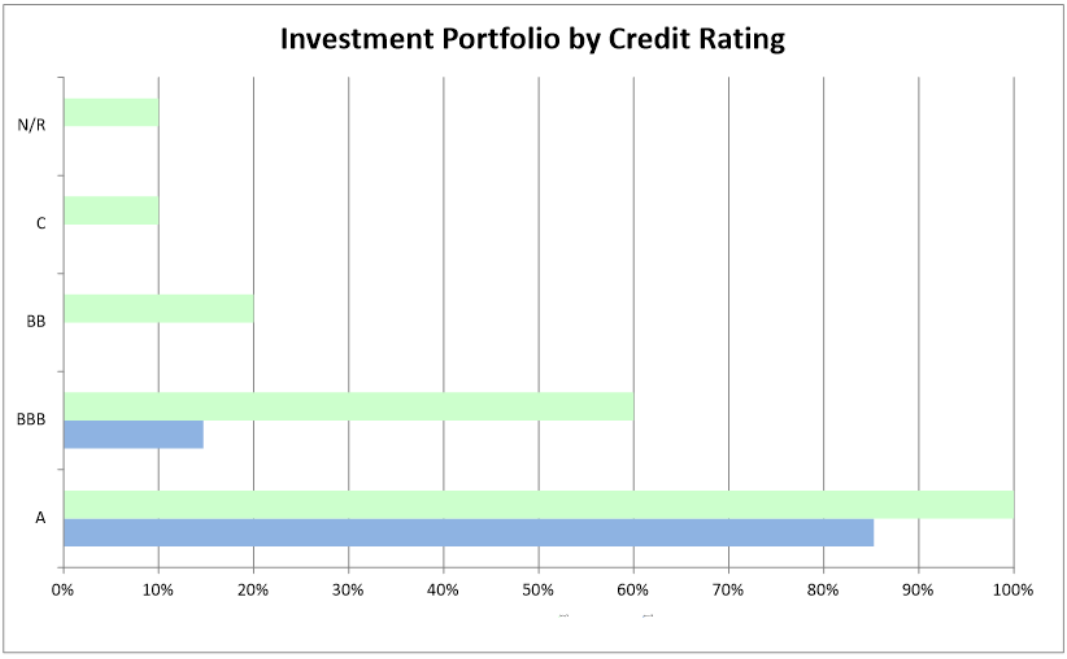
Jason Galloway
Chief Financial Officer

(b) Council Investments as at 31 March, 2021

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE $	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	BBB	1,000,000	Term Deposit	08/03/21	08/03/22	365	0.75
AMP	BBB	750,000	Term Deposit	29/03/21	27/09/21	182	0.20
Bank of Qld	BBB+	1,000,000	Term Deposit	21/10/20	21/07/21	273	0.64
Bank of Qld	BBB+	1,000,000	Term Deposit	02/03/21	02/12/21	275	0.39
Bank of Qld	BBB+	1,000,000	Term Deposit	21/10/20	21/07/21	273	0.64
Commonwealth Bank	AA-	1,000,000	Term Deposit	21/10/20	21/10/21	365	0.61
Suncorp	A	1,000,000	Term Deposit	25/11/20	25/05/21	181	0.38
Suncorp	A	1,000,000	Term Deposit	09/12/20	09/06/21	182	0.38
NAB	AAA	1,000,000	Term Deposit	27/02/21	02/06/21	95	0.30
NAB	AAA	1,000,000	Term Deposit	23/03/21	23/03/22	365	0.35
NAB	AAA	1,000,000	Term Deposit	16/03/21	16/03/22	365	0.37
NAB	AAA	1,000,000	Term Deposit	07/10/20	07/04/21	182	0.60
NAB	AAA	1,000,000	Term Deposit	14/10/20	14/04/21	182	0.55
NAB	AAA	1,000,000	Term Deposit	04/11/20	04/11/21	365	0.55
NAB	AAA	1,000,000	Term Deposit	11/11/20	11/08/21	273	0.50
NAB	AAA	1,000,000	Term Deposit	18/11/20	18/11/21	365	0.55
NAB	AAA	1,000,000	Term Deposit	02/12/20	04/10/21	306	0.50
NAB	AAA	1,000,000	Term Deposit	16/12/20	16/12/21	365	0.53
Westpac	AA-	1,503,877	Term Deposit	18/02/21	17/02/22	364	0.30
Newcastle Permanent FRN	BBB	1,014,994	Floating Rate Note	28/09/18	06/02/23	1592	1.50
Total Term Deposits & FRNs		**20,268,871**					**0.53**
TcorpIM Cash Fund	AAA	11,400,274	Cash Fund		AT CALL		**0.20**
Westpac	AA-	7,500,056	Bank Account	-	AT CALL		0.00
Total 'At Call' Funds		**18,900,330**					**0.00**

TOTAL CASH & INVESTMENTS	**39,169,202**	Average Rate- Mar 2021	0.30
		Average Rate- Mar 2020	1.86

TOTAL INVESTMENTS Feb 2021	**40,161,652**	**-2.53%**	Change in total investment over prev 1 month
TOTAL INVESTMENTS Mar 2020	**19,366,117**	**50.56%**	Change in total investment over prev 12 months



Portfolio Limit

Long Term Credit Ratings (S&P or Moodys or Fitch)	**Policy Maximum**	**Current Holding %**	**Current Investment $**
A to AAA	100%	85%	$33,404,208
A-	40%	0%	$0
BBB to BBB+	30%	15%	$5,764,994
BBB- and below	5%	0%	$0
BBB- and below	5%	0%	$0
			$39,169,202

(c) Application of Invested Funds

Restricted Funds:	Description	Value ($)
Externally Restricted	Developer Contributions	4,355,000
	Unexpended Grants	562,000
	Domestic Waste	3,352,825
	Loan Restrictions - Tcorp	14,920,000
	Blue Haven Terralong ILU	1,385,000
	Blue Haven Bonaira ILU	114,000
	Blue Haven Aged Care Home	3,000,000
	Community Bus	315,000
Internally Restricted	Carry Over Works	1,096,003
	Council Elections	250,000
	Employee Leave Liabilities	1,500,000
	Energy Efficiency	213,000
	Holiday parks	959,050
	Land development	1,602,000
	Plant replacement	1,513,909
	Blue Haven Home Care Packages	688,000
	Risk Improvement Incentive	105,000
	Unspent Loan Funding	1,116,000
	Waste and Sustainability	415,000
	Waste Business Unit	1,262,000
Unrestricted Funds:	**Funds to meet current budgeted expenditure**	**445,415**
TOTAL INVESTMENTS		**39,169,202**

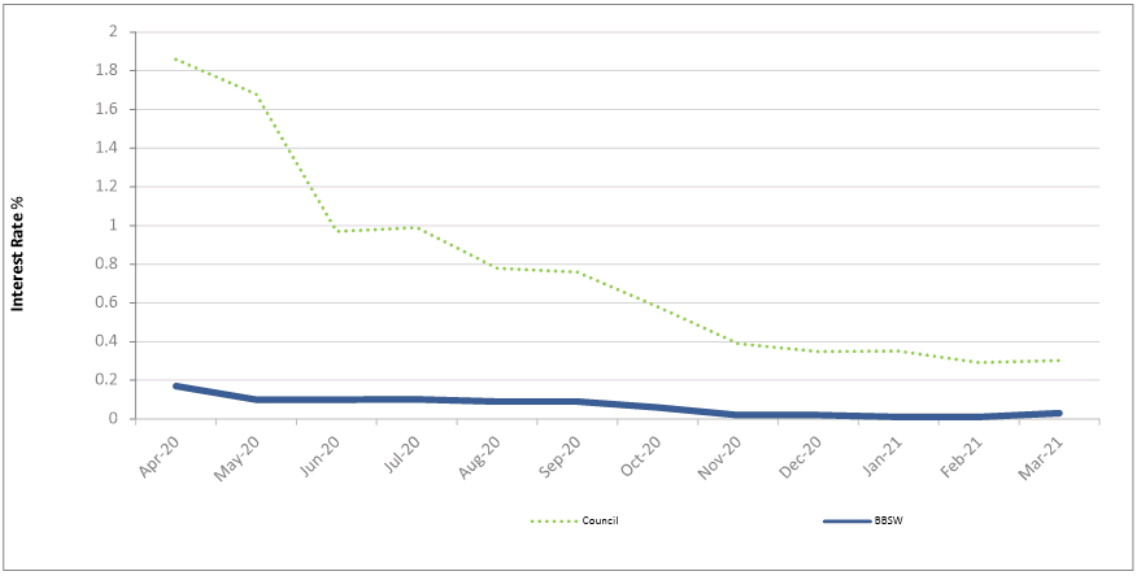
The above Application of Invested Funds will change subject to the preparation of the financial statements. The values can change due to monthly movements.
The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

(d) Investment Portfolio Performance

Investment Performance vs Benchmark

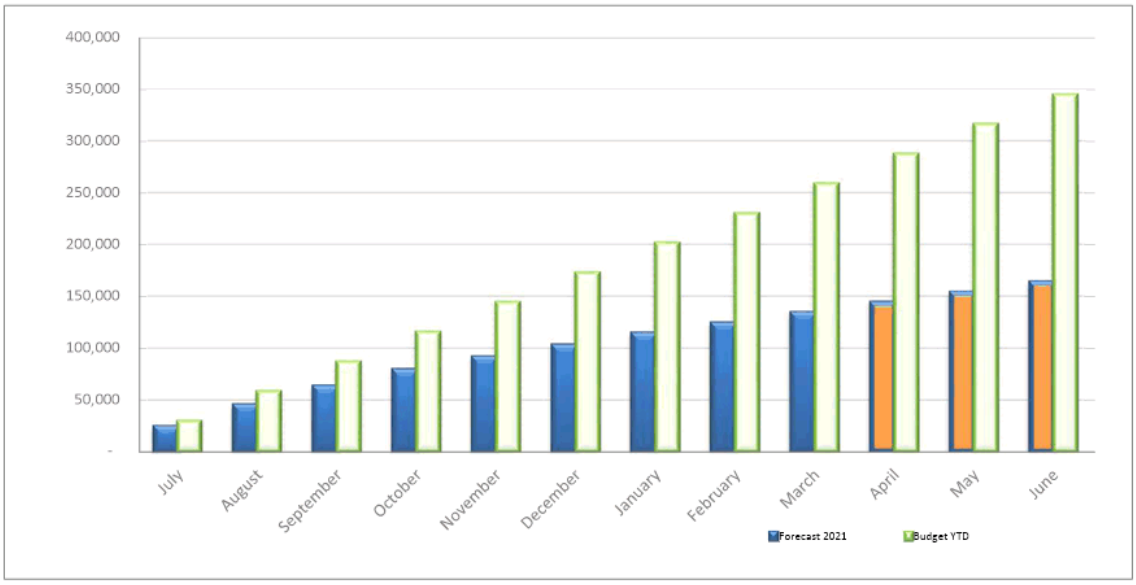
	Investment Portfolio Return (%pa)	Benchmark:BBSW 90 day Bank Bill Index (source RBA)
1 month average	0.30	0.02
3 month average	0.58	0.06
6 month average	0.74	0.08
12 month average	1.04	0.33

Council Investment Performance Compared to Benchmark



Council has been able to consistently perform above the Reserve Bank 90 day Bank Bill Index.

Accrued Interest Compared to Budget as at 31 March, 2021



Change to Carry Over Works Restricted Funds

New/ Renewal	Description	Carry Over	Change to reserve	New Balance	Reason for change
Renew	Kevin Walsh Oval Camping Area Fencing	4,034	4,034	-	Project Completed
Renew	Leisure Centre Spa Room (Jenene advised only $12k required)	12,000	12,000	-	Project Completed
Renew	Kiama Library Entrance Decking Replacement	15,266	15,266	-	Project Completed
New	Columbarium Wall/Ash Gardens Kiama/G'Gong/Jamberoo Cemeteries	29,146	29,146	-	Project Completed
Renew	Saddleback Mountain Amenities Renewal - SRV Project	52,549	29,422	23,127	In Progress
Renew	Dog Pound Office	59,827	59,827	-	Project Completed
Renew	Whitton Place Reserve Playground Replacement	63,840	63,840	-	Project Completed
Renew	Attunga Reserve Playground Replacement	64,837	64,837	-	Project Completed
Renew	Lloyd Rees Amenities - SRV Project	66,893	66,893	-	Project Completed
Renew	South Werri Reserve Amenities Renewal - SRV Project	109,077	109,077	-	Project Completed
Renew	RACF garden waterfall	111,443	90,000	21,443	Change in scope
Renew	Jamberoo Youth Hall Restoration - SRV Project	130,701	130,701	-	Project Completed
New	Kiama Leisure Centre Splash Zone	183,024	183,024	-	Project discontinued
Renew	Jamberoo Youth Hall Refurbishment	280,620	280,620	-	Project Completed
Renew	Figtree Lane Car Park Redesign And Development	363,515	363,515	-	Project Completed
Renew	Kiama Visitors Information Centre Amenities Refurbishment	528,929	528,929	-	Project Completed
Renew	Crooked River Bridge Restoration Works	547,845	450,000	97,845	In Progress
Renew	Barney Street Culvert Renewal	629,846	629,846	-	Project Completed
Total		**3,253,392**	**3,110,977**	**142,415**	

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

12.1 Cultural Grants 2020/21 Funding Round

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.3 Provide and promote cultural and artistic activities and programs

Summary

This report seeks Council's approval for the Kiama Cultural Board recommended applications for Council's Cultural Grants 2020/21 funding round.

Finance

2020/21 Budget allocation

Policy

BISI Cultural Planning Document

Consultation (Internal)

Community and Cultural Development staff

Communication/Community Engagement

The Kiama Cultural Board provides community engagement with local artists and residents through its representatives on the Board.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council approve the following recommended Cultural Grants funding applications:

- Youthfest $6,000
- LGBTI Choir $2,500
- The Cedar-getters Granddaughter $2,500
- Walk my Way $9,000

BACKGROUND

Kiama Council provides a total of $20,000 per annum to support the development and delivery of arts and cultural projects within the Kiama local government area.

This funding is allocated once per year, via a two-tiered assessment process. Applicants are invited to submit a written application, which is used by the Cultural Board to assess projects for shortlisting. Shortlisted applicants are then interviewed by the Board, and relevant projects are recommended to Council for approval.

Applicants are able to apply for up to $2,500, $5,000 or $10,000 per project.

Applications are assessed using the below criteria, the relative merit of the project, and possibility of success of the project.

Funding criteria:

- Explore innovative arts practices and interdisciplinary collaboration that advances Kiama's arts profile in the wider community
- Expand the understanding and utilise the power of the arts; cultural, social, educational, economic, and psychological benefits, for the overall health and wellbeing of the Kiama community and its visitors.
- Advance the professional learning and educational outcomes for artists.
- Improve the collaborative and mentoring opportunities for artists.
- Push the boundaries for community engagement within the arts through interactive, immersive and cutting edge art experiences.

The Kiama Council Cultural Board assessment team met on Tuesday 16 March 2021, to assess seven Cultural Grant applications, totalling $36,460 with five shortlisted for face to face interviews.

The Cultural Board met on Thursday 25 March 2021 to consider the shortlisted projects and subsequently approved four projects totalling $20,000 for recommendation to Council.

A summary of the projects (extracted from the applications) follows, with the full applications being available to Councillors upon request.

The following have been considered:

- eligibility for funding
- the value for money offered
- appropriateness and realistic expectation of the budget as presented
- the geographical diversity across the Kiama local government area
- the completeness of the application and project development
- diversity of art genres
- consistency with the Cultural Grants objectives, and themes of the BISI cultural planning document
- ability of funding applicants to deliver the project.

Those not recommended for funding were found to have failed in one or more of these areas.

Applications recommended for funding

Item 12.1

Project: ***Youthfest***

Applicant: Kiama and District Stronger Community

Funds requested: $10,000

Funds recommended: $6,000

YouthFest will be a free event beginning at 10am, with a forum showcasing a mix of local panelists, including sports people, influencers, musicians and those who suffer from mental illness. After the forum, we will move into an outdoor mini music festival, showcasing local musicians, along with a local young makers and creatives market.

Project: ***LGBTIQ Choir***

Applicant: Tonina Harvey

Funds requested: $2,500

Funds recommended: $2,500

This project will establish an LGBTIQ Choir in Kiama. The aim of the choir is;

- to empower all members of the choir to be involved and use their skills and talents in the development and management of the choir,
- to showcase the talent of the LGBTQ community and break down stigma and discrimination,
- to have an activity which will improve members mental health through interpersonal connection,
- to increase visibility and have a safe place for community, to foster growth and musical development in a safe environment, and
- to showcase Kiama as an accepting and diverse community.

In the first three weeks of promotion the choir currently has 22 participants. This group consists of Choir Director, local residents, gay men, lesbian and transgender people currently working in business and in management levels in health and disability and members of the Illawarra Rainbow Community. The choir will expand with an aim to having a core group of 20-30 singers within 12 months.

Project: ***The Cedar-getters Granddaughter***

Applicant: Diana Plater

Funds requested: $2,500

Funds recommended: $2,500

This project is to research the history of the cedar-getters in the Illawarra and in particular the role of women, to be used as background for one of the characters in Diana's new novel-in-progress, The Cedar-getter's Granddaughter.

This is a new project with the potential audience of several thousand, depending on the book's publication and marketing. Research will be undertaken in libraries and newspaper archives, but also through oral history interviews with possible descendants of the cedar-getters, Indigenous people (if appropriate and agreed upon) and others.

Project*:* ***Walk my Way***

Applicant: Rhonda Weaver

Funds requested: $8,960

Funds recommended: $9,000

Walk my Way is a new project based on shared stories by members of the Kiama Community. The project will involve:

- Interviews with members of the diverse Kiama Community
- Still life paintings of interviewees' shoes by local artist Rhonda Murray
- Written stories (approximately one page) based on interviews by author Gail Morgan
- A week long exhibition of paintings and stories at the Old Fire Station Kiama
- A talk from a guest speaker, preferably a local Aboriginal Elder, on the importance of shared stories
- Production of a booklet of paintings and stories to be made available to Kiama Council for Tourism and promotion of the arts and for the Kiama community
- Production of a video for process documentation to be shared with Kiama Council to highlight the arts in Kiama and for tourism purposes.

This project is about having compassion and empathy for others, and the importance of telling stories, while challenging the stereotype of white middle class Kiama. Engaging residents from minority groups within the local government area the project will tell their stories through paintings and the written word.

Applications not recommended for funding

Project*:* ***Seniors Visibility Project***

Applicant: Roslyn Richardson

Funds requested: $10,000

This project is a community photography exhibition entitled 'With Our Hearts and Hands' which aims to visually capture the skills, contributions, wisdom, and value of older members of our community. Each portrait will be supported by a life affirming statement by the subject. The venture aims to include over 100 local older community members from across the Kiama local government area, and will be drawn from a wide range of local community groups;

- Jamberoo CWA Branch,
- Jamberoo Red Cross,

- Kiama Men's Probus Choir,
- Kiama Men's Shed,
- Gerringong Men's Shed,
- Gerringong Uniting Church,
- Kiama Anglican Church,
- Mayflower Independent Living, amongst others.

Project: ***Version Sixteen***

Applicant: Claire Doble

Funds Requested: $2,500

This project is completing the official second draft of a full-length science-fiction novel, Version Sixteen, sending it to several Beta Readers and then submitting it for publication to an agent or publisher.

Project: ***YuNiOn***

Applicant: Graham Hilgendorf

Funds requested: $2,000

This project gives people the opportunity to express themselves through the unique sounds and energy of Taiko drumming and festival dancing. The workshops can be presented at either the Gerringong Town Hall, Gerringong Public School or a similar location on either the 5th or 6th July 2021, allowing YuNiOn to hold a number of workshops during the day for school children, parents/carers and holiday people as well as one workshop in the evening for the general community.

12.2 Planning Proposal - Rezone part of 48 Campbell Street, Gerringong

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

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

Delivery Program: 2.1.1 Develop and implement appropriate land use plans

Summary

Council has received a request to adopt a Planning Proposal (PP) to amend *Kiama Local Environmental Plan (LEP) 2011* to facilitate residential development on part of Lot 2 DP 1168922 48 Campbell Street Gerringong.

The PP seeks to extend the Gerringong residential zone from Campbell Street to align with Koraaga Road within the adjacent Elambra Estate. The PP, submitted by the proponent, suggests the PP will result in approximately 166 new residential allotments. The Structure Plan proposes to connect the site to Elambra Estate via new watercourse crossings onto Union Way.

Part of Lot 2 DP 1168922 (i.e. 48 Campbell Street) is identified as a potential urban expansion area by the Kiama Local Strategic Planning Statement (LSPS) 2020. In this regard the PP is consistent with the LSPS, particularly the actions associated with 'Planning Priority 1: Plan for and balance housing supply and demand'.

It is recommended that the PP proceed to the Department of Planning, Industry and Environment for a Gateway Determination.

Finance

Council has adopted a fee structure for the submission and review of planning proposals. The relevant fees have been paid as required by Council's fees and charges schedule.

Policy

The assessment of requests for the rezoning of land require the consideration of a number of Acts, Government Policies, Environmental Planning Instruments and planning documents.

Consultation (Internal)

Consultation will be undertaken as required through the planning proposal process.

Communication/Community Engagement

In accordance with the *Kiama Community Participation Plan (CPP) 2019,* pre-Gateway consultation was not required.

Should Council support the concept PP, the Gateway Determination issued by the NSW Department of Planning, Industry and Environment will outline the minimum requirements for consultation to be undertaken with government agencies and the community. All other community engagement will occur in accordance with the Kiama *Community Participation Plan*.

Attachments

1 Planning Proposal - 48 Campbell Street, Gerringong - Allen Price & Scarratts Pty Ltd⇩

2 Structure Plan - 48 Campbell Street, Gerringong - Allen Price & Scarratts Pty Ltd⇩

3 Agricultural Assessment - 48 Campbell Street, Gerringong - Cowman Stoddart Pty Ltd⇩

Enclosures
Nil

RECOMMENDATION

That Council support this Planning Proposal, to rezone part of Lot 2 DP 1168922 – 48 Campbell Street, Gerringong, as it is consistent with Kiama Local Strategic Planning Statement 2020 and therefore satisfies the strategic merit and site-specific merit tests.

BACKGROUND

Council has received a request to adopt a Planning Proposal (PP) to amend *Kiama Local Environmental Plan (LEP) 2011* to facilitate residential development on part of Lot 2 DP 1168922 48 Campbell Street Gerringong.

Site Details

The site is immediately adjacent to the west of Elambra Estate and is currently accessed via Campbell Street. The site is currently zoned RU2 Rural Landscape and is predominantly used for agricultural practices. It is noted that the site is predominantly cleared, with vegetation on the site, including a large fig tree, being located adjacent to the existing rural dwellings on the site.

The PP does not apply to the entirety of 48 Campbell Street. Approximately 30% of 48 Campbell is included in this PP (refer to Figure 1).

Figure 1 - Subject Site

Intent of Planning Proposal

The PP seeks to extend the Gerringong residential zone from Campbell Street to align with Koraaga Road within the adjacent Elambra Estate. The PP, submitted by the proponent, suggests the PP will result in approximately 166 new residential allotments. The Structure Plan proposes to connect the site to Elambra Estate via new watercourse crossings onto Union Way.

The submitted Structure Plan shows the provision of public reserve along the watercourses and adjacent to the existing Figtree.

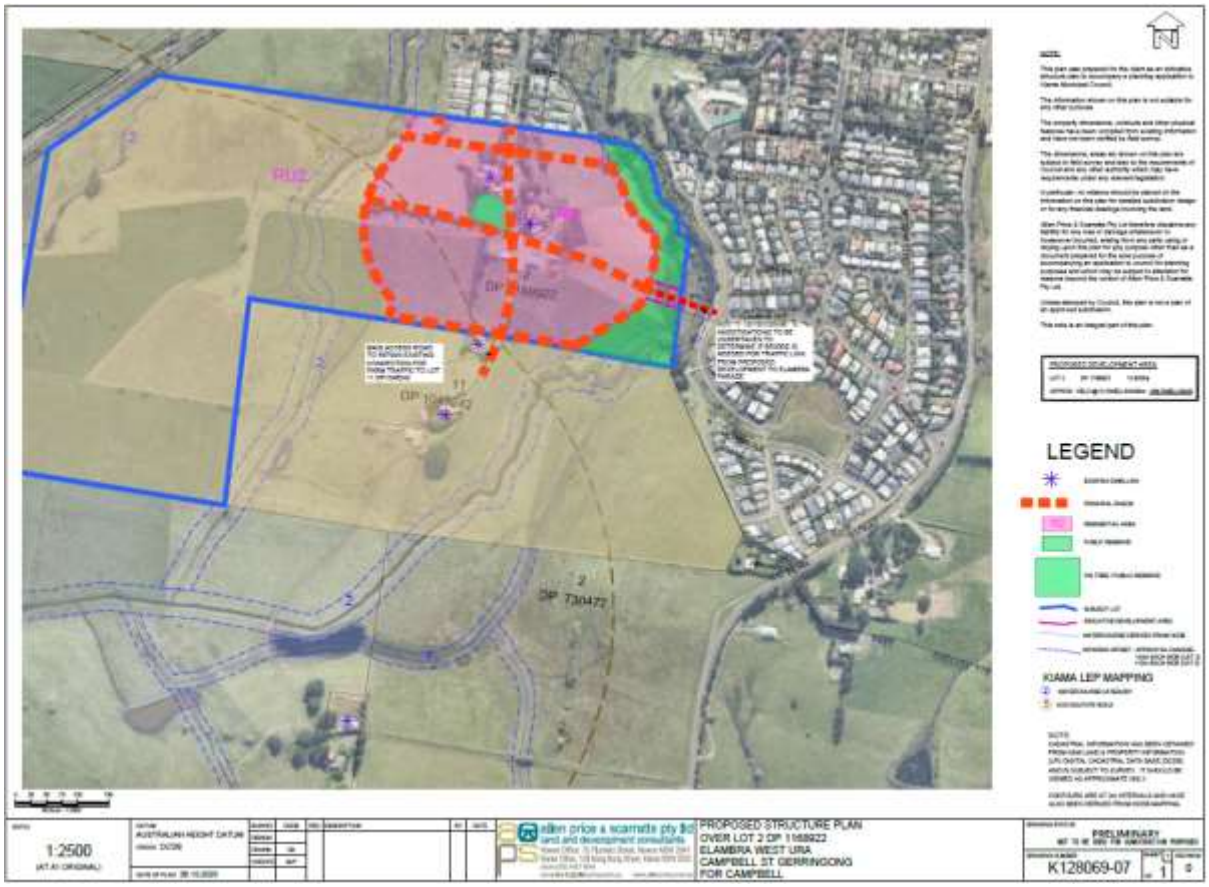


Figure 2 - Structure Plan

Mayoral Minute

At the Ordinary meeting of 17 October 2017 Council endorsed the Mayoral Minute to not support any planning proposals that involve new residential land outside of the identified town boundaries, referred to in the adopted urban strategy areas. The areas included in the recently repealed Kiama Urban Strategy have been incorporated as potential urban expansion areas into the Kiama LSPS 2020. It is noted that this portion of 48 Campbell Street is identified as a potential urban expansion area in the Kiama LSPS 2020. This PP is therefore consistent with this Mayoral Minute.

Assessment of Planning Proposal

The Department of Planning, Industry and Environment's (DPIE) 'A guide to preparing local environmental plans' outlines that an assessment to determine whether the proposal has strategic merit and, having met the strategic merit test, whether the site has site-specific merit. An assessment of the proposal's strategic merit has been carried out below.

Strategic Merit

When assessing the proposal's strategic merit, the following questions need to be answered:

- <u>Does the proposal give effect to the Illawarra-Shoalhaven Regional Plan?</u>

Illawarra-Shoalhaven Regional Plan 2015

The Illawarra-Shoalhaven Regional Plan (ISRP) 2015 is the NSW Government's strategy for guiding land use planning decisions for the region over the 20 years to 2036.

The applicants' PP has indicated that the PP is consistent with four of the five goals of the Regional Plan.

The applicant's PP outlines that the PP achieves a variety of housing choices in Gerringong, with homes that meet needs and lifestyles with a variety of residential outcomes that are supported with open space and recreation opportunities in close proximity to the town centre, existing jobs and infrastructure.

Direction 2.2 of the ISRP seeks to support housing opportunities close to existing services, jobs and infrastructure in the region's centres. Gerringong has been identified as a centre for increased housing activity within the region. The ISRP recommends A place-based planning approach will be adopted to consider these opportunities for centres that have access to transport.

This site has been strategically identified by the Kiama Local Strategic Planning Statement 2020, and the Kiama Urban Strategy 2011 before it, as a potential urban expansion area. Undertaking a place-based approach (i.e. site-specific planning proposal) to analyse the suitability of this site is therefore consistent with Direction 2.2 and Goal 2.

Another justification for consistency is that the PP will allow for better integration and minimize impacts to the adjacent agriculture lands by implementing a structure plan which provides either a perimeter public road or public reserve with landscaping to manage the interface with the adjacent agricultural land. The applicants' PP argues that 'higher agricultural valued land' will be retained.

The applicant's PP outlines that the proposal will result in the rehabilitation of Union Creek, thus protecting and enhancing the natural environment.

Dwelling numbers continue to be a point of interest for the community. The dwelling projections Council is required to have regard to is that referenced in the Regional Plan. The Regional Plan projects that 2,850 additional houses are required for the Kiama LGA by 2036. On average 143 new dwellings are required each year.

Part of 48 Campbell Street has been identified, by the Kiama LSPS, to contribute towards the provision of new dwellings.

In this regards it is considered that the proposal does not gives effect to the Illawarra-Shoalhaven Regional Plan.

- <u>Does the proposal give effect to a local strategy that has been endorsed by the Department Planning, Industry and Environment?</u>

Kiama Local Strategic Planning Statement 2020

At the June 2020 meeting, Council adopted the Kiama LSPS 2020.

Part of Lot 2 DP 1168922 (i.e. 48 Campbell Street) is identified as a potential urban expansion area by the Kiama Local Strategic Planning Statement (LSPS) 2020 In this regard the PP is consistent with the LSPS, particularly the actions associated with 'Planning Priority 1: Plan for and balance housing supply and demand'.

- Does the proposal respond to a change in circumstances, such as an investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?

No. The site has consistently been strategically identified by the Kiama Local Strategic Planning Statement 2020, and the Kiama Urban Strategy 2011 before it, as a potential urban expansion area.

In light of the above, it is considered that the proposal meets the strategic merit test and should proceed to the DPIE for a Gateway Determination.

Site-Specific Merit

As the proposal meets the strategic merit test the site-specific merits of the proposal now need to be assessed.

The structure plan, provided by the applicant, shows a connection to the existing Elambra Estate road network, thus dispersing traffic impacts throughout the network rather than concentrating on a single intersection.

The area identified for urban expansion follows the contour line which delineates the western extent of residential development in Gerringong (i.e. Short Street). The existing elevation of this site means that Elambra Estate would sit higher in the landscape when viewed from the Princes Highway and Illawarra Railway. In this respect the inclusion of part of 86 Campbell Street would not extend the Gerringong township further west or south, either physically or visually.

Impacts associated with flooding have not been investigated in detail by the submitted proposal. In light of recent weather events, the vast majority of submissions have raised concerns with flooding. The submitted Planning Proposal has made assumptions based on the flood assessment prepared for Elambra Estate. No site-specific assessment has been carried out.

Endeavour Energy has indicated that there is available capacity within their existing network for this proposal. However, to date, no formal/direct comments have been provided by Sydney Water.

The Agricultural Assessment, submitted with the Proposal, outlines that an area of 16Ha (approx.) will be excised from a property of 45.83Ha resulting in a 25% reduction in carrying capacity from 58 to 43 cows. At this level of production, it can continue as a viable part-time enterprise. The Agricultural Assessment concludes that, the township of Gerringong is surrounded by prime agricultural land and, as such, if it expands outwards, there is no poor quality agricultural land which could be utilised. The Agricultural Assessment has stated that it is fortuitous that the rezoning is confined to land identified as being Class 3 agricultural land, by the Department of Agriculture's Land Classification Map (no longer in circulation) and allows the continued use of the Class 2 land for agriculture.

Section 9.1 Ministerial Directions

Under Section 9.1 of the *Environmental Planning and Assessment Act 1979,* the Minister for Planning is able to issue directions that apply to the preparation of PP.

The applicants' PP has indicated that the PP is 'not inconsistent' with all relevant Ministerial Directions. This is refuted.

Direction 1.2 – Rural Zones

Direction 1.2 – Rural Zones states that a PP must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. A PP may be inconsistent with this direction if it is:

- Justified by a strategy which:
  - Gives consideration to the objectives of the direction;
  - Identifies the land which is the subject of the PP; and
  - Is approved by the Department of Planning; or
- Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- In accordance with the relevant Regional Strategy, Regional Plan or Sub-regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- Is of minor significance.

This PP is not justified by a strategy, approved by the DPIE. This PP is in accordance with the Regional Plan (see commentary above).

The PP is justifiably inconsistent with Direction 1.2.

Direction 1.5 – Rural Lands

Direction 1.5 – Rural Lands states that a PP that will affect land within an existing or proposed rural or environmental protection zone must:

(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement

(b) consider the significance of agriculture and primary production to the State and rural communities

(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources

(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions

(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities

(f) support farmers in exercising their right to farm

(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses

(h) consider State significant agricultural land identified in *State Environmental Planning Policy (Primary Production and Rural Development) 2019* for the purpose of ensuring the ongoing viability of this land

(i) consider the social, economic and environmental interests of the community.

Direction 1.5 – Rural Lands states that a PP that changes the existing minimum lot size on land within an existing or proposed rural or environmental zone must demonstrate that it:

(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses

(b) will not adversely affect the operation and viability of existing and and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains

(c) where it is for rural residential purposes:

  i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres

  ii. is necessary taking account of existing and future demand and supply of rural residential land.

A PP may be inconsistent with this direction if it is:

- Justified by a strategy which:
  - gives consideration to the objectives of this direction,
  - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and
  - is approved by the Director-General of the Department of Planning and is in force, or
- Is of minor significance.

It is considered that the PP is consistent with Direction 1.5 The PP is consistent the applicable regional plan and an Agricultural Assessment, which considers the significance of agriculture and primary production to the State and rural communities, has been submitted. The Agricultural Assessment has considered all other points of Direction 1.5.

The PP is consistent with Direction 1.5.

<u>Direction 4.3 – Flood Prone Land</u>

Direction 4.3 – Flood Prone Land states that a PP must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. As the flood planning area has not been formally identified for this site it is unclear if the proposal is consistent with this Direction. The submitted Planning Proposal has made assumptions based on the flood assessment prepared for Elambra Estate. No site-specific assessment has been carried out.

Insufficient information has been provided to determine if the PP's consistency with Direction 4.3. It is recommended that the Gateway require the provision of a flood study to determine consistency with Direction 4.3 prior to community consultation.

<u>Direction 5.10 – Implementation of Regional Plans</u>

Direction 5.10 – Implementation of Regional Plans states that a PP must be consistent with a Regional Plan released by the Minister for Planning. A PP may be inconsistent with this direction if it is:

- Is of minor significance, and
- The planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.

The proponent has stated that the PP is generally consistent with the Regional Plan. As discussed above, Council agrees with this position. The PP is consistent with Direction 5.10.

Delegation

Council is able to request plan making delegation, under Section 3.32 of the *Environmental Planning and Assessment Act 1979*.

Conclusion

As 48 Campbell Street has identified as a potential urban expansion area in the Kiama LSPS 2020 it is consistent with the relevant Goals and Directions of the Regional Plan. The strategic and site-specific merits of the proposal adequately justify any inconsistencies with Ministerial Directions.

It is therefore recommended that the proposal be supported to proceed to the Department of Planning and Environment for a Gateway Determination.

Planning Proposal

Elambra West Urban Release Area

Prepared for
Pearce & Campbell

Site address
Lot 2 DP 1168922, No. 48 Campbell Street, Gerringong

Date
2 December 2020

allen price & scarratts pty ltd
land and development consultants

Surveying

Town Planning

Civil Engineering

Project Management

Table of Revisions

Initials	Rev	Date	Details
JH	0	02/12/2020	Document completed for Kiama Municipal Council consideration

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INTRODUCTION

This proponent-led Planning Proposal (PP) has been prepared in accordance with Section 3.32 and 3.33 of the Environmental Planning and Assessment Act 1979 and the following relevant documents:

- Department of Planning, Industry and Environment's "A guide to preparing planning proposals"; and,
- Kiama Municipal Council's Planning Proposal Policy.

The PP seeks to amend the Kiama Local Environmental Plan (KLEP) 2011 and to extend the Gerringong residential zone from Campbell Street to align with the southern boundary of 48 Campbell Street, (Lot 2 DP 1168922), Gerringong. This extension is consistent with the Gerringong Charrette and the Kiama Local Strategic Planning Statement (KLSPS) 2020 as well as strategic outcomes identified in Illawarra – Shoalhaven Regional Plan and Illawarra Shoalhaven Urban Development Program Update. The outcome of this rezoning process will result in the creation of the Elambra West Urban Release Area (URA).

As outlined in this PP, this rezoning will facilitate an extension to the existing township of Gerringong in a south-westerly direction that will be carefully integrated with the existing surrounding urban area. The PP also continues to provide legal access for the existing two rural dwellings and associated agricultural farming on adjacent Lot 11 DP 1045242 (zoned RU1 – Primary Production and RU2 Rural Landscape zoned land).

Should Kiama Municipal Council (KMC) support this PP and formally progress it to Gateway Determination with the Department of Planning, Industry and Environment (DPIE), this document will provide Council with the majority of the background information it requires to demonstrate the strategic justification for this proposal. Further, the format of this PP is designed to optimise a timely and easier path for a Council merit-based assessment and to inform recommendations to the elected Council.

Overall, the aim of the PP is to implement part of the vision that was accepted by the community in the Gerringong Charrette to meet the future residential housing and associated recreation supply for this coastal village and to make efficient use of adjacent surrounding land that is not flood affected. The justification and quantum of the rezoning area is explained in this PP which informs subsequent related amendments for the KLEP 2011.

Figure 1 – Site Photo looking from site to adjacent Elambra Estate

BACKGROUND

Subject land

The proposed URA was first identified in the Gerringong Charrette and subsequent planning documents which are explained in this PP such as the recent Council adopted KLSPS.

The coastal town of Gerringong is approximately 10km south of Kiama and 3.6km north of Gerroa. The township in general is bordered by the Pacific Ocean to the east, Werri Beach and Werri Lagoon to the north, the Princes Highway and the Illawarra Railway corridor to the west and the existing Elambra Estate. Rural land is situated to the east, west and south of Elambra Estate.

The proposed URA is located adjacent to the south-western edge of the existing Gerringong urban area and is located approximately 1.2km via the road network to the town centre. As shown in the images below, the land which is the subject of this PP is approximately 45.83 hectares(ha) in area with a proposed urban area of 12.83ha which is generally cleared, zoned RU2 Rural Landscape and is not flood affected.

The site generally continues the same natural land elevation/form as existing residential developed land to the north and slopes gradually both on the eastern and western sides of the site to lower flood prone land. There are also two existing rural dwellings located on the site.

Lot 2 DP 1168922 provides legal access for the existing two rural dwellings as related agricultural farming operations on adjacent Lot 11 DP 1045242. Lot 11 has legal access across Lot 2, via a Right of Access. A survey plan of the site showing these lots, general landform and easements is provided as **Appendix A**. In addition, a larger proportion of Lot 2 will continue to support agricultural farming operations on the lower flood affected land and which is a higher class of agricultural graded farming land.

The URA is largely bordered to the east and north by land zoned R2 – Low Density Residential which has a minimum lot size of 450m^2. The land to the west and south of the URA is zoned RU1 – Primary Production and RU2-Rural Landscape.

Union Creek partly dissects the URA and a proposed outcome of the PP will be to revegetate and rehabilitate this creek line adjacent to the site. Union Creek extends from the main Gerringong urban area into Crooked River at Gerroa. Further, it is anticipated that this landscape revegetation will continue on the URA interface with the adjacent rural area.

Whilst only to be used as a guide to identify site potential, initial scoping investigations of the URA indicate a yield of approximately 166 residential lots could be developed in a number of stages and in a similar form to that at the adjacent Elambra Estate. Developable residential land is limited by the flooding potential on parts of the site which in some aspect's mirrors the same developable land height in the adjacent Elambra Estate. The URA does not consist of any bushfire prone land.

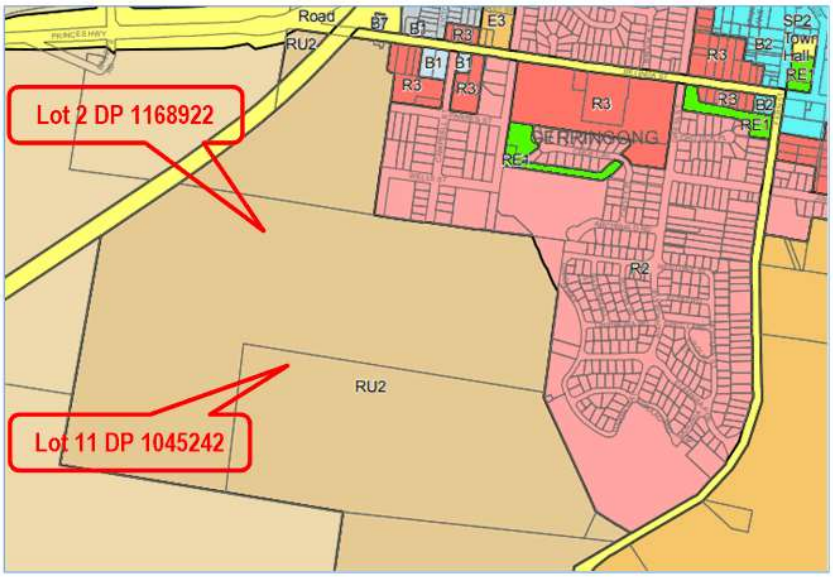
In summary, the site is relatively unconstrained and can be well serviced by the infrastructure necessary to support efficient delivery of an attractive urban neighbourhood that would provide a logical south-western extension to the Gerringong township with a transitional landscaped interface to the adjacent rural land.

Figure 2 - Site Locality Plan (Source: SIX Maps)

Current Land Use Zones

Current land use zones affecting the URA site is shown in **Figure 3**.

Figure 3 – Current Land Zones affecting the URA site (Source: KLEP 2011)



As shown above, the proposed URA is located immediately adjacent to an existing residential land use zone (R2) and forms a logical extension of the existing Gerringong township with planned connections into existing road system. The remaining land to the south and west of the site is zoned for rural use (RU1 & RU2).

Other KLEP 2011 / Site Considerations

In addition to the current land use zone controls, other KLEP 2011 and site considerations are shown in Figures 4-8 and include acid sulfate soils, minimum lot size, riparian land / watercourses, known heritage items, bushfire prone lands and site access.

Figure 4 – Class 5 Acid sulfate soils affecting the URA site (Source: KLEP 2011)

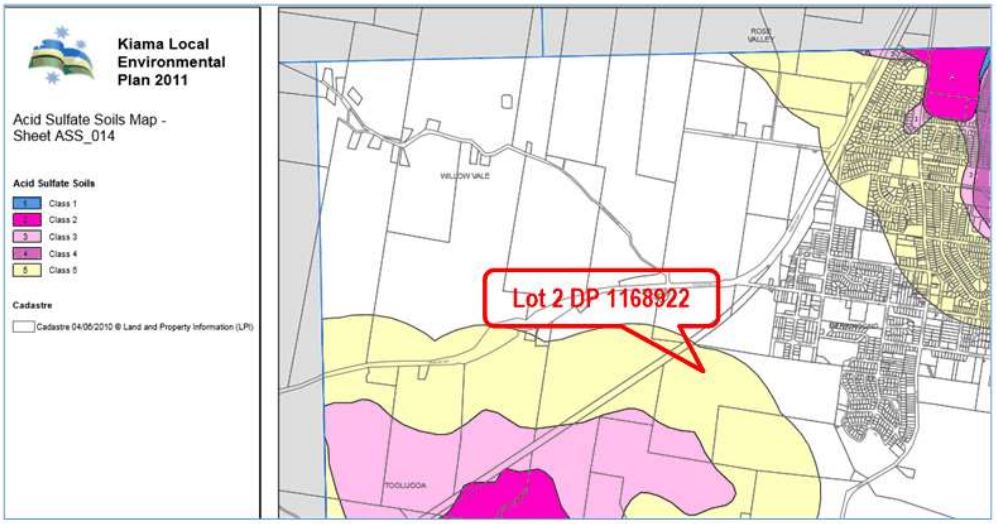


Figure 5 - 40ha minimum lot size affecting the URA site (Source: KLEP 2011)

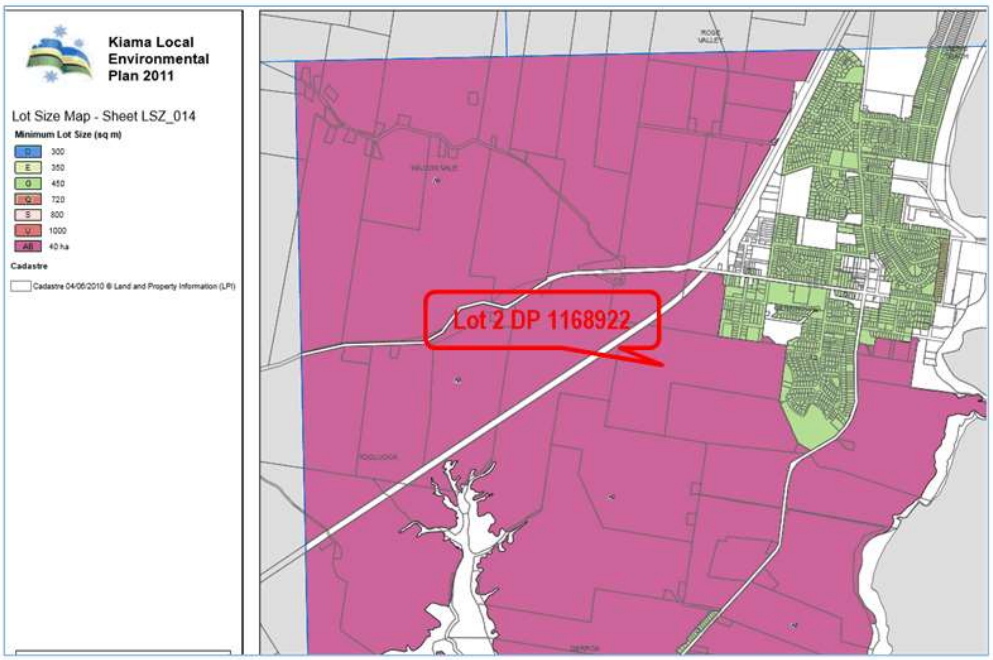


Figure 6 – Riparian Land and Watercourses affecting the URA site (Source: KLEP 2011)

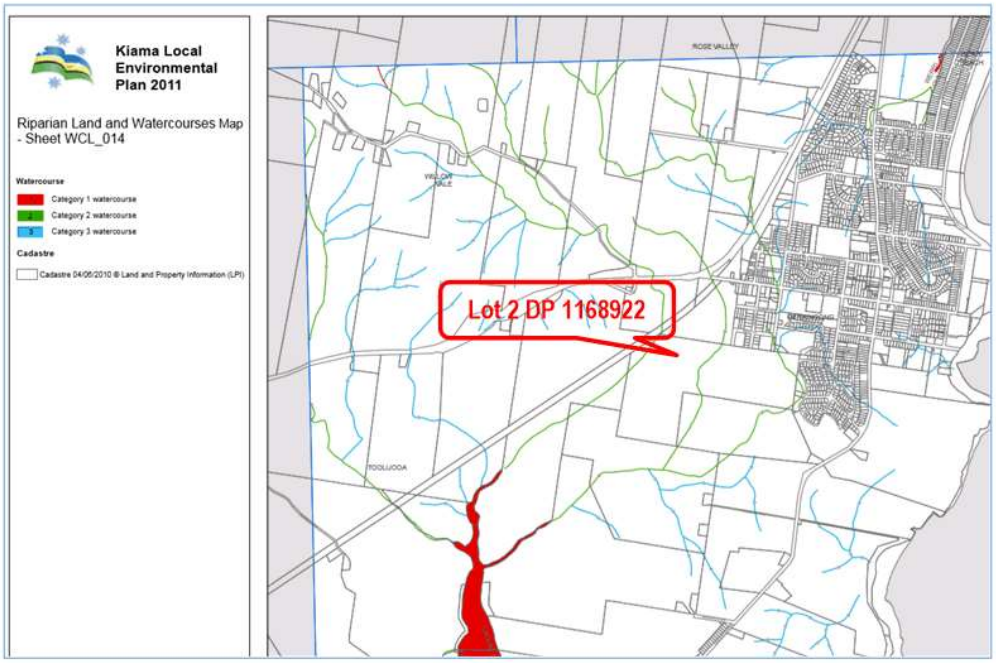
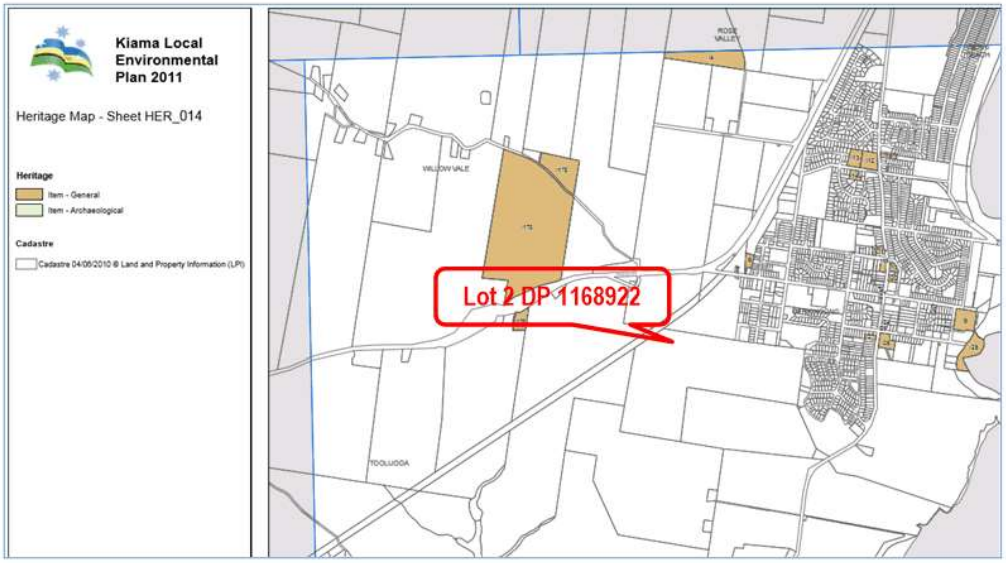
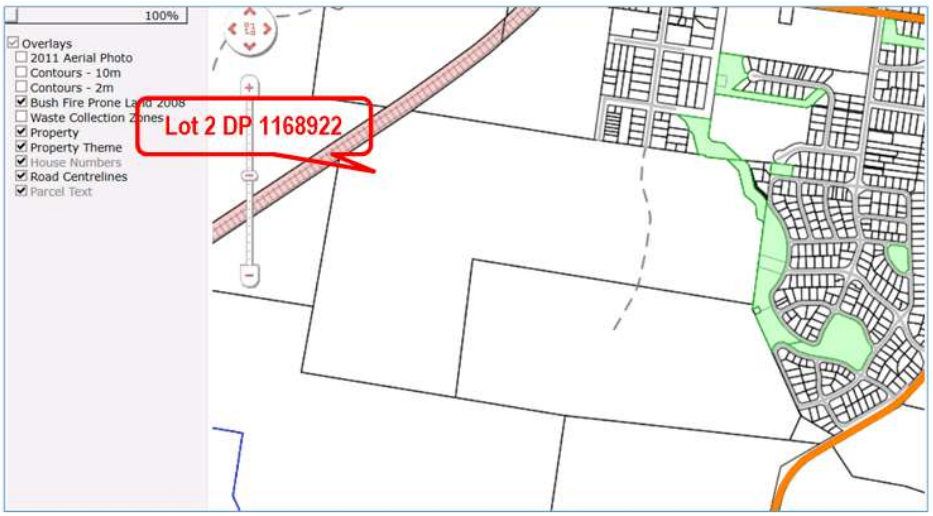


Figure 7 – Heritage items in proximity to the URA site (Source: KLEP 2011)



Note – No heritage items are located on or in proximity to the URA site.

Figure 8 – Bushfire prone land mapping of the URA site (Source: KMC Online Mapping)



Note – Mapping does not indicate the URA site is bushfire prone land.

Access to the site is provided from Campbell Street.

Status of current investigations

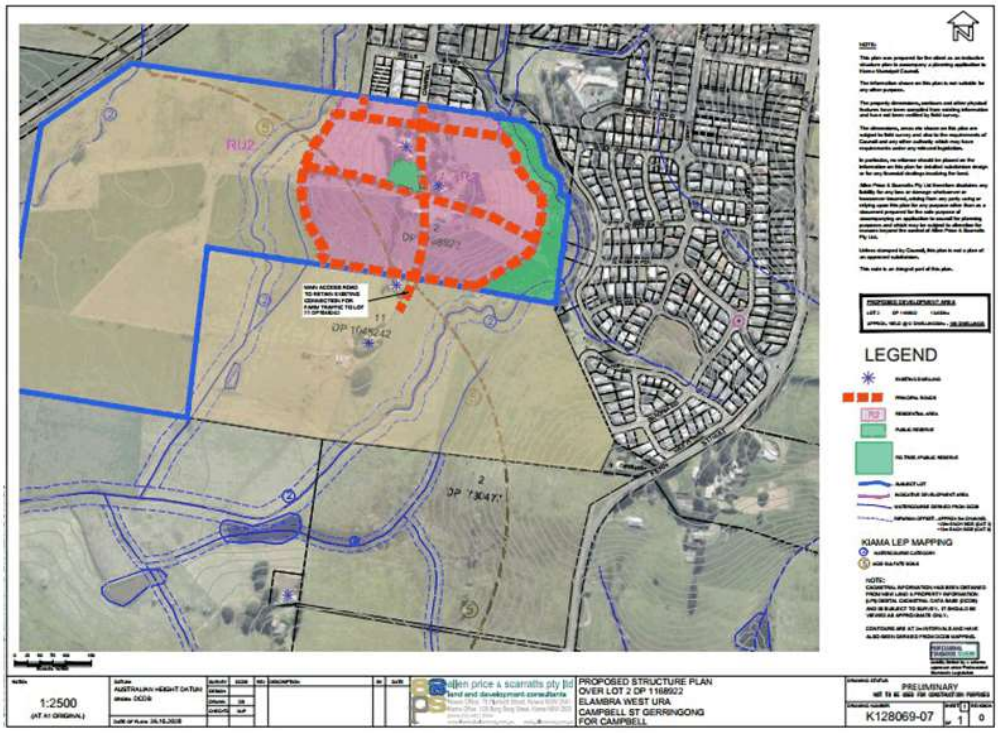
Building on the identification of the URA in the Gerringong Charrette and KLSPS, and in response to initial PP feedback from KMC staff in September 2019, the following accompanying assessments to this PP have been prepared and provide more detailed specific investigation of the site:

- Aboriginal Heritage Diligence Assessment – November 2020
- Agriculture Assessment – November 2020
- Ecological Constraints Assessment – November 2020
- Residential Land Supply & Demand Analysis – November 2020
- Traffic & Parking Assessment – December 2020
- Visual Impact Analysis – November 2020

Further to the above, this PP considers preliminary flood and service infrastructure for the URA and flood assessment that have determined residential developable land on the adjacent Elambra Estate land.

Key findings of these investigations are summarised in **Table 4** and the resulting URA structure plan is shown in **Figure 9** (larger version of plan is shown in **Appendix B**). This structure plan could be supported with a site specific Development Control Plan to establish design and character controls.

Figure 9 – URA Structure Plan



Strategies planning assessment

In preparing this PP, the following KMC or State Government strategies or plans have been assessed as supporting re-zoning and the development of the URA and are listed below and reviewed further in **Part 3 –** Justification.

- *Gerringong Charrette 1995;*
- *KLSPS;*
- *Draft Illawarra Shoalhaven Regional Plan 2041*
- *Illawarra – Shoalhaven Regional Plan 2015; and,*
- *Illawarra Shoalhaven Urban Development Program Update 2018.*

PART 1 – STATEMENT OF OBJECTIVES OR INTENDED OUTCOMES

(s.3.33(2)(a) A statement of the objectives or intended outcomes of the proposed instrument)

The objective of the PP is to amend KLEP 2011 and to extend the Gerringong residential zone from Campbell Street to the southern boundary of 48 Campbell Street, (Lot 2 DP 1168922), Gerringong which is consistent with the Gerringong Charrette and KLSPS. The URA property description and current land use zone as outlined in **Table 1**.

Table 1 – Property description and current URA land use zone

Lot DP / Property Address	Current KLEP 2011 Land Use Zone
Lot 2 DP 1168922, No. 48 Campbell Street, Gerringong	RU2-Rural Landscape

Outcomes of the PP include:

a) Additional residential lots that will deliver additional dwellings and residential population with close proximity to existing schools, shops and community facilities;
b) Urban development that is consistent with the adjacent existing residential development area;
c) Urban development that is a logical southern extension to the Gerringong township with a transitional landscaped interface to adjacent rural land;
d) Meeting projected housing needs of Kiama and the wider area as identified in strategic planning documentation.

The proposed land use zone amendments are shown in **Figure 9** (larger version of plan is shown in **Appendix B**) and Part 4 of this document. Beyond the proposed residential and public reserve areas, the residual land of Lot 2 which consists of flood affected and higher agricultural class land will remain zoned RU2.

Figure 10 – Site Photo looking from Wingeewah Road to the proposed URA site

PART 2 – EXPLANATION OF PROVISIONS

(s.3.33(2)(b) An explanation of the provisions that are to be included in the proposed instrument)

The PP will be achieved by amending the following KLEP 2011 maps (outlined **Table 2** and also shown in Part 4) to allow residential and open space land use changes to occur as outlined in the Structure Plan (shown in Figure 9 and larger version of plan is shown in **Appendix B**). No specific clause amendments to KLEP 2011 are proposed.

Table 2 – Proposed KLEP 2011 maps for amendment

Map type	Map sheet (identification numbers)	Reasoning for amendment
Land Zoning – LZN 014	4400_COM_LZN_014_020_20110809	Residential use not permitted.
Lot Size – LSZ 014	4400_COM_LSZ_014_020_20141120	Minimum lot size is currently 40ha.
Floor Space Ratio (FSR)– FSR 014	4400_COM_FSR_014_020_20111108	No FSR current applies.
Height of Buildings – HOB 014	4400_COM_HOB_014_020_20111108	Not mapped with a maximum building height.

These amendments are required so the URA meets the aims of the KLEP 2011, as outlined below:

(1) This Plan aims to make local environmental planning provisions for land in Kiama in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

a) to provide planning controls for the Kiama area to achieve ecologically sustainable development principles while recognising the economic, environmental and social impacts and risks associated with climate change,

b) to maintain, protect and improve the natural environment including native vegetation, endangered ecological communities, natural habitat corridors, riparian land, groundwater dependent ecosystems and wetlands for their biodiversity values,

c) to conserve and protect the area's water resources, groundwater, waterways, and water quality for their biodiversity, ecological, health and recreational values,

d) to protect agricultural land and restrict its fragmentation for purposes other than primary production,

e) to protect and enhance the coastal and rural character of Kiama's rural towns, neighbourhoods and villages, and the characteristic scenic landscapes that contribute to its liveability and identity,

f) to consolidate future population growth and medium density housing primarily in locations near shops and public transport,

g) to cater for housing choice including affordable rental housing, affordable housing for first home buyers and housing for the aged and disabled and independent seniors,

h) to protect and maintain land used or to be used for employment in rural and urban areas,

i) to promote and co-ordinate the orderly and economic use and development of land,

j) to maintain, protect and enhance environmentally sensitive land for its biodiversity and ecological values,

k) to protect Kiama's cultural heritage.

PART 3 – JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROCESS

(s.3.33(2)(c) Justification for those objectives, outcomes and provisions and the process for their implementation)

3.1 – Need for the Planning Proposal

3.1.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The PP is the result of the following KMC endorsed strategic studies identified in **Table 3** recommending either part or all of the URA (i.e. Lot 11 DP 1045242 is not included in all studies). Also provided are initial site investigation findings of the various accompanying assessments as outlined in **Table 4** and as recommended in feedback received from KMC staff in September 2019.

Table 3 – Summary of URA supporting strategic studies

Study	Key findings summary
Gerringong Charrette 1995	• Identifies the proposed URA (Lot 2 DP 1168922) for proposed residential use which is shown in the mapping extract provided as **Appendix C**. • In terms of forecasting residential land supply at Gerringong and the immediate surrounding area, the document makes the following related points: ➢ Estimated 4% annual population growth with a population of roughly 7,730 people in the year 2020. ➢ South expansion estimated at providing 792 dwellings (44 Ha at 18 dwellings per Ha). To date, Elambra Estate has provided approximately 254 dwellings at approximately 13 dwellings per Ha. The proposed URA proposes approximately 166 dwellings at a rate of 12 dwellings per Ha. • The Gerringong southern expansion area is identified as a green field site of two gentle hills with Union Creek flowing between them, and is roughly bordered by Fern Street to the east, the flood plain and farmland to the west and south, and existing town to the north. • The Charrette has played a significant role in the development outcomes, land supply and related community / business development that has been realised throughout the township of Gerringong since its inception. • A lack of greenfield residential land supply has meant that the Charrette population and dwelling supply predictions have not been achieved.
Kiama Local Strategic Planning Statement 2020	• Sets out the following strategic outcomes: ➢ *20-year vision for land use in the local area* ➢ *special characteristics which contribute to local identity* ➢ *shared community values to be maintained and enhanced* ➢ *how growth and change will be managed into the future* • Identifies Gerringong as a local town centre providing a range of business and retail uses, including supermarket, health and other services. • Identifies urban growth area (future housing opportunities) for the Gerringong southern expansion area - as outlined on pages 23 and 25.

Table 4 – Summary of key investigation findings

Investigation	Key findings summary
Aboriginal Heritage Diligence Assessment	• Aboriginal objects are likely to occur in identified areas of moderate potential within the study area which are generally in proximity to the existing fig tree site. • The preparation of an Aboriginal Cultural Heritage Assessment is recommended to determine the complete impact on the archaeological resource. • Archaeological sites in this area occur primarily on the crests of low spurs, on elevated topographies adjacent to major creek lines, in or near riparian corridors and on major ridge crests. • Foothills contain many paleochannels, and the current creek alignments should not be relied upon in order to determine the location of archaeological sites. • No previously recorded Aboriginal archaeological sites will be impacted by the proposed works. • The location of the study area was likely used as a travel route between the Illawarra escarpment and the coast. Archaeological deposits within the study area, if present, would most likely be represented by artefacts, isolated artefacts or potential archaeological deposits.
Agriculture Assessment	• The land is partly mapped as: ➢ Class 2 land and generally comprises the more fertile alluvial creek flats which are subject to occasional flooding. ➢ Class 3 land (lower valued land) and comprises the hilly grazing land above the flood line. • All the proposed urban residential development will be on the Class 3 land. • The majority of higher quality Class 2 land will continue to be used for agriculture. • Lot 2 DP 1168922 agricultural changes involve an approximate area of 16 ha excised from a property of 45.83 ha (total residential & riparian land) that results in a 34% reduction in carrying capacity from 58 to 43 cows. At this reduced level of production, it can continue as a viable part-time primary production enterprise. • The township of Gerringong is surrounded by prime agricultural land and if it expands outwards, there is no poor quality agricultural land which could be utilised. This proposal's residential development is fortuitously confined to Class 3 land and allows the continued use of the Class 2 land for agriculture. • There will only be a minor loss in agricultural production resulting from the proposed rezoning.
Ecological Constraints Assessment	• The presence of a mature fig tree within the study area poses a 'High' constraint. This tree may be remnants of an endangered ecological community. Hollows are present, which are important habitat for native fauna, particularly microbats, many of which are threatened. It is recommended that this tree be given protection (via re-zoning appropriately e.g. RE1 or E2) to retain the ecological value it holds. • Protected riparian land is also present within and around the site, and these have been deemed as a 'moderate' constraint. As required by Natural Resources Access Regulator (2018), a Vegetated Riparian Zone is required depending on their Strahler order. • The third-order stream that contains permanent water with dense vegetation, and thus potentially important habitat for threatened microbats and possibly the endangered Green and Gold Bell Frog, has also been assigned as a 'Moderate' constraint.

Investigation	Key findings summary
	• There is canopy forming native vegetation that has been planted among exotic species around the dwellings at the site. While this vegetation is not remnant, nor is it part of a listed Threatened Ecological Community under the Biodiversity Conservation Act or Environmental Protection an Biodiversity Conservation Act, the trees on the site do have value as fauna habitat and will need to be considered as part of a flora and fauna assessment.
Residential Land Supply & Demand Analysis	• The findings of the residential land supply and demand analysis at Gerringong conclude that current land supply is not adequate to meet current needs. Strategic supply analysis identifies available land for release which forms the Elambra West Urban Release Area which is potentially overdue and associated land supply shortage is influencing market choices. • Key factors driving demand for land release in Gerringong include: ○ steady population growth; ○ demand to live in such a coastal location; ○ preference for green field development over infill development; ○ limited feasible areas / opportunities for infill development; ○ proximity and improved travelling options to Wollongong & Sydney; ○ limited vacant land supply on the market; ○ Gerringong Charrette 1995 forecasting further residential land supply at Gerringong; ○ KLSPS has identified urban growth area (future housing opportunities) for the Gerringong southern expansion area - as outlined on pages 23 and 25 ○ Illawarra-Shoalhaven Regional Plan 2015 identifying Gerringong to provide future land and housing supply; ○ land supply in the Kiama LGA is already identified in supporting strategies (via Planning Proposal process) can be re-zoned to reduce current demand. ○ Available new release land in the Kiama LGA appears to be in short supply since 2012/13 and greenfield dwelling potential in Elambra Estate, was exhausted in 2016/17. ○ dwelling approvals for the Kiama LGA in general are increasing every year. ○ only 86 greenfield residential lots are zoned for potential release to service the whole Kiama LGA. ○ average dwelling completions for the 20 years is 143 which is an indication of a strong local housing market in the Kiama LGA. ○ high infill dwelling development in the Kiama LGA is a reflection of the limited capacity for greenfield housing. ○ greenfield dwelling forecasts have identified potential supply of 617 future lots for the whole Kiama LGA of which more than the 350 dwellings identified at Elambra West. • The Elambra West Planning Proposal offers KMC and the surrounding/wider community the opportunity to deliver residential land to meet part of current supply shortfall.
Traffic & Parking Assessment	• Access to the site continues via Campbell Street to the north. • Access to the adjacent Elambra Parade is not required. • The intersection of Campbell Street / Belinda Street requires the implementation of LATM devices to lower speeds along Belinda Street on the approach to Campbell Street which addresses an existing intersection sightline issue.

Investigation	Key findings summary
	• The detailed design of the internal road network should be assessed at the DA Stage. • It is expected that waste collection will be completed by Council's waste collection service along the internal road network. • Courier and removalist vehicles can utilise on-street parking for deliveries as these types of deliveries will be infrequent. • The internal road network must be assessed against the relevant sections of Council's standard engineering drawings at the DA Stage. • The traffic generated by the development is not expected to adversely affect the traffic flow efficiency and performance of nearby critical intersections or the existing road network either in the existing conditions or in the 10-year growth scenarios. • The traffic flow and parking impacts of the URA proposal are supportable though further detailed assessment.
Visual Impact Analysis	• The assessment recognises the visual amenity of the rural landscape surrounding the Gerringong township and in particular the view lines both from the urban area and views from the rural land to the town and Elambra West site. • The assessment recognises that both views to and from the Elambra West site are compromised by existing surrounding development which has occurred overtime and associated visual impacts cannot be fully mitigated. • The urban setting proposed by the URA is mostly visible from adjacent dwellings in Elambra Estate. This visual impact can be mitigated with use of perimeter and watercourse landscape plantings. • The urban setting proposed by the URA is not likely to significantly compromise existing view lines from surrounding dwellings from the adjacent Elambra site which is generally at the same land form height or higher than the proposal site. • The existing view lines from the surrounding rural landscape is already compromised by visual impacts of the Gerringong township and the URA does not necessarily add a further significant compromise in this visual setting. This visual impact can be mitigated with use of perimeter and watercourse landscape plantings. • The visual impact to the URA is in a compromised setting with existing surrounding residential development and therefore the site (when developed) won't necessarily be obvious on its own when looking from a distance to the site. This visual impact can be mitigated with use of perimeter and watercourse landscape plantings. • The URA site is not located within an existing "Scenic Protection Area". • The URA does not visually affect a surrounding heritage site. • The URA proposes to retain the existing large fig tree which can enhance the future visual interest of the site as part of a public reserve system with use of perimeter and watercourse landscape plantings. • Embellishment of Union Creek and its incorporation into a public reserve system can significantly increase the visual amenity of this watercourse. • The extension of the urban setting in general does not significantly reduce existing public viewpoints and the new urban / rural interface can be mitigated and transitioned where possible through perimeter and watercourse landscape plantings.

Investigation	Key findings summary
Preliminary European Heritage assessment	• Preliminary European Heritage assessment has relied on a walk over of the URA site and cross referencing with KLEP 2011 heritage mapping. As shown in Figure 7, no heritage items are located on or in proximity to the URA site. • A site walkover did not find any significant items however, it was noted that the site has an original farm dwelling.
Preliminary flood assessment	• Preliminary flood assessment has relied on the site being identified in the KLSPS and modelling of the previous work undertaken by Australian Water Technologies that prepared the flood assessment in January 2001 for KMC that related to adjacent Elambra Estate. Flood levels from this assessment, and which have been applied to the contours on the eastern side of Union Creek, have been applied on the western side of this creek which forms the URA. • It is recognised that more detailed flood assessment will be required upon following a Gateway Determination for this proposed URA.
Preliminary service infrastructure assessment	• Preliminary service infrastructure assessment is based on the findings of the *Illawarra Shoalhaven Urban Development Program Update 2018*. The report is based on information gathered during the annual developer forum held in 2016 and 2017, which was attended by Sydney Water, Councils, and relevant developers to discuss historical housing supply and forecast lot production. It provides the estimates of land supply as at the end of financial year 2016/17 and short-term forecasts until 2021/22 and identified the follow points specific to the URA: ○ Greenfield dwelling forecasts have identified potential supply of 617 future lots for the whole Kiama LGA of which more than the 350 dwellings identified at Elambra West. ○ Elambra West has capacity within the water and wastewater systems as well as electricity network for servicing and presents an additional housing opportunity if required. • Preliminary feedback from Endeavour Energy has also been sought.

PP for land from Saddleback Mountain Road to south of Weir Street, South Kiama - NSW Planning Panels – Rezoning Review – Record of Decision

Further to the above justification, we provide as **Appendix E** the Record of Decision (19 June 2019) for land from Saddleback Mountain Road to south of Weir Street, South Kiama and note the following key points:

1. The Kiama Urban Strategy 2011 was not approved formally by the DPIE (*noted, now repealed by KLSPS 2020*).
2. Under action 2.5.1 of the Illawarra Shoalhaven Strategic Plan, projections of land availability and monitoring of progress under the Illawarra Urban Development Program have consistently assumed that the West Elambra site would be developed and would contribute 355 lots. However, this site has not been rezoned and rezoning does not appear to be imminent.
3. The Panel was not convinced that other initiatives being pursued by Council would meet projected housing needs identified in the Illawarra Shoalhaven Regional Plan – **particularly given existing projections rely heavily on progressing development of the West Elambra site which has not been rezoned to date.**

The comments made by the Southern Regional Planning Panel outline the urgent need to progress rezoning of the proposed West Elambra area.

In the absence of this PP, the delivery of the URA could not be achieved with the current land zoning, lot size, floor space ratio and height of buildings requirements of KLEP 2011.

Figure 11 – Site Photo showing existing condition of the Union Creek watercourse.

3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The PP is the only planning mechanism of achieving the intended URA re-zonings and related outcomes.

3.2 – Relationship to Strategic Planning Framework

3.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The PP is consistent with the following regional strategic planning framework.

Draft Illawarra Shoalhaven Regional Plan 2041

The PP is consistent with the draft Illawarra Shoalhaven Regional Plan. The draft Plan applies to the LGAs of Kiama, Shellharbour and Wollongong, and represents a strategic vision and direction for planning for the region's future housing over the next 20 years.

The draft Plan identifies 15 regionally significant precincts which includes Gerringong as a "Strategic Centre" that will drive job creation, housing diversity and vibrant communities. These places contain more than 2,300 hectares for employment, hubs for recreation, culture, housing and innovation, as well as almost 45,000 jobs, and growth areas that provide land for almost 30,000 new homes.

Key inputs to the draft Plan have included:

- A Regional Approach to Sustainability in the Illawarra Shoalhaven 2020 – embeds sustainability into the Regional Plan identifying regional collaborative opportunities
- Public Spaces in the Illawarra Shoalhaven Region 2020 – investigates and analyses access to public spaces in the Region and identifies opportunities to improve access
- Councils' 2020 Local Strategic Planning Statements and their current Community Strategic Plans. It is noted the URA is consistent with the KLSPS.
- The NSW Government's State Infrastructure Strategy 2018-2038, Future Transport 2056, A 20-year Economic Vision for Regional NSW, and regional economic development strategies for Kiama, Shellharbour and Shoalhaven.

In summary the URA is consistent with the following objectives and strategies identified in the draft Plan:

Objective 11: Protect important environmental assets

> Strategy 11.4 in part recognises the need to Protect biodiversity values in urban release areas by incorporating validated, up-to date environmental data into local strategic planning and local plans.

Objective 12: Build resilient places and communities

> Strategy 12.1 in part recognises the need to promote economic diversity and prosperity, improving liveability and strengthening the health, wellbeing and social cohesion of a place which the URA can facilitate.
>
> Strategy 12.2 in part recognises the need to locate development, including urban release areas, away from areas of known high bushfire risk, flooding hazards or high coastal erosion/inundation to reduce the community's exposure to natural hazards which the URA is consistent with.

Objective 14: Enhance and connect parks, open spaces and bushland with walking and cycling paths

> Strategy 14.1 in part recognises the need to plan for urban release areas to supply a sufficient quantity and quality of new accessible open space which the URA can facilitate.

Objective 18: Provide housing supply in the right locations

> Strategy 18.1 which identifies urban growth boundaries and facilitate opportunities to create an ongoing supply of housing in local strategic planning and local plans. In particular, the draft Plan identifies Gerringong as making more housing available in existing urban areas is a sustainable option as it takes advantage of existing investments into infrastructure and services.

Objective 19: Deliver housing that is more diverse and affordable

> Strategy 19.1 in part recognises the need for a mix of housing types and lot sizes including small lots in urban release areas which the URA can facilitate.

Objective 22: Embrace and respect the region's local character

> Strategy 22.1 in part recognises the need to explore flexibility and supporting a mix of land uses so that local streets and spaces can be adapted to new uses and user needs over time which the URA can facilitate.

Illawarra Shoalhaven Regional Plan 2015

The PP is consistent with the Illawarra Shoalhaven Regional Plan which recognises the need for economic development, building of communities, improving housing choice and protection of farmland and natural resources. The proposal is consistent with the following four of the five goals of the Plan.

Goal 1 - A *prosperous Illawarra-Shoalhaven*.

The PP proposes residential use of the URA provides security for future population growth, community services and supporting businesses that contribute to prospering opportunities which support the wider Illawarra-Shoalhaven area. The Illawarra Shoalhaven Regional Plan supports coordinating the roll-out of the infrastructure required to support development of this residential growth area which is consistent with local strategy planning such as the KLSPS.

Goal 2 - A variety of housing choices, with homes that meet needs and lifestyles.

The PP achieves a variety of housing choices in Gerringong, with homes that meet needs and lifestyles with a variety of residential outcomes that are supported with open space and recreation opportunities in close proximity to the town centre, existing jobs and infrastructure.

Direction 2.1 is to provide sufficient housing supply to suit the changing demands of the region which the URA contributes to meeting housing supply for the region.

Action 2.2.1 identifies Gerringong where a wider range of housing options are feasible, and this Goal provides images of the success of Elambra Estate. Outcomes of the URA result in:

- Increased range of housing opportunities close to existing services, jobs and infrastructure.
- Delivering housing in a new release area which provides housing choice and avoids significant environmental impacts.
- Coordinated infrastructure delivery to support related development.

Direction 2.2 is to support housing opportunities close to existing services, jobs and infrastructure in the region's centres which specifically references Gerringong as location to provide this outcome which the URA is consistent with and also consistent with the KLSPS.

Direction 2.3 is to deliver housing in new release areas best suited to build new communities, provide housing choice and avoid environmental impacts which the URA is consistent with and also consistent with the KLSPS.

Direction 2.4 is to identify and conserve biodiversity values when planning new communities which the URA is consistent with and identifies the value of rehabilitating a section of Union Creek.

Goal 3 - A region with communities that are strong, healthy and well-connected.

The PP allows for the future community of this URA to be connected to supporting infrastructure and services both locally and regionally. The indicative road layout in the supporting structure plan demonstrates how the URA provides opportunities for investment and activity to support the region whilst building socially inclusive, safe and healthy communities that both support and are in close proximity to the existing town centre and railway station.

Direction 3.3 is to build socially inclusive, safe and healthy communities which the URA facilitates such an outcome with close proximity to the Gerringong towns centre, community facilities and public transport.

Goal 4 - A region that makes appropriate use of agricultural and resource lands

The PP allows for the better integration and minimises impacts to the adjacent agriculture lands by implementing a structure plan which provides either a perimeter public road or public reserve with landscaping to manage the interface with the adjacent agricultural land. Hence, impact to the adjacent agricultural land is limited with no dwellings directly adjacent to this land. As outlined in the accompanying agricultural assessment, all residential development will be on the Class 3 land and the Class 2 land (higher agricultural valued land) will continue to be used for agriculture.

Goal 5 - A region that protects and enhances the natural environment.

The PP further contributes to protecting and enhancing the natural environment by protecting the significant fig tree and the riparian area of Union Creek. The protection of these environmental values results from the capacity of the URA to focus on non-flood affected land for the purposes of residential development. Rehabilitation of the Union Creek has the ability to contribute to achieving a better water quality outcome for this watercourse.

Direction 5.1 is to protect the region's environmental values by focusing development in locations with the capacity to absorb development. This URA is identified in the KLSPS on mainly cleared and flood free land which facilitates connection to the adjacent Gerringong town centre, community facilities and public transport with minimum impacts identified on the region's environmental values.

Illawarra Shoalhaven Urban Development Program Update 2018

The PP is consistent with the Illawarra-Shoalhaven Urban Development Program (UDP) which is the State Government's program for managing land and housing supply in the Illawarra-Shoalhaven. The UDP monitors the planning, servicing and development for new urban areas in Wollongong, Shellharbour, Kiama and Shoalhaven LGA's as well as the provision of housing in existing urban areas.

The UDP enables the DPIE to:

- Monitor take up rates, land supply and dwelling production;
- Coordinate release and rezoning of land; and,
- Strategically plan to ensure the sustainable supply of housing to meet the Region's needs.

The UDP is based on information gathered during the annual developer forum held in 2016 and 2017, which was attended by Sydney Water, Councils, and relevant developers to discuss historical housing supply and forecast lot production. It provides the estimates of land supply as at the end of financial year 2016/17 and short-term forecasts until 2021/22.

Key points from the UDP data shown in this report indicates:

- Available new release land appears to be in short supply in the Kiama LGA since 2012/13, when dwelling completions fell after peaking at 89 to an average of 23 per year to 2016/17. At the same time in-fill dwelling completion was 77 and continued to grow to an average of 81 per year to 2016/17.
- Dwelling approvals in the Kiama LGA reached a ten year high in 2015/16 with 210 approvals.
- Detached dwellings (higher on greenfield sites) is preferable over multi-units in the Kiama LGA.
- The proportion of multi-unit approvals in the Kiama LGA has increased over the last ten years, accounting for 18% in the first five years to 2011/12 then increasing to 38% of all approvals for the last 5 years (2012/13 to 2016/17) which could be attributed to limited greenfield land available.

- The greenfield dwelling potential in Elambra Estate was exhausted in 2016/17 with the construction of the final subdivision stages and registration of lots.
- Only 86 greenfield residential lots are zoned for potential release to service the whole Kiama LGA.
- Average dwelling completions for the last 20-years is 143 per annum which is an indication of a strong local housing market in the Kiama LGA.
- High infill dwelling development in the Kiama LGA is a reflection of the limited capacity for greenfield housing.
- Greenfield dwelling forecasts have identified potential supply of 617 future lots for the whole Kiama LGA of which more than the 350 dwellings identified at Elambra West.
- Elambra West has capacity to be integrated with the water and wastewater systems as well as electricity network for servicing and presents an additional housing opportunity if required.

The above analysis concludes that the PP is consistent with relevant planning strategy hence meets strategic merit test requirements.

3.2.2 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

As outlined in the above Section 3.1, the URA area is endorsed in part or in full the following local strategic planning reports:

- Gerringong Charrette 1995; and
- KLSPS 2020.

Further to the above, the PP is broadly consistent with the Kiama Council Community Strategic Plan's objectives of:

1. A healthy, safe and inclusive community.
2. Well planned and managed spaces, places and environment.
3. A diverse, thriving economy.
4. Responsible civic leadership that is transparent, innovative and accessible.

3.2.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The PP is considered generally consistent with applicable State Environmental Planning Policies (SEPP) which are assessed in **Table 5** and relevant SEPPs summarised in the following subsections.

Table 5 – SEPP Summary

SEPPs relevant to the Site	Relevant to PP
No 19—Bushland in Urban Areas	×
No 21—Caravan Parks	×
No 33—Hazardous and Offensive Development	×
No 36—Manufactured Home Estates	×
No 50—Canal Estate Development	×
No 55—Remediation of Land	✓
No 62 – Sustainable Aquaculture	×
No 64—Advertising and Signage	×
No 65—Design Quality of Residential Apartment Development	×
No 70—Affordable Housing (Revised Schemes)	×

SEPPs relevant to the Site	Relevant to PP
Affordable Rental Housing 2009	×
Building Sustainability Index: BASIX 2004	×
Coastal Management 2018	× - Mapping shown below
Concurrences and consents 2018	×
Educational Establishments and Child Care Facilities 2017	×
Exempt and Complying Development Codes 2008	×
Housing for Seniors or People with a Disability 2004	×
Infrastructure 2007	×
Koala Habitat Protection 2019	×
Mining, Petroleum Production and Extractive Industries 2007	×
Primary Production and Rural Development 2019	✓
Vegetation in Non-Rural Areas 2017	×

SEPP No.55 – Remediation of Land

SEPP 55 applies to the PP and relates to remediation of contaminated land and requires amongst other things, investigations to be undertaken as part of the development assessment process, to determine whether the subject land is likely to be contaminated and if so, what remediation work is required.

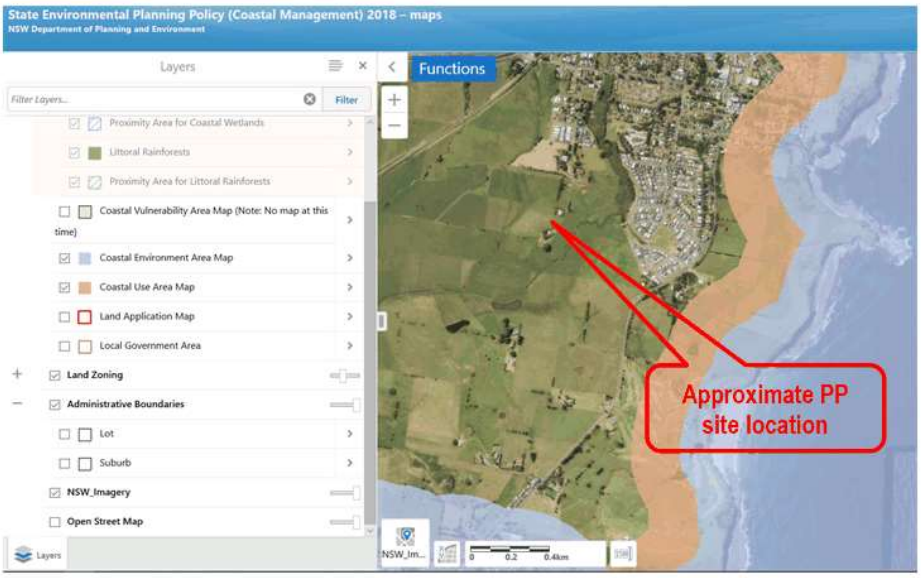
Preliminary investigations note the URA is used for grazing and some bulky agriculture items, machinery sheds and stockyards were identified by a site walkover inspection - as shown in the **Figure 12**. It is therefore recommended that Gateway Determination conditions require the undertaking of a Stage 1 Land Contamination Assessment. At this stage, and without detailed investigation, it is considered that appropriate remediation of the any contaminated land is likely to support residential use of the site.

Figure 12 – Site Photo of onsite machinery sheds

SEPP Coastal Management 2018

As shown in **Figure 13**, the SEPP Coastal Management 2018 mapping does not apply to the URA site.

Figure 13 - SEPP Coastal Management 2018 mapping (Source: NSW DPIE)



SEPP (Primary Production and Rural Development) 2019

SEPP (Primary Production and Rural Development) does apply to the URA and the following assessment in Table 6 is made against the aims of the policy.

Table 6 – SEPP (Primary Production and Rural Development) assessment

Policy Aim	Assessment Comment
(a) to facilitate the orderly economic use and development of lands for primary production,	The PP results in orderly economic use to facilitate planning expansion of the Gerringong township while retaining Class 2 land (higher agricultural valued land) for continued agriculture use.
(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,	The PP with its use of class 3 agriculture land for residential use and improvements to the Union Creek watercourse facilitates a balance of primary production, residential development while improving local biodiversity and water resources.
(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	The URA site and surrounds is not identified as State significant agricultural land.

Policy Aim	Assessment Comment
(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,	Not applicable as the PP does not propose any artificial waterbodies or drainage in irrigation areas.
(e) to encourage sustainable agriculture, including sustainable aquaculture,	The PP allows for continued sustainable use of the Class 2 agricultural land (higher agricultural valued land).
(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,	Not applicable as the PP does not propose development that will impact oyster aquaculture.
(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.	Not applicable as the PP does not propose aquaculture.

The PP is consistent with the above objectives of the SEPP (Primary Production and Rural Development) and as outlined in the accompanying Agriculture Assessment, residual land will continue be used as sustainable Class 2 land (higher agricultural valued land).

3.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

A summary of the PP consistency with relevant Section 9.1 Ministerial Directions (2) of the *Environmental Planning and Assessment Act 1979* is provided in **Appendix F** and relevant directions discussed below.

Direction 1.2 Rural Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). Clause 4(a) applies and states,

> *A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*

However, a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

Table 7 – Rural Zones Direction Assessment

Direction Requirement	Assessment Comment
(a) justified by a strategy which: *(i) gives consideration to the objectives of this direction,*	As outlined in this document, the proposal is consistent with the following strategic plans: • *Gerringong Charrette 1995* • *KLSPS 2020*

Direction Requirement	Assessment Comment
(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites),and *(iii) is approved by the Director-General of the Department of Planning, or*	• *Draft Illawarra Shoalhaven Regional Plan 2041* • *Illawarra – Shoalhaven Regional Plan 2015* • *Illawarra Shoalhaven Urban Development Program Update 2018*
(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or	Not applicable.
(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or	The PP is consistent with outcomes of the following strategic plans: • Draft Illawarra Shoalhaven Regional Plan 2041 • Illawarra – Shoalhaven Regional Plan 2015 • Illawarra Shoalhaven Urban Development Program Update 2018
(d) is of minor significance	Not applicable.

The PP is not inconsistent with this direction.

Direction 1.5 Rural Lands

This direction applies as the PP meets the following Clause 3 requirements:

(a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or

(b) changes the existing minimum lot size on land within a rural or environment protection zone.

***Note**: Reference to a rural or environment protection zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, E1, E2, E3, E4.*

Table 8 – Rural Lands Direction Assessment

Direction Requirement	Assessment Comment
(4) A planning proposal to which clauses 3(a) or 3(b) apply must:	Noted.
(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement	The PP is consistent with the following strategic plans: • *Gerringong Charrette 1995* • *KLSPS 2020* • *Draft Illawarra Shoalhaven Regional Plan 2041*

Direction Requirement	Assessment Comment
	• *Illawarra – Shoalhaven Regional Plan 2015* • *Illawarra Shoalhaven Urban Development Program Update 2018*
(b) consider the significance of agriculture and primary production to the State and rural communities	Accompanying agricultural assessment supports the URA and identifies that all residential development will be on the Class 3 land and the majority of Class 2 land will continue to be used for agriculture.
(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources	The accompanying structure plan and this assessment identifies the need to protect native vegetation, cultural heritage, and the importance of water resources through rehabilitating the Union Creek watercourse.
(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions	Accompanying agricultural assessment supports the URA and identifies that all the residential development will be on the Class 3 land and the majority of Class 2 land on the flood plain will continue to be used for agriculture.
(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities	Accompanying agricultural assessment recognises the opportunity of Class 2 land to continue for agriculture use and provide opportunities for investment in productive and sustainable rural economic activities.
(f) support farmers in exercising their right to farm	Accompanying agricultural assessment recognises the opportunity of Class 2 land to continue to support farming.
(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses	Accompanying agricultural assessment and structure plan design recognises the opportunity to minimise the fragmentation of rural land, consolidation of residual agriculture land and reduce the risk of land use conflict.
(h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land	Not applicable as no State significant agricultural land identified on the URA site.
(i) consider the social, economic and environmental interests of the community.	The PP has initially considered social, economic and environmental interests of the community and future investigation can be considered at Gateway determination.

Direction Requirement	Assessment Comment
(5) A planning proposal to which clause 3(b) applies must demonstrate that it:	Noted.
(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses	Accompanying agricultural assessment and structure plan design recognises the opportunity to minimise the fragmentation of rural land, consolidation of residual agriculture land and reduce the risk of land use conflict.
(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains	Accompanying agricultural assessment recognises the opportunity of Class 2 land to continue for agriculture use and provide opportunities for investment in productive and sustainable rural economic activities.
(c) where it is for rural residential purposes: *i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres* *ii. is necessary taking account of existing and future demand and supply of rural residential land.*	As shown in the accompanying structure plan, the URA design has considered the availability of human services, utility infrastructure, transport and proximity to existing centres and accompanying studies have taken account of existing and future demand and supply of rural residential land.

The PP is not inconsistent with this direction.

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This direction applies when a relevant planning authority prepares a planning proposal.

Table 9 - Heritage Conservation Direction Assessment

Direction Requirement	Assessment Comment
(4) A planning proposal must contain provisions that facilitate the conservation of:	
(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,	See accompanying Aboriginal Heritage Diligence Assessment – November 2020.
(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and	See accompanying Aboriginal Heritage Diligence Assessment – November 2020.

(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	See accompanying Aboriginal Heritage Diligence Assessment – November 2020.

The PP is not inconsistent with this direction.

Direction 2.6 Remediation of Contaminated land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. The direction refers to considering assessment of development for residential use.

As outlined in Section 3.2.3, preliminary investigations note the URA is used for grazing and some bulky agriculture items, machinery sheds and stockyards were identified by a site walkover inspection. It is therefore recommended that Gateway Determination conditions require the undertaking of a Stage 1 Land Contamination Assessment. At this stage, and without detailed investigation, it is considered that appropriate remediation of the any contaminated land is likely to support residential use of the site.

The PP is not inconsistent with this direction.

Direction 3.1 Residential Zones

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

> *(a)an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
>
> *(b) any other zone in which significant residential development is permitted or proposed to be permitted.*

Table 10 - Residential Zones Directions Assessment

Direction Requirement	Assessment Comment
(4) A planning proposal must include provisions that encourage the provision of housing that will: *(a) broaden the choice of building types and locations available in the housing market, and* *(b) make more efficient use of existing infrastructure and services, and* *(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and* *(d) be of good design*	The PP is of good planning design and allows for a mixture of large lots and for a varying housing mix which will connect to and make efficient use of existing infrastructure and services.

(5) A planning proposal must, in relation to land to which this direction applies: *(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and* *(b) not contain provisions which will reduce the permissible residential density of land.*	The PP allows for future subdivision that will be serviced by extensions to underutilised existing services either abutting or close to the development. The proposal does not contain provisions which will reduce the permissible residential density of land.

The PP is not inconsistent with this direction.

Direction 3.4 Home Occupations

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal and the planning proposal must permit home occupations to be carried out in dwelling houses without the need for development consent.

The PP is not inconsistent with this direction.

Direction 3.4 Integrating Land Use and Transport

This direction applies as the PP meets the following Clause 3 requirements:

The direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

Table 11 – Integrating Land Use and Transport Directions Assessment

Direction Requirement	Assessment Comment
(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:	Noted.
(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and	The Guidelines for planning and development have been considered in the structure plan design.
(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	The Right Place for Business and Services – Planning Policy have been considered in the structure plan design.

This direction applies as the PP is located in a URA that is proposed to be serviced by pedestrian Infrastructure and public transport which should reduce car dependency and increase the viability of public transport services. However, due to proximity and frequency of public transport services, Gerringong in general is heavily dependent on the private vehicle and the related land zone adjustments on their own are not anticipated to change this public transport service demand or supply. Traffic impacts would be considered as part of the development assessment process.

The PP is not inconsistent with this direction.

Direction 4.1 Acid Sulfate Soils

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

Table 12 – Acid Sulfate Soils Directions Assessment

Direction Requirement	Assessment Comment
(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.	As shown in **Figure 4**, Class 4 & 5 acid sulfate soils have been identified in close proximity the URA site and primarily located on the lower flood prone which are not proposed be disturbed. When considering the Acid Sulfate Soils Planning Guidelines, future development the URA site is unlikely to significantly disturb these soils.
(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: *(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or* *(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines*	If deemed necessary, Gateway determination of the PP can condition the requirement for these acid sulfate soil investigations.
(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act	If deemed necessary, Gateway determination of the PP can condition the requirement for these acid sulfate soil investigations.

Direction Requirement	Assessment Comment
(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5)	If deemed necessary, Gateway determination of the PP can condition the requirement for these acid sulfate soil investigations.

This direction applies as the PP is located on land mapped as having part Class 4 & 5 acid sulfate soils. The PP and subsequent later subdivision will consider the Acid Sulfate Soils Planning Guidelines.

The PP is not inconsistent with this direction.

Direction 4.3 Flood Prone Land

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

Table 13 – Flood Prone Land Directions Assessment

Direction Requirement	Assessment Comment
(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).	The site is consistent with the KLSPS which has broadly determined the site is not likely to be flood prone. If deemed necessary, Gateway determination of the PP can condition the requirement for these flood investigations. As demonstrated in the supporting plans the proposed residential (zoning) area is based on flood planning levels used for the adjacent Elambra Estate.
(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.	The PP is consistent with the KLSPS and specific flood prone rural land is not proposed to be rezoned to a residential zone. Again, this can be confirmed as a condition of Gateway determination.
(6) A planning proposal must not contain provisions that apply to the flood planning areas which: *(a) permit development in floodway areas,* *(b) permit development that will result in significant flood impacts to other properties,*	The PP is consistent with the KLSPS and these flood planning requirements. As demonstrated in the supporting plans the proposed residential (zoning) area is based on flood planning levels used for the adjacent Elambra Estate.

Direction Requirement	Assessment Comment
(c) permit a significant increase in the development of that land, *(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or* *(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*	
(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	Development control requirements noted. As demonstrated in the supporting plans the proposed residential (zoning) area is based on information in the KLSPS and flood planning levels used for the adjacent Elambra Estate.
(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the *Guideline on Development Controls on Low Flood Risk Areas*) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	As demonstrated in the supporting plans the proposed residential (zoning) area is based on the KLSPS and flood planning levels used for the adjacent Elambra Estate.

This direction applies as the PP as part of the URA is mapped as being flood prone.

The PP is not inconsistent with this direction and no use of flood prone land is proposed for residential use.

Direction 5.10 Implementation of Regional Plans

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal.

Table 14 – Implementation of Regional Plans Directions Assessment

Direction Requirement	Assessment Comment
(4) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	Noted and the PP is generally consistent with the Illawarra – Shoalhaven Regional Plan 2015.

The Illawarra-Shoalhaven Regional Plan addresses the provision of such suitable land for housing needs.

The PP is not inconsistent with this direction.

Direction 6.1 Approval and Referral Requirements

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal.

Table 15 – Approval and Referral Requirements Directions Assessment

Direction Requirement	Assessment Comment
(4) A planning proposal must:	It is expected that Kiama Council will be the plan making authority for the PP Site and planning standards would be the same or similar as provisions as within KLEP 2011.
(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and	
(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: *(i) the appropriate Minister or public authority, and* *(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),* *prior to undertaking community consultation in satisfaction of section 57 of the Act, and*	
(c) not identify development as designated development unless the relevant planning authority: *(i) can satisfy the Director-General of the Department of Planning (or an officer of the* *Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and* *(ii) has obtained the approval of the Director-General of the Department of Planning (or an*	

Direction Requirement	Assessment Comment
officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	

The PP is not inconsistent with this direction.

Direction 6.2 Reserving Land For Public Purposes

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal.

Table 16 – Reserving Land For Public Purposes Directions Assessment

Direction Requirement	Assessment Comment
(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).	The proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must: *(a) reserve the land in accordance with the request, and* *(b) include the land in a zone appropriate to its intended future use or a zone advised by the* *Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and* *(c) identify the relevant acquiring authority for the land.*	The proposal can meet this requirement.
(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: *(a) include the requested provisions, or*	The proposal can meet this requirement.

Direction Requirement	Assessment Comment
(b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.	
(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.	The proposal can meet this requirement.

The PP is not inconsistent with this direction.

3.3 – Environmental, Social and Economic Impact

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A preliminary ecological constraints assessment has identified the biodiversity value of the landscape in the proposed URA which is specifically related to:

- a mature fig tree;
- riparian land and a third-order stream; and,
- tree canopy forming native vegetation around the dwellings at the site.

The PP will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats as it involves a rezoning of land which is already predominately cleared and has been used for cattle grazing for some time.

There is an opportunity to rehabilitate and improve the adjacent section of Union Creek which treats and carries largely untreated stormwater from the adjacent Gerringong township to Crooked River. An outcome of the PP will then result in the proposed riparian protection and planting of this adjacent watercourse and an overall improved biodiversity outcome.

3.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Other environmental impacts are not anticipated as the PP involves land zone amendments which focus on land that predominantly has been significantly cleared and altered from its original natural condition to provide for agriculture farming purposes. However, any future use of the land will consider environmental impacts as part of the development assessment process.

The PP will generate additional traffic which is considered in the accompanying traffic impact assessment and in the majority will not result in any significant change in demand or use of these services infrastructure.

Water quality measures will be incorporated into the proposed URA to protect downstream riparian health.

3.3.3 Has the Planning Proposal adequately addressed any social and economic effects?

The social and economic impacts related to the PP and associated land zone adjustments are considered minimal in the context of the proximity of the proposed URA to the adjacent Gerringong township and existing services.

The associated land rezoning is likely to add to the economic viability of the township, including the business community in Gerringong CBD. The overall increased residential opportunities of the URA will have positive social impacts for the community with additional housing supply and associated housing affordability.

3.4 – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning Proposal?

As a requirement of the PP and Gateway Determination process, re-confirmation of capacity to connect to existing services and the process of negotiating connection to necessary public infrastructure, including sewer treatment, water, electricity, telecommunications and stormwater drainage will be undertaken.

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Consultation with State and Commonwealth public authorities will be subject to the recommendations of the Gateway determination however, it is unlikely that the PP has any impacts which require significant input of State or Commonwealth public authorities.

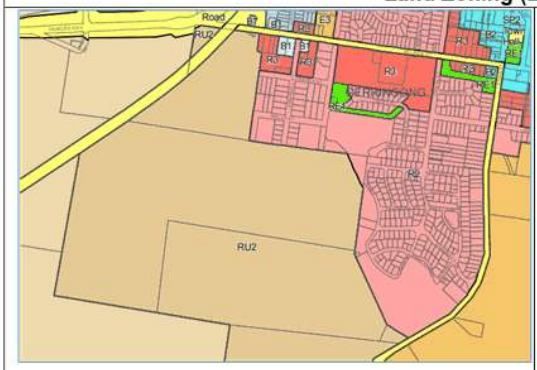
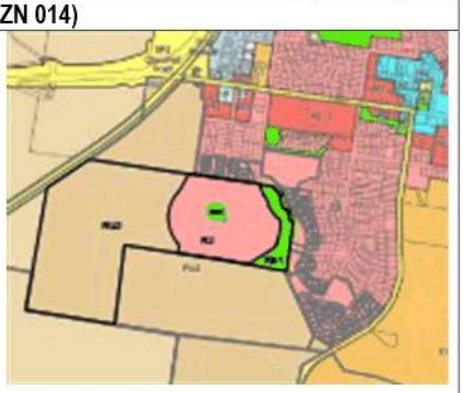
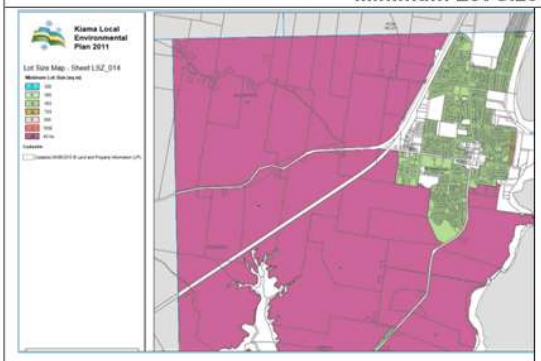
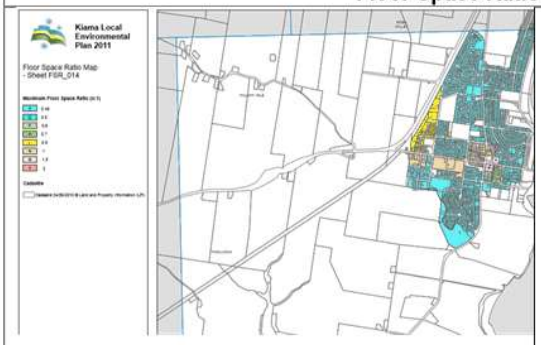
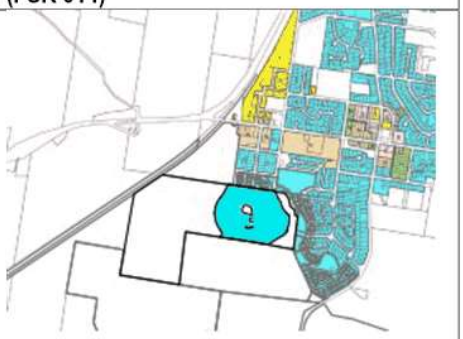
Figure 14 – Site Photo from Princes Highway showing URA site adjacent to Elambra Estate.

PART 4 – MAPPING

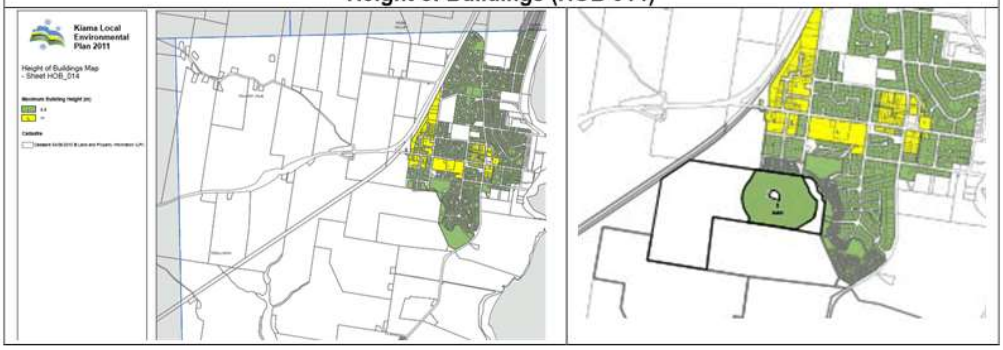
(s.3.33(2)(d) Maps to be adopted by the proposed instrument)

The PP proposes amendments to the maps are shown in **Table 17** (larger scale of proposed KLEP 2011 mapping modifications shown in **Appendix G**). At the conclusion of the PP process, it is expected KMC will prepare mapping associated with this amendment in accordance with the Standard Technical Requirements for LEP Maps.

Table 17 – Proposed amendments to KLEP 2011 mapping

Existing KLEP 2011 map (Tile Ref)	Modified KLEP 2011 map (Tile Ref)
Land Zoning (LZN 014)	
	
Minimum Lot Size (LSZ_014)	
	
Floor Space Ratio (FSR 014)	
	

Height of Buildings (HOB 014)



PART 5 – COMMUNITY CONSULTATION

(s.3.33(2)(e) Detailed of the community consultation)

In accordance with Section 3.34 of the *Environmental Planning and Assessment Act* 1979, KMC will require the PP to be made publicly available for a minimum of 28 days.

The exhibition would involve:

- Notices in the local newspaper;
- Exhibition material and all relevant documents will be available at KMC's Administrative and District Offices; and
- Exhibition material and all relevant documents will be available on KMC's website.

Any further consultation required by the Gateway Determination will also be undertaken.

PART 6 – PROJECT TIMELINE

In accordance with the DPIE guidelines, the following estimated timeline is provided in **Table 18**, which includes the tasks deemed necessary for the making of this local environmental plan.

Table 18– Estimate project timeline

Task	Responsibility	Timeframe	Date (approximate)
Council resolution to support the PP	KMC	Less than 90 days	February 2021
Lodgement of PP for Gateway determination	KMC	4 weeks	March 2021
Gateway determination issued	DPIE	6 weeks	May 2021
Applicant response to any Gateway conditions	Applicant to provide to KMC	1 months	June 2021
Public exhibition of PP	KMC	Minimum of 28 days	July 2021
Report to Council to finalise PP and adopt LEP changes	KMC	4 weeks	August 2021
Making of Local Environmental Plan amendments	Minister for Planning	6 weeks	September 2021

CONCLUSION

The land which is subject to this PP is 48 Campbell St, Gerringong (Lot 2 DP 1168922) and results in the opportunity for only 166 dwellings. Beyond the proposed residential and public reserve areas, the residual land of Lot 2 which consists of flood affected and higher agricultural class land will remain zoned RU2. Further, the PP continues to provide legal access for the existing two rural dwellings and associated agricultural farming on adjacent Lot 11 DP 1045242.

This PP provides sound planning justification for an amendment to KLEP 2011 to extend the Gerringong residential zone in a south-westerly direction from Campbell Street and parallel to the adjacent Elambra Estate. The PP is consistent with the Gerringong Charrette and the KLSPS 2020 as well as strategic outcomes identified in Illawarra – Shoalhaven Regional Plan and Illawarra Shoalhaven Urban Development Program Update and hence meets strategic merit test requirements.

The Elambra West URA which results from the PP provides a long awaited urban expansion and complements the existing urban area south-west corner of Gerringong. This urban expansion includes providing an urban expansion footprint which will allow for improved integration with the urban/rural/riparian interface. Further, this proposal does not extend the Gerringong urban area further south (i.e. closer to Gerroa) which has been a long-time concern for the local community.

Significant site analysis has informed the URA design with consideration of the environmental, economic and social values/impacts and accordingly we seek KMCs support to this PP for Gateway determination. This includes providing a longer-term planning outcome which incorporates:

- an urban expansion solution for the Gerringong township;
- additional riparian improved lands;
- protection of significant trees in public reserves;
- use of non-flood prone land adjacent and connect to the Gerringong township; and
- protection of any identified significant aboriginal heritage sites.

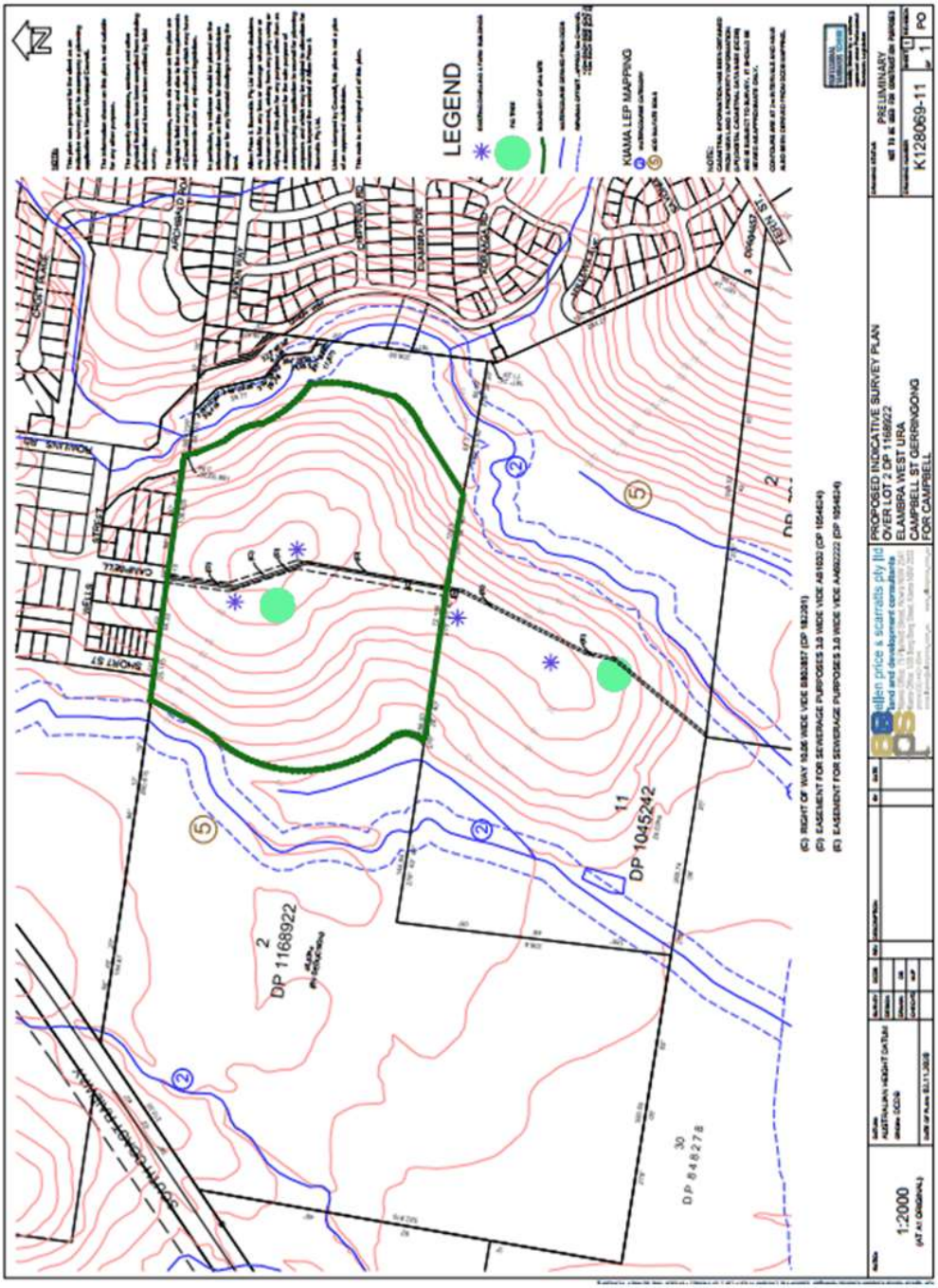
The PP provides for an overall residential strategic need and demonstrates a positive planning / urban design outcome. This outcome is demonstrated in the accompanying structure plan design that allows for the integration and minimises impacts to the adjacent agriculture lands with a landscaped public road or public reserve interface. In achieving this, the Class 2 land will continue to be used for agriculture.

The PP also recognises the opportunity for continued residential and economic growth in the Gerringong area which builds on the growth achievements of the last 20 years which has provided a small supermarket, a number of new bars, restaurants and café's and additional retail and other commercial uses. It should be expected that a similar scale of changes will occur over the next 20 years in the way residents and visitors of Gerringong live, work and recreate.

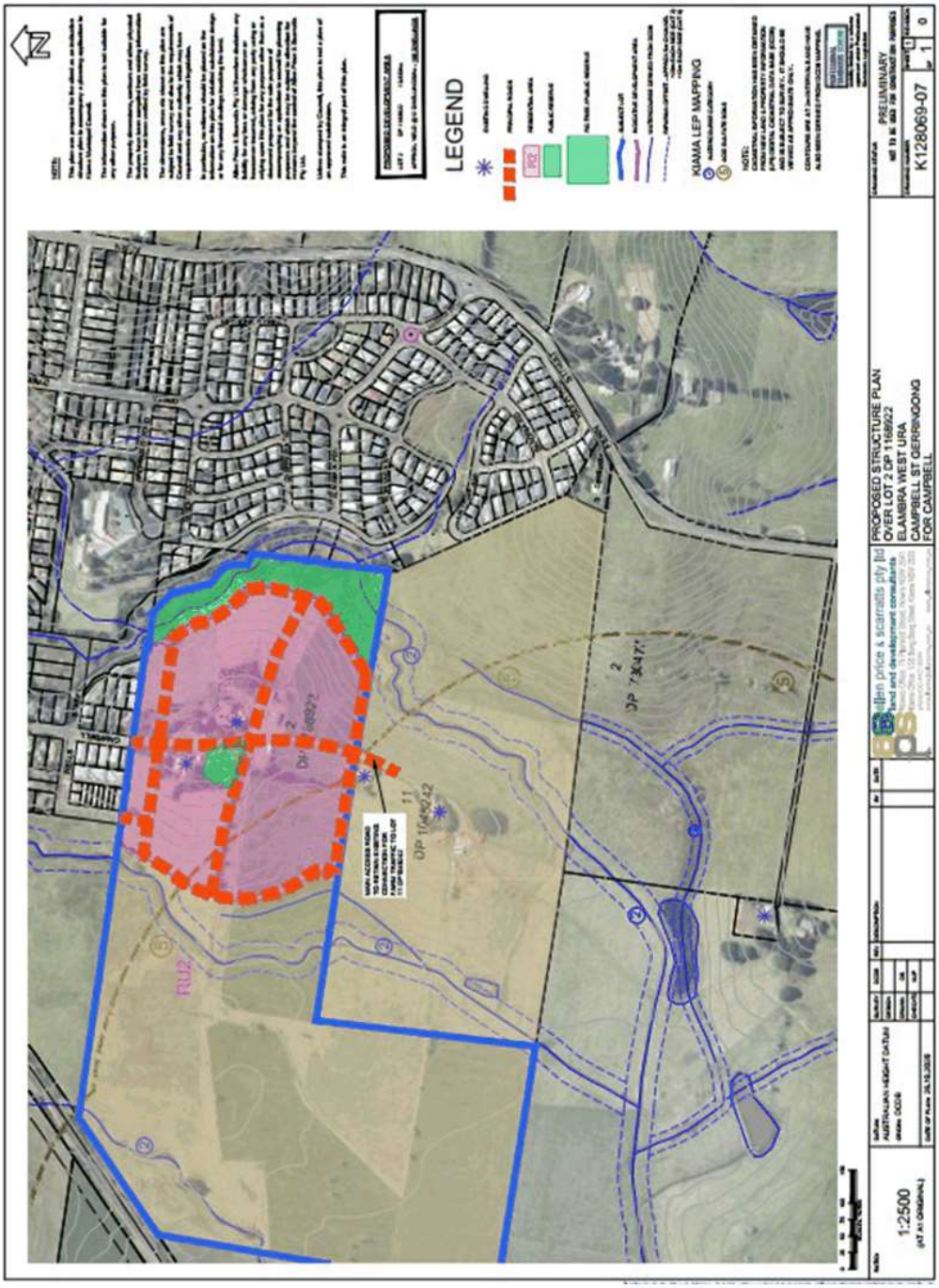
This PP identifies and addresses key site considerations to a suitable level to allow KMC to forward this application through the DPIE's Gateway process. In doing this, the PP then responds to those constraints to develop a wholistic and integrated outcome for the proposed URA.

In summary, the site is relatively unconstrained and well serviced by the infrastructure necessary to support efficient delivery of an attractive urban neighbourhood and community facilities that would provide a logical south-westerly extension to the Gerringong township with a transitional landscaped interface to adjacent rural land.

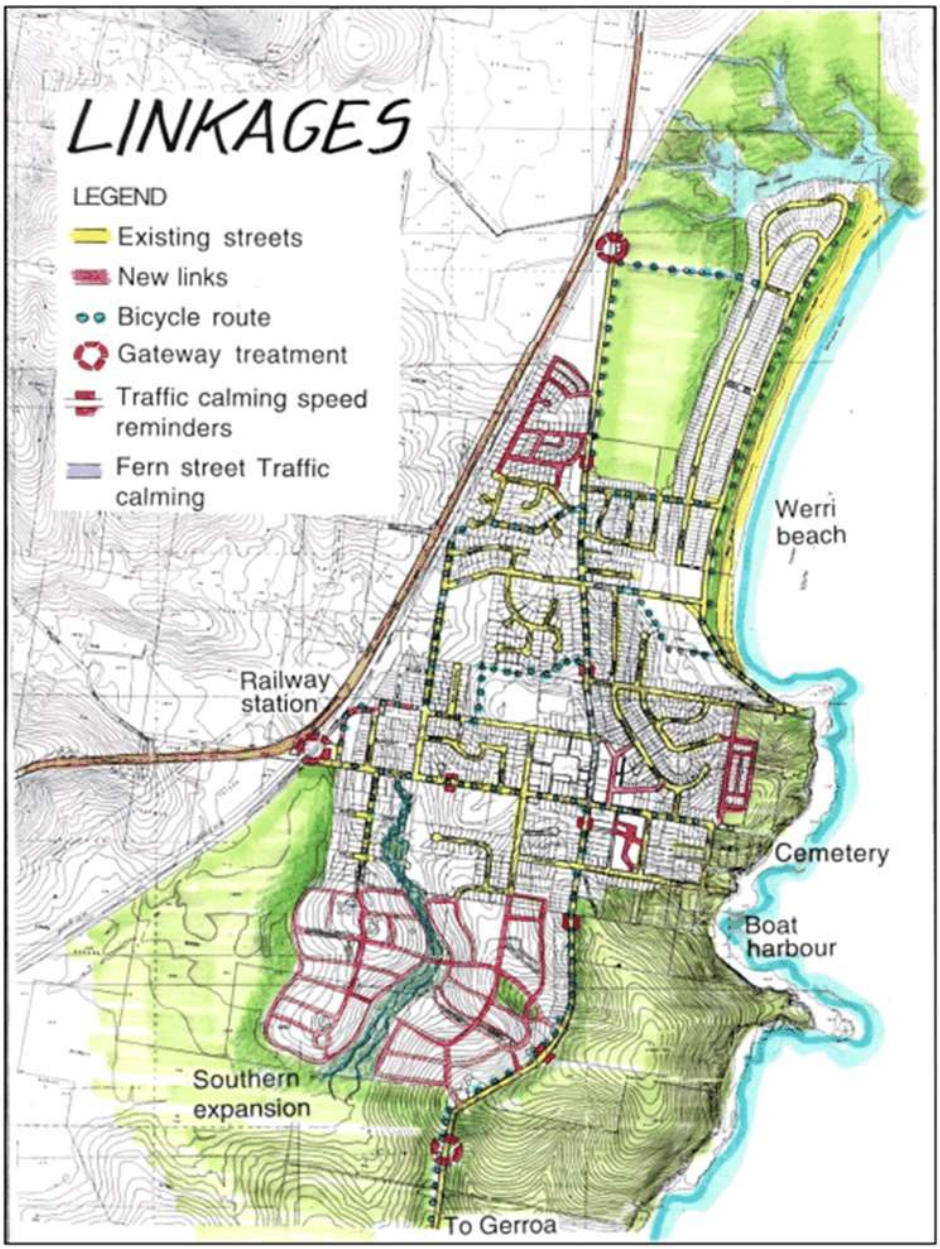
Appendix A - Survey plan of site



Appendix B – Structure Plan



Appendix C – Gerringong Charrette 1995 URA Map Extract



Appendix D – Kiama Local Strategic Planning Statement 2020

Greenfield opportunities Map 2: Gerringong/Gerroa

Appendix E – Southern Regional Planning Panel Record of Decision

REZONING REVIEW
RECORD OF DECISION
SOUTHERN REGIONAL PLANNING PANEL

DATE OF DECISION	19 June 2019
PANEL MEMBERS	Pam Allan (Chair), Alison McCabe and Renata Brooks
APOLOGIES	None
DECLARATIONS OF INTEREST	Andrew Sloan, Michael Forsythe and Mark Honey declared conflicts of interest due to involvement in Kiama Municipal Council's consideration of the rezoning review.

REZONING REVIEW
2019STH006 – Kiama – RR_2019_KIAMA_002_00 – at land from Saddleback Mountain Road to south of Weir Street, South Kiama (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:
- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION
The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:
- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
  - ☐ not demonstrated strategic merit
  - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

Overview

The Panel has been requested to undertake a Rezoning Review of Planning Proposal RR_2019_KIAMA_002_00 on land between Saddleback Mountain Road and Weir Street, Kiama. The land comprises 5 lots currently zoned RU2 rural landscape (majority), E3 Environmental Management and E2 Environmental Conservation. It is proposed to rezone the land to R2 low density residential and E2 environmental conservation. Minimum lot sizes are proposed to range from 300 – 450 sqm for the for the residential lots with an approximate yield of 455 lots.

The Panel had the benefit of a verbal report from officers of the Department of Planning, Council's written report and resolution and the applicant's Planning Proposal.

A written report from the Department of Planning was received on the 24th June 2019 and was reviewed by the Panel before determining this proposal.

The Panel also undertook a site visit and is familiar with the Kiama area. The Panel met with the representatives of the applicant, Council and the Department.

Mitigation of environmental impact

The Panel noted concerns expressed in Council's letter to the Department underpinning its refusal of the proposal, and advice on the outcome of general community community consultation on desires and values in the context of the preparation of the Local Strategic Planning Statement.

It is the Panel's view that the current layouts and lot configuration have not been properly informed by an assessment of the visual and landscape qualities of the site and a proper urban design analysis that responds to the site's context and character. Further detailed analysis of the site is required before specific zonings, heights and densities can be determined.

The Panel recommends the Gateway process require:

- Additional constraints analysis that overlays environmental and heritage constraints over indicative subdivision – including identification of dry stone walls to be retained/removed.
- Further urban design analysis reflected in a structure plan that:
  - Identifies key principles for development of the site
  - Identifies appropriate interface with adjoining agricultural and environmental land
  - Landscape interface along the Princes Highway
  - Allows for implementation of a landscape buffer around the site
  - Reviews densities, lot and road layout to accommodate constraints and minimise visual impacts
  - Identifies and locates public reserves to service the new population
- Visual analysis from the Princes Highway and measures to ensure that the views from the highway are of landscape
- Broad identification of cut and fill and where, if any, retaining walls will be located – ensuring heights are minimised
- Amendments to layout that ensure no acoustic wall is required along the Princes Highway to mitigate noise impact
- A site specific Development Control Plan that identifies the future character of the area and the important attributes

The work will require a review of the extent of the R2 zoned land, lot yields and identification of a range of zonings that reflect the outcome of the studies.

The Panel does not endorse the subdivision layout or lot yield submitted with this proposal.

Recommendations

1. That the Planning Proposal proceed to a Gateway Determination
2. That the following additional requirements as outlined in this report be provided and considered as part of the Gateway Determination:
   a) Further urban design analysis
   b) Additional constraints analysis in terms of environmental, visual, landscape and heritage outcomes
   c) Site specific Development Control Plan controls
   d) Provision of zoning and controls that reinforces the outcomes of the urban design, visual and landscape analysis of the site

Strategic Merit

In considering the strategic merit the Panel noted advice regarding the local strategic planning framework for the subject lands and surrounding areas. In particular it was noted that:

- The 2011 Kiama Urban Strategy (KUS) is the most recent definitive document identifying future greenfield sites and this document identifies the subject lands as "to be considered if insufficient dwelling numbers are available". Notwithstanding the fact that this strategy was not approved formally by the Department, the Panel was advised that it has guided consideration of proposals by the Department and was provided with evidence to support this.
- Under action 2.5.1 of the Illawarra Shoalhaven Strategic Plan, projections of land availability and monitoring of progress under the Illawarra Urban Development Program have consistently assumed that the West Elambra site would be developed and would contribute 355 lots. However this site has not been rezoned and rezoning does not appear to be imminent.
- Kiama Council has work on a Local Strategic Planning Statement well underway, with a draft due for completion by the end of 2019. This will encompass consideration of key themes including housing and growth; agriculture and resources.

The Panel noted Council's advice on the outcome of community consultation undertaken to date to inform development of the Local Strategic Planning Statement and considered the option of not supporting the proposal to allow consideration of the future of this site to take place in the context of the Statement. On balance, however, the Panel considered that the proposal has strategic merit given:

- The site is identified in the Kiama Urban Strategy "if insufficient dwelling numbers are available"
- The Panel was not convinced that other initiatives being pursued by Council would meet projected housing needs identified in the Illawarra Shoalhaven Regional Strategy – particularly given existing projections rely heavily on progressing development of the West Elambra site which has not been rezoned to date. The Panel is therefore not convinced that "sufficient dwellings will be available" consistent with the KUS caveat on progressing development of this site.
- Gateway consideration can proceed in parallel with development of the LSPS, with the Council ultimately in a position to make a final decision in the context of directions articulated in the LSPS.

Site specific merit

The characteristics of the site which support the Planning Proposal include:

- Consistency with the Kiama Urban Strategy and broad Departmental endorsement for progressing Planning Proposals identified within it
- Capacity to address medium term housing supply and better meet market demand
- Presence of a natural buffer of E2 zoned land between most of the site and RU2 zoned land useable for agricultural purposes
- Constrained potential for commercial agricultural use due to topography and soil quality
- Alignment with the current western boundary of the town to the north

Constraints on the site include:

- The significant visual and landscape qualities of the site and its surrounds
- Significant Aboriginal and European heritage items on the site including the cemetery and dry stone walls
- Topography and associated service access challenges (water and sewerage)
- The need to establish the limits of the town and what that should look like.

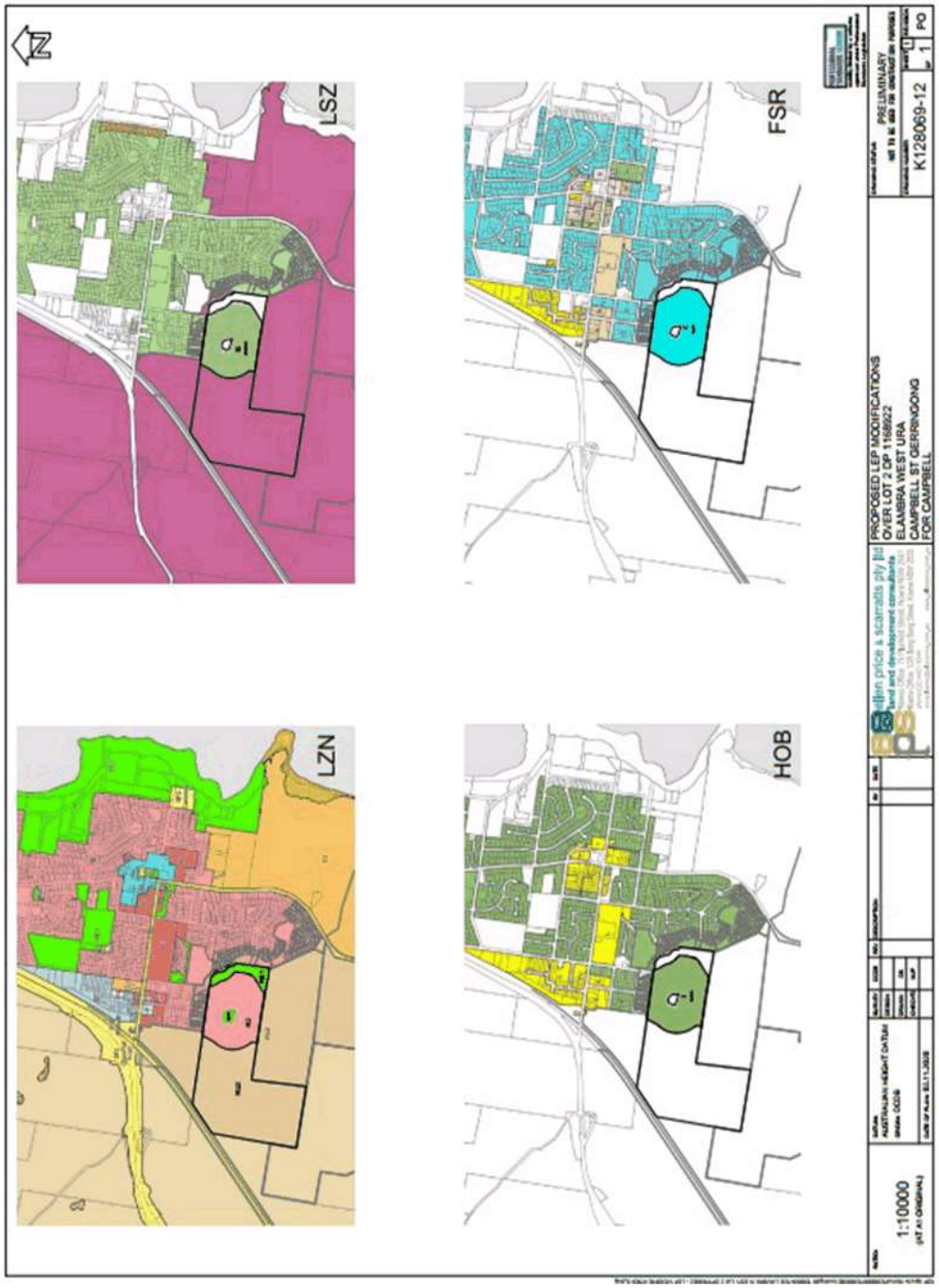
On balance, the Panel considers the proposal has site specific merit provided the constraints are able to be addressed through further refinement and reduction in initial yields identified.

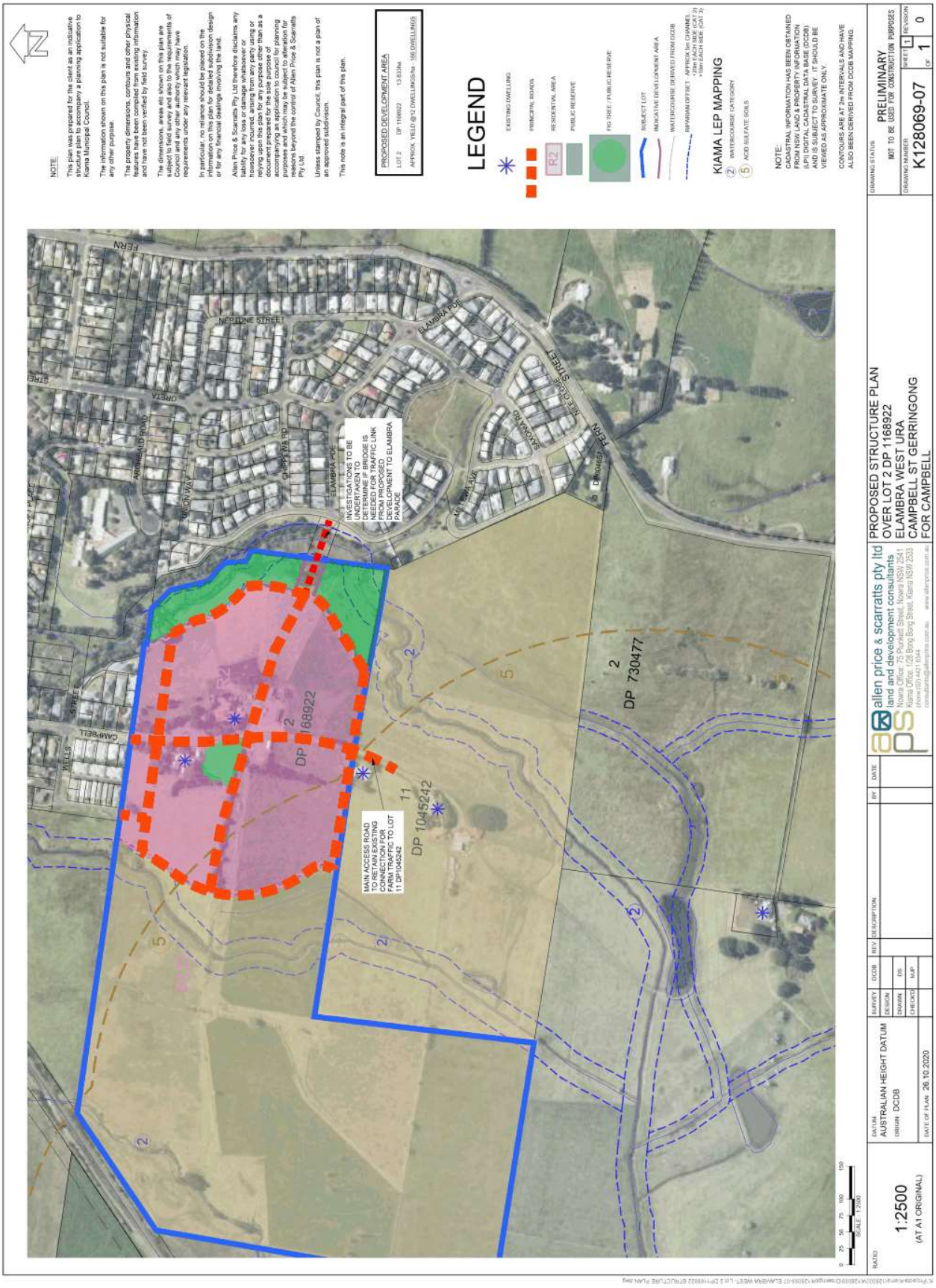
PANEL MEMBERS	
Pam Allan (Chair)	Alison McCabe
Renata Brooks	

Appendix F - Summary of the PP consistency against s9.1 Directions

	Direction	Applicable	Relevant	Not inconsistent
1 Employment and Resources				
1.1	Business and Industrial Zones	×	×	n/a
1.2	Rural Zones	✓	✓	See Section 3.2.4
1.3	Mining, Petroleum Production and Extractive Industries	×	×	n/a
1.4	Oyster Aquaculture	×	×	n/a
1.5	Rural lands	✓	✓	See Section 3.2.4
2 Environment and Heritage				
2.1	Environmental Protection Zones	✓	×	n/a
2.2	Coastal Protection	×	×	n/a
2.3	Heritage Conservation	✓	✓	See Section 3.2.4
2.4	Recreation Vehicle Area	✓	×	n/a
2.5	Application of E2 and E3 Zones in Environmental Overlays in Far North Coast LEPs	×	×	n/a
2.6	Remediation of Contaminated Land	✓	✓	See Section 3.2.4
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	✓	✓	See Section 3.2.4
3.2	Caravan Parks and Manufactured Home Estates	✓	×	n/a
3.3	Home Occupations	✓	✓	See Section 3.2.4
3.4	Integrating Land Use and Transport	✓	✓	See Section 3.2.4
3.5	Development Near Licensed Aerodromes	×	×	n/a
3.6	Shooting Ranges	×	×	n/a
3.7	Reduction in non-hosted short term rental accommodation period	×	×	n/a
4 Hazard and Risk				
4.1	Acid Sulphate Soils	✓	✓	See Section 3.2.4
4.2	Mine Subsidence and Unstable Land	×	×	n/a
4.3	Flood Prone Land	✓	✓	See Section 3.2.4
4.4	Planning for Bushfire Protection	×	×	n/a
5 Regional Planning				
5.1	Implementation of Regional Strategies	×	×	n/a
5.2	Sydney Drinking Water Catchments	×	×	n/a
5.3	Farmland of State & Regional Significance Far North Coast	×	×	n/a
5.4	Commercial & Retail Development Far North Coast	×	×	n/a
5.9	North West Rail Link Corridor Strategy	×	×	n/a
5.10	Implementation of Regional Plans	✓	✓	See Section 3.2.4
5.11	Development of Aboriginal Land Council land	×	×	n/a
6 Local Plan Making				
6.1	Approval and Referral Requirements	✓	✓	See Section 3.2.4
6.2	Reserving Land for Public Purposes	✓	✓	See Section 3.2.4
6.3	Site Specific Provisions	×	×	n/a

Appendix G - larger scale of proposed KLEP 2011 mapping modifications





Attachment 2

Item 12.2

AGRICULTURAL ASSESSMENT

ELAMBRA WEST URBAN RELEASE AREA

Lot 2 DP 1168922
Campbell Street
Gerringong

Prepared for

Pearse & Campbell

November 2020

COWMAN STODDART PTY LTD

Agricultural Assessment

Project	Elambra West Urban Release Area
Address	Lot 2 DP 1168922 and Lot 11 DP 1045242 Gerringong
Our ref:	19/70
Prepared by	Peter Cowman
Draft Final	9 November 2020 16 November 2020

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COWMAN STODDART PTY LTD

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Figure 1 Aerial Photo with Outline of Subject Land

Figure 2 Cadastral Overlay of Subject Land with Contours (K128069.07)

Figure 3 Soil Landscape Mapping (Soil Conservation Service)

Figure 4 Land Suitability Mapping (NSW Agriculture)

APPENDICES

Appendix A Beef Cattle Gross Margin Budget (April 2019) – Coastal Weaners on Improved Pasture

COWMAN STODDART PTY LTD

1.0 INTRODUCTION

This report is an agricultural assessment of a planning proposal to rezone an area of 13.8 hectares (approx.) of rural land to allow residential development. An area of 2.36 hectares will become a Public Reserve and is considered a part of the proposal. The site is immediately south and west of Gerringong township and is described as Lot 2 DP 1168922 of 45.83 ha (see **Figure 1** and **Photo No. 1**). The total development area is 16.19 ha with the residue of 29.64 ha continuing as agricultural land.

The land will be an extension of the township with an approximate yield of 166 residential lots plus a Public Reserve and a residue. See **Figure 2**.

This agricultural report is an annexure to the Planning Proposal Report which has been prepared by Allen, Price & Scarratts Pty Ltd – Land and Development Consultants.

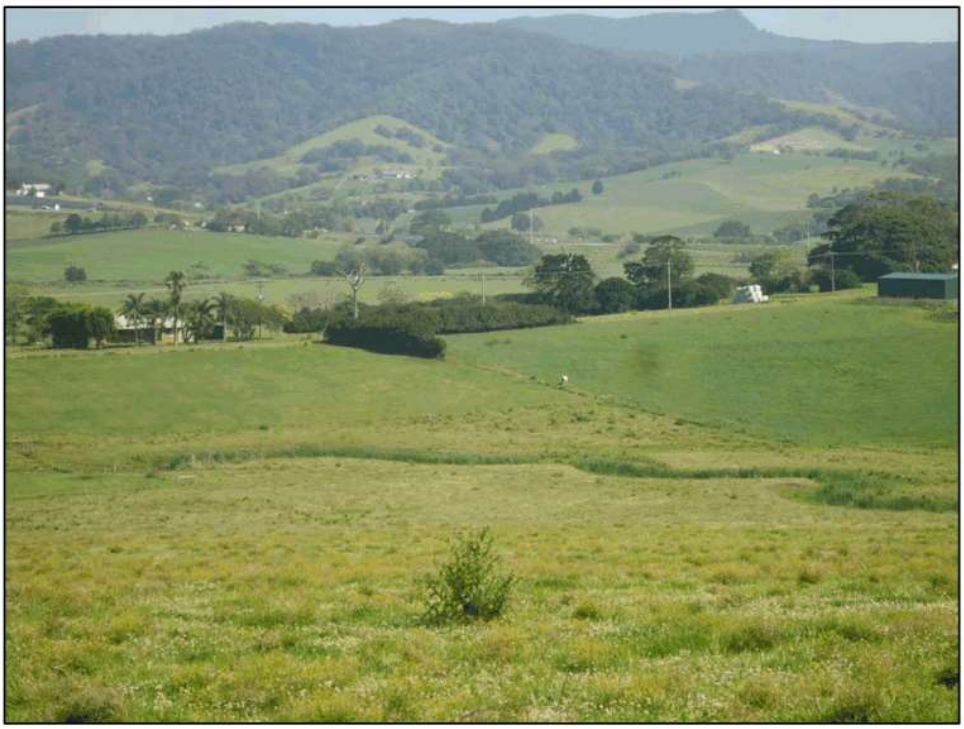

Photo No. 1
General view of site. The land is undulating with permanent pasture and is used for beef cattle grazing.

Figure 1: Aerial photo with outline of subject land.

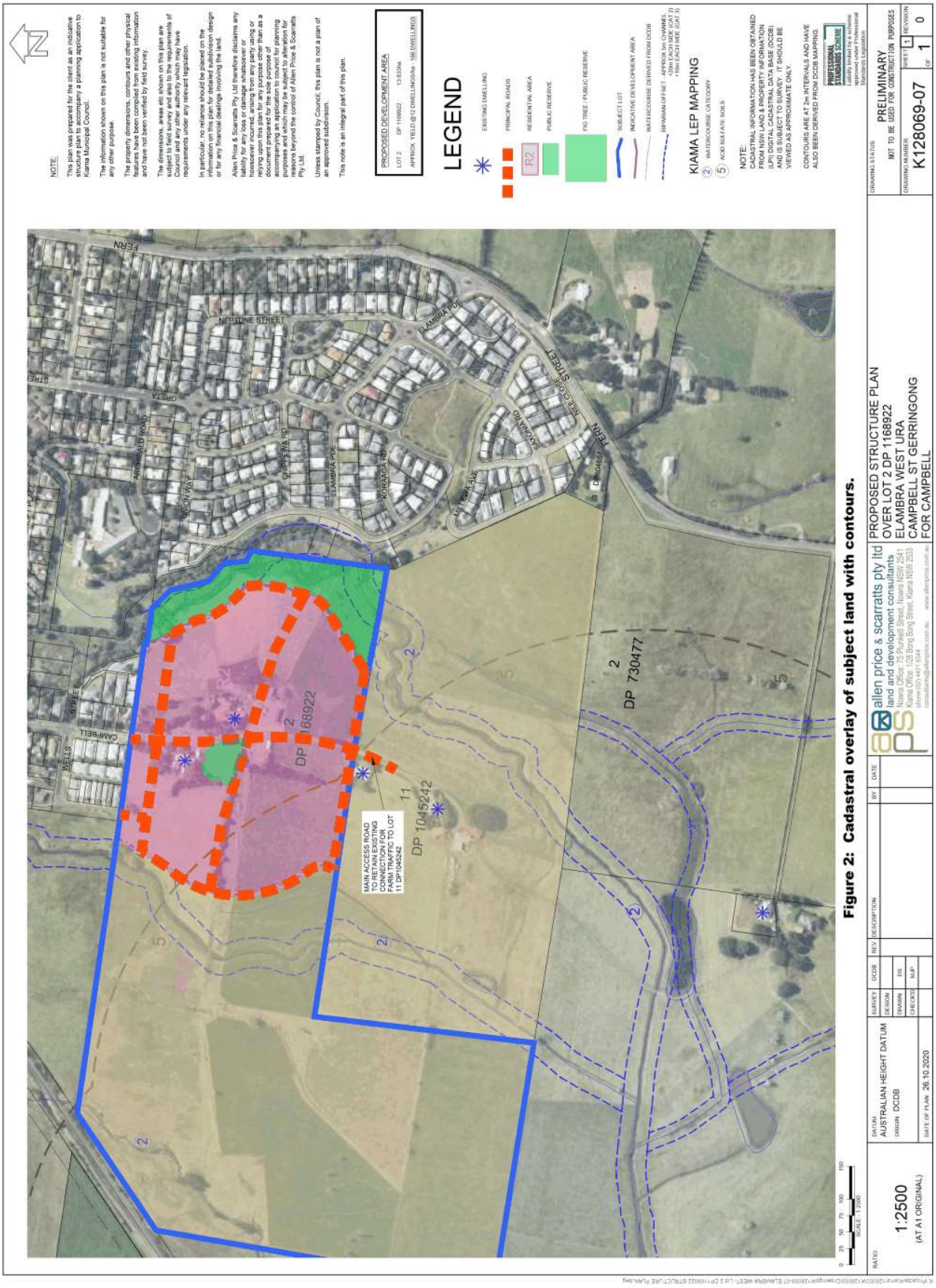

Figure 2: Cadastral overlay of subject land with contours.

Item 12.2

Attachment 3

2.0 TOPOGRAPHY, VEGETATION AND AGRICULTURE

2.1 TOPOGRAPHY

The western part of Lot 2 is alluvial flood liable creek flats which will be retained for agriculture (see **Photo No. 2**).

The eastern part is a low hill with slopes in the range 10 – 15%. Maximum elevation 30 metres a.s.l. (see **Photo No. 3**).

The site drains to two intermittent watercourses which are tributaries of Crooked River.

Photo No. 2
Alluvial creek flats will continue to be used for agriculture.

Photo No.3
Hillside with development above the vehicle. Tree line is crest in the distance.

Photo No. 4
Low lying land adjoining Union Creek will become a Public Reserve.

2.2 VEGETATION

Permanent kikuyu pasture on the hillside over sown with ryegrass/clover. Occasional cropping on the creek flats in rotation with ryegrass/clover pasture.

2.3 AGRICULTURE

The land is used for beef cattle grazing with forage crops on the alluvial flats. See Section 5.0.

3.0 GEOLOGY SOIL LANDSCAPES AND SOILS

The document "Soil Landscapes of the Kiama 1:100,000 Sheet" (Hazelton 1992) and accompanying map shows the development site as comprising two soil landscapes determined by topography. See **Figure 3**.

3.1 ELEVATED LAND – KIAMA SOIL LANDSCAPE (ka)

Geology is Blow Hole Latite with soils being krasnozems on crests and upper slopes. Prairie soils on lower slopes.

Notes:

Fertility

General fertility is moderate to low. The topsoil is friable. The subsoils are deep, well structured, freely drained on crests and upper slopes. They are strongly acid with low to moderate CEC.

Erodibility

The topsoil has moderate erodibility. The subsoils have high erodibility.

Erosion Hazard

Erosion hazard for non-concentrated flows is extreme. The calculated soil loss for the first 12 months of urban development ranges up to 1300t/ha for topsoils and 900t/ha for exposed subsoils. The erosion hazard for concentrated flows is moderate.

Surface Movement Potential

These moderate to deep clay soils are slightly reactive. The subsoil is moderately reactive.

Landscape Limitations

Steep slopes (localised)

Run-on

Water erosion hazard (localised)

Urban Capability

Generally low limitations for urban development. Moderate limitations on steeper slopes.

Rural Capability

Generally high to severe limitations for regular cultivation. Low to moderate limitations for grazing.

3.2 FLAT LAND – SHOALHAVEN SOIL LANDSCAPE (sf)

Geology is alluvium with alluvial soils on the floodplain.

Notes:

Fertility

General fertility is moderate to low.

Erodibility

Erodibility of the topsoil is low. The erodibility of the subsoils is high.

Erosion Hazard

Erosion hazard for non-concentrated flows is slight. The erosion hazard for concentrated flows is low.

Surface Movement Potential

Moderately reactive topsoil. Non-reactive subsoils.

Landscape Limitations

Flood hazard

Permanent waterlogging (localised)

Permanently high watertable

Seasonal waterlogging

Urban Capability

*Generally high to severe limitations for urban development. (**Note: There is no urban development proposed on this soil landscape.**)*

Rural Capability

Generally low to moderate limitations for regular cultivation and grazing.

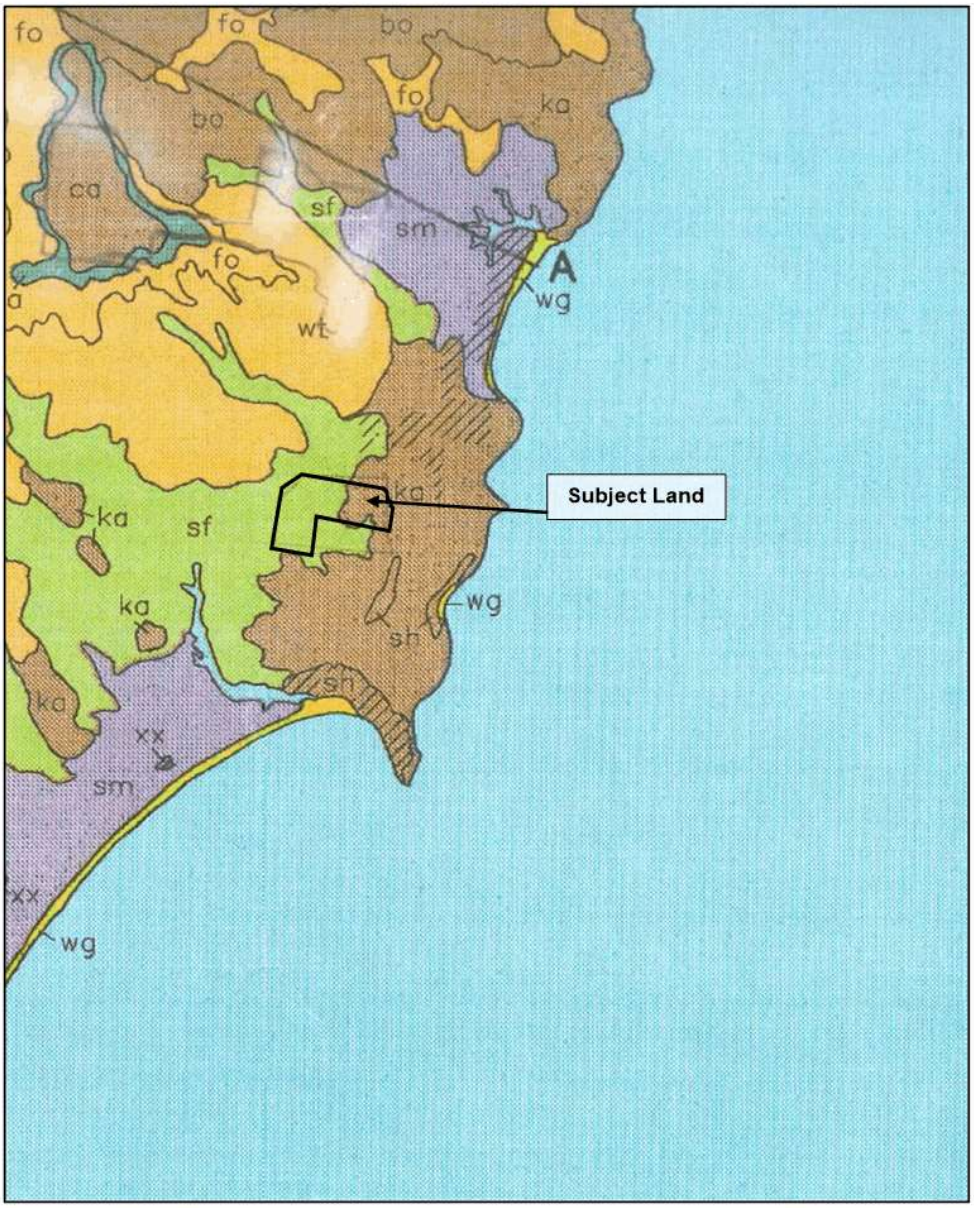

Figure 3: Soil landscape mapping (Soil Conservation Service)
Scale: 1:70,000 (approx.)

4.0 AGRICULTURAL SUITABILITY

The Department of Agriculture uses a 5 class system to map rural land on the basis of its suitability for agriculture. It is a hierarchical system such that Class 1 is the best agricultural land and Class 5 has virtually no value for agriculture. Classes 1, 2 and 3 are grouped as prime crop and pasture land.

Class 1

Arable alluvial land with deep, fertile soils having a very good capability for agriculture. These lands have only minor or no constraints to sustained high to very high levels of production.

Class 2

Arable lands having a very good capability for agriculture. Minor to moderate constraints to sustained high levels of production are present.

Class 3

Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic factors or environmental constraints. Erosion hazard, soil structural breakdown or other factors including climate may limit the capacity for cultivation, and soil conservation or drainage works may be required.

Class 4

Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high, but the overall production level is low as a result of major environmental constraints.

Class 5

Land unsuitable for agriculture or at best suited only to light grazing. Agricultural production is very low or zero as a result of severe constraints, including economic factors which preclude land improvement.

The subject land appears on the "Kiama" Agricultural Land Classification Map prepared as part of the Illawarra Region Maps (1986) at a scale of 1:50,000. **Figure 4** is an extract and shows that the creek flats are mapped as Class 2 land and the sloping land is Class 3 land.

The Class 2 land is flood liable and is not proposed to be developed. The Class 3 land, above the 1 in 100 year flood line, is the grazing land proposed for residential development.

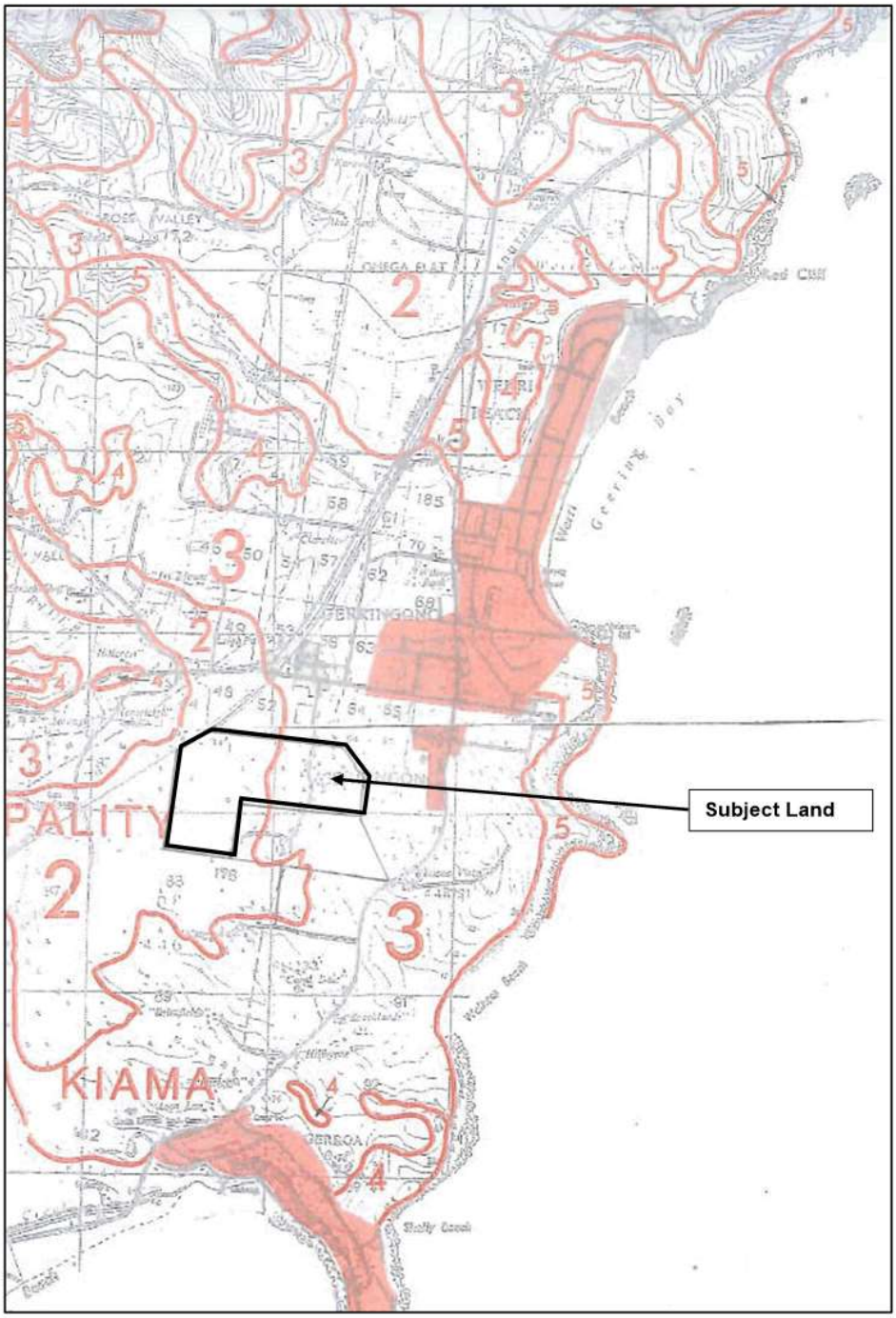

Figure 4: Land suitability mapping (NSW Agriculture)
Scale: 1:35,000 (approx.)

5.0 AGRICULTURAL POTENTIAL

5.1 CARRYING CAPACITY

Livestock carrying capacity is related to land suitability classes such that the better the land suitability, the higher the potential carrying capacity.

Stocking rates generally used for beef cattle on improved pastures in the district are:

Class 2 land	1.5 cow/hectare	(18 d.s.e./hectare)
Class 3 land	1.0 cow/hectare	(12 d.s.e./hectare)
Class 4 land	0.5 cow/hectare	(6 d.s.e./hectare)

5.2 LAND USE

Lot 2 was used for dairying until 1991 and since then for beef cattle.

In a normal year 50 – 60 breeding cows graze on the property turning off weaners for sale at 8 – 9 months of age.

The property has all necessary improvements for beef cattle including farm shed, stockyards, boundary and internal fencing. Reticulated (town) water is used throughout the property for stock water. Irrigation is not available.

The agricultural potential can thus be calculated as follows:

Table 1

Current Agricultural Potential

Land Class	*Carrying Capacity (cows/ha)*	*Area (ha)*	*Stock (cows)*
2	1.5	27	40
3	1.0	18	18
	Total	**45 ha**	**58 cows**

ie. in a good season, Lot 2 is able to run about 58 beef cows which corresponds with the landowner's records.

5.2.1 Effect of Rezoning

The eastern part of the property (16 ha approx.) will be excised for residential housing and an environmental protection zone on the flood liable land along Union Creek. See **Photo No. 4**.

This will leave 30 ha (approx.) of the most productive Class 2 land for the beef cattle enterprise to continue.

Table 2

Agricultural Potential after Rezoning

Land Class	*Carrying Capacity (cows/ha)*	*Area (ha)*	*Stock (cows)*
2	1.5	27	40
3	1.0	3	3
	Total	**30 ha**	**43 cows**

ie. there will be a 25% reduction in carrying capacity from 58 cows to 43 cows.

Vehicle access through Lot 2 to the adjoining rural land (Lot 11 DP 1045242) will continue as at present. (See **Figure 2**).

5.3 FINANCIAL RETURN

The latest farm budget from NSW Department of Primary Industries indicates a gross margin of $35,489.00 from coastal weaners on improved pasture from a 100 cow herd. See **Appendix A**.

Table 3

Effect on Financial Returns

Property	**Current Potential**		**After Rezoning**	
	Stock (cows)	Gross Margin	Stock (cows)	Gross Margin
Lot 2 DP 1168922	58	$20,583.00	43	$15,260.00 Reduction in return – 25%

7.0 CONCLUSION

This report is an agricultural assessment of a rural property at Gerringong, parts of which are proposed to be rezoned for residential development.

The land is mapped by NSW Agriculture as prime crop and pasture land. It is partly mapped as Class 2 and partly mapped as Class 3. The Class 2 land generally comprises the more fertile alluvial creek flats which are subject to occasional flooding. The Class 3 land comprises the hilly grazing land above the flood line. All the development will be on the Class 3 land and the Class 2 land will continue to be used for agriculture.

The rezoning will affect the property as follows:

- Lot 2 DP 1168922. An area of 16 ha (approx.) will be excised from a property of 45.83 ha resulting in a 25% reduction in carrying capacity from 58 to 43 cows. At this level of production it can continue as a viable part-time enterprise.

The township of Gerringong is surrounded by prime agricultural land. If it expands outwards, there is no poor quality agricultural land which could be utilised. This proposal, fortuitously, is confined to Class 3 land and allows the continued use of the Class 2 land for agriculture.

There will only be a minor loss in agricultural production resulting from the proposed rezoning.

Peter Cowman
AGRICULTURAL CONSULTANT

APPENDIX A

Beef Cattle Gross Margin Budget (April 2019)

Coastal Weaners on Improved Pasture

Lot 2 DP 1168922
Campbell Street, Gerringong

COWMAN STODDART PTY LTD

NSW GOVERNMENT | Department of Primary Industries

BEEF CATTLE GROSS MARGIN BUDGET

Farm enterprise Budget Series: April 2019

Enterprise: **Coastal weaners improved pasture**

Enterprise Unit: **100 cows**

INCOME:			**Standard Budget**	**Your Budget**
42	steer weaners @	$630.88 /hd	$26,497	
19	heifers weaners @	$424.65 /hd	$8,068	
0.6	CFA Bull @	$1,760.00 /hd	$1,056	
7	CFA cows @	$963.20 /hd	$6,742	
15	Other culls @	$963.20 /hd	$14,448	
	A. Total Income:		**$56,812**	

VARIABLE COSTS:				
Replacements	1 Bull @	$3,500 /hd	$3,500	
Livestock and vet costs: see section titled beef health costs for details.			$2,426	
Fodder crops / hay / grain			$0	
Drought feeding costs.			$0	
Pasture maintenence (173 Ha of improved pastures)			$10,813	
Livestock selling cost (see assumptions on next page)			$4,584	
	B. Total Variable Costs:		**$21,323**	

	GM including pasture cost	GM excluding pasture cost
GROSS MARGIN (A-B)	**$35,489**	**$46,301**
GROSS MARGIN/COW	**$354.89**	**$463.01**
GROSS MARGIN/DSE*	**$25.68**	**$33.50**
GROSS MARGIN/HA	**$205.14**	**$267.64**

Change in gross margin ($/cow) for change in price &/or the weight of sale stock
(Note: Table assumes that the price and weight of other stock changes in the same proportion as steers. As an example if steer sale price falls to 242c/kg and steer weight to 230 kg, gross margin would fall to $291 per cow. This assumes that price and weight of all other sale stock falls by the same percentage.

Liveweight (kg's) of Stock sold		Steer sale price cents/kg live				
		232	**242**	**252**	**262**	**272**
Steer wt.						
-40 kgs	**210**	229	248	267	285	304
-20 kgs	**230**	270	291	311	331	351
0	**250**	311	333	355	377	399
+20 kgs	**270**	352	376	399	422	446
+40 kgs	**290**	393	418	443	468	493

GM $ per Cow

An increase of 5% in weaning percentage increases gross margin per cow by $23.78

NSW GOVERNMENT | Department of Primary Industries

Summary of gross margins for NSW beef enterprises, April 2019

Enterprise	No. of hectares		GM/ha	GM/DSE
	imp	nat		
Inland Weaners		372	129.78	32.45
Coastal weaners- unimproved pasture		254	67.20	16.83
Coastal weaners- improved pasture	173		205.14	25.68
Butcher vealers	209		239.26	29.98
MSA at 20 mths	80	306	194.12	40.24
Feeder steers		424	173.81	43.50
Grow out early weaned calves 160-340kg	80		416.47	52.30
Growing out steers 240-460kg	108		412.04	51.57

Gross Margins quoted include pasture costs.

Individual budgets also report gross margins without pasture costs.

NSW Department of Primary Industries Farm Enterprise Budget Series

12.3 10.2018.225.2 – Lot B DP 164747 – 47 Thomson Street, Kiama – Modification of Consent

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 Section 4.55 Modification of Consent Application No 10.2018.225.2, which involves the demolition of an existing building and construction of a multi-residential building consisting of 12 units (reconfiguration of unit layouts, deletion of staff toilet and reconfiguration of storage room, amendment of floor levels, reconfiguration of bulk store and garbage room to allow a pump room, minor amendment of glazing, deletion of external steps and reconfiguration of the south communal open space, relocation of the letterbox and amendment of the entry door, reconfiguration of stairwell and reconfiguration of the rooftop communal open space).

The report recommends that Council approve Section 4.55 Modification of Consent Application No 10.2018.225.2 as the proposal is:

- substantially the same development as the consented development; and
- permissible in the R3 Medium Density Residential, complies with the zone objectives and is consistent with Kiama LEP 2011 with the exception of minor building height breaches up to 350mm introduced with the modified proposal; and
- generally consistent with Kiama DCP 2020, with the exception of control C6.5.11 requiring a minimum 6m front setback.

Finance

N/A

Policy

N/A

Consultation (Internal)

Please refer to the “Internal Referrals” section in this report.

Communication/Community Engagement

Required: Yes (newspaper advertisement and letter notification);

Notification Period: 36 days from 17/12/2020 to 22/01/2021;

Submissions: Nil submissions.

Reason for the Report

This report is submitted to Council because only the elected Council can determine applications with a construction value of more than $2,000,000.00.

Attachments

1 10.2018.225.2 - Plans⇩

2 10.2018.225.2 - Design Verification Statement⇩

Enclosures
Nil

RECOMMENDATION

That Council approve Section 4.55 Modification of Consent Application No 10.2018.225.2 under Section 4.55 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

BACKGROUND

Development Site

The property is described as Lot B DP 164747, which is located at 47 Thomson Street, Kiama.

The site measures 1,511m^2 based on DP 164747; however, a survey plan prepared by Geometra Consulting submitted with the application, identifies a different site area of 1,525m^2.

The site is zoned R3 Medium Density Residential under Kiama LEP 2011.

The site is rectangular in shape and is currently vacant following demolition of the residential flat building on the land.

The allotment is bounded by residential land containing principally dwellings. Council's Blue Haven Retirement facility adjoins the site to the west. The allotment fronts Thomson Street to the south-east.

The site is predominantly cleared and slopes moderately-steeply from the western corner to the eastern corner, with a cross-fall of approximately 14.2m or 13.6^o.

Figure 1 – Locality Plan (↑N)

The site drains to the adjoining public road Thomson Street from where access to the property is also obtained.

Existing vegetation on the site consisted of sixteen trees that were situated predominantly adjacent to the southern and northern corners of the site. These trees have subsequently been removed following commencement of the approved development.

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

Background

The development application history is as follows:

DA No	Description	Lodgement	Determined	Decision
10.2000.8.1	Reinstate fire damaged residential flat building	07/01/2000	21/03/2000	Approved
12.2019.71.1	Demolition of existing dwelling and ancillary structures	03/09/2019	26/08/2019	Approved (Private Certifier)
10.2018.225.1	Demolition of Existing Building & Construction of Multi Residential Building Consisting of 12 Units	17/09/2018	18/08/2020	Approved by Council

There will be no conflict or inconsistency with past approvals. The approved development (10.2000.8.1) has been rendered obsolete by demolition of the buildings on the site and commencement of the consent issued in respect of Development Application No 10.2018.225.1, being the subject of this modification.

Description of the Consented Development

The development approved in respect of Development Application No 10.2018.225.1 involves the construction of residential apartment building consisting of 12 units/apartments with associated car parking and landscaping.

The approved residential flat building consists of:

- 8 x 2 bedroom units
- 4 x 3 bedroom units
- Car parking consisting of:
  - 16 residential car parking spaces
  - 6 visitor car parking spaces including 1 car wash space,
  - 5 bike storage spaces,
- Lobby with lift access,
- Garbage bin enclosure,
- Open space areas and balconies
- Residential storage.
- All proposed units are single level, except for Unit 1 and Unit 12, which are 2 storey units.
- Proposed Units 5, 9 and 10 are the nominated adaptable units.

The approved units/apartments are configured as follows:

	Floor area (m^2)	Bedrooms	POS/balcony (m^2)	Parking
Unit 1 (2 storeys)	106	3	64	2
Unit 2	75	2	19	1
Unit 3	79	2	58	1
Unit 4	75	2	38	1
Unit 5	80	2	60	1
Unit 6	75	2	13	1
Unit 7	79	2	15	1
Unit 8	75	2	13	1

	Floor area (m^2)	Bedrooms	POS/balcony (m^2)	Parking
Unit 9	95	3	25	2
Unit 10	81	2	65	1
Unit 11	98	3	71	2
Unit 12 (2 storeys)	105	3	58	2
Visitor	-	-	-	6
TOTAL	**1023**	**28**	**499**	**22**

Vehicular access is obtained from Thomson Street.

Waste bins are to be stored in the bin enclosure at the base of the building, with kerbside collection to occur from Thomson Street.

Approval was also granted for the removal of 16 trees from the site. These trees were evaluated in the Arboricultural Impact Assessment prepared by Tree Survey Australia Pty Ltd.

Approved finishing materials/colours are shown in Figure 8 below.

The approved development is shown in Figures 2-8 below:

Figure 2 – Northern Eastern 3D Elevation (Thomson Street)

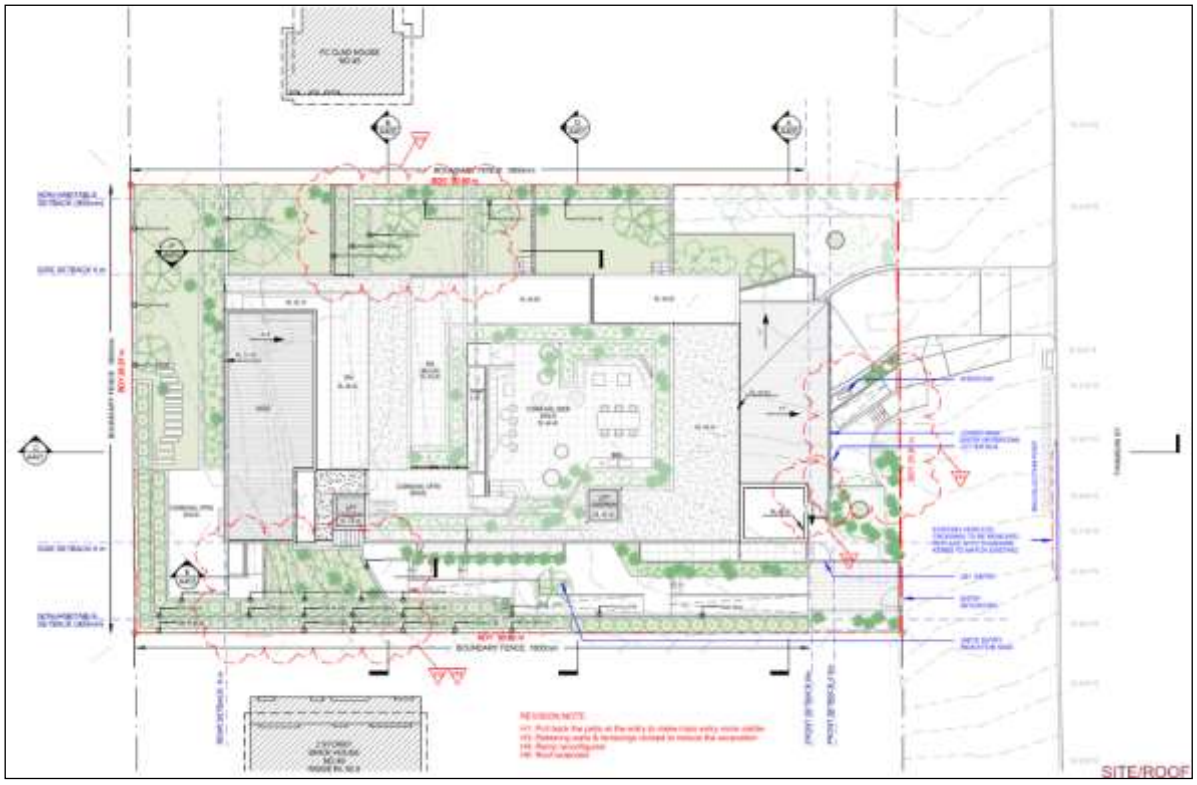

Figure 3 – Site/Roof Plan

Figure 4 – South-East Elevation [Street view (Blue Haven in background)]

Figure 5 – North-East Elevation

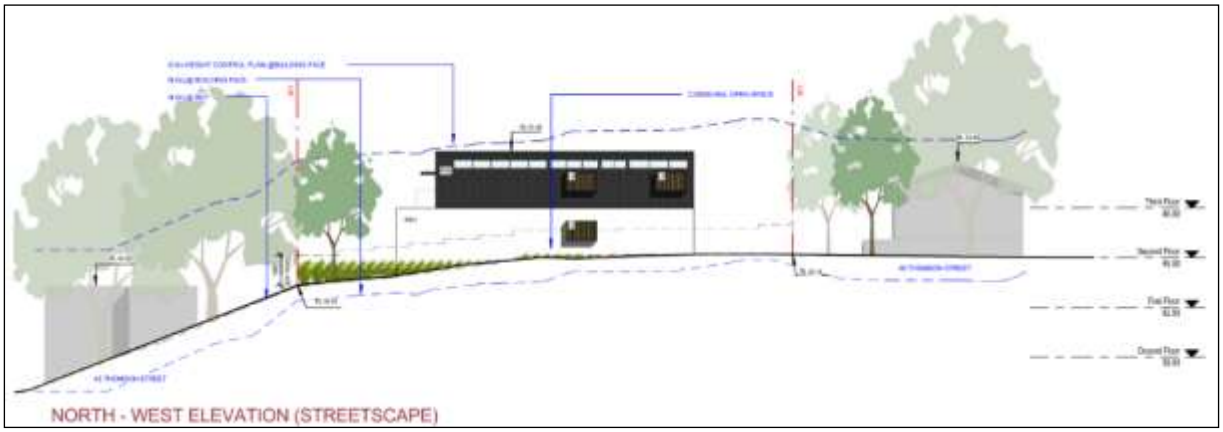

Figure 6 – North-West Elevation

Figure 7 – South-West Elevation

Figure 8 – External material/colour schedule

Description of the Proposed Modified Development

The proposed modified development involves the construction of residential apartment building consisting of 12 units/apartments with associated car parking and landscaping.

As described by the applicant, the proposed modification involves:

- reconfiguration of unit layouts;
- deletion of staff toilet and reconfiguration of storage room;
- amendment of floor levels;
- reconfiguration of bulk store and garbage room to allow a pump room;
- minor amendment of glazing;
- deletion of external steps & reconfiguration of south communal open space;
- relocation of letterbox and amendment of entry door;
- reconfiguration of stair well;
- reconfiguration of roof top communal open space.

As with the approved development, the proposed modified residential flat building consists of:

- 8 x 2 bedroom units;

- 4 x 3 bedroom units;
- Car parking consisting of:
  - 16 residential car parking spaces;
  - 6 visitor car parking spaces including 1 car wash space;
  - 5 bike storage spaces.
- Lobby with lift access;
- Garbage bin enclosure;
- Open space areas and balconies;
- Residential storage.

All proposed units are single level, except for Unit 1 and Unit 12, which are 2-storey units.

Proposed Units 5, 9 and 10 are the nominated adaptable units.

The proposed modified units/apartments are configured as follows (NB: for comparison, currently approved areas/numbers are shown in brackets in italic):

	Floor area (m^2)	**Bedrooms**	**POS/balcony (m^2)**	**Parking**
Unit 1 (2 storeys)	106	3	64	2
Unit 2	75	2	33 (*19*)	1
Unit 3	79	2	58	1
Unit 4	75	2	47 (*38*)	1
Unit 5	80	2	65 (*60*)	1
Unit 6	75	2	13	1
Unit 7	79	2	15	1
Unit 8	75	2	13	1
Unit 9	97 (*95*)	3	22 (*25*)	2
Unit 10	83 (*81*)	2	63 (*65*)	1
Unit 11	104 (*98*)	3	62 (*71*)	2
Unit 12 (2 storeys)	111 (*105*)	3	42 (*58*)	2
Visitor	-	-	-	6
TOTAL	**1039 (1023)**	**28**	**497 (*499*)**	**22**

Vehicular access is obtained from Thomson Street.

Waste bins are to be stored in the bin enclosure at the base of the building, with kerbside collection to occur from Thomson Street.

The proposed modified development is shown in Figures 9-14 below:

Figure 9 – North Eastern 3D Elevation photo rendition (Thomson Street)

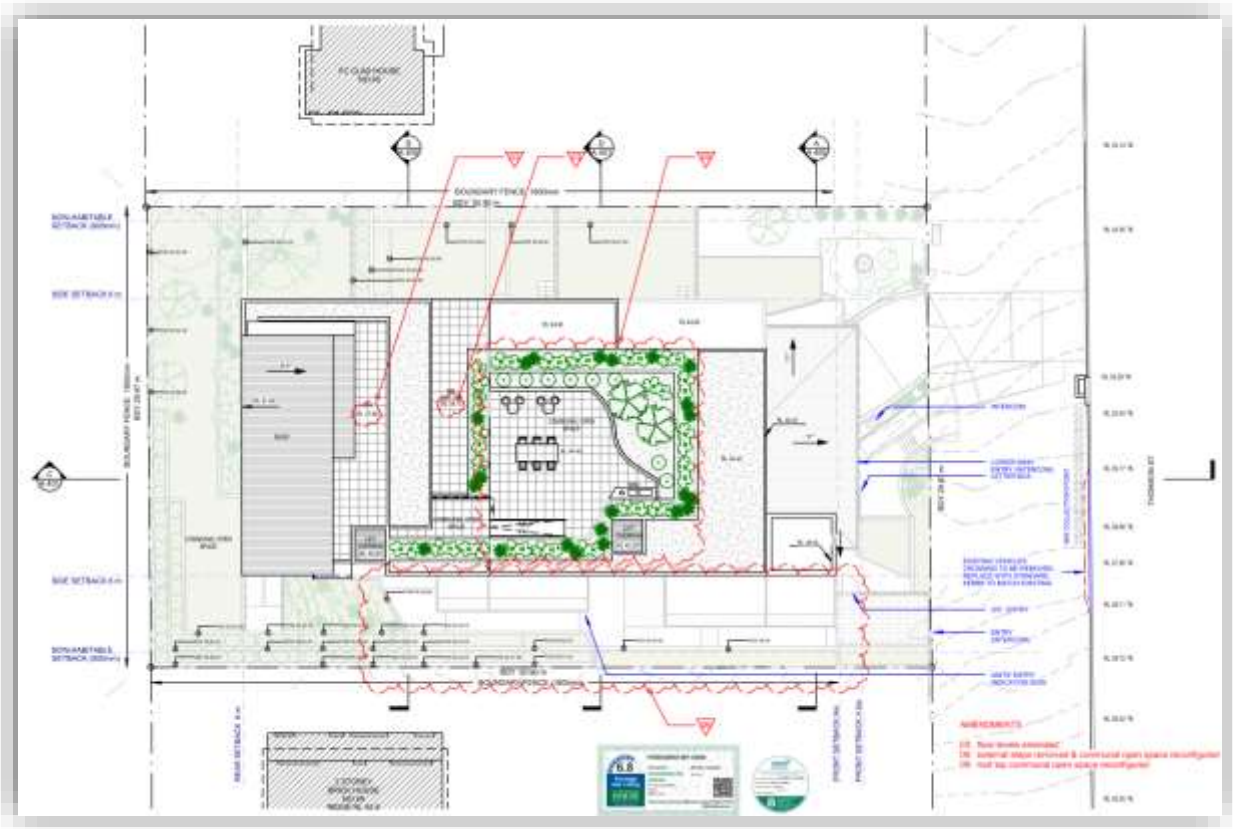

Figure 10 – Site/Roof Plan

Figure 11 – Southern Eastern Elevation (Thomson Street view)

Figure 12 – Northern Eastern Elevation

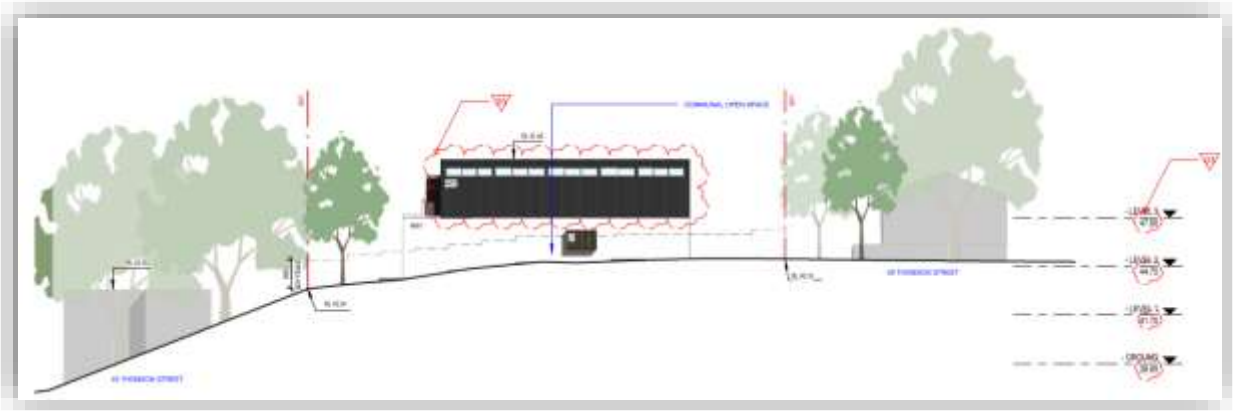

Figure 13 – North Western Elevation

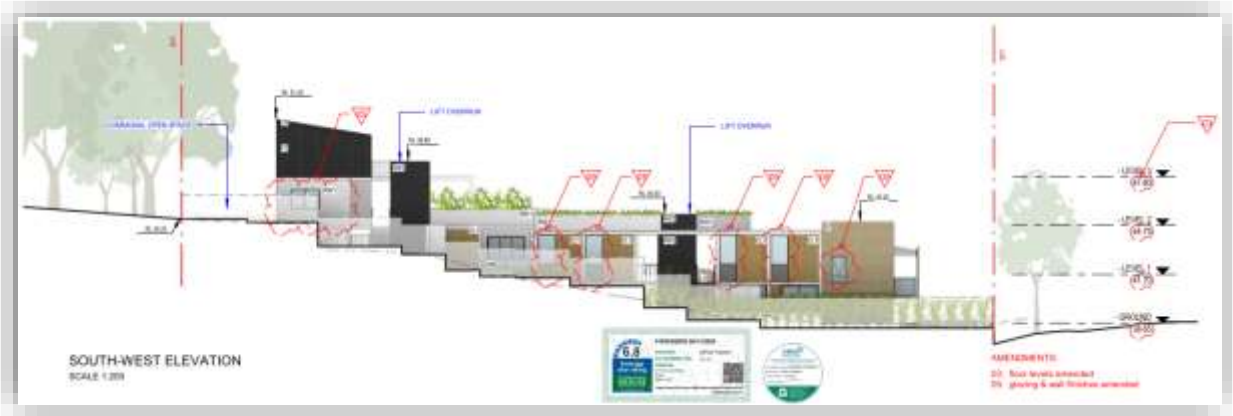

Figure 14 – South Western Elevation

Section 4.55 Assessment

Under Section 4.55 of the Environmental Planning and Assessment Act 1979, Council, when considering a request to modify a determination, must:

a) be satisfied that the development as modified is substantially the same development as the development for which consent was originally granted;

b) consult with any relevant authority or approval body;

c) notify the application in accordance with the regulations;

d) consider any submissions made; and

e) take into consideration the matters referred to in Section 4.15 as are of relevance to the development the subject of the application.

These matters are addressed below:

<u>Substantially the Same Development</u>

Is the development substantially the same development?

Section 4.55(1A) and 4.55(2) of the Environmental Planning and Assessment Act 1979 requires the consent authority to be satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

A Council must first determine whether the modified development will be 'substantially the same' as the development that was originally approved (before any modifications had been made to it). Councils must therefore decide in the circumstances if a development will be substantially the same development.

Councils must compare the likely impacts of the proposed modified development, including the environmental, social and economic impacts, with the impacts of the original development

"Substantially the same" in this context means essentially or materially having the same essence.

This involves a comparison of the proposed modifications to the approved development and the development originally approved involves both a qualitative and quantitative analysis.

When a Council looks at the impacts of the proposed modified development, the modified development includes all modifications made to the development since the original consent was granted.

When a Council looks at the impacts of the original development, the Council must consider the impacts of the original development as if they were occurring at the time the modification application is determined, not at the time the original application was determined. This comparison takes into account any changes to the external environment that have occurred since the original development consent was granted.

Where the applicant seeks to modify an aspect of the development that has been modified before, the Council must make the comparison between the proposed modified development and the original development carefully.

In relation to the characterisation of the modified development according to the land-use definition in the Dictionary to Kiama LEP 2011, the land-use has not changed from that which was originally approved, which satisfies the requirements of Clause 2.3(1)(b) to Kiama LEP 2011 as development that may be carried out only with consent.

The bulk, size, shape, finishes and general height are materially the same as in the approved development overall. Similarly, the site coverage, setbacks and landscaped areas of the modified proposal are consistent with the consented development.

The development being modified is therefore substantially the same development as the development for which consent was originally granted.

Consultation with any Relevant Authority or Approval Body

No authorities or bodies were required to be consulted.

Application notification in accordance with the Regulations

The application to modify consent was notified in accordance with the regulations and Council's policy.

Consideration of any Submissions

No submissions have been received following notification of the modified proposal.

Matters referred to in Section 4.15 as are of relevance to the Development

The matters of relevance are addressed below:

Relevant Environmental Planning Instruments

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

The proposed modified development is for a 3-storey residential apartment development consisting of 12 residential units/apartments; therefore, the provisions of SEPP 65 apply.

Part 4 of SEPP 65 states that when a consent authority is assessing a residential apartment development they must take into consideration the design quality of the development when evaluated in accordance with the nine design quality principles set out in Schedule 1 and the Apartment Design Guide (ADG).

Any development application for a residential apartment building must also be accompanied by design verification statement from a qualified designer, verifying that the design of the residential apartment development satisfies these design quality principles. These matters were satisfactorily addressed at the time the development was approved by Council.

Similarly, the proposed modification is required to be accompanied by a statement by a qualified designer under the terms of section 115(3) and (3A) of the *Environmental Planning and Assessment Regulation 2000*. In addressing this, the application to modify consent is accompanied by an updated design verification statement provided by *Patrick Sim* of *PSEC Project Services* (NSW Architects Registration Board Reg. No. 6752) verifying that the design quality principles are achieved for the proposed modified development.

The updated design verification statement forms Attachment 2 to this report. The document was reviewed and it is considered that the proposed modification is compliant with the design principles and the requirements of the Apartment Design Guide.

- Apartment Design Guide

Clause 28(2)(c) of SEPP 65 states that in determining a development application for consent to carry out a residential apartment development, a consent authority is to take into consideration the Apartment Design Guide (ADG).

As with the approved development, the modified proposal was assessed in accordance with the requirements of this document and was found to be complaint, as indicated in the Table below:

Apartment Design Guide Summary

Control	Required	Proposed	Complies
Communal Open Space	Min 25% of site area	Site Area: 1,525m^2 Communal Open Space min 395m^2 or 25.9%	Yes
Deep Soil Zone	7% of the site area	Deep Soil Zone (min.) 362m^2 or 23.7%	Yes
Visual Privacy & Separation	Building Height < 12m 6m setback to side & rear boundaries for habitable rooms & 3m to non-habitable rooms	All setbacks >6m	Yes
Solar & Daylight Access	At least 70% of units must receive 3 hours of direct sunlight between 9am-3pm in mid-winter into their living rooms & POS areas Maximum of 15% of apartments may receive no direct sunlight between 9am-3pm in mid-winter	All apartments have open space and living rooms orientated to achieve solar access.	Yes
Natural Ventilation to Habitable rooms	All habitable rooms are naturally ventilated	All habitable rooms have windows for natural ventilation	Yes
Layout of single aspect apartments	The layout of single aspect apartments should maximize natural ventilation	Single aspect units 3 & 7 have been designed to be shallow and wide with a depth of 7m to the back of kitchens	Yes

Control	Required	Proposed	Complies
Cross ventilation	At least 60% of apartments are required to be naturally cross ventilated	10 of the 12 units (83%) are minimum dual aspect apartments that achieve natural cross ventilation	Yes
Ceiling heights	Habitable room 2.7m Non-habitable 2.4m	Minimum floor to ceiling height 2.61m (in the basement)	Yes
Minimum internal area	2 bedroom – 70m^2 3 bedroom – 90m^2	All apartments achieve relevant minimum internal area (see Table above)	Yes
Environmental performance	In open plan layouts the maximum habitable room depth is 8m from a window	No part of any apartment is >8m from a window	Yes
Private Open Space & Balconies	Minimum balcony & private open space size and depth: 2 bedroom – 10m^2, 2m 3+ bedroom – 15m^2, 2.4m Minimum 15m^2 for ground level apartments with 3m min depth.	All apartments achieve relevant minimum size and dimension (see Table above)	Yes

- <u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u>

A BASIX Certificate (928273M_05) was lodged with the application, which demonstrates that the modified development has been designed in accordance with BASIX.

- <u>State Environmental Planning Policy No 55 - Remediation of Land</u>

Clause 7 of the SEPP No 55 requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required.

Council is unaware of any historic land use which would deem the site unsuitable for the proposed development, therefore the land is considered to be suitable for the proposed use.

- <u>Kiama LEP 2011</u>

<u>Clause 2.3 - Zone objectives and Land Use Table</u>

The subject land is zoned R3 Medium Density Residential pursuant to Kiama LEP 2011. The proposal is defined as a residential flat building under the provisions of the LEP 2011, which are permitted with consent in the R3 Medium Density Residential zone.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. Kiama LEP 2011 lists the objectives of the R3 zone as:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide opportunities for multi-storey residential accommodation in locations close to shops, transport nodes, commercial services, public open space and employment opportunities.*
- *To provide increased housing choice particularly housing suited to older people and people with a disability.*
- *To increase the supply of affordable housing.*

Since the development will provide for the housing needs of the community within a medium density residential environment, close to shops and commercial services as well as increase the supply of affordable housing, the development is considered to be consistent with the zone objectives. The modification proposed does not alter the development such that it becomes contrary to the stated objectives.

Specific clauses requiring consideration:

<u>Clause 4.3 - Height of Buildings</u>

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map.

The height of building map identifies that a maximum building height of 8.5m applies to the site.

The proposed modified multi dwelling housing will have a maximum height of approximately 8.85m above existing ground level and as such does not comply, with minor point encroachments identified in the diagram below:

Figure 15 – Height of Building 8.5m plane

The building height breaches proposed with the modification occur at three (3) locations on the roof of the top floor Unit 12. The breaches at the southeastern corner and the central eastern edge breach are approximately 300-350mm and smallest of the breaches at the northeastern corner is approximately 100mm.

The Objectives of Clause 4.3 are to:

(a) to ensure future development is in keeping with the desired scale and character of the street and local area,

(b) to allow reasonable daylight access to all developments and the public domain.

The building height breaches described are minor in nature, effectively being point encroachments arising due to the fall of the land and the approximately 1.2m width expansion of part of Unit 12 toward the front of the development.

The minor building height breaches would be imperceptible to the casual observer and are expected to have negligible additional impact in terms of overshadowing, view loss and privacy loss, beyond that of the approved development.

Ordinarily a building height breach, as proposed, would require a request for exception to a development standard under clause 4.6 of the LEP. However, as the application involves modification of consent, clause 4.6 is not triggered. The building height breaches have been considered on the merit of the proposal. The minor building height breaches, as discussed, are not considered fatal to the proposed modification as they

do not undermine the stated objectives of Clause 4.3. The proposed height of the modified development is therefore considered to be acceptable.

Clause 4.4 - Floor Space Ratio

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio (FSR) map.

The FSR map of Kiama LEP 2011 identifies that a maximum floor space ratio of 0.7:1 applies to the site.

As per the definition provided in Kiama LEP 2011 the gross floor area of the proposed development is 1067.1m^2. In this regard the proposed development has a FSR of 0.699:1 with the site and complies.

Clause 5.10 - Heritage Conservation

Clause 5.10 lists requirements for heritage conservation for items listed in Schedule 5 of Kiama LEP 2011.

The nearest listed item of heritage exists at 132 Terralong Street, approximately 110m from the development site. The modified proposal is not considered to adversely affect the heritage significance of that item.

Clause 6.2 - Earthworks

Clause 6.2 lists considerations for proposals which involve earthworks. The modified proposal complies with the objectives of the clause and as the proposed earthworks are ancillary to the proposed development separate development consent is not required.

Clause 6.12 – Essential Services

Clause 6.12 lists essential services for development that Council must be satisfied, before consent is granted, are available or that adequate arrangements have been made to make them available to the development. The essential services are:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) stormwater drainage or on-site conservation,

(e) suitable road access.

These services are available to and adequate for the proposed modified development. Relevant conditions of consent have been applied to the approved development, which will be maintained.

Overall, the proposed modified development is consistent with the relevant provisions of the Kiama LEP 2011 and is permissible within in the R3 Medium Density Residential zone.

Any Draft Environmental Planning Instruments

- Draft SEPP (Remediation of Land)

The new SEPP will retain elements of SEPP 55, and add new provisions to establish a modern approach to the management of contaminated land.

The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment. This objective remains relevant and will be replicated in the new SEPP. The key operational framework of SEPP 55 will be maintained in the new SEPP.

The proposed modified development is considered to be consistent with the requirements of the draft SEPP.

Kiama Development Control Plan 2020

As with the approved development, the proposed modified development is generally consistent with the relevant objectives and controls under Kiama DCP 2012.

As DCP 2020 is the 'in-force' DCP at the time of lodgement of the modification, the application must be assessed against DCP 2020. The proposed modification does not bring about any additional non-compliances beyond those with which variation was granted with the approved development.

The proposed modification does; however, involve an expansion of the front 6m building line encroachment, which is discussed below:

Control: C6.5.11 - Front setback 6m

The approved basement bin enclosure breaches the front setback to Thomson Street, having a proposed setback of 1 metre along a length of 5.75m, representing 20% of the street frontage. The approved garbage room encroachment is shown below in Figure 16:

Figure 16 – Bin enclosure basement as approved

The proposed modified development expands the garbage room toward the southern boundary, thereby intensifying the area of the building within the 6m front setback area. In this regard the length of the encroaching area increases to approximately 8.25m (i.e. 2.5m more than approved), representing 27.5% (i.e. 7.5% more than approved) of the street frontage. For comparison to Figure 16, the proposed modified garbage room is shown below in Figure 17:

Figure 17 – Proposed modified bin enclosure basement (NB: Approved building outlined with orange dashed line)

As with the approved development, when viewed from the front, the area of the modified bin enclosure is predominantly underground in a basement. Consistent with the approved development, the part of the garbage room that is visible from Thomson Street has a height of approximately 1.2m above finished ground level and acts as a landscaped platform for the building.

The encroaching area remains reasonably discreet in that it is well articulated in form, material and by landscaping.

The basement encroachment is considered to be a relatively minor element in the context of the overall building. The combination of the fall of the land, the design of the building and landscape treatment means that the basement frontage to Thomson Street is disguised and does not dominate the streetscape. The case for strict compliance in this instance is not of such strength that refusal of the variation is considered to be warranted.

Overall, the proposed development generally complies with the relevant controls of the DCP 2020, and where strict compliance is not achieved the objectives of the controls are maintained.

Any Planning Agreement

Nil.

Any Matters Prescribed by the Regulations

- <u>NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast</u>

The modified 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 structures on the site have been removed with the commencement of the originally approved development. The proposal was 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

During the course of the assessment of the original development application, Council's consulting architects, Bishop Hitchcock Irwin (BHI), reviewed the proposed residential apartment building design multiple times. These reviews made an invaluable contribution to the subsequently approved design.

Overall, the design of the approved development was considered to be reasonable when considered in relation to the context of the site. As previously highlighted, given the elevated nature of the site and the rising typography of Thomson Street, the building has been modulated to step across the site. The approved facade suitably addresses Thomson Street, with a clearly recognisable front entry and foyer adjacent to the vehicular access.

Like the original application, the proposed modification has been referred to BHI who have raised no significant concerns with the modified proposal. BHI noted that the proposed relocated position of the letterboxes reduces the area of glazing to the entry and recommended that the front entry be fully glazed by relocation of the letterboxes to outside the bulk room.

The letterboxes have been displaced from their approved position outside the bulk room in order to provide essential access to the pump room associated with the modified proposal. Whilst there is an opportunity to position the letterboxes at the eastern edge of the bulk room, this area is immediately adjacent to the front landscape area, which is more concealed and therefore is not ideal in terms of Crime Prevention Through Environmental Design principals. Furthermore, while there is less glazing at the entry, additional glazing has been introduced with a window facing the street from Unit 1 immediately above the building entry. It is also acknowledged that the front entry remains clearly legible as the entry to the building.

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

- Noise

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

- <u>Privacy and Overlooking</u>

As was discussed with the approved development, adjoining development to the south and west is on more elevated land than that of the subject site, with the neighbouring dwelling to the north downhill of the development. Less elevated sites are generally more exposed to potential overlooking and privacy loss impact from more elevated neighbouring land.

The proposed modified residential apartment building retains the approved 6m setback to side and rear boundaries, as required by the SEPP 65 Apartment Design Guide and Council's DCP 2020. In this respect the proposed modified development, like the approved development, satisfies the performance standard adopted by Council for building separation and privacy within medium density residential areas.

A roof top communal open space terrace was approved with the development and the proposed modified development alters the rooftop terrace by increasing the landscape area and re-orientating the accessible ramp. There are considered to be no significant privacy implications associated with this change.

In terms of privacy and overlooking, the roof top terrace, as proposed, remains sufficiently recessed from the edges of the building so as to prevent users looking down into the private open space areas within the development. This is strengthened with the planter boxes incorporated around the perimeter of the space to further assist with mitigation of overlooking, as well as reducing the overlooking of the adjoining neighbours properties.

The communal open space roof top terrace as approved and as proposed with the modification, is outlined in solid red in Figures 18 & 19 below for comparison:

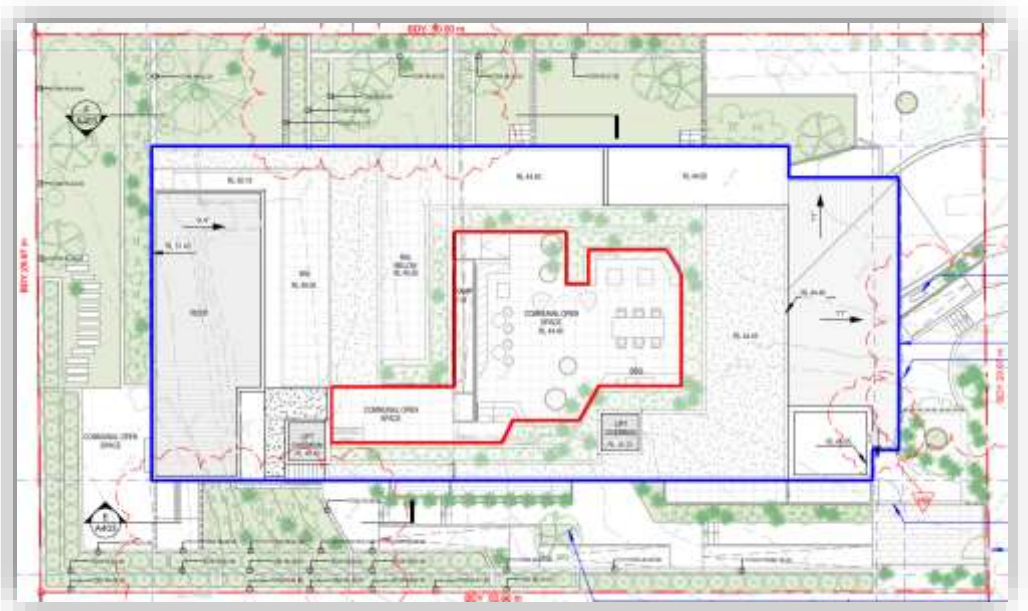

Figure 18 – Approved rooftop communal open space outline (in red), building edge outline (in blue) and property boundary (in red dash)

Figure 19 – Proposed modified rooftop communal open space outline (in red), building edge outline (in blue) and property boundary (in red dash)

Overall and on balance, no significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed residential apartment development.

- <u>Overshadowing</u>

The building heights approved with the development are maintained with the proposed modification.

The only aspect of the proposed modification that is expected to have additional overshadowing implications is the minor expansion of the top floor rear Unit 12 by approximately 1.2m toward the street at the northern end of the unit. This change will not have a significant impact on neighbours in terms of overshadowing, beyond that of the approved development.

Shadow diagrams have been supplied with the application to modify consent, which indicate that the overshadowing impacts of the proposed development will be reasonable, as shown below (NB: red line indicates shadow cast by the approved development:

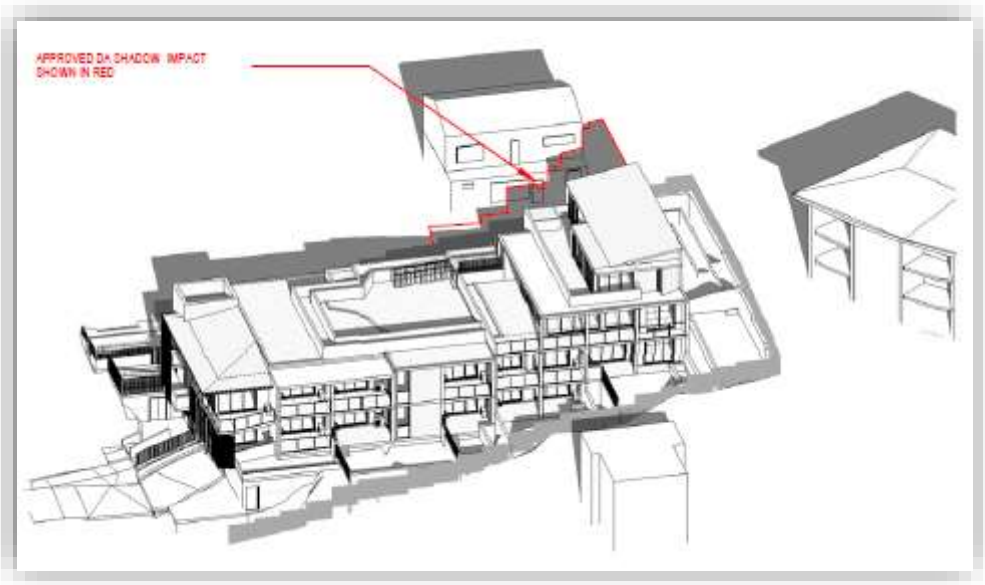

Figure 20 – 9am Shadows Mid-winter

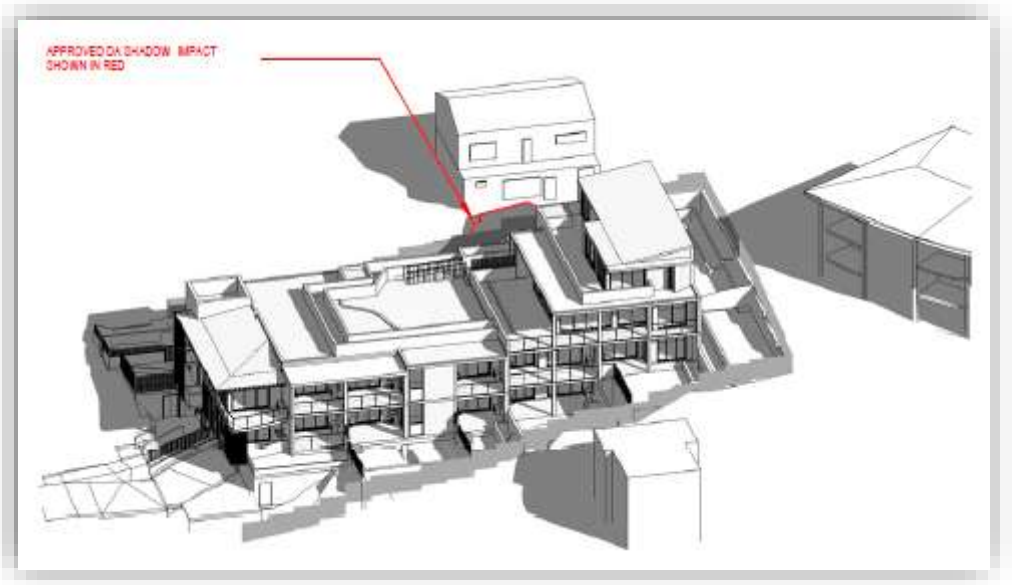

Figure 21 – 12 noon Shadows Mid-winter

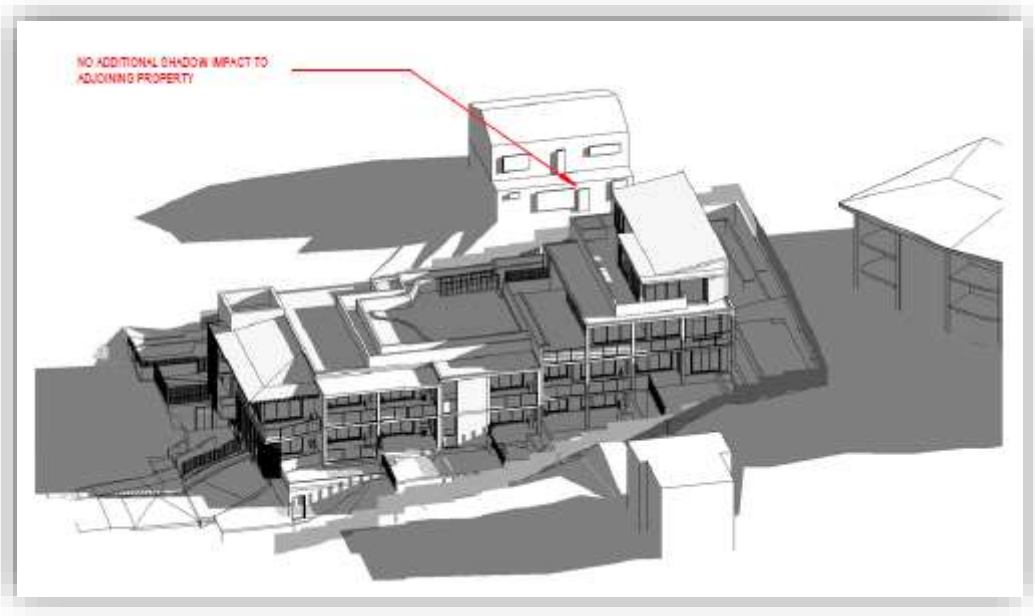

Figure 22 – 3pm Shadows Mid-winter (Plan and 3D perspective)

- <u>Views</u>

The building heights approved with the development are maintained with the proposed modification. Impact on views as a consequence of the development was addressed with the original proposal.

The proposed modification will have no significant additional impact in terms of view loss, beyond that of the approved development.

The only aspect of the proposed modification that has additional view loss implications is the minor expansion of the top floor rear Unit 12 by approximately 1.2m toward the street at the northern end of the unit. This change will not have a significant impact on neighbours views at 49 Thomson Street, as it will not impact the view corridor illustrated through the following diagram, as was submitted in the assessment report for the approved development.

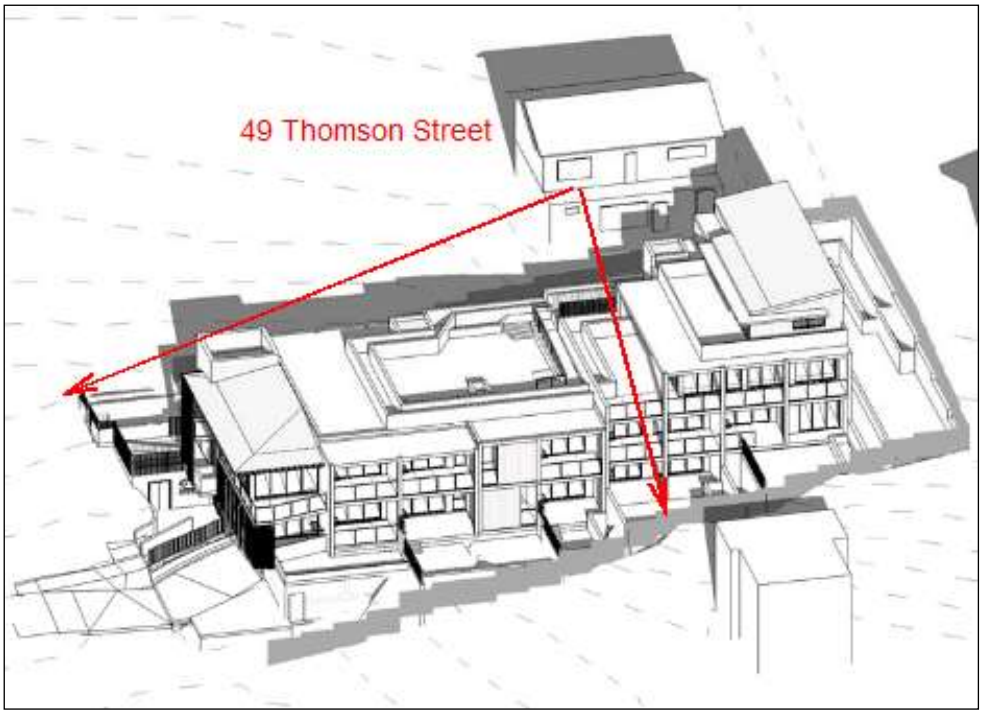

Figure 23 – View line available from 49 Thomson Street (NB: Approved development 3D diagram)

Similarly, the proposed change to the layout of the roof top communal open space area is also not expected to result in any unreasonable view loss impact beyond that of the approved development.

No concerns have been received from neighbours in terms of potential view loss/impact in relation to the modified proposal.

The modified proposal is not considered to have such an unreasonable adverse impact upon views currently available from neighbours that the application ought to be refused.

- <u>Vehicular Access, Parking and Manoeuvring</u>

Kiama DCP 2020 Chapter 3 Topic 3.6 – Transport, Access and Parking, Section 2.2 - *How much car parking is required*, prescribes that residential apartment development require:

- 1 space per 1 or 2 bedroom unit (8 x 2 bedroom units = 8 spaces); plus
- 1 additional space (i.e. 2 spaces) per 3+ bedroom unit (4 x 3 bedroom units = 8 spaces); plus
- 1 visitor parking space per 2 units (12 units = 6 spaces).

A total of 22 (8+8+6) parking spaces are required, and provided, for the residential apartment development. Sufficient car parking is proposed.

Council's Engineers have raised no objection to the modified development. 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 Thomson Street.

- Environmental Impacts

Vegetation Removal

The modified proposal does not trigger any issues in relation to vegetation removal as the site was cleared of vegetation with activation of the approved development.

Fauna Impacts

It is unlikely that the proposal will have any significant negative 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 have been imposed 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. No change to this is brought about with the proposed modification.

Impact on Water Resources

Stormwater will be conveyed to the street. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

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

The Suitability of the Site for the Development

The modified proposal is considered to fit well within the medium density residential zone and responds appropriately to the site attributes, which are considered to be conducive to development.

The following matters have also been considered:

- Traffic

The original development application was accompanied by a Traffic Assessment Report prepared by In Structure Consulting Engineers (Ref: INS18014 C), which concluded that the traffic impacts of the proposed development will be acceptable.

The proposed modification does not involve additional units or additional bedrooms, beyond that of the approved development, that would otherwise intensify traffic associated with the development.

The impact of the proposed modified development in relation to traffic and the local road network has been assessed by Council's Development Engineers, who have raised no objections to the development on the grounds of traffic, access, parking, or manoeuvring.

- Effect on public domain

The proposed modified development is considered to present well within the streetscape and townscape. The modified development is considered to be acceptable in terms of its effect on the public domain.

- Utility Needs and Supply

The development is serviced by all essential services. Relevant conditions of consent have been imposed.

- Safety, Security and Crime Prevention

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

- Operational Waste

The modified proposal properly considers waste storage and retrieval. The modified proposal has been considered by Council's Waste Services and no concerns have been raised.

- Operational Noise

The residential units are development that is expected of the R3 zone. Being residential in use the units are consistent with the surrounding residential environment and will not create any unexpected noise impact.

No ongoing significant noise impacts are expected as a result of the modified development.

- Risks to People and Property from Natural and Technological Hazards

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

- 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.

- BCA Compliance

Council's Building Officer has reviewed the proposal and has raised no issues in relation to BCA compliance.

- Site Stability

The results of the geotechnical site investigation and assessment for this site indicate the ground conditions are suitable for the proposed development.

Submissions

Public Submissions

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

External Referrals

Nil

Internal Referrals

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

- Subdivision & Development Engineer

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

- Waste Officer

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

The Public Interest

The modified proposal is considered to be consistent with all relevant Environmental Planning Instruments, is generally consistent with DCP 2020, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is generally suitable for the site and therefore is considered to be consistent with the public interest.

Final Comments and Conclusions

The proposed modified development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act, 1979 and is considered to be substantially the same development.

The Section 4.55 Modification of Consent Application No 10.2018.225.2 is consistent with Kiama LEP 2011 and relevant Kiama DCP 2020 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 modified development and no significant concerns are raised.

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

Draft Conditions of Development Consent

General

(1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as

10.2018.225.2 dated xx/xx/xxxx except as amended by the following conditions:
(g005.doc)

Reference	Document Title	Date	Drawn By/Nominated Architect
A-010 Revision J	Development Summary Comparison	03/11/2020	RW/Patrick Sim
A-200 Revision J	Basement Floor Plan	03/11/2020	RW/Patrick Sim
A-201 Revision J	Ground Floor Plan	03/11/2020	RW/Patrick Sim
A-202 Revision J	Level 1 Floor Plan	03/11/2020	RW/Patrick Sim
A-203 Revision J	Level 2 Floor Plan	03/11/2020	RW/Patrick Sim
A-204 Revision K	Level 3 Floor Plan	01/02/2021	RW/Patrick Sim
A-205 Revision J	Site / Roof Plan	03/11/2020	RW/Patrick Sim
A-250 Revision J	Adaptable Units Pre and Post – U10	03/11/2020	RW/Patrick Sim
A-251 Revision J	Adaptable Units Pre and Post – U09	03/11/2020	RW/Patrick Sim
A-252 Revision J	Adaptable Units Pre and Post – U05	03/11/2020	RW/Patrick Sim
A-300 Revision L	South-East and North-East Elevations	01/02/2021	RW/Patrick Sim
A-301 Revision J	North-West and South-West Elevations	03/11/2020	RW/Patrick Sim
A-301 Revision H	External Colour and Finishes Schedule	12/11/2019	KC/Patrick Sim
A-400 Revision J	Section A & B	03/11/2020	RW/Patrick Sim
A-400	Section C & D	03/11/2020	RW/Patrick Sim

Revision J			
A-603 Revision J	Garbage Room Plan	03/11/2020	RW/Patrick Sim

(2) The development shall be completed in accordance with the approved colour schedule shown on the approved Elevations Plans. The 'Metal Roof Grey' shall be within the medium to dark solar absorptance classification range. (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 issue 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) Car parking spaces must be allocated to the residential units on the following basis:

- One space per two bedroom unit
- Two spaces per three bedroom unit

The leasing of the units and any subsequent strata titling of the unit shall include car parking spaces as specified above.

(7) Road Occupancy approval, pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council prior to any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of the development. The following items shall be submitted to Council with the Road Occupancy application form a minimum of five days before approval is required:

- A completed application form;
- Fees in accordance with Council's adopted fees and charges;
- A traffic control plan endorsed by a person with Roads & Maritime Services accreditation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTMS Traffic Control at Worksites Manual. This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development;
- Public liability insurance for an amount of no less than $20M;

- Where excavation of a road or path surface will take place, a security bond in accordance with Council's adopted fees and charges; and
- Where road and footpath levels will be varied or the surface is altered, plans and specifications to Council's requirements.

(8) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:-

a The variation in hours required.

b The reason for that variation.

c The type of work and machinery to be used. (g165.doc)

(9) The property owners shall be made aware that all Aboriginal relics in NSW are protected under Section 90 of the National Parks and Wildlife Act 1974, which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site, without first obtaining the written consent of the Director-General of the National Parks and Wildlife Service. If such a site is discovered, the Southern Zone Archaeologist of the National Parks and Wildlife Service shall be contacted immediately. (g050.doc)

(10) The developer shall provide and maintain temporary fencing around the development site to prevent unauthorised entry into the site by persons and shall remove the temporary fencing upon completion of all work. (g140.doc)

(11) Prior to exportation of waste (including fill or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines. Materials identified for off site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility. All waste disposal receipts shall be retained by the site manager and made available to Council on request to validate disposal of waste.

(12) 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)

(13) The trees numbered 1 – 16 in the Arboricultural Impact Assessment prepared by Tree Survey Australia Pty Ltd, dated 28 January 2018, may be removed for the purpose of the development.

(14) The removal of vegetation from the site is to be supervised by a wildlife handler/ecologist whom is licensed under the NSW National Parks and Wildlife Act 1974, for the purpose of rescuing displaced wildlife. An aerial assessment is required for all tree hollows that are affected by the work and any tree hollow containing an animal is to be acted upon based upon the recommendations by the wildlife handler/ecologist, before tree removal proceeds.

(15) At all times work shall be carried out in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.

Contributions

(1) A contribution under Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 2 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **$63,350.63**. (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 **$20,000.00** in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

The developer shall submit a dilapidation survey prior to commencement of any work within the road reserve.

The bond shall be refunded in full subject to the following:-

a There being no damage to the infrastructure within the road reserve.

b Twelve (12) months has elapsed from the date of issue of the occupation certificate and/or subdivision certificate.

c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council. (pt013.doc)

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

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

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

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

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

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

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

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

(4) Each nominated adaptable housing unit (Unit 5, 9 & 10) shall, as a minimum requirement, meet "Adaptable house class C" requirements set out in Appendix A of Australian Standard AS 4299-1995 Adaptable housing. Certification from a suitably qualified professional stating that the Construction Certificate plans have met the requirements listed above shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate. (pt015.doc)

(5) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the issue of the Construction Certificate. (pt034.doc)

(6) A suitably qualified person shall prepare a Construction Environmental Management Plan (CEMP) for approval of the Principal Certifying Authority prior to any works commencing on site. The CEMP shall include, but not be limited to, the following items:

- timing and duration of works;
- location of work sites offices, compounds, stockpiles and refuelling areas;
- a description of the site and surrounds and location of environmentally sensitive areas;
- description of the impacts associated with the construction; activities and control measures;
- legislative requirements;
- on-site staff structure and responsibility;
- staff training, awareness and competency requirements;
- emergency planning and response;
- auditing and monitoring; and
- the supplementary plans:

- Soil and Water Management Plan;
- Noise and Vibration Management Plan;
- Air Quality (Dust Control) Management Plan;
- Waste Management Plan; and
- Traffic Management Plan

The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations are approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times. A copy of the approved CEMP and any variations shall be submitted to Council within five business days of approval.

(7) Prior to the issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the following requirements have been met:

- Car parking spaces, parking aisles, blind aisles, access driveways, circulation roadways and ramps comply with the requirements of the following Australian Standards:
  - i. AS 2890.1 - 2004 Off-street car parking;
  - ii. AS 2890.3 - 2015 Bicycle Parking; and
  - iii. AS 2890.6 - 2009 Off-street parking for people with disabilities.
- The car parking area shall be line marked and signposted in compliance with the requirements of the Australian Standards AS 1742.2, AS 1743, AS 1744, AS1906.1, AS 1906.2, AS 1906.3 and AS 4049.1.

(8) Prior to the issue of any Construction Certificate, design plans and specifications for the space to be provided and nominated within the kitchen for the interim storage in bins or containers as supplied for source separated garbage, recyclables and food organics from each unit, shall be submitted to the accredited Certifying Authority. Details should also include the specification of the proposed internal bins and signs to be provide. Reference should be made to design control requirements C2 and C3 in Chapter 11 Section 6 of Kiama Development Control Plan 2012.

(9) 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)

(10) 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)

Site Facilities

(1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times. (sf010.doc)

(2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials. (sf015.doc)

(3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:

a Stating that unauthorised entry to the premises is prohibited; and

b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

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

Erosion and Sedimentation Controls/Soil and Water Management

(1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:

a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.

b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.

c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.

d All the above requirements must be in place for the duration of the construction works. (esc005.doc)

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

a Minimise the extent of exposed areas at any time.

b Placement of temporary fill to fabric barriers down slope of exposed areas.

c Diverting surface run-off from upstream works as necessary to minimise to sediment pick-up.

d Provide temporary slope drainage as appropriate to avoid scour of embankments.

e Covering of stockpiles.

f Early installation of landscaping and water quality controls.

g Revegetation/resetting disturbed areas.

h Filtration of stormwater inlets and outlets.

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

(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)

Demolition Works

(1) Security fencing shall be provided around the perimeter of the demolition site and any additional precautionary measures taken, as may be necessary to prevent unauthorised entry to the site at all times during the demolition period. (dw010.doc)

(2) **Asbestos – Statement Required**

No later than seven days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be provided:

(a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and

(b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.

Asbestos – Licensed Contractors

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

Asbestos – Notification of Neighbours

Fourteen days prior to the commencement of any demolition works involving asbestos, all immediate neighbours (including residents within the Mayflower Village) should be notified in writing of the intention to carry out asbestos

demolition works. Copies of these written notifications should be retained and provided to Council.

Asbestos – Tip receipts

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

Asbestos – Clearance Certificate

Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

Asbestos – Less than 10m^2 of Bonded Asbestos Sheeting

Demolition works involving the removal of less than 10m^2 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)

(4) All demolition and construction work shall be undertaken in accordance with the NSW EPA Interim Construction Noise Guidelines 2009, NSW EPA Assessing vibration: a technical guideline 2006 and the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control Regulations) 2017* and other current and relevant Australian Standards including but not limited to the following:

a) All rock-breaking and ground impacting operations may only be carried out between 8:30am and 5:00pm on Monday to Friday, or between 9:00am and 1:00pm on Saturdays, and no work is to be carried out at any time on a Sunday or a public holiday.

b) Demolition works (other than rock-breaking and ground impacting) are restricted as follows:

- Monday to Saturday inclusive: 7:00am to 5:00pm
- Sundays and public holidays: No work

c) Organise demolition, earthmoving and ground impacting operations so as not to occur in the same time period.

d) Select demolition methods not involving impact where possible (e.g hydraulic rock splitters rather than rock breakers).

e) Further noise controls such as temporary noise walls as part of complaint management.

f) Maintenance of a complaints register.

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 driveway, car spaces & aisles;

c The proposed pavement treatment to the access driveway, car spaces & aisles. The minimum surface treatment shall be reinforced concrete, asphaltic concrete or segmental pavers on a reinforced concrete base;

d The location and reduced level of all services under the control of public utilities or agencies.

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

Access Construction

(1) The developer shall construct the footpath access driveway in compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's "*Driveway and Footpath Works Procedure Manual*". (ac001.doc)

(2) The developer shall restore any redundant vehicle crossing to barrier kerb in compliance with Council's "*Driveway and Footpath Works Procedure Manual*". (ac010.doc)

(3) The access driveway shall be constructed to meet the design requirements of Council's "*Driveway and Footpath Works Procedure Manual*". The access driveway shall be installed prior to the issue of any occupation certificate. (ac015.doc)

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

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

Car Parking and Vehicular Access

(1) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking. (c035.doc)

Stormwater Management

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

(2) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of *"Section D5 Stormwater Drainage"* of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the accredited Certifying Authority prior to the issue of a Construction Certificate. (sm055.doc)

(3) 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)

(4) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure meets with the approved design. The certification shall be provided to the accredited Certifying Authority prior to the issue of any Occupation Certificate. (sm130.doc)

(5) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the accredited Certifying Authority for assessment and approval prior to the issue of the Construction Certificate. (sm135.doc)

(6) The developer shall comply with the design requirements of Council's "*Water Sensitive Urban Design"* policy in association with the design requirements of *"Section D5 Stormwater Drainage"* of the Kiama Development Code as appended to Kiama Development Control Plan 2012.

Detail shall be submitted to the accredited Certifying Authority for assessment prior to the issue of the Construction Certificate. (sm150.doc)

(7) Stormwater run-off 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)

(8) Prior to issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design.

Inspections

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

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

Building Construction

(1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)

(2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)

(3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)

(4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)

(5) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:

a Preserve and protect the building from damage;

b Underpin and support the building in an approved manner, if necessary, and;

c At least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (bu100.doc)

(6) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)

(7) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)

(8) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;

Monday to Friday - 7.00 am to 5.00 pm

Saturdays - 8.00 am to 1.00 pm

No construction work is to take place on Sundays or Public Holidays. (bu151.doc)

(9) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)

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 Principal Certifying Authority prior to issue of any Occupation Certificate. (us005.doc)

(2) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access. (us045.doc)

(3) The wash bay shall be bunded and connected to the Sydney Water Corporation's sewer and be subject to a licensed trade waste agreement with the Corporation. The wash bay shall be provided with a cold water tap and power point.

Landscaping Works

(1) A detailed landscape plan shall be approved by the Principal Certifying Authority prior to issue of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama Development Control Plan 2012 and shall be consistent with the landscape concept plan. (lw010.doc)

(2) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)

(3) At the end of the 26 weeks week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)

(4) Prior to issue of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent. (lw170.doc)

Prior to Occupation

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

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

(2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified

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

(3) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

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

(4) The developer shall complete all access and drainage works prior to the issue of any occupation certificate. (po010.doc)

(5) A certified Works-As-Executed (WAE) drawing for all drainage and access related works shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of any Occupation Certificate (OC). The WAE drawing shall be signed by a Registered Surveyor. The WAE drawing shall show in red ink all changes to the approved Construction Certificate (CC) drawings and finished levels. The PCA shall not issue the OC if any changes to the approved CC design will cause an adverse impact on adjoining lands.

(6) Prior to issue of any Occupation Certificate, each residential parking space shall be clearly signposted with the apartment number.

(7) Prior to issue of any Occupation Certificate, each residential visitor parking space shall be clearly signposted with the wording that it is a visitor's space and time limits apply. The visitor's parking space shall not be made unavailable through the location of security systems (e.g. gates and roller doors).

(8) Prior to issue of any Occupation Certificate, the car wash bay shall be clearly signposted with the wording that it is a car wash bay.

(9) Prior to the issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the following requirements have been met:

- Car parking spaces, parking aisles, blind aisles, access driveways, circulation roadways and ramps comply with the requirements of the following Australian Standards:
    - AS 2890.1 - 2004 Off-street car parking;
    - AS 2890.3 - 2015 Bicycle Parking; and
    - AS 2890.6 - 2009 Off-street parking for people with disabilities.
- The car parking area shall be line marked and signposted in compliance with the requirements of the Australian Standards AS 1742.2, AS 1743, AS 1744, AS1906.1, AS 1906.2, AS 1906.3 and AS 4049.1.

(10) The development is to be provided with mail boxes in accordance with Australian Standard AS/NZS 4253 - 1994 which covers the dimensions, installation and positioning for mail boxes for receipt of mail. The Units 1 – 12 shall be numbered 1/47 through 12/47 Thomson Street respectively. (sf050.doc)

Conveyancing Requirements

(1) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for on-site stormwater detention system and associated stormwater drainage infrastructure.

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919.

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

FSR - Approved DA and Proposed S4.55			
	Permissible	Approved DA	Proposed s4.55
SITE AREA	1525.6m²		
FSR	0.7:1m²	0.686:1m²	0.699:1m²
GFA	1067.92m²	1046.9m²	1067.1m²

DEVELOPMENT SUMMARY - NO CHANGE		
NUMBER OF UNITS	12	
1 BED	0	
2 BED	8	
3 or more BED	4	
CAR PARKING (TOTAL)	22	
- RESIDENTIAL	16	
- VISITOR PARKING	6	
- BICYCLE PARKING	5	
COMMUNAL OPEN SPACE	395m²	25.9%
DEEP SOIL ZONE (GENERAL)	506m²	33.1%
DEEP SOIL ZONE (>6m)	362m²	23.7%

INDIVIDUAL UNIT SUMMARY - Approved DA												
UNIT	U01	U02	U03	U04	U05	U06	U07	U08	U09	U10	U11	U12
NET UNIT INTERNAL AREA (m²)	106m²	75m²	79m²	75m²	80m²	75m²	79m²	75m²	95m²	81m²	98m²	105m²
TOTAL POS/ BAL (m²)	64m²	19m²	58m²	38m²	60m²	13m²	15m²	13m²	25m²	65m²	71m²	58m²
NUMBER OF BED	3	2	2	2	2	2	2	2	3	2	3	3
NUMBER OF BATH	3	2	2	2	2	2	2	2	2	2	2	2
NUMBER OF PARKING	2	1	1	1	1	1	1	1	2	1	2	2
ADAPTABLE UNIT	--	--	--	--	Y	--	--	--	--	Y	--	--
STORAGE IN BASEMENT(m³)	5m³	5m³	5m³	5m³	5m³	5m³	5m³	5m³	5m³	5m³	5m³	5m³
STORAGE IN UNIT(m³)	5m³	4m³	4m³	4m³	4m³	4m³	4m³	4m³	5m³	4m³	5m³	5m³
NET STORAGE AREA (m³)	10m³	9m³	9m³	9m³	9m³	9m³	9m³	9m³	10m³	9m³	10m³	10m³

INDIVIDUAL UNIT SUMMARY - Proposed S4.55												
UNIT	U01	U02	U03	U04	U05	U06	U07	U08	U09	U10	U11	U12
NET UNIT INTERNAL AREA (m²)	106m²	75m²	79m²	75m²	80m²	75m²	79m²	75m²	97m²	83m²	104m²	111m²
TOTAL POS/ BAL (m²)	64m²	33m²	58m²	47m²	65m²	13m²	15m²	13m²	22m²	63m²	62m²	42m²
NUMBER OF BED	3	2	2	2	2	2	2	2	3	2	3	3
NUMBER OF BATH	3	2	2	2	2	2	2	2	2	2	2	2
NUMBER OF PARKING	2	1	1	1	1	1	1	1	2	1	2	2
ADAPTABLE UNIT	--	--	--	--	Y	--	--	--	--	Y	--	--
STORAGE IN BASEMENT(m³)	5m³	5m³	5m³	5m³	5m³	5m³	5m³	5m³	5m³	5m³	5m³	5m³
STORAGE IN UNIT(m³)	5m³	4m³	4m³	4m³	4m³	4m³	4m³	4m³	5m³	4m³	5m³	5m³
NET STORAGE AREA (m³)	10m³	9m³	9m³	9m³	9m³	9m³	9m³	9m³	10m³	9m³	10m³	10m³

AMENDMENTS OF THIS SECTION 4.55 APPLICATION

01: unit layouts reconfigured
02: staff toilet removed & storage room reconfigured
03: floor levels amended
04: pump room added & garbage room reconfigured
05: glazing amended
06: external steps removed & south communal open space reconfigured
07: letterbox relocated & entry door size amended
08: stair well reconfigured
09: roof top communal open space reconfigured

Specifications for BASIX compliance for '47 Thomson Street, Kiama, NSW'	
For full detail of BASIX commitments refer to BASIX certificate	
The following **Specifications** are the basis of the "BASIX" assessment and are subsequently indicated on the Assessor certificate. If they vary from drawings or other specifications these Specification shall take precedence. If only one specification is detailed for a building element, that specification must apply to all instances of that element for the whole project. If alternate specifications are detailed, the location and extent of the alternate specifications are detailed in the table below and/or clearly indicated on referenced documentation.	
Once the development is approved by the consent authority, these specifications will become a condition of consent and must be included in the built works	
Building fabric	External walls are Block Veneer type with **R2.0** Insulation and 40mm non reflective air gap.
Floor construction	200mm thick reinforced concrete suspended slab. Slab separating ground floor areas from the Basement car park is to be with **R2.0** insulation on the underside of the slab.
External walls	R2.0 insulation and/or as noted in the NatHERS certificates.
Internal walls	Internal walls are timber framed type without insulation.
Windows	As noted on NatHERS certificate
Floor coverings	Carpets in bedrooms and tiles in other places
Roof	Exposed roofs are reinforced concrete and metal deck type. Metal type with reflective sarking on the underside of the roof and **R5.0 Insulation on ceiling** Sloped roof is with **R3.5** insulation Exposed slab is with **R3** insulation
Color	Roofs and walls are medium colored.
Ceiling insulation loss	The lights 'IC-F' rated LED type which do not require loss of ceiling insulation. The only loss of insulation is due to the exhaust fans and it is to be less than 180mmX180mm. The exhaust fans are modeled for all Ensuites, bathroom and Kitchen.
Ceiling fans	Unit 12 is with ceiling fans. 1400mm dia. each fan in each bedroom and living area.
Lighting types	'IC-F' rated LED type
Ventilation fans:	Kitchen, bathroom and Ensuites are all with exhaust fans. Fans to be with self-closing damper. For full details please refer to BASIX report.
Notes:	1. The dwelling design should allow for insulation to be installed in compliance with the National Construction Code Part 3.12.1.1
	2. The dwelling design should allow for the requirements of the National Construction Code Part 3.12.5 for the design, location and insulation of services to be met.
	3. Windows and doors to be sealed with weather stripped.
	4. All windows above 1.7m above the ground are with openability less than 125mm as per NCC 2016 BCA Vol Two Section 3.9.2.5 Protection of Openable windows.

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WHERE ANY DISCREPANCY EXISTS BETWEEN FIGURED AND SCALED DIMENSIONS, THE FIGURED DIMENSIONS SHALL PREVAIL.
ALL WORK SHALL COPLY WITH RELEVANT AUSTRALIAN STANDARDS AND BCA
DO NOT SCALE DRAWINGS

CLIENT
AUSLIN GROUP PL, YIFU LI PL AND KIAMA 3 PL

PROJECT PN.171219
47 THOMSON STREET KIAMA

REVISION

Rev	Date	Description
J	03/11/2020	S4.55 LODGEMENT

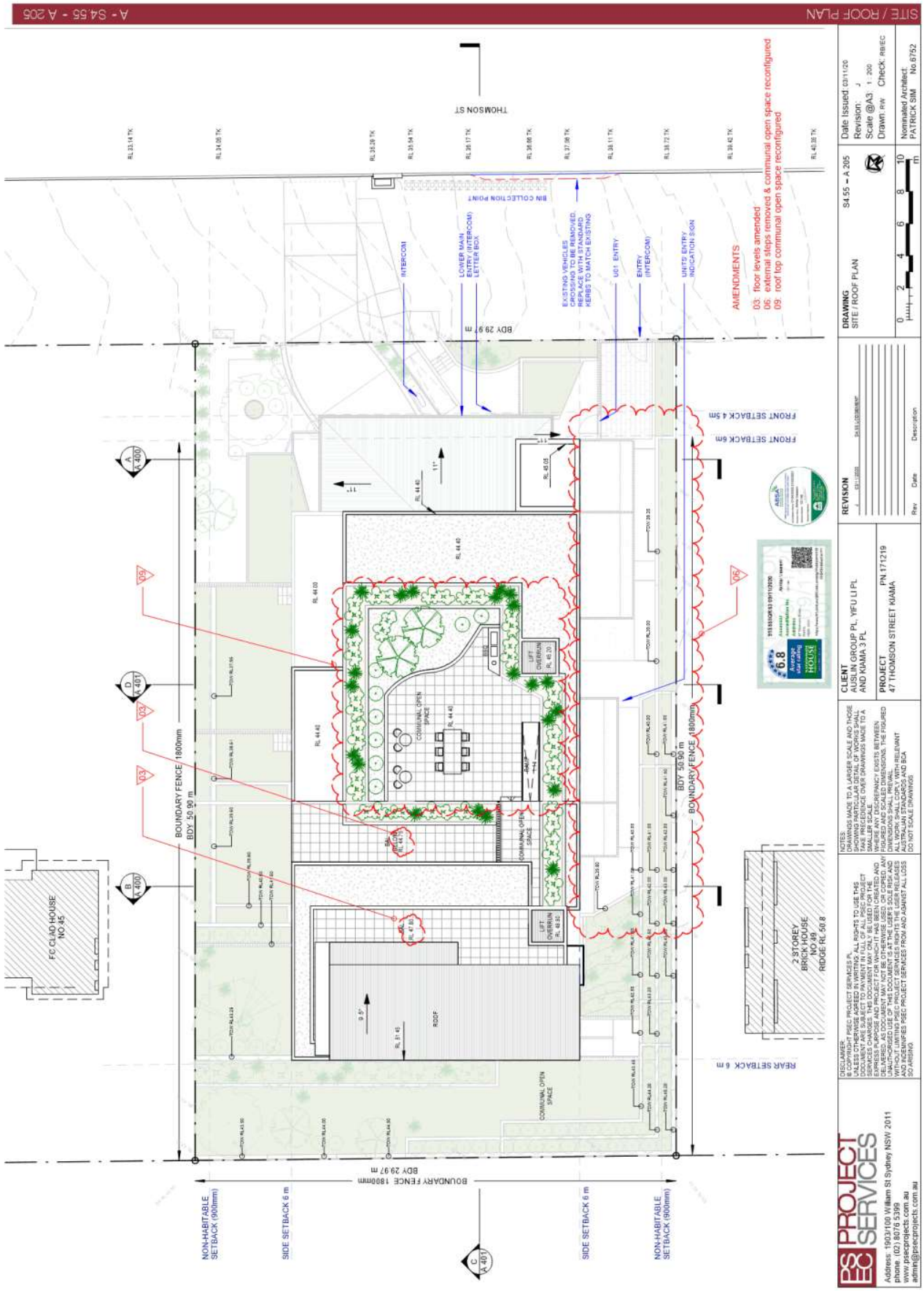
DRAWING S4.55 – A 010
DEVELOPMENT SUMMARY COMPARISON

Date Issued: 03/11/20
Revision: J
Scale @A3: 1 : 1700
Drawn: RW Check: RB/EC

Nominated Architect:
PATRICK SIM No.6752

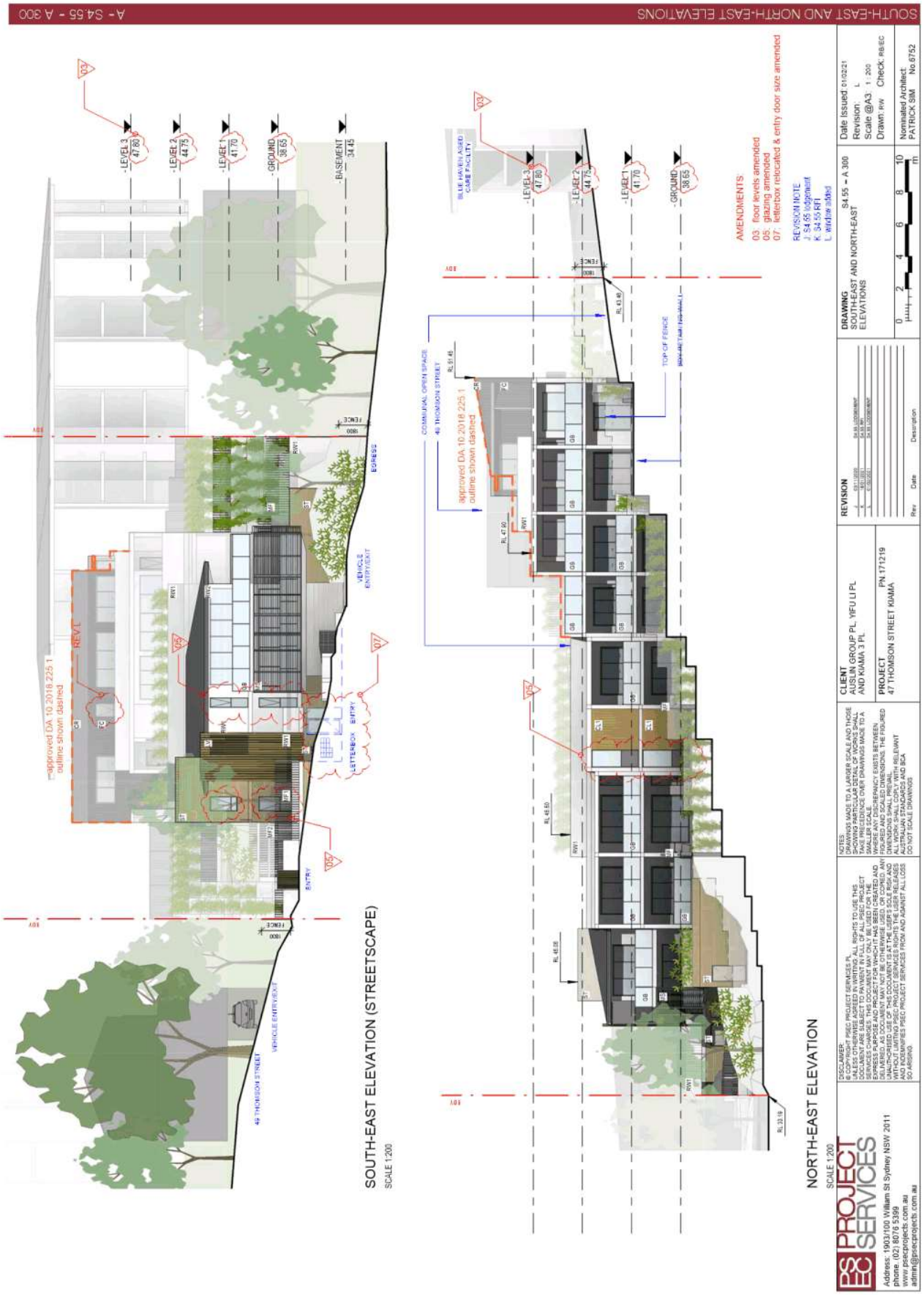
A - S4.55 - A 010

DEVELOPMENT SUMMARY COMPARISON



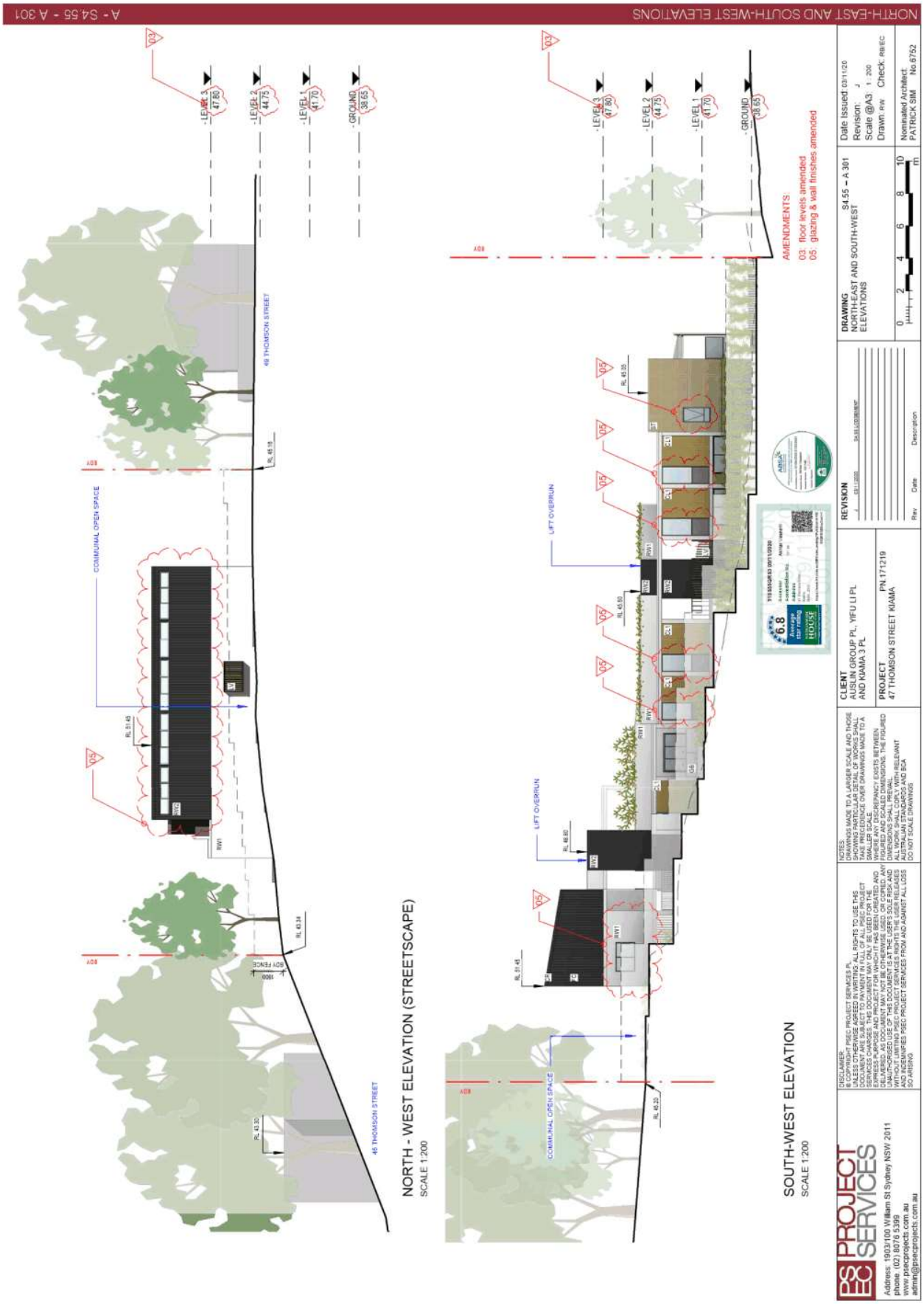
Item 12.3

Attachment 1



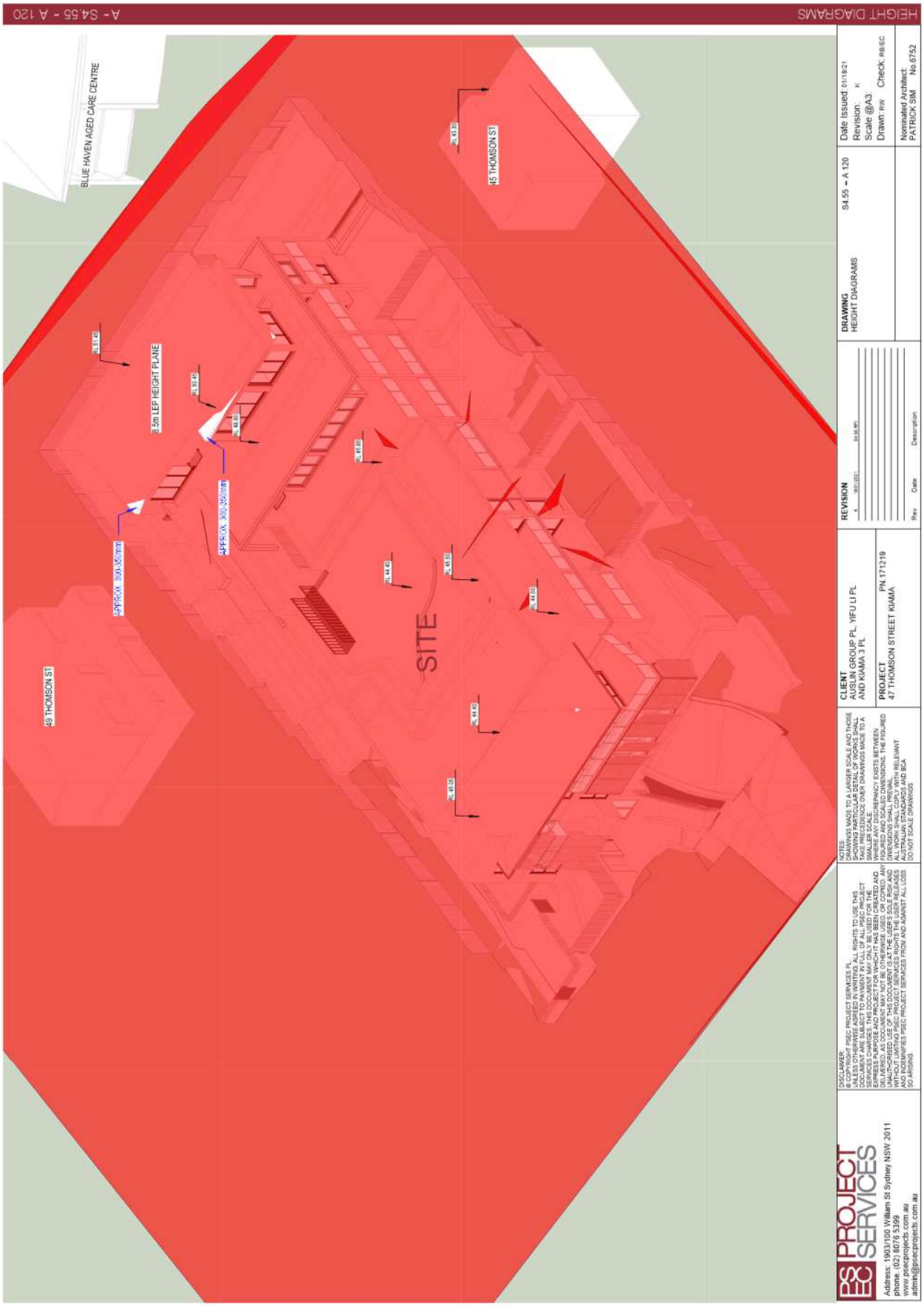
Attachment 1

Item 12.3



Item 12.3

Attachment 1



Attachment 1 **Item 12.3**

Proposed Apartment Development
At 47 Thomson Street,
Kiama, NSW, 2533

SEPP 65 Design Verification Statement
Version: B
Issue Date: 23/03/2021

Prepared for: Auslin Group Pty Ltd, Yifu Li Pty Ltd, and Kiama 3 Pty Ltd

Prepared by: Patrick Sim (NSW 6752)
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Version	Revision Date	Description	Initial Name
A	24/07/2018	DA Submission	PS
B	23/03/2021	S4.55 Submission	PS

Executive Summary

This statement is a supporting document to the Modification for Development Application 10.2018.255.1 apartment development at 47 Thomson Street, Kiama, NSW 2533 (subject site).

The proposed development comprises of 1 basement car parking level for car parking and 3 storeys residential flat building.

This statement assesses the proposal against the nine design quality principles (Schedule 1) of the *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP65) (commenced on 17 July 2015); and objectives and design criteria of Part 3 & 4 of *Apartment Design Guide* (ADG) (published by NSW Department of Planning, in July 2015).

Design Quality Principles

Design Quality Principle 1 – Context and Neighbourhood Character

"Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change."

Design Response

The subject site is located at 47 Thomson Street, Kiama. The site sits on the western end of Kiama Town Centre Precinct and is zoned R3 Medium Density Residential according to Kiama Local Environmental Plan 2011. The surrounding areas are transitioning from detached dwellings to medium density residential, such as residential flat buildings, villas and aged care apartment.

Council's own 6 storeys Blue Haven Age care development, contains 82 bed cared facilities and 203 independent living apartments, is located directly behind the subject site.

Image: land use near the town centre

Public transport, services and key open spaces near the site are:-

- Centro Kiama shopping mall including Woolworths supermarket 270m to the north;
- Kiama Public School across from Thomson street 250km;
- Kiama shops along Terralong Street 50 m to the east;
- Kiama Train Station 800m to the south-east;
- Kiama Leisure Centre 500m to the west.

The proposal consists of 12 residential apartments and associated parking spaces. The land use complies with R3 objectives. The small scale of 12 apartments is suitable for a fringe development near the town centre. Both the use and the scale are therefore compatible with the contexts.

1

S4.55 Note: The proposed modifications are relatively minor in terms of Context and Character as the building type and layout of the development is maintained. These therefore do not affect or change the design response under this principle.

Design Quality Principle 2 – Built Form and Scale

"Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook."

Design Response

This section of Thomson Street is characterised by a predominantly 2 storeys detached dwellings with pitch roof, with the exception of the 3 storeys development at the corner of Terralong St & Thomson St. The top 4 storeys and the large pitch roof of Blue Heaven age care development can also be seen from the southern end of Thomson Street.

There is no consistent setback along this section of Thomson Street. Dwellings has setback from 3m to 20m approximately due to the present of a few mature trees. Apartments has zero setback facing Terralong St & Thomson St. On street angled parking and Kiama public school's car park dominate the streetscape of the eastern side of Thomson Street.

The street also characterised by its steep gradients. The slope changes from gentle (near Terralong St intersection) to steep (near Bong Bong St intersection). As a result, dwellings developments typically have of large cut and fill and sub-floor protrude to the above natural ground.

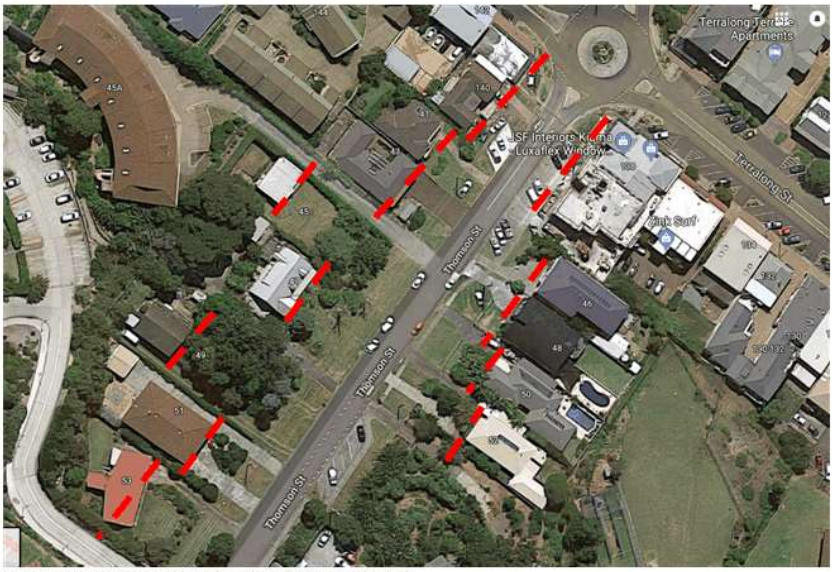


Image: existing setback on Thomson Street.

In the absent of dominant front setback line, the proposal has adopted the 6m front setback from the DCP requirement.

The building massing is broken into two portions in responding to the topography of the site. The front portion of the building consists of 6 apartments and 1 two-storey townhouse. The rear portion consists of 5 apartments. A pitch roof is used to reflect the existing surrounding built form.

The setback, built form and height of the proposed development would therefore achieve a suitable relationship between the existing built forms along the street as well as future character of the neighbourhood.

S4.55 Note: Setbacks are maintained with only some minor changes to the general building envelope. The proposed modifications therefore do not affect or change the design response under this principle.

Design Quality Principle 3 – Density

"Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment."

Design Response

The proposed site falls within the LEP R3 Medium Density Residential zone which aims to provide the housing needs of the community within the environment to permit residential flat building in locations close to proximity to shops, services and public transport.

The proposed FSR is 0.7:1 which is in line with the FSR controls. The proposed building is within the setback. The building achieves the separation as prescribed by the standards, the building massing is designed not to be visually obtrusive to the surroundings environment.

The density of the building is therefore appropriate to the site and its surrounding.

S4.55 Note: Unit number and types are maintained with only a minor change to the total GFA. The proposed modifications therefore do not affect or change the design response under this principle.

Design Quality Principle 4 – Sustainability

"Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation."

Design Response

Passive environmental strategy & sustainability has been integrated into the design process. The building orientation maximises northern orientation for solar access and views whilst minimising west and east orientation for reduced glare and heat gain in summer. All apartments are north facing and receiving more than 2 hours solar access in mid-winter.

The layout of the unit is designed to provide cross through apartments giving maximum natural cross ventilation to the development meeting high standard of amenity.

Furthermore, BASIX certificate and NatHERS thermal assessment is submitted with this DA lodgement to ensure all apartments complied with the requirement standard.

S4.55 Note: An updated BASIX certificate has been submitted for the proposed modifications. Solar access and cross ventilation have also all been maintained. The proposed modifications therefore do not affect or change the design response under this principle.

Design Quality Principle 5 – Landscape

"Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management."

Design Response

The landscape design will be carefully considered in this development to enrich the landscape of the site with respect to existing vegetation that has shaped the characteristic of the locality.

The landscape design comprises of a large densely landscaped area at the front setback, a communal area at the rear in a more private location of the site and a semi-private communal area for the circulation path. These open spaces provide opportunity for various levels of activities and interaction with residents. The front private open space to the individual terrace unit acts as a buffer zone to increase privacy to the residences but at the same time provides passive surveillance to the central walkway.

With sustainability concept integrated as part of the design process, the development achieves 25.4% deep soil area which allows native species, large canopy trees and various shrubs to be planted, particularly in the large front setback where it will have the greatest impact on softening the built form and massing.

The potential for larger vegetation creates a sufficient buffer between surrounding development. Details of species, location and extend of landscape areas are shown on the landscape plan submitted with this DA lodgement.

S4.55 Note: Minor amendments to the landscaping on the southwest boundary have improved on the amenity for ground level units and simplified the external access to the rear units. Areas for Communal Open Space and Deep Soil planting are still maintained. The proposed modifications therefore do not affect or change the design response under this principle.

Design Quality Principle 6 – Amenity

"Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility."

Design Response

The proposed units will have considerable internal amenity and achieves the minimum sizes outlined in the Apartment Design Guide. The layout of the unit is sufficient in size to cater for a range of age group with provision of two adaptable housing for special needs. Storage areas are provided at least 50% within the units and the rest will be in a lockable storage area in the basement.

The communal and private open spaces are adequate in size meeting the minimum required under ADG to promote variety of recreational use on site. The privacy to adjoining properties is protected by the use of privacy screens and vegetation to prevent overlooking.

The building depth from glass line to glass line is between 12-16m which is within the 18m under ADG. The building is separated by adequate landscape, walkway and driveway to promote breezeway, solar access and cross ventilation.

Refer to ADG table for the compliance of the amenities numeric controls.

S4.55 Note: As above, minor amendments to the landscaping on the southwest boundary have improved on the amenity for ground level units and simplified the external access to the rear units. Areas for Communal Open Space and Deep Soil planting are still maintained. Orientation and position of windows / glazed doors are maintained. Storage allowances are maintained. The proposed modifications therefore do not affect or change the design response under this principle.

Design Quality Principle 7 – Safety

"Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose.

Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose."

Design Response

Similar to other development found in town centre area, the security control point is located close to the front boundary. The pathway leading to the lift lobby has incorporated small gathering places to allow residents gathering. The pathway will be well-lit and the private open space connecting the pathway will offer passive surveillance to provide safety to the travellers.

Lobby entry

The pedestrian entry is located on the southern side of the frontage separated from car park driveway.

The car parking spaces are all located in the basement garage with key card access to the lobby. The basement garage area will be controlled electronically via intercom and remote access for all visitors and residents.

The design has windows & balconies located in all elevations to provide passive surveillance to the communal area and public domain. Active security to the building is provided by swipe card systems, CCTV and intercom for both residents and visitors.

In conclusion, the development is designed in accordance with the objectives and better design practice of the Crime Prevention through Environmental Design (CPTED).

S4.55 Note: Pedestrian and vehicle access points are maintained. The proposed modifications therefore do not affect or change the design response under this principle.

Design Quality Principle 8 – Housing Diversity and Social Interaction

"Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents."

Design Response

The proposed development provides 11 apartments and 1 terrace with 66% as 2-bedroom apartments, 33% as 3-bedroom apartments. In addition, there are 25% of apartments are adaptable.

92% of these apartments are single levelled, they are design for people with minor mobility problem but not necessary require wheel chairs for their day to day living. The only one 2-storey terrace is designed for younger family which may need some degree of privacy and enjoy the proximity to shop and surf.

The apartment mix is considered appropriate for the area, providing a diversity of housing choice for Kiama.

S4.55 Note: Unit mix is maintained. The proposed modifications therefore do not affect or change the design response under this principle.

Design Quality Principle 9 – Aesthetics

"Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape."

Design Response

The proposed forms, materials, finishes and architectural elements is suitable to the current context and desired future character of the area in relation to aesthetics, scale and bulk. The proposal articulating the roof form to follow the slope of the site and the surrounding pitch-roof dwellings.

Colourbond roof, masonry block, FC panels and rendered concrete are the common materials and finishes found in the façade of other buildings along Thomson Street. The proposed façade has used these materials keeping the texture similar to the surrounding.

S4.55 Note: Only minor alterations to the building envelope and glazing. Material finishes and architectural proportions and features are all maintained. The proposed modifications therefore do not affect or change the design response under this principle.

Conclusion

The design complies fully with the SEPP65 and Apartment Design Guide (ADG) design principles, particularly the need to integrate into the existing/desired future character of the area and streetscape, create good residential amenity and safety for residents and the public domain, and promote density in an area where it can be supported. The proposed S4.55 modifications are considered minor and do not detract from the original design response to address these design principles.

Yours Sincerely,

Patrick Sim
(NSW 6752)
Director

12.4 10.2020.208.1 – Lot 49 DP 241462 - 44 Armstrong Avenue, Gerringong - Demolition of existing dwelling, new 2 storey dwelling & pool

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

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

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

Summary

This report reviews Development Application No 10.2020.208.1 which involves the demolition of an existing dwelling and construction of a two storey dwelling and pool.

The report recommends that Council approve Development Application No 10.2020.208.1 as the proposal is:

- Permissible in the R2 Low Density Residential and complies with the zone objectives and is consistent with the relevant development standards of the Kiama Local Environment Plan 2011 (LEP); and generally consistent with the Kiama Development Control Plan 2020 (DCP), with the exception of the cut and fill control contained within Chapter 3 and the building height plane control contained within Chapter 6.

Requests to vary these DCP controls have been received.

Finance

N/A

Policy

N/A

Consultation (Internal)

Please refer to the “Internal Referrals” section in this report.

Communication/Community Engagement

Required: Yes (letter notification).

Notification Period: 14 days from 18/11/2020 to 02/12/2020.

Submissions: Eight (8) submissions.

Reason for the Report

This report is submitted to Council because only the elected Council can determine applications involving more than 5 objections.

Attachments

1 10.2020.208.1 - plans⇩

Enclosures

Nil

RECOMMENDATION

That Council approve Development Application No 10.2020.208.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

BACKGROUND

Development Site

The property is described as Lot 49 DP 241462 which is located at 44 Armstrong Avenue, Gerringong.

The overall site measures 600.7m^2 and is rectangular in shape. The site currently contains a dwelling house and is bounded by residential development containing principally dwellings.

The site is zoned R2 Low Density Residential under Kiama LEP 2011.

The site is cleared and slopes steeply from the west corner to the east corner with a fall of 9m or approximately 26%. The site drains to the existing system.

Figure 1 – Locality Plan

Access to the property is gained via direct frontage to Armstrong Avenue (ie. a Public Road).

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

The site is subject to the following constraint:

- Areas mapped in Kiama LEP 2011 as acid sulphate soils

Figure 2 – Site Photograph (Aerial View)

Background

The development application history is as follows:

DA No	Description	Lodgement	Determined	Decision
06.1982.120.1	Dwelling	30/03/1982	07/05/1982	Approved

Description of the Proposed Development

The proposal involves the demolition of an existing dwelling, construction of a 2 storey dwelling and pool.

The proposed dwelling is split level with 3 floors designed to follow the sloping topography of the site. The proposed dwelling is setback 6.82m from Armstrong Avenue, 1.1m from the northern side boundary, 0.9m from the southern side boundary and 10.47m from the rear (east) boundary.

The proposed dwelling features the following:

- Level 1 (FFL 28.65)
  - Internal stairs
  - Rumpus/games room
  - Laundry, bathroom and WC
  - Bed 1 and Bed 2
  - Lower deck
- Level 2 (FFL 31.65)
  - Double garage

- Entry
- Internal stairs
- Open plan kitchen, living and dining
- Pantry
- Powder room
- Bed 3
- Upper deck

- Level 3 (FFL 34.75)
  - Master Bed with deck
  - Ensuite
  - Walk in Robe
  - Study
- Swimming Pool.

The proposal is shown in Figures 3-8 below:

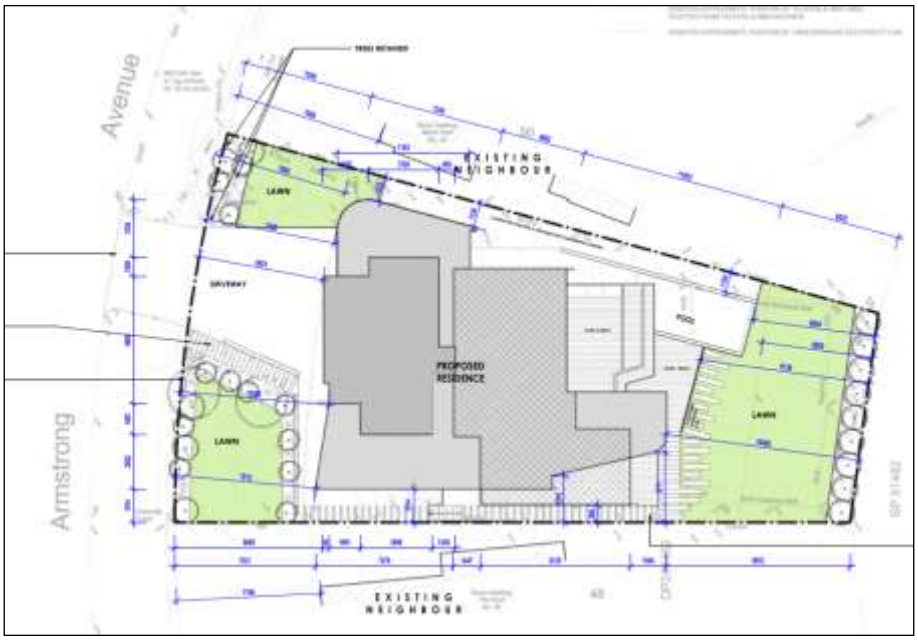


Figure 3 – Site Plan

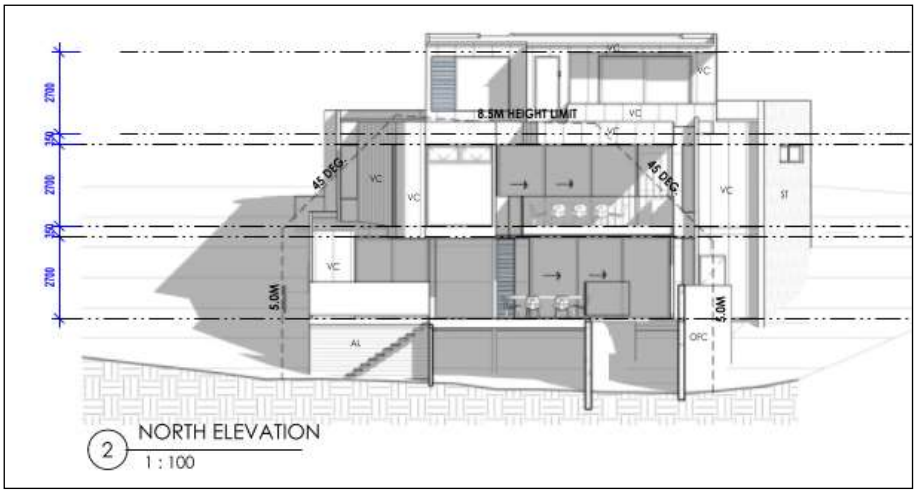


Figure 4 – North Elevation

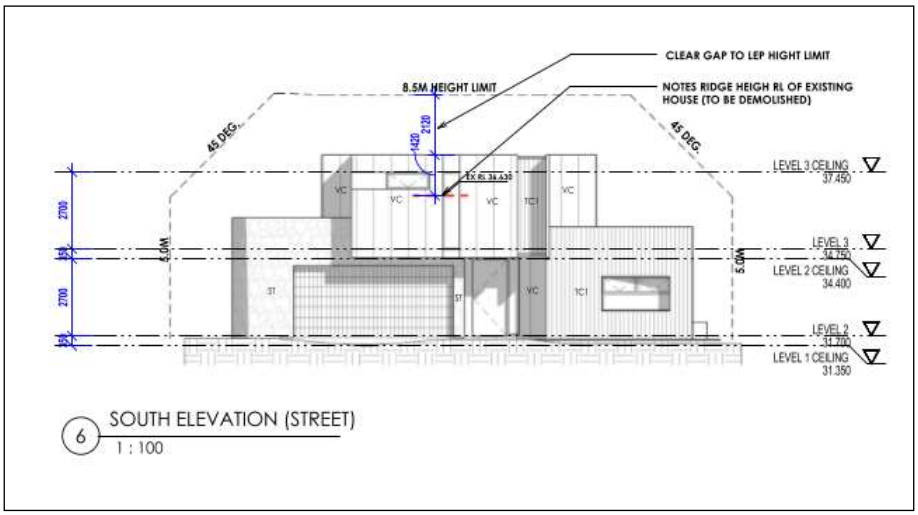


Figure 5 – South Elevation (streetscape Armstrong Ave)

Figure 6 – East Elevation

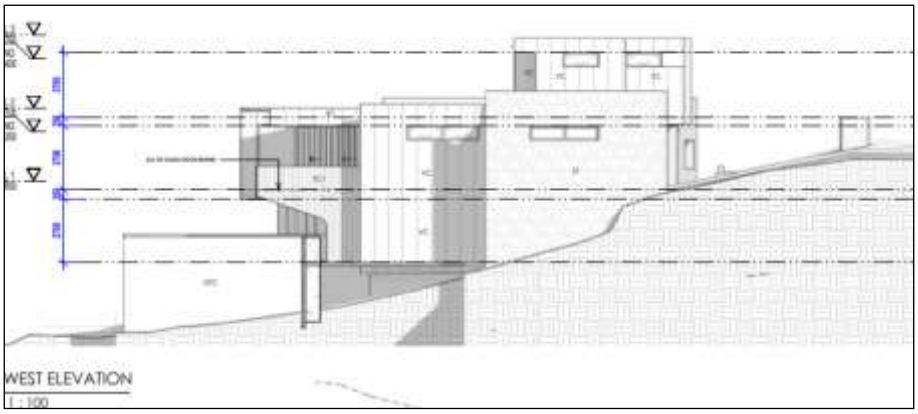


Figure 7 – West Elevation

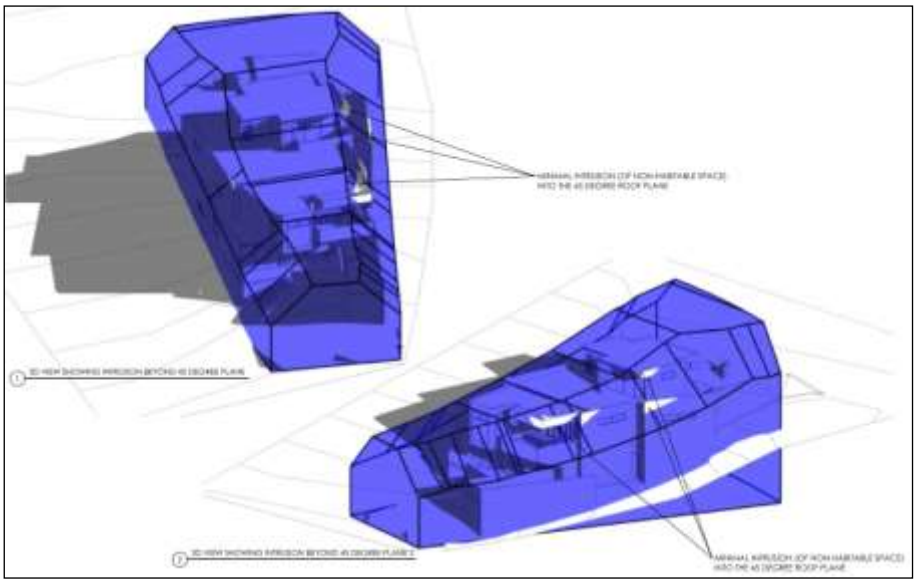


Figure 8 – 3D Height Blanket Model

Section 4.15 Assessment

The proposed development has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended) and the following matters are considered relevant.

Relevant Environmental Planning Instruments

- State Environmental Planning Policy (Coastal Management) 2016

The 'coastal zone' is defined in the Coastal Management Act 2016 as four coastal management areas comprising: *Coastal Wetlands and Littoral Rainforests Area*; *Coastal Environment Area*; *Coastal Use Area*; and *Coastal Vulnerability Area*.

The site of the proposal is partially within the mapped *Coastal Use Area.*

In the *Coastal Use Are*a the focus is on ensuring appropriate urban development for coastal areas, taking into account urban design issues such and maintaining scenic qualities, visual amenity and aboriginal cultural heritage and places.

The SEPP states:

Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:

a) is satisfied that the proposed development:

i. if near a foreshore, beach, headland or rock platform—maintains or, where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and

ii. minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and

iii. will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and

iv. will not adversely impact on Aboriginal cultural heritage and places, and

v. will not adversely impact on use of the surf zone, and

b) has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development.

The proposed location of the demolition of existing dwelling. new two storey dwelling & pool:

- is not near, and does not impact access to a foreshore, beach, headland or rock platform, and
- does not cause overshadowing or wind funnelling; and
- does not cause the loss of views from public places to foreshores, and
- does not adversely impact the visual amenity or scenic qualities of the coast.

- <u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u>

A BASIX Certificate (1132297S) was lodged for the new dwelling with the application which demonstrates that the dwelling has been designed in accordance with BASIX.

- <u>State Environmental Planning Policy No 55 - Remediation of Land</u>

Clause 7 of the SEPP No 55 requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required. Council is unaware of any historic land use which would deem the site unsuitable for the proposed development, therefore the land is considered to be suitable for the proposed use.

- <u>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</u>

Clause 9 and 10 of the SEPP (Vegetation in Non-Rural Areas) 2017 outlines that consent is required for the clearing of certain vegetation in non-rural areas. Council's DCP 2020 outlines that certain trees can be removed without requiring consent. No trees are proposed to be removed as part of this development.

- <u>Kiama LEP 2011</u>

<u>Clause 2.3 - Zone objectives and Land Use Table</u>

The subject land is zoned R2 Low Density Residential under Kiama LEP 2011. The proposal is defined as a *dwelling house* under the provisions of LEP 2011, which are permitted with consent in the R2 Low Density Residential zone.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

As the proposal will provide for the housing needs of the community within a low density residential environment, and provides economic and employment opportunities for people who conduct business activities from their homes where these will not adversely affect the amenity of neighbours or the neighbourhood. Therefore, the proposal is considered to be consistent with the zone objectives.

Specific clauses requiring consideration:

Clause 4.3 - Height of Buildings

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map. The height of building map identifies that a maximum building height of 8.5m applies to the site. The proposed residential dwelling will have a maximum height of 8.49m above existing ground level and as such complies. A building height blanket was submitted with the application to demonstrate compliance, see Figure 8.

Clause 4.4 - Floor Space Ratio

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio (FSR) map. The FSR map of the Kiama LEP 2011 identifies that a maximum floor space ratio of 0.45:1 applies to the site. As per the definition provided in Kiama LEP 2011 the *gross floor area* of the proposed development is 264.9m^2. In this regard the proposed development has a FSR of 0. 44:1 with the site and as such complies.

Clause 5.10 - Heritage Conservation

Clause 5.10 lists requirements for heritage conservation for items listed in Schedule 5 of Kiama LEP 2011. An item of heritage does not exist on the property nor are there any heritage items within the vicinity of the development.

The proposal meets the objectives of the clause and is not likely to adversely affect any heritage significance.

Clause 6.1 - Acid Sulfate Soils

Clause 6.1 lists requirements for land affected by Acid Sulfate Soils.

The site is subject to Acid Sulfate Soils Class 5. Development consent is required for the carrying out of works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

A Geotechnical Report was submitted with the application making the following comments:

> *The NSW Department of Land and Environment shows the site is located south of areas known to be underlain by acid sulfate soils (ASS) but is not itself*

underlain by ASS. The site has an elevation of 33m and therefore is above any potential ASS materials that are typically encountered at elevations of 5m AHD or lower. Consequently, no further assessment for ASS is deemed required.

Due to the elevation of the site (33m AHD), it is considered that proposed works are unlikely to lower the watertable below 1m AHD on adjacent Class 1, 2, 3 or 4 land.

This requirement has been satisfactorily addressed.

Clause 6.2 - Earthworks

Clause 6.2 lists considerations for proposals which involve earthworks. The proposal complies with the objectives of the clause and as the proposed earthworks are ancillary to the proposed dwelling separate development consent is not required.

The proposed development is consistent with the relevant provisions of the Kiama LEP 2011 and is permissible within in the R2 Low Density Residential zone.

Any Draft Environmental Planning Instruments

- Draft State Environmental Planning Policy

The following draft State Environmental Planning Policies (SEPP) have been exhibited and are required to be considered:

- Draft SEPP (Environment)

The draft Environment State Environmental Planning Policy (SEPP), with accompanying maps, was on public exhibition from 31 October 2017 until 31 January 2018. The draft SEPP is not applicable to the subject site as it is not identified on the maps.

- Draft SEPP 55 – Land Remediation

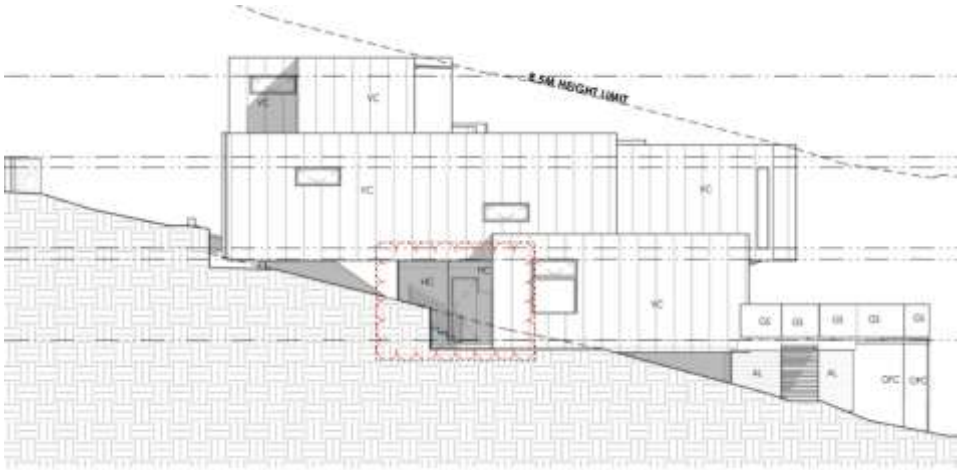
The draft Land Remediation State Environmental Planning Policy (SEPP), with accompanying maps, was on public exhibition from 25/01/2018 until 13/04/2018. The draft SEPP is under consideration and has not been gazetted at this time.

Council is unaware of any historic land use which would deem the site unsuitable for the proposed development, therefore the land is considered to be suitable for the proposed use.

Kiama DCP 2020

The proposed development is not inconsistent with the objectives Kiama DCP 2020. The minor non-compliances are addressed in the table below:

Control	Comment
Chapter 3 – Common Requirements	
C3.3.1	A 1.2m cut is proposed along the eastern boundary on Level 1 to provide level access to the laundry as highlighted below:

Control	Comment
• *Cutting and filling is limited to 900mm*	 **Figure 9 – East Elevation** A variation request was submitted by the applicant. **Applicant's Justification** • The reason for the variation is due to the steep slope of the site and therefore the cut assists in lowering the total height of the development to comply with the 8.5m height limit under Kiama LEP 2011. • Proposed retaining walls in this location are to be engineered to ensure structural adequacy. **Assessing Officer's Comments** As shown on the eastern elevation above, the site is steep in nature falling from the road to the rear of the property. As such, the dwelling has been designed to follow the topography of the site resulting in the 1.2m cut to allow the dwelling to sit lower on the site and comply with the maximum building height prescribed by Kiama LEP 2011. The cut creates a level area that provides access to the middle floor of the dwelling at the laundry and is partially disguised by the side access steps that run adjacent to the dwelling from the front of the site to the rear. The cut is not considered to have an unreasonable adverse impact on adjoining properties or the streetscape. The cut is unlikely to be visible from the street due the topography of the site as well as the staircase proposed over the cut. The proposal includes a 1.8m high boundary fence that will result in the cut being partially screened from the adjoining property.

Control	Comment
	Relevant conditions of consent will be imposed should consent be forthcoming, protecting the adjoining dwelling from damage due to the excavation. Based on the above, the proposed variation is supported.
Chapter 6 – Residential Accommodation	
C6.1.15 • *Building Height Plane*	The proposed dwelling house intrudes into the building height plane as prescribed by C6.1.15 of KDCP 2020. The applicant has requested a variation. **Applicant's Justification** • The variation is minor with minimal visual or amenity impacts on neighbours. • The parapets that intrude have a slim profile in keeping with the language of the design. • The intrusion area does not consist of habitable space and is required to achieve a minimum ceiling height of 2.7m. • The intrusion at the highest instance (corner of level 2 deck) is 923mm above the 45-degree plane measured vertically. **Assessing Officer's Comments** The proposed intrusion into the building height plane is minor in nature and does not consist of habitable space. The subject site is steep in nature falling to the rear boundary, requiring the dwelling to be designed in a stepped nature to ensure compliance with the maximum building height as prescribed by the KLEP 2011. The rear boundary is 11.46m wide as opposed to the front boundary having a width of 21.24m. This reduction in site width results in the 45 degree building plane becoming more restrictive as the development steps down the site. This is a contributing factor to the non-compliance The proposal does not have unreasonable adverse impacts on adjoining properties in regards to privacy and overshadowing as demonstrated by submitted shadow diagrams and privacy screens. The proposal complies with the overall 8.5m maximum building height as prescribed by Kiama LEP 2011.

Control	Comment
	For the reasons above, the variation is supported.

The proposed development generally complies with the relevant controls of the DCP 2020, and where strict compliance is not achieved the objectives of the controls are maintained.

Any Planning Agreement

Nil.

Any Matters Prescribed by the Regulations

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

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

- Australian Standard AS 2601 - 1991: The Demolition of Structures

The proposal is not inconsistent with Australian Standard AS 2601 - 1991*: The Demolition of Structures*

Any Coastal Zone Management Plan

Nil.

The Likely Impacts of the Proposed Development

- Biodiversity

The application does not propose clearing of native vegetation, and therefore the Environmental Planning and Assessment Act 1979 Part 1 Section 1.7 does not apply to the development.

- Streetscape

The design of the proposed development is considered to be reasonable when considered in relation to the context of the site. The bulk, scale and design of the proposal is consistent with relevant planning instruments and is not inconsistent with the streetscape. The subject site slopes steeply away from the road and the dwelling has been proposed to appear as a partial two storey dwelling house from street level.

- Noise

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

- Privacy and Overlooking

No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development. A shown on the western and eastern elevations, the dwelling incorporates high level windows to rooms on Level 2 and 3 to further reduce potential for overlooking and privacy impact.

The proposal includes a deck on Level 3 external to the master bedroom. It is considered that this deck is unlikely to have unreasonable adverse impacts on the adjoining property, 42 Armstrong Avenue, in regards to privacy and overlooking. The proposed deck is located 13m from the front setback and will line up with a blank façade of the adjoining dwelling, therefore unlikely to overlook into habitable rooms or private open space. Additionally, the deck is located external to a bedroom which is considered to be a low traffic area as opposed to a living/dining area. To further ensure there are no unreasonable adverse impacts arising from the deck, a condition of consent has been imposed requiring the construction of a 1.5m high (including the balustrade) privacy screen to obscure potential sight lines to neighbouring properties. The deck is shown in Figures 10 and 11 below:

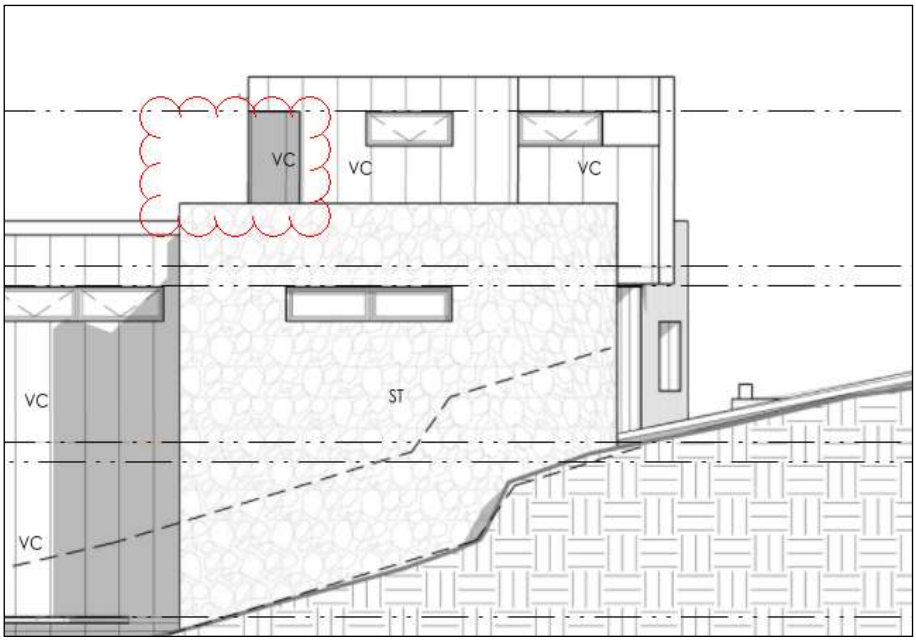


Figure 10 – Location of Level 3 Deck (West elevation)

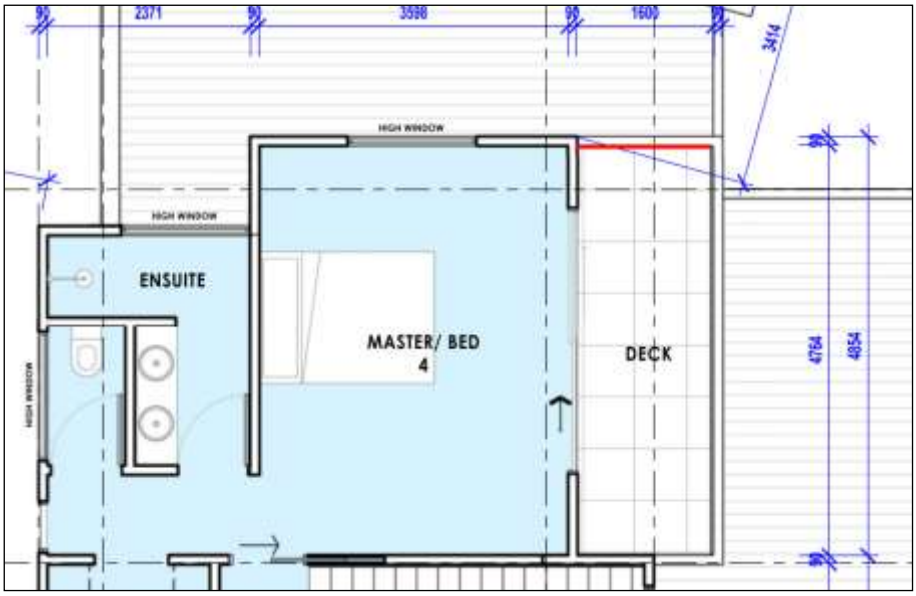


Figure 11 – Location of Screen on Level 3 Deck

The proposal includes an upper deck on Level 2 external to the main living and dining areas. Given that this area is likely to be a high traffic area, privacy mitigation measures are considered necessary on the western border of the deck. To address this, the applicant proposed a 1m high balustrade with an additional 1.7m high privacy screen attached above. This is considered to be a sufficient mitigation measure in this circumstance as the combination of the balustrade and screen will provide a full floor to ceiling privacy screen as shown in Figure 12 below:

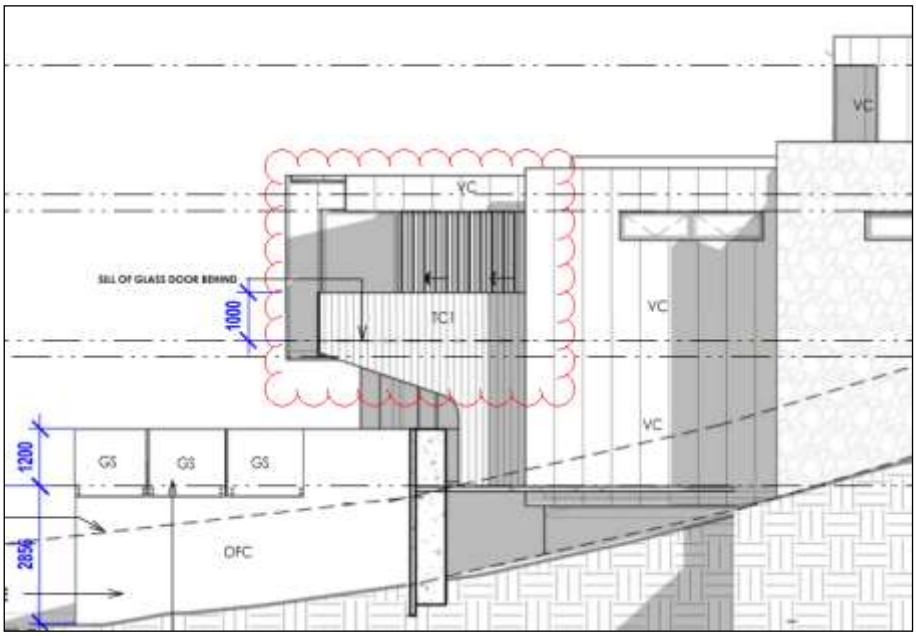


Figure 12 – West Elevation showing Privacy Screen

- <u>Overshadowing</u>

Shadow diagrams have been supplied with the development application which indicate that the overshadowing impacts of the proposed development will be reasonable as shown in Figures 13, 14 and 15 below:

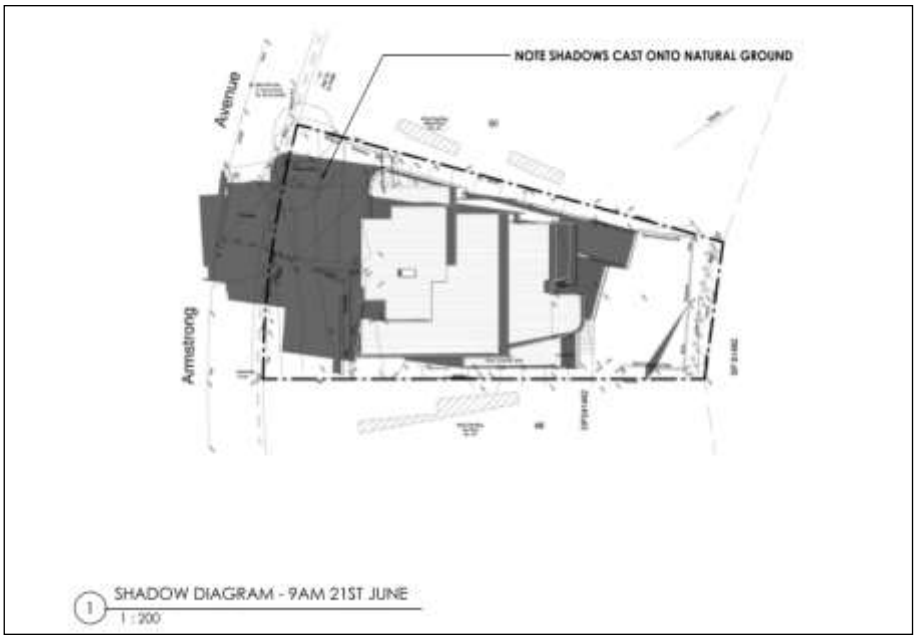


Figure 13 – 9am Shadows Mid-winter

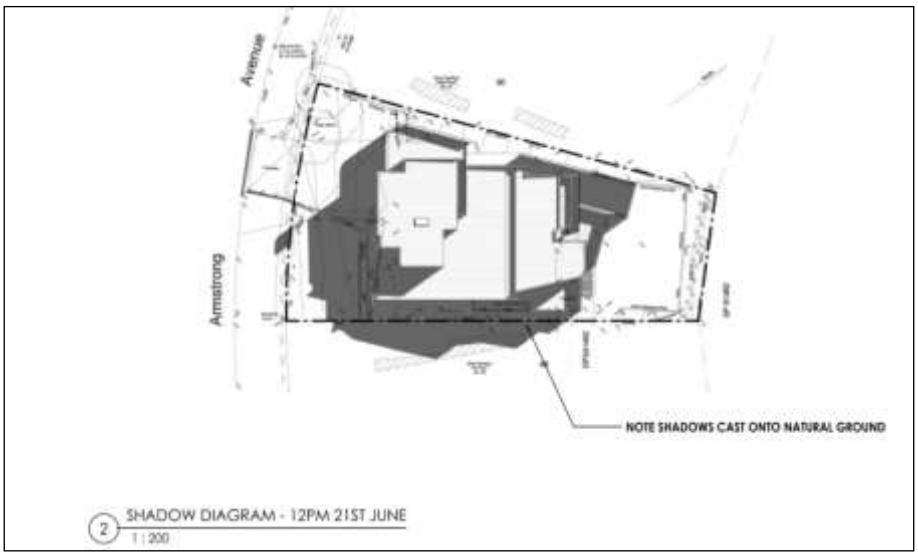


Figure 14 – 12 noon Shadows Mid-winter

Figure 15 – 3pm Shadows Mid-winter

The orientation of the allotment is such that the submitted shadow diagrams show that the proposed development will overshadow the front and eastern side setback of the subject site onto 46 Armstrong Avenue and the road. The submitted shadow diagrams demonstrate that 46 Armstrong Avenue will maintain adequate solar access to the dwelling as well as 3 hours of solar access to at least 50% of the POS located to the rear of the dwelling, mainly between 9am and 12pm. Overshadowing of the neighbouring dwelling will occur between 12pm and 3pm and is considered reasonable.

- <u>Views</u>

The proposal will not have an unreasonable impact upon views currently available from neighbours.

The existing dwelling on the property is single storey in nature and therefore the proposal may impact upon views to the ocean to the east. Figure 16 below shows the street elevation for the proposal including the ridgeline of the existing dwelling as well as the building envelope (building height plane and maximum building height) as designated by Kiama LEP 2011 and Kiama DCP 2020.

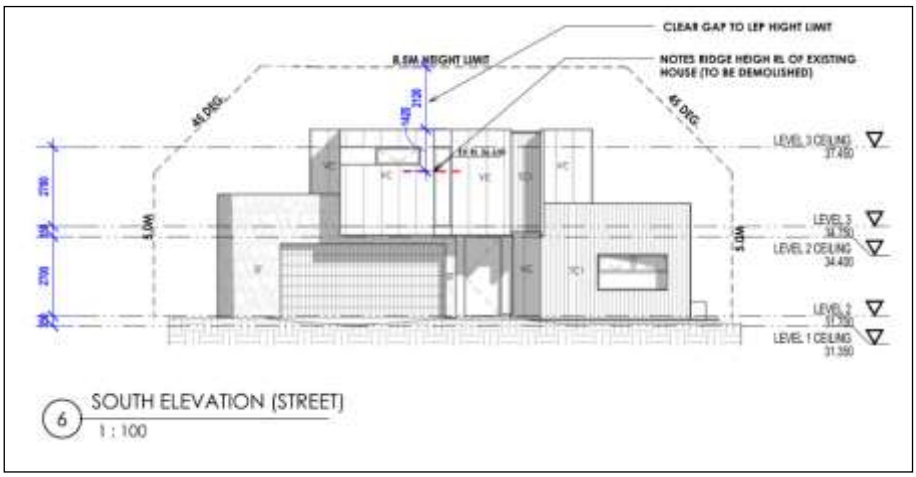


Figure 16 - Street Elevation

The elevation shows that the proposed dwelling is 1.42m higher than the existing dwelling. The second storey portion of the dwelling does not account for the entire width of the proposed dwelling, aiding in reducing the visual bulk and scale of the development. Additionally, the proposal fully complies with the building heights plane and maximum building height from the front streetscape elevation. It is considered that the proposal is unlikely to have an unreasonable impact on views from the public domain as well as properties located on the southern side of Armstrong Avenue.

The second storey portion of the development is located approximately 12m from the rear setback. This results in the dwelling being located approximately 3.5m closer to the rear boundary than the adjoining dwelling at 46 Armstrong Avenue. This is generally consistent with the established setbacks in the vicinity of the property and is considered unlikely to have an unreasonable adverse impact on views available from the adjoining dwelling.

The proposal is unlikely to have adverse impacts on 42 Armstrong Avenue in regards to views. The predominant views are in a north-east direction to Werri Beach. As the proposal is located to the east/south-east of this site, the proposed dwelling is unlikely to impact upon these views which are available over the rear boundary of the site.

- <u>Vehicular Access, Parking and Manoeuvring</u>

Sufficient car parking is proposed via a double garage and the driveway.

Manoeuvring is compliant with AS/NZS 2890.1 – 2004 and the driveway will comply with required gradients.

- <u>Stormwater Management</u>

A satisfactory drainage design has been provided with the application.

All stormwater will drain to the rainwater tank and then through to a connection to the existing infiltration/evaporation trenches located at the rear of the site.

- <u>Environmental Impacts</u>

Vegetation Removal – No vegetation is to be removed.

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

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

Impact on Water Resources – A rainwater tank will be provided, as required by BASIX. Stormwater will be conveyed to the rainwater tank and existing infiltration/evaporation trenches. Controls will be implemented during construction to minimise sedimentation.

- <u>Social and Economic Impacts</u>

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.

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, 4 submissions were received and 4 submissions were received outside of the notification period. Received submissions raised the following (summarised) matters of concern:

	Objection	Assessment Officer's Comment
Item 1	Building Height	Four submissions raised concern regarding the height of the proposed dwelling and that a variation should not be supported. For clarification, the proposal does not exceed the maximum height of buildings (8.5m) prescribed by Kiama LEP 2011. The proposed variation is to the building height plane (Control 6.1.15) prescribed by Chapter 6 of Kiama DCP 2020. For the reasons specified in Kiama DCP 2020 assessment table earlier in this report, the proposed variation is considered unlikely to have unreasonable adverse impacts and is supported.
Item 2	Stormwater Management	Two submissions raised concerns surrounding stormwater management on the site due to previous experiences in large rainfall events. A concept stormwater management plan was submitted with the application. The application was referred to Council's Subdivision and Development Engineer who raised no objections in regards to stormwater treatment. A condition of consent has been imposed requiring the stormwater drainage system to be completed in accordance with the details approved by the accredited certifying authority.
Item 3	Overdevelop ment of site	One submission stated that the proposal represented an overdevelopment of the site and overdevelopment in Gerringong.

	Objection	Assessment Officer's Comment
		The submission states that the proposed dwelling is sited unreasonably close to neighbouring dwellings and is not in keeping with the context of the area. The proposed dwelling complies with prescribed boundary setbacks and is not considered to have unreasonable adverse impacts on neighbouring properties in regards to privacy and overlooking, overshadowing, view loss and stormwater as detailed earlier in the report. The dominant development type in the immediate locality includes a mix of one and two storey dwelling houses sited on steep sites designed affording maximum views to Werri Beach. The proposed dwelling is a two-storey split level dwelling house designed to follow the topography of the site. The proposal complies with the maximum building height. Floor space ratio, boundary setbacks and is reasonable in regards to privacy and overshadowing. The proposed materials and colours are considered to be appropriate for the development and therefore it is considered to be consistent with the context of the locality.
Item 4	Demolition/ Construction Impacts	One (1) submission raised concerns regarding potential demolition/construction impacts on neighbouring properties should the application be approved. The concerns related specifically to dust, asbestos, temporary fencing, vibration and construction hours. Should development consent be forthcoming, conditions of consent relating to the above will be imposed. These include erosion and sediment controls, removal of asbestos, temporary fencing for demolitions and hours of construction.
Item 5	Use as STRA	One (1) submission raised concerns regarding the current use and potential future use of the property as Short-Term Rental Accommodation. Clause 6.10 of Kiama LEP 2011 allows residential accommodation to be used as tourist and visitor

	Objection	Assessment Officer's Comment
		accommodation for a short term without requiring development consent. As of 18 December 2020, all STRA are required to comply with the NSW Code of Conduct for Short-term Rental Accommodation Industry. Complaints regarding STRA's can be lodged through the NSW Department of Fair Trading's website.
Item 6	Earthworks	A submission raised concern regarding the proposed earthworks and potential impacts on the existing dwelling on the adjoining property. The following condition of consent will be imposed if consent is forthcoming: *If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:* *a. Preserve and protect the building from damage;* *b. Underpin and support the building in an approved manner, if necessary, and;* *c. At least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.*

External Referrals

Nil

Internal Referrals

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

- Building Assessment Officer

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

- Subdivision & Development Engineer

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

- Waste Officer

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

The Public Interest

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

Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant Kiama DCP 2020 Chapters. The proposed development is consistent with the objectives of the R2 Low Density Residential zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised.

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

Draft Conditions of Development Consent

General

(1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2020.208.1 dated - except as amended by the following conditions: (g005.doc)

(2) The development shall be completed in accordance with the approved colour schedule. (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 issue of a Construction Certificate. (g030.doc)

(4) The property owners shall be made aware that all Aboriginal relics in NSW are protected under Section 90 of the National Parks and Wildlife Act 1974, which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site, without first obtaining the written consent of the Director-General of the National Parks and Wildlife Service. If such a site is discovered, the Southern Zone Archaeologist of the National Parks and Wildlife Service shall be contacted immediately. (g050.doc)

(5) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to

vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:-

a The variation in hours required.

b The reason for that variation.

c The type of work and machinery to be used. (g165.doc)

(6) Road Occupancy approval, pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council prior to any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of the development. Examples of interruption include (but is not limited to) loading and unloading of vehicles, pumping of concrete, use of cranes and/or site fencing in the road reserve.

(7) The roadway, footpath or Council reserve shall not be used to temporarily or permanently store building material, plant and/or machinery without the prior approval of Council.

(8) A 1500mm high privacy screen (including the height of the balustrade) must be constructed along the western side for the full length of the Level 3 deck on Drawing No. A102. The design and materials used for the screen must obscure a direct line of sight into the adjoining property. In this regard, lattice or similar material is not acceptable. Details of the screen must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

Bonds and Contributions

(1) A contribution under Section 7.12 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94A (Indirect Contributions) Plan shall be paid to Council **prior to the issuing of a Construction Certificate**. The total contribution required for the development is **$16,427.86**.

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

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

Where:

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

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

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

Prior to Commencement of Works

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

i The licensee's name and contractor licence number;

ii That the licensee has complied with Part 6 of the Home Building Act 1989.

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

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

or

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

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

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

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

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

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

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

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

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

(3) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the issue of the Construction Certificate. (pt034.doc)

(4) 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)

(5) 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)

(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 the retaining walls in excess of 1.0 metre high. (pt068.doc)

(7) Details of compliance with condition of consent (1) under the heading **Swimming Pool** shall be demonstrated on the plans to the satisfaction of the Accredited Certifier **prior to the release of the Construction Certificate.**

Demolition Works

(1) Throughout the demolition operations, adequate safety shall be maintained in public places adjoining the site. Safety of the public shall be maintained by providing street closures, hoardings, scaffolding and other types of overhead protection, either singularly or in combination, in accordance with the requirements of Council and AS 2601. (dw005.doc)

(2) 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)

(3) **Asbestos – Statement Required**

No later than seven (7) days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be provided and approved by Council, prior to the issuing of Construction Certificate:

a. A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and

b. A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.

Asbestos – Licensed Contractors

Demolition works involving the removal and disposal of asbestos 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 (14) 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 prior to the issuing of the Construction Certificate.

Asbestos – Waste disposal receipts

Documentary evidence in the form of waste disposal receipts identifying the total tonnage of asbestos disposed, date of disposal, NSW EPA licensed waste facility, shall be obtained and provided to Council prior to the issuing of the Construction Certificate.

Asbestos – Clearance Certificate

Following the removal of all asbestos and prior to further works being carried out on the site, a clearance certificate from an independent 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 prior to the issuing of the Construction Certificate.

Asbestos – Less than 10m2 of Bonded Asbestos Sheeting

Demolition works involving the removal of less than 10m2 of bonded asbestos sheeting no licence is required but you must follow the Safe Work Australia guidelines. Refer to https://www.safeworkaustralia.gov.au/system/files/documents/1810/model-cop-how-to-safely-remove-asbestos.

Completion of demolition works

Council will monitor and review the demolition of the structure to ensure all conditions of consent application to the removal of asbestos has been satisfied. (dw015.doc)

Stormwater Management

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

(2) The stormwater drainage system shall be completed in accordance with the details approved by the accredited Certifying Authority. (sm006.doc)

(3) Prior to issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design.

Geotechnical Requirements

(1) Only clean fill (ie natural materials such as earth, rock and stone) is to be used in the development. Under no circumstances are any other material including (but not limited to) building, demolition, concrete, road materials and/or putrescible wastes, permitted to be used as filling on site. (gr060.doc)

(2) **Imported fill**

Clean fill imported onto the site shall be validated to ensure it is suitable for the proposed land use. All fill imported onto the site shall be validated by either one or both of the following methods during remediation works:

1. Documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
2. Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.
3. Any fill material that is imported onto the site must be analysed and classified by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA guidelines, including the "Waste Classification Guidelines" 2014.

To ensure that fill material is suitable for the proposed [use], only material classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite. Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority or Council's Waste Management Officer upon request.

(3) **Exporting fill**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part 1: Classification of Waste (November 2014). Testing is required prior to off -site disposal. In accordance with DECC Waste Classification Guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Note: Attention is drawn to Part 4 of the NSW DECC Waste Classification Guidelines (2014) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Evidence that the requirements specified above have been satisfied must be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Inspections

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

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

Building Construction

(1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)

(2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)

(3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)

(4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)

(5) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:

a Preserve and protect the building from damage;

b Underpin and support the building in an approved manner, if necessary, and;

c At least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (bu100.doc)

(6) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)

(7) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)

(8) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;

Monday to Friday - 7.00 am to 5.00 pm

Saturdays - 8.00 am to 1.00 pm

No construction work is to take place on Sundays or Public Holidays. (bu151.doc)

(9) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)

Swimming Pool

(1) The swimming pool shall be fenced in accordance with Part 3.9.3 Swimming Pools of the Building Code of Australia and the NSW Swimming Pools Act 1992.

(2) The fences, gates and latches for the swimming pool shall be provided and constructed in accordance with the provisions of Australian Standards AS 1926 - Fences and Gates for Private Swimming Pools.

(3) All excavations shall be enclosed with a temporary fence during construction of the pool.

(4) The swimming pool shall not be filled with water until the permanent safety fence has been erected.

(5) An instructional poster for resuscitation which bears the words "*Young Children Should Be Supervised When Using This Swimming Pool*", together with details of resuscitation techniques for adults, children and infants shall be located in a prominent position within the pool enclosure.

(6) The pool pump must be housed in an enclosure that is sound proofed.

(7) The swimming pool overflow water is not to interfere with any adjoining properties.

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)

Site Facilities

(1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times. (sf010.doc)

(2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials. (sf015.doc)

(3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:

a Stating that unauthorised entry to the premises is prohibited; and

b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

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

Prior to Occupation

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

Supporting documentation (dockets/receipts) showing type of material, weight and details of NSW EPA licensed waste facility, verifying recycling and disposal, shall be attached to the Waste Compliance Sheet. (po002.doc)

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

(4) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

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

(5) The developer shall complete all access and drainage works prior to the issue of any occupation certificate. (po010.doc)

DEMOLITION OF EXISTING HOUSE + PROPOSED RESIDENCE
LOT 49, DP 241462 - 44 ARMSTRONG AVENUE, GERRINGONG, NSW

DEVELOPMENT DATA:

ZONE: R2

SITE AREA: 603.28 M2

MAX HEIGHT: 8.5M

FSR : 0.45 to 1

MAX FLOOR SPACE: 271.47m2

PROPOSED FLOOR SPACE: 261.52m2

PROPOSED FRONT SETBACK:
VARIES - GERERAL ALIGNMENT WITH NEIGHBOURING DWELLINGS

SIDE SETBACK:
900MM
+ 5M UP FROM BOUNDAY + BACK 45 DEG.

REAR SETBACK: 6.0M

NOTE:

LEGEND:

No	DATE	ISSUE
A	13.07.20	CONCEPT FOR CLIENT REVIEW
B	06.08.20	SCHEMATIC FOR CLIENT REVIEW
C	19.08.20	SCHEMATIC FOR CLIENT REVIEW
D	31.08.20	SCHEMATIC FOR CONSULTANT & CLIENT REVIEW
E	08.09.20	SCHEMATIC FOR CONSULTANT & CLIENT REVIEW
F	19.10.20	FOR DEVELOPMENT APPLICATION
G	09.02.20	FOR DEVELOPMENT APPLICATION

No	DATE	ISSUE

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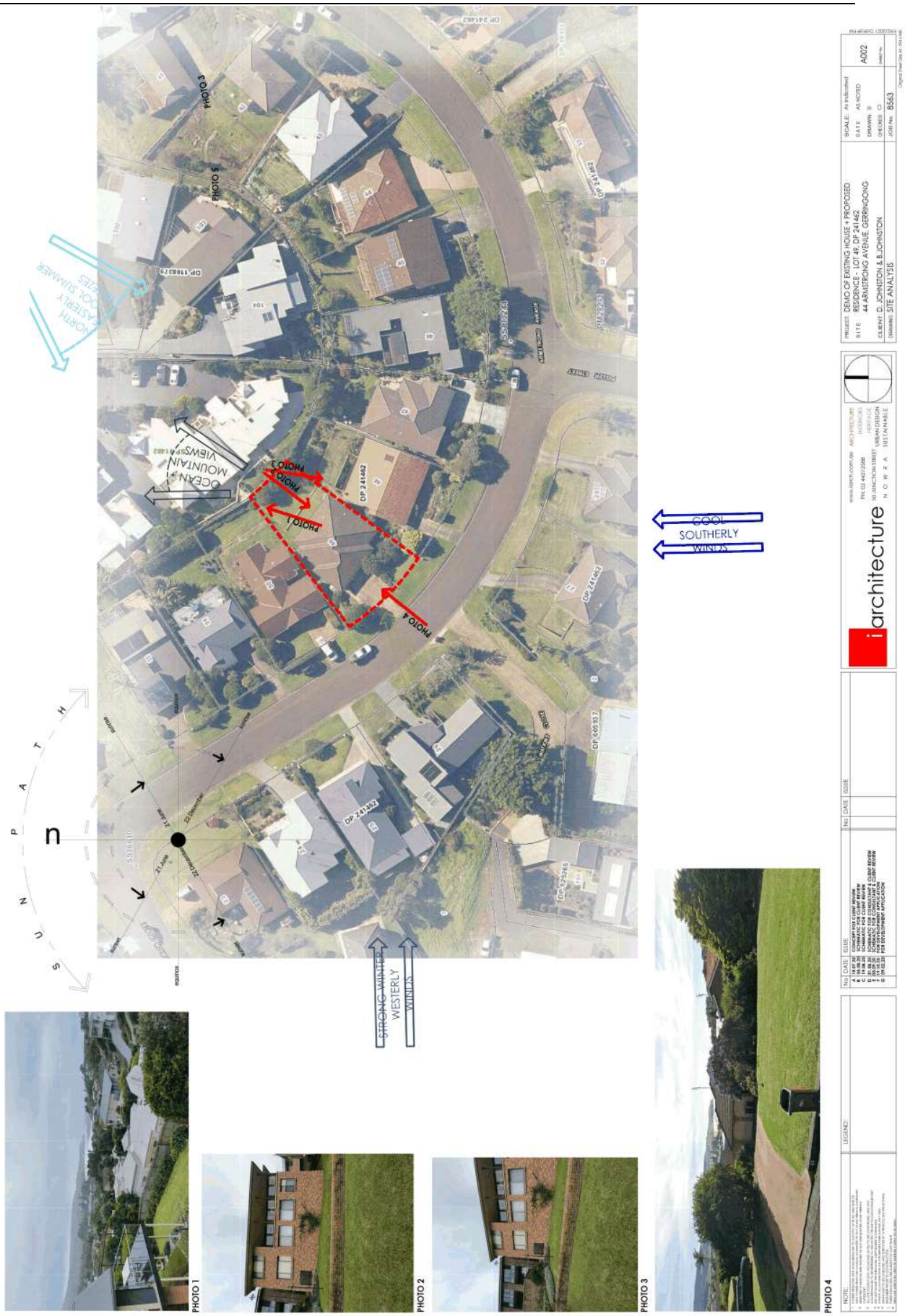
PROJECT: DEMO OF EXISTING HOUSE + PROPOSED RESIDENCE - LOT 49, DP 241462
SITE: 44 ARMSTRONG AVENUE, GERRINGONG
CLIENT: D. JOHNSTON & B.JOHNSTON
DRAWING: SITE CONSTRAINTS/LOCATION PLAN

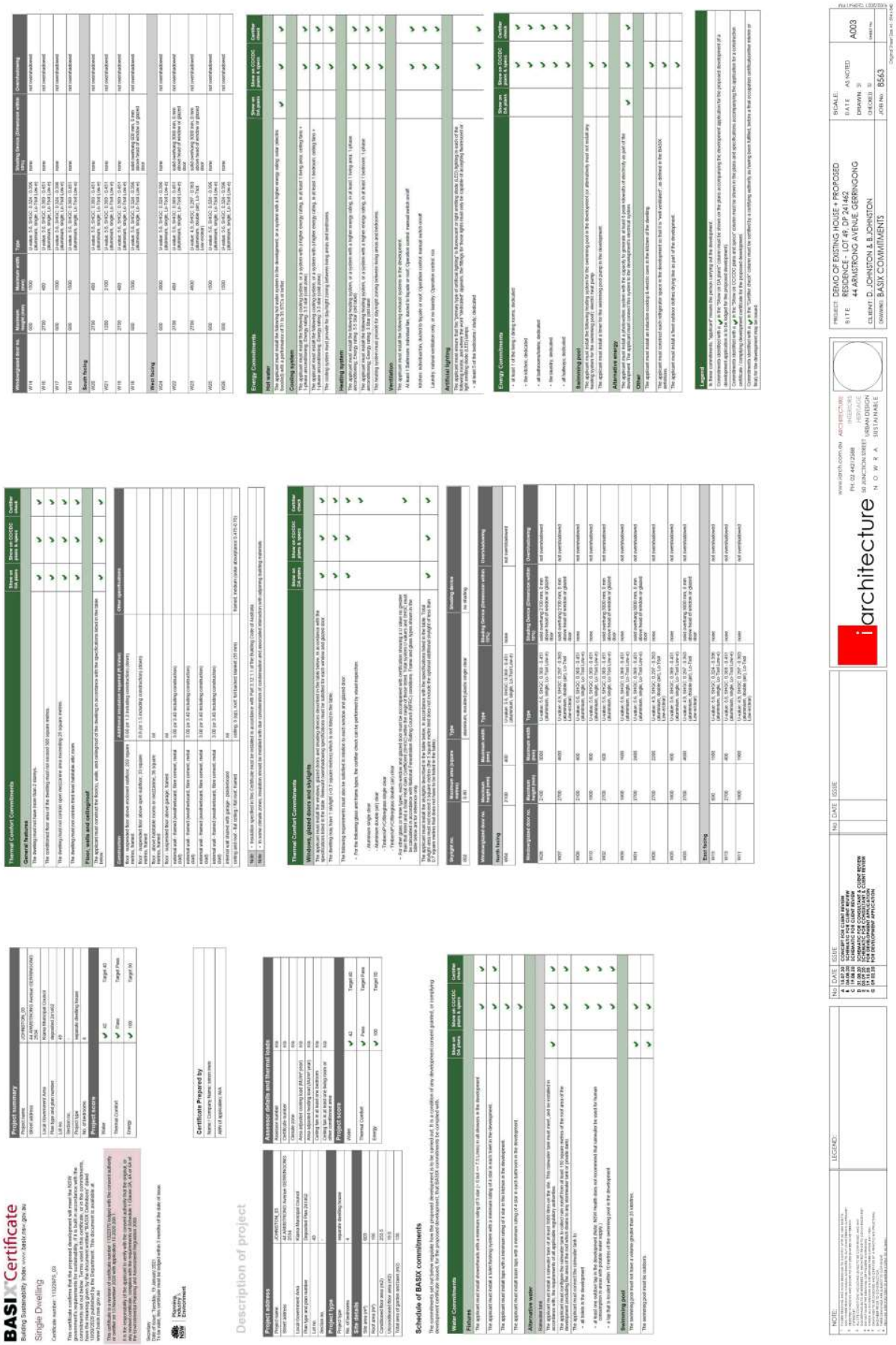
SCALE:
DATE: AS NOTED
DRAWN: SI
CHECKED: CI
JOB No: B563

A001



Item 12.4

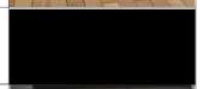
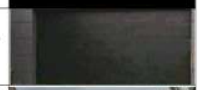
Attachment 1



Attachment 1

Item 12.4

EXTERIOR FINISHES SCHEDULE

ITEM	MATERIAL FINISH	COLOUR	SAMPLE
Roof/Flashings/Gutters/Roof Accessories/Rainwater pipes Perforated Leaf GutterGuard note parapet cappings to be in black	Colorbond Steel in ULTRA-LYSAGHT KLIP-LOK 406	'windspray'	
Wall Cladding [TC1]	YAKISUGI CHARRED TIMBER CLADDING 138 X19MM BURNT AND BRUSHED	BURNT AND BRUSHED	
CLADDING (VC)	PREFINISHED COMPRESSED FIBRE CEMENT PANELS (EXPRESSED JOINTS)	GREY	
Stone Cladding (STC)	'Eco Outdoors, Freeform, Crackenback' 20-40mm thickness (conc or blockwork)	clear sealer recommended by manufacturer	
Decking (TBRD)	140mm x 22 mm wide board silvertop ash	'Aquadeck oil '	
Window + Doors	Duratec Powdercoated Alumimium	black	
Garage door	Automated garage panel lift door 'B & D icon' OR OTHER BRAND	Colorbond - Nullarbor Textured in Luxe Design 'black ace' OR SIMILAR LOOK	
Driveway	CONCRETE SLAB + SAW CUT TO 2400 X 600 GRID	EXPOSED AGGREGATE FINISH	
clear frameless saftey glass + stainless steel patch fittings	1200mm high & to meet pool code where applicable		

NOTE:

LEGEND:

No	DATE	ISSUE
A	15.07.20	CONCEPT FOR CLIENT REVIEW
B	06.08.20	SCHEMATIC FOR CLIENT REVIEW
C	19.08.20	SCHEMATIC FOR CLIENT REVIEW
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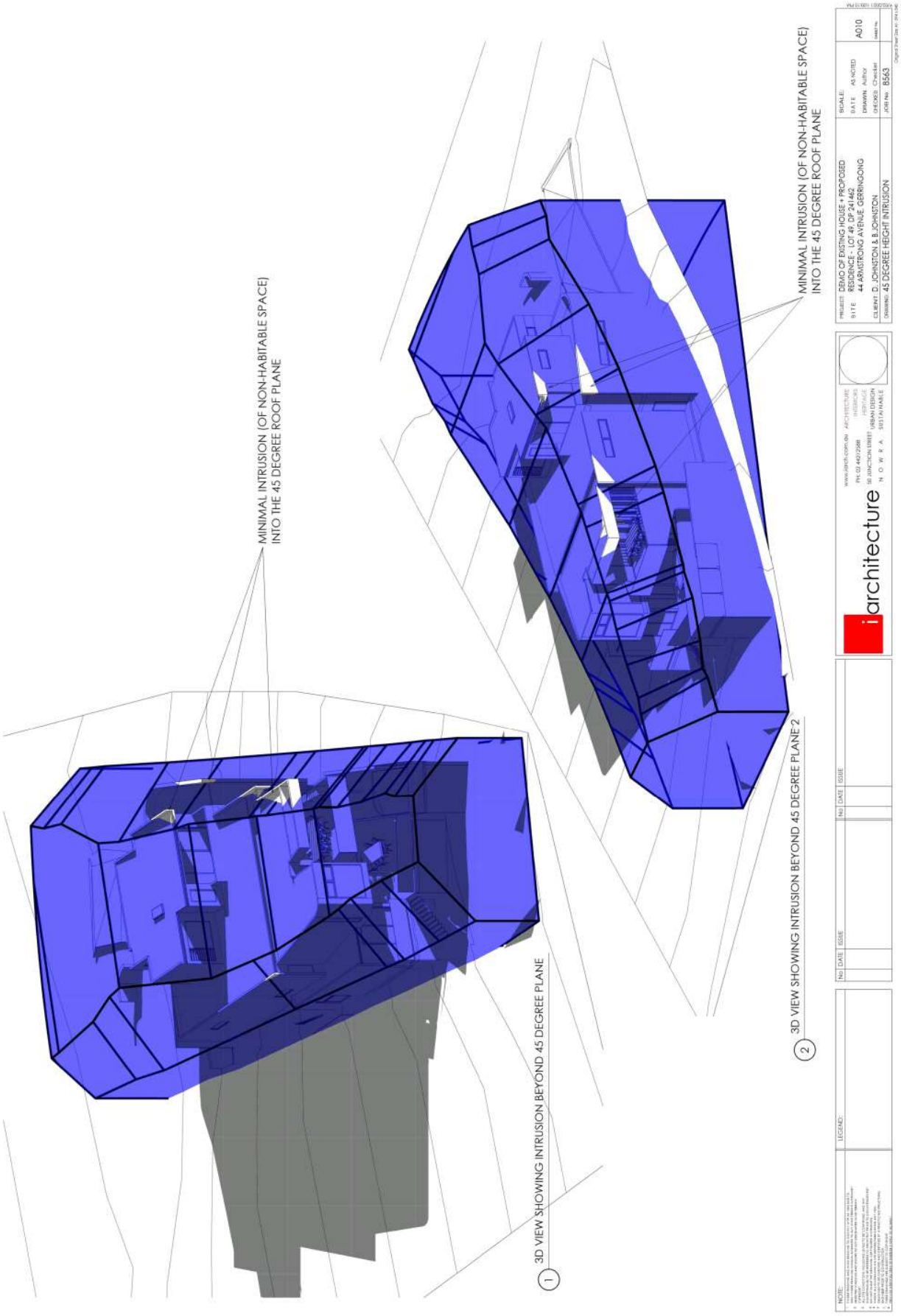
PROJECT	DEMO OF EXISTING HOUSE + PROPOSED RESIDENCE - LOT 49, DP 241462 44 ARMSTRONG AVENUE, GERRINGONG	SCALE:	
SITE		DATE AS NOTED	A004
		DRAWN Author	
CLIENT	D. JOHNSTON & B.JOHNSTON	CHECKED Checker	SHEET No
DRAWING	EXTERIOR FINISHES SCHEDULE	JOB No B563	

Item 12.4

Attachment 1



Attachment 1

Item 12.4

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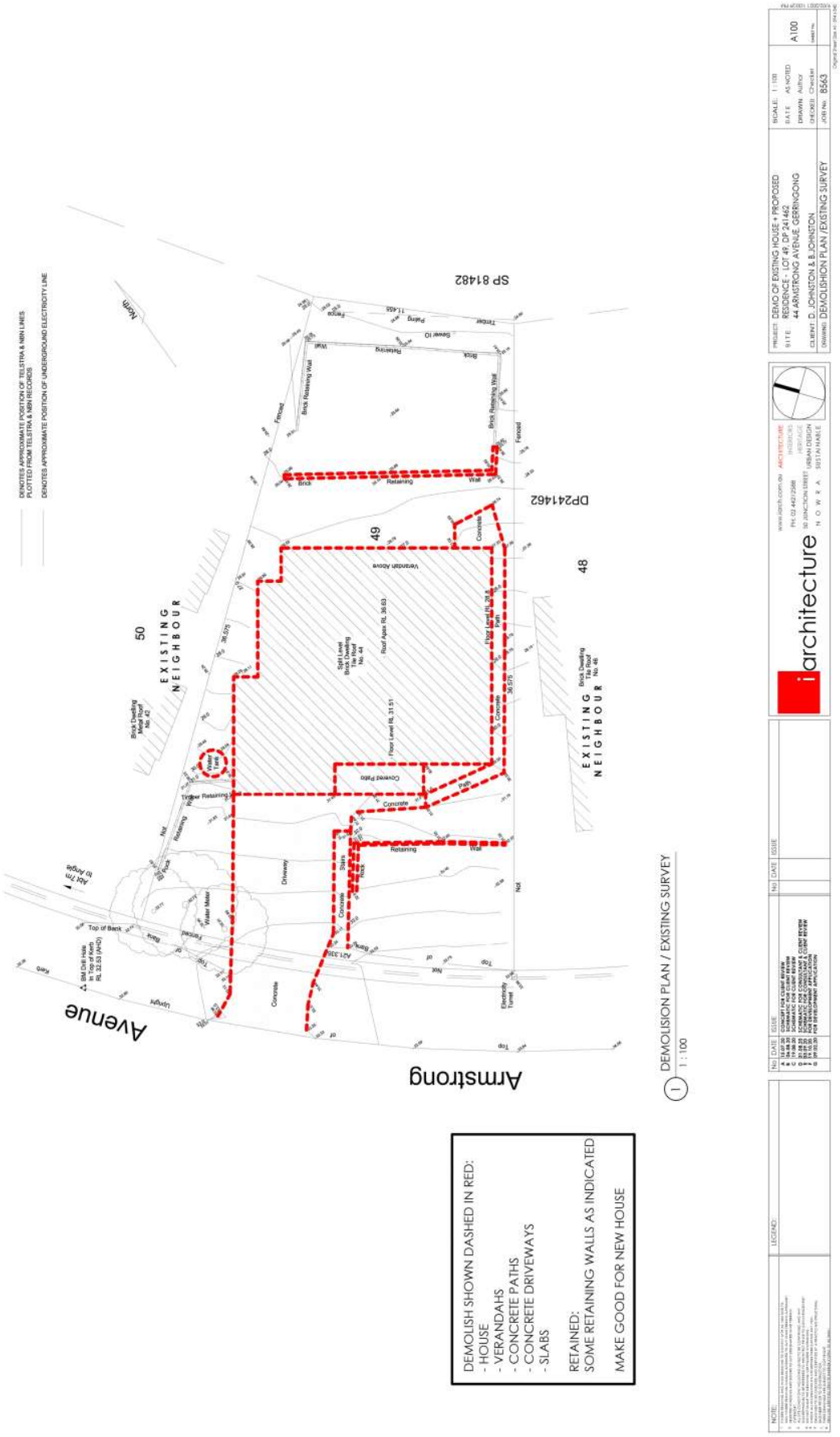
Attachment 1



Item 12.4

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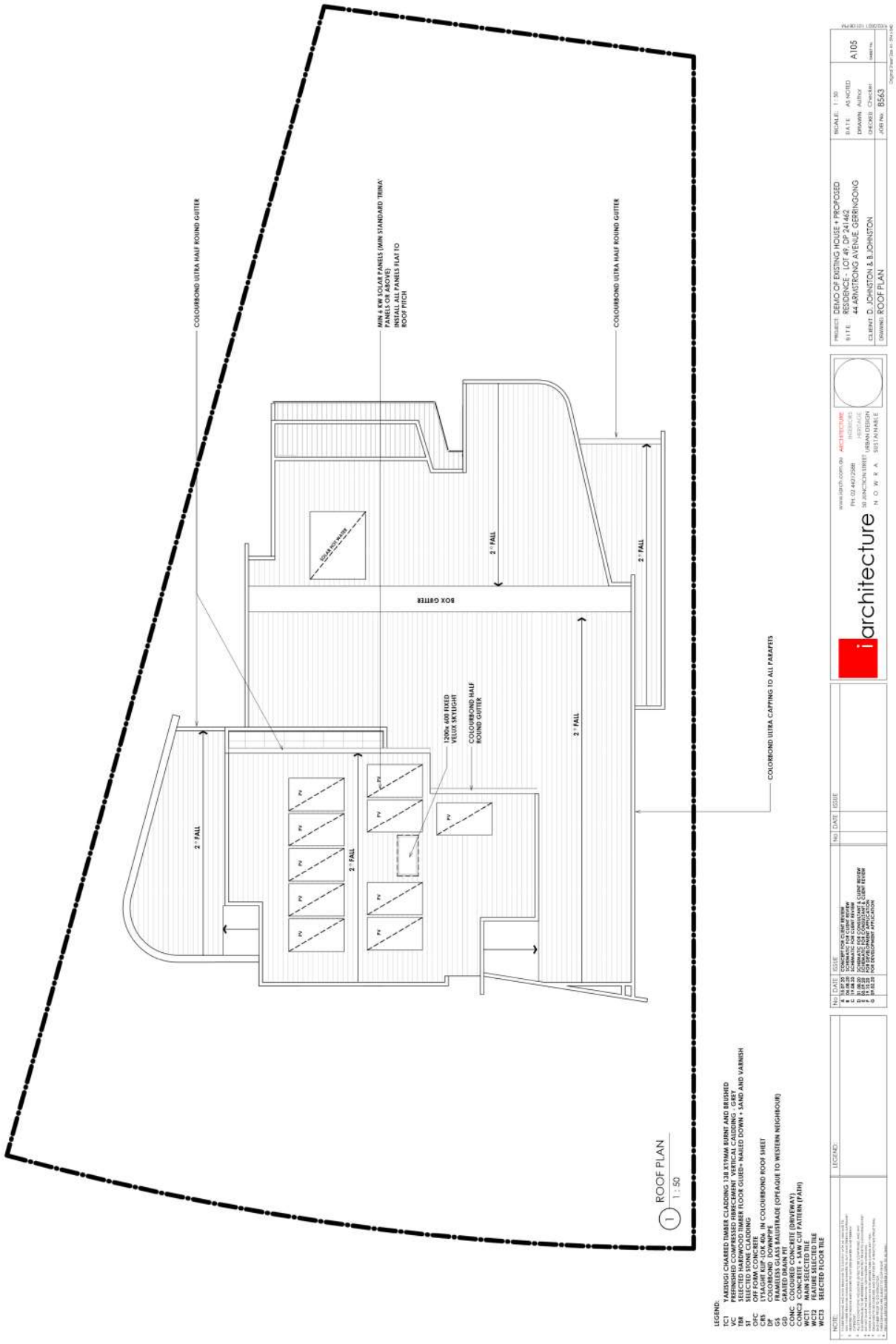

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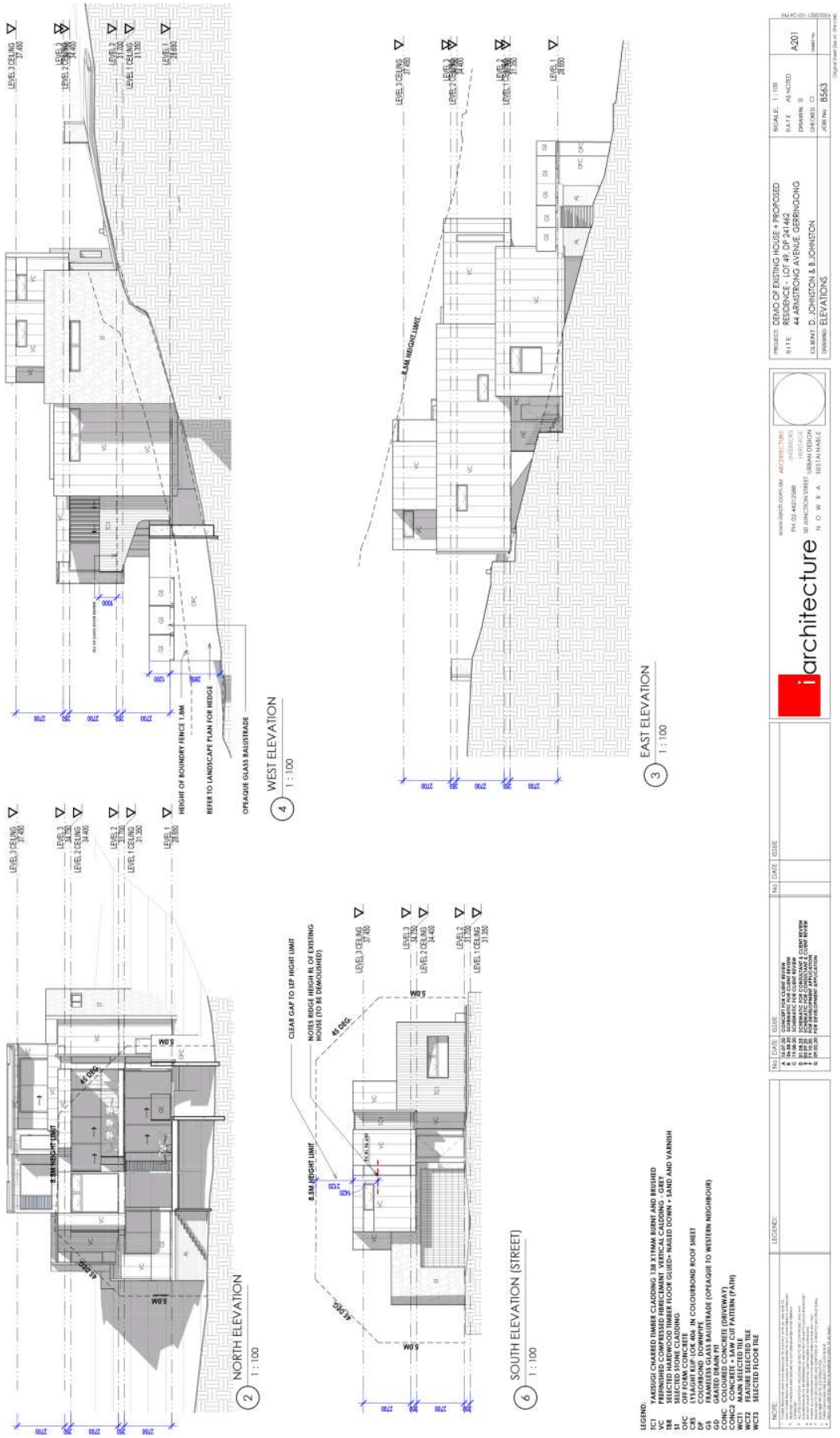

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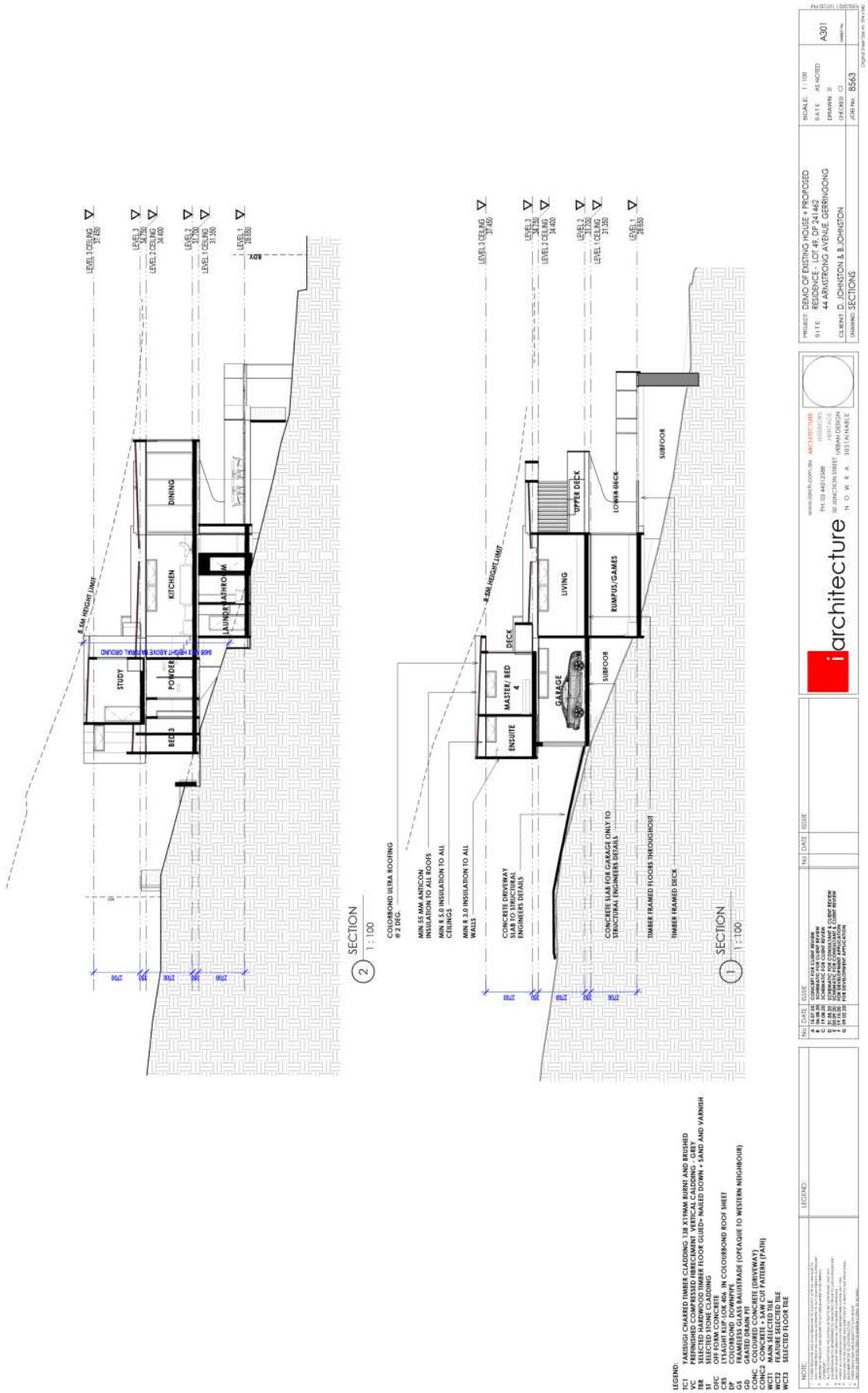
SECTION 2
1 : 100
SECTION 1
1 : 100
STUDY
POWDER
BED 3
KITCHEN
DINING
LAUNDRY
BATHROOM
MASTER/ BED 4
ENSUITE
DECK
GARAGE
LIVING
RUMPUS/GAMES
SUBFOOR
UPPER DECK
LOWER DECK
8.5M HEIGHT LIMIT
COLORBOND ULTRA ROOFING @ 2 DEG.
MIN 55 MM ANTICON INSULATION TO ALL ROOFS
MIN R 5.0 INSULATION TO ALL CEILINGS
MIN R 3.0 INSULATION TO ALL WALLS
CONCRETE DRIVEWAY SLAB TO STRUCTURAL ENGINEERS DETAILS
CONCRETE SLAB FOR GARAGE ONLY TO STRUCTURAL ENGINEERS DETAILS
TIMBER FRAMED FLOORS THROUGHOUT
TIMBER FRAMED DECK
LEGEND:
TGCSUGI CHARRED TIMBER CLADDING 138 X19MM BURNT AND BRUSHED
PREFINISHED COMPRESSED FIBRECEMENT VERTICAL CALDDING - GREY
SELECTED HARDWOOD TIMBER FLOOR GLUED+ NAILED DOWN + SAND AND VARNISH
SELECTED STONE CLADDING
SELECTED FC CLADDING
LYSAGHT KLIP-LOK 406 IN COLOURBOND ROOF SHEET
COLORBOND DOWNPIPE
REMARCO GLASS BALUSTRADE (OPEAQUE TO WESTERN NEIGHBOUR)
GRATED DRAIN PIT
COLOURED CONCRETE (DRIVEWAY)
CONCRETE - SAW CUT PATTERN (FAIR)
MAIN SELECTED TILE
FEATURE SELECTED TILE
SELECTED FLOOR TILE
NOTE:
LEGEND:
No DATE ISSUE
A 18.02.20 CONCEPT FOR CLIENT REVIEW
B 26.02.20 SCHEMATIC FOR CLIENT REVIEW
C 19.06.20 SCHEMATIC FOR CLIENT REVIEW
D 31.08.20 SCHEMATIC FOR CONSULTANT & CLIENT REVIEW
E 11.09.20 SCHEMATIC FOR CONSULTANT & CLIENT REVIEW
F 11.09.20 SCHEMATIC FOR CLIENT REVIEW
G 09.10.20 PRE DEVELOPMENT APPLICATION
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PROJECT DEMO OF EXISTING HOUSE + PROPOSED RESIDENCE - LOT 49 DP 241462
SITE 44 ARMSTRONG AVENUE, GERRINGONG
CLIENT D. JOHNSTON & B.JOHNSTON
DRAWING SECTIONS
SCALE: 1 : 100
DATE AS NOTED
DRAWN
CHECKED
A301
JOB No. 8563

13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

13.1 Adoption of revised Fees and Charges

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

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.2 Identify opportunities to diversify and maximise funding sources

Summary

Council resolved on 15 December 2020 to advertise proposed changes to Fees and Charges in relation to public hall hire, native title assessment fees and holiday park van fees.

Public notice of the proposed fees and charges has taken place and no submissions were received by Council during the notification period.

Finance

Council's Fees and Charges will be updated in accordance with the recommendation to Council.

Policy

Local Government Act 1993

Consultation (Internal)

Internal consultation took place with key stakeholders in the formulation of the report to Council in December 2020 recommending the proposed changes.

Communication/Community Engagement

In early 2021, the proposed changes were placed on public exhibition for 28 days in accordance with the requirements of Section 610F the Local Government Act through notice on the Council website.

No submissions were received by Council during the 28-day public notice period.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council adopt the revised Fees and Charges as reported to Council on 17 December 2020 and the new Fees and Charges be published on Council's website specifically:

a) Public hall hire fees for not-for-profit organisations as provided in table 1 of this report;

b) Exempt school based groups, charities and charitable fund-raising groups, community groups based within Kiama LGA and not-for-profit groups from Native Title assessment fees;

c) New fee of $95 for "Applications for plumbing and draining install" at Holiday Parks;

d) New fee enabling Council to apply interest on overdue holiday van annual fee payments.

Background

A report was prepared for Council on 15 December 2020 recommending changes to Fees & Charges in relation to public halls, native title assessment fees and holiday van charges. The proposed changes were given public notice for 28 days in accordance with the requirements of Section 610F the Local Government Act through notice on the Council website.

The following, provides details of each of the proposed changes:

Hiring of public halls

Council directly and indirectly manages six public halls across the local government area. The exhibited Fees and Charges will create parity for public hall facilities in relation to fees for Not For Profit (NFP) organisations. Minor adjustments have also been made to some established hall hire fees to improve consistency of hall hire rates across the six public halls. Proposed changes are shown in Table 1 below.

Table 1.

	Casual Hire	Casual Hire	Casual Hire	Regular Hirer	Regular Hirer	Regular Hirer	NFP	NFP	NFP
	hour ($)	half-day ($)	full day ($)	hour ($)	half-day ($)	full day ($)	hour ($)	half-day ($)	full day ($)
Gerringong Town Hall	100	400	800	**60 (-4)**	250	500	**20 (-20)**	60	100
Joyce Wheatley Centre	100	400	800	60	250	400	20	60	100
Jamberoo School of Arts	100	350	700	**60 (-1)**	200	400	20	60	100
North Kiama Neighbourhood Centre	40	200	400	30	150	300	20	60	100
Werri Beach Progress Hall	**40 (-20)**	200	400	**30 (-9)**	**150(+25)**	**300(+50)**	**20 (-5)**	60	100

Jamberoo Youth Hall	40	200	400	30	150	300	20	50	80

Native Title assessment fees

The exhibited changes to the Fees and Charges exempt certain groups from having to pay a native title assessment fee - school based groups, charities and charitable fund-raising groups, community groups based within Kiama LGA and not-for-profit groups. Currently a $55 native title assessment fee is required to be paid to Council for all uses and activities under licence/permit on Council managed crown land.

Holiday van fees

The exhibited fees include a new fee for holiday park annual holiday van connections to toilet and shower facilities plus a new fee enabling Council to apply interest on overdue holiday van annual fee payments. With new Occupation Agreements for holiday vans, it is necessary to make specific provision for a new fee for “application for plumbing and draining install” of $95.

A new fee is also proposed for the application of interest on overdue holiday van rental payments, of 2% above the interest charged by the Commonwealth Bank of Australia on an unsecured loan.

13.2 Kiama Surf Life Saving Club - new lease

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

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.4 Manage other assets and infrastructure through the Other Asset and Infrastructure Asset Management Plan

Summary

The Kiama Surf Life Saving Club (KSLSC) entered into a lease with Council in 1995 to occupy the surf club building for surf club and other activities. The lease has been operating on a holding over basis since the lease expiration date. Council can enter into a new lease with the surf club under the *Crown Land Management Act* 2016. This report recommends Council enter into a new lease with KSLSC.

Finance

The lease requires payment of annual rental and outgoings.

Policy

Crown Land Management Act 2016

Crown Land Management Regulation 2018

Local Government Act 1993

Public Land Management Guidelines

Consultation (Internal)

Property team

Director Corporate and Commercial Services

Communication/Community Engagement

On-going discussions have been taking place with the Kiama Surf Club committee over 2020 and 2021.

Under clause 70 of the *Crown Land Management Regulation,* Councils are exempt from the requirement to advertise proposed leases during the pre-Plan of Management period (the “initial period”). No lease advertising was undertaken.

Attachments

1 Kiama SLSC lease footprint⇩

2 Kiama Surf Life Saving Club lease plan - ground floor⇩

3 Kiama Surf Life Saving Club lease plan - first floor⇩

Enclosures

Nil

RECOMMENDATION

That Council;

1. enter into a new lease with Kiama Surf Life Saving Club (KSLSC) Inc. for the use of the existing building for clubhouse, public hall, public gymnasium and fitness centre as well as cultural, educational, sporting, community use on Lot 2 DP531612 and Lot 7016 DP1074643 for a term of 10 years subject to the consent of the Minister, and
2. establish annual rental of $500 p.a + GST (subject to annual CPI increase) plus outgoings including but not limited to electricity, proportional water usage, gas, garbage services and trade waste servicing, and
3. give the Mayor and General Manager delegated authority to sign the lease and affix the seal of Council if required.

Background

The Kiama Surf Life Saving Club came into existence in 1908 as one of the first surf clubs in Australia. The current surf club building siting dates back to the 1950's and several building extensions have taken place over time. On 1 May 1995, a 20-year lease commenced for the occupation of the building on Coronation Park, Kiama by the Kiama Surf Lifesaving Club (KSLSC). The building is on crown reserve (R131) and Kiama Council is the crown land manager. The reserve was gazetted for public recreation purposes on 20 October 1880 with adjoining Lot 2 gazetted for public recreation on 21 July 1978. The land is for all intents and purposes community land within the meaning of the *Local Government Act*.

Around the time of current lease termination date, Crown Lands introduced a draft framework regarding future lease arrangements with surf clubs in NSW. Future leases were to be based on this framework. The draft framework was not continued and on 1 July 2018, the *Crown Land Management Act* (2016) commenced. The new *Crown Land Management Act* includes specific obligations for Councils as crown land managers to introduce Plans of Management by 30 June 2021.

As a means of allowing Councils to deal with crown land leases and licences over this three-year period, the Act has provisions enabling Councils to enter into new leases during this "initial period". In relation to the Kiama Surf Club lease, Clause 70 (2)(b) and (c) of the Regulation respectively allows

> *"the renewal of an existing lease over pre-POM Crown land for a term not exceeding the maximum term if there are no additional permitted uses of the land",* and *"the granting of a new lease over pre-POM Crown land for a term not exceeding 21 years if there was a lease in force over the land immediately before 1 July 2018 and there are no additional permitted uses of the land."*

Clause 70(2)(d) is also relevant to the granting of a new lease to KSLSC for a maximum 21-year term on the basis the lessee is a *not-for-profit organisation*, subject to Minister's consent to the grant of the lease.

Considerations in forming the new lease

The proposed term for the new lease to KSLSC is recommended at 10 years. The legislation allows a maximum 21-year term. In order to effectively manage all leases and licences on public land, tenures have been consistently established for up to five to ten year terms over the last number of years, sometimes with further options. Considering the current Regulations stipulate crown land lease maximum terms of either 5 or 21 year terms, a 10-year lease term is considered a reasonable lease period and a logical compromise. Council needs to be responsible in its management of all public land and long lease terms have the potential to restrict Council's ability as lessor to respond to changing legislation, market conditions, changed operational requirements and the like.

The common provision in the Regulation with regard to a new lease to KSLSC is the continuation of existing permitted uses. In addition to this specific requirement of the Regulation, the current zoning of the land and the permissible uses allowable under that zoning need to be taken into account with future uses permitted under lease. Additional commentary is made in the following section to this report regarding potential additional permitted uses through a planning proposal involving all RE1 Public Recreation land in the LGA.

There are no other provisions in the current legislation for the granting of a new lease to KSLSC unless the new lease is delayed until after the Plan of Management comes into effect. Council officers and the KSLSC consider the new lease should be dealt with now.

The most recent lease to KSLSC commenced 1 May 1995 and is still in place under holding over terms. There is no current Plan of Management for the crown reserve parcel. A new lease can be entered into under the Act and subsequent to the crown land Plans of Management being adopted for Coronation Park crown reserve (R131).

Permissible uses

In the consideration of a new lease, there can be no additional uses permitted. In this regard, the prevailing lease allows the building to be used for the following purposes;

- Clubhouse
- public hall
- public gymnasium and fitness centre;as well as
- any other cultural, educational, sporting or community use approved by the lessor.

These permitted uses of the building under the current lease will be reflected in the new lease. The above description includes public hall. There is no current definition for "public hall" in the *Local Government Act or Regulations*. Previous definitions in repealed legislation refers to a public hall as being a building used or intended to be used for the purpose of providing public entertainment or conducting public meetings.

The public gymnasium and fitness centre use under the lease was activated by the operation of fitness company (Curves) under sub-lease arrangement. This use is no longer taking place from the premises.

At the Council meeting 21 July 2020, an information report was presented referring to minutes of the Destination Kiama Tourism Advisory Committee around the same time of the potential to amend Kiama LEP2011 to change permissible uses in the RE1 Public Recreation zone. The KSLSC is located on RE1 zoned land and the intent of the suggested zoning change was to facilitate alternative uses in surf club premises generally. Currently there is no planning proposal underway in relation to this. Irrespective, the Crown Land Management Regulations are clear in the expression of permissible activities to be conducted from the premises under a new lease. Any planning proposal for new land uses in the RE1 zone generally will be undertaken separately from this lease consideration and will be assessed independently from the Property section of Council who have responsibility for the management of leases on public land.

In order for the current lease to be responsive to any future planning proposals which facilitate alternative land uses, lease conditions will be included to acknowledge changed land use potential including the ability for Council to review rental outcomes. This is important for Council in the event commercial based uses are permitted in the RE1 zone in the future and the appropriate approvals are obtained for any land uses not currently permitted under the proposed new lease.

Boundary encroachment

A small area of the constructed surf club building extends over (air space) the boundary of the adjoining land parcel belonging to the Roman Catholic Church (Catholic Education Diocese). The boundary adjustment process involving the section of crown land (ownership of the state of NSW) and the school/church land has been progressing for some time but is not yet complete. The lease and associated lease plan will need to refer to this historic encroachment for transparency and the boundary adjustment subdivision/land swap between the two ownership parties can continue separate to the new lease finalisation.

Kiama Council Lifeguard Operations

With regard to the leased area, the original lease included the entire building footprint (ground and first levels). In discussions with the lessee, the public toilets on the eastern side of the facility, accessible toilet on the southern end of the building as well as the space used by the Kiama Council lifeguard service will be excluded from the operation of the new lease. Part of the under-building garage area is used by the Council's lifeguard service for the storage of essential beach patrol plant, currently an all-terrain vehicle (ATV) and jet ski plus trailer. The continued use of this space has been discussed with surf club representatives and will be referred to in the lease conditions for clarity. The Council lifeguard storage accounts for about 25% of the under-building area, leaving sufficient space for surf club storage. In the interests of beach users and the general public, shared use of space for essential safety and patrol equipment is the accepted outcome. Discussions with the surf club over the last year have resulted in an ongoing commitment to assist the club with storage demands, where possible, in order to deliver the best outcomes for the community and specifically beach users.

Lease fees

The current KSLSC lease commenced in 1995 subject to annual rental of $70. Proposed annual lease rental associated with the new lease has been determined taking into account licence fees established by crown lands for the use of crown

reserves. The minimum statutory rental for crown land leases is currently $510 plus GST per annum. As crown land manager, Council needs to consider established statutory rental imposition. Council's Fees and Charges specify a rate for local based community, sporting, charitable and not-for-profit lessees of $250 p.a. The current Fees & Charges do not reflect the ability of the KSLSC leased facility revenue generation capability. The "public hall" and the open deck area overlooking the beach can be booked for private use. Kiama Council's Fees and Charges for sporting clubs and the like was established at $250 p.a on the basis the respective organisations have zero or minor revenue raising capacity. In addition to the minimum statutory rental for crown land, for comparative purposes, Wollongong City Council adopts a minimum annual rental of $705. Therefore, it is considered appropriate and reasonable to institute annual rental of $500+ GST with the new lease.

Parity between rental fees for crown land usage and Council community land usage overall can be addressed separately through the Fees and Charges annual review process.

In addition to rental, the lessee will be responsible for outgoings in the form of electricity, gas, water, garbage services and trade waste servicing. This is currently required under the prevailing lease. Under the Public Land Management Guidelines, lessees are responsible for payment of outgoings associated with use/occupation of leased premises. With regard to water usage specifically, the surf club building contains public toilets. In the absence of separating metering, a proportional water usage method will be used to determine apportionment of water usage charges. Council has been practicing this with other land management agreements for several years and has been demonstrated to be equitable.

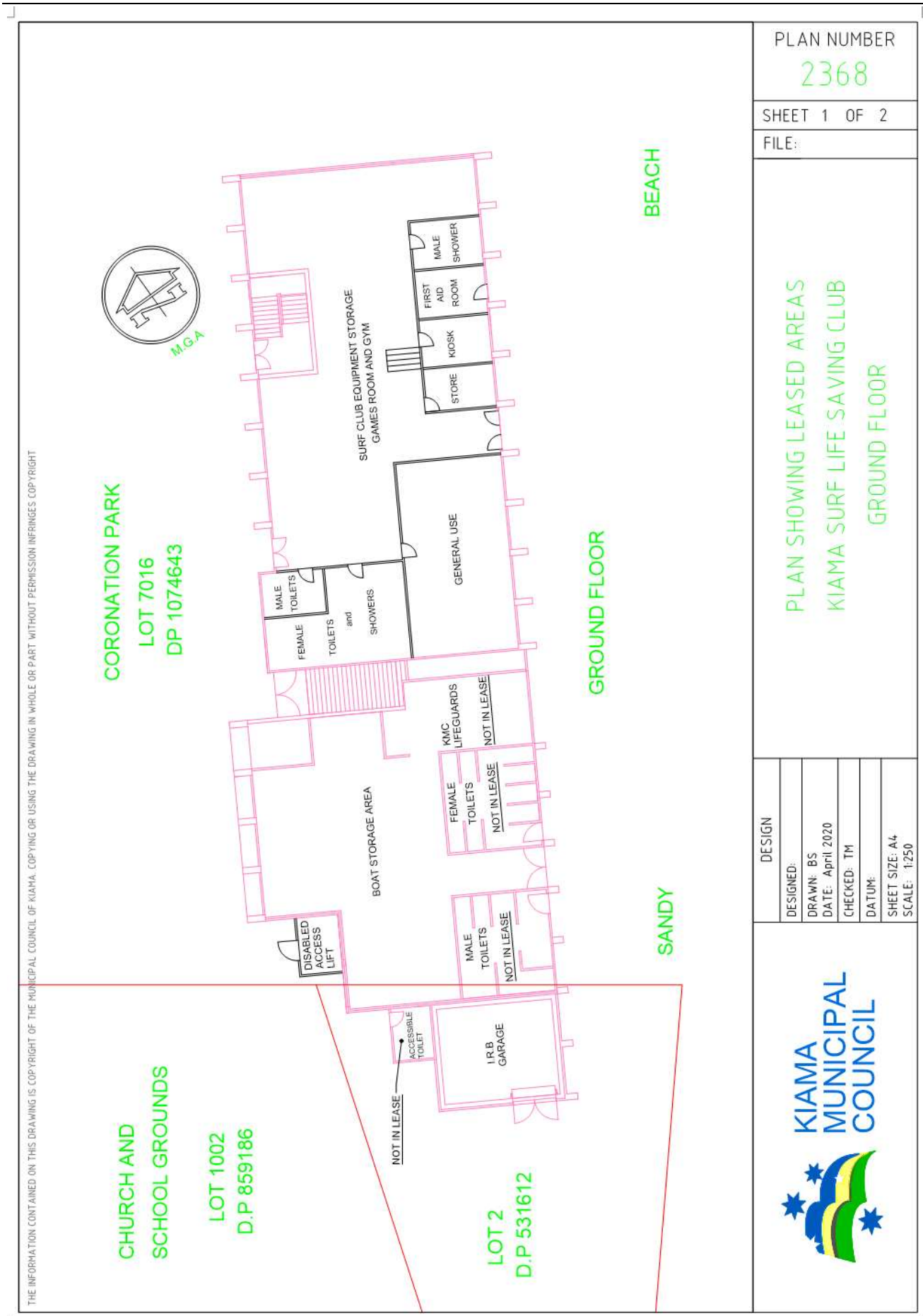
The lessee will also be responsible for building maintenance and repair, specified in the lease, which is consistent with the 1995 lease and a standard requirement of Council's Public Land Management Guidelines.

In accordance with the *Crown Land Management Act*, the issue of the new lease will be subject to native title assessment.

Conclusion

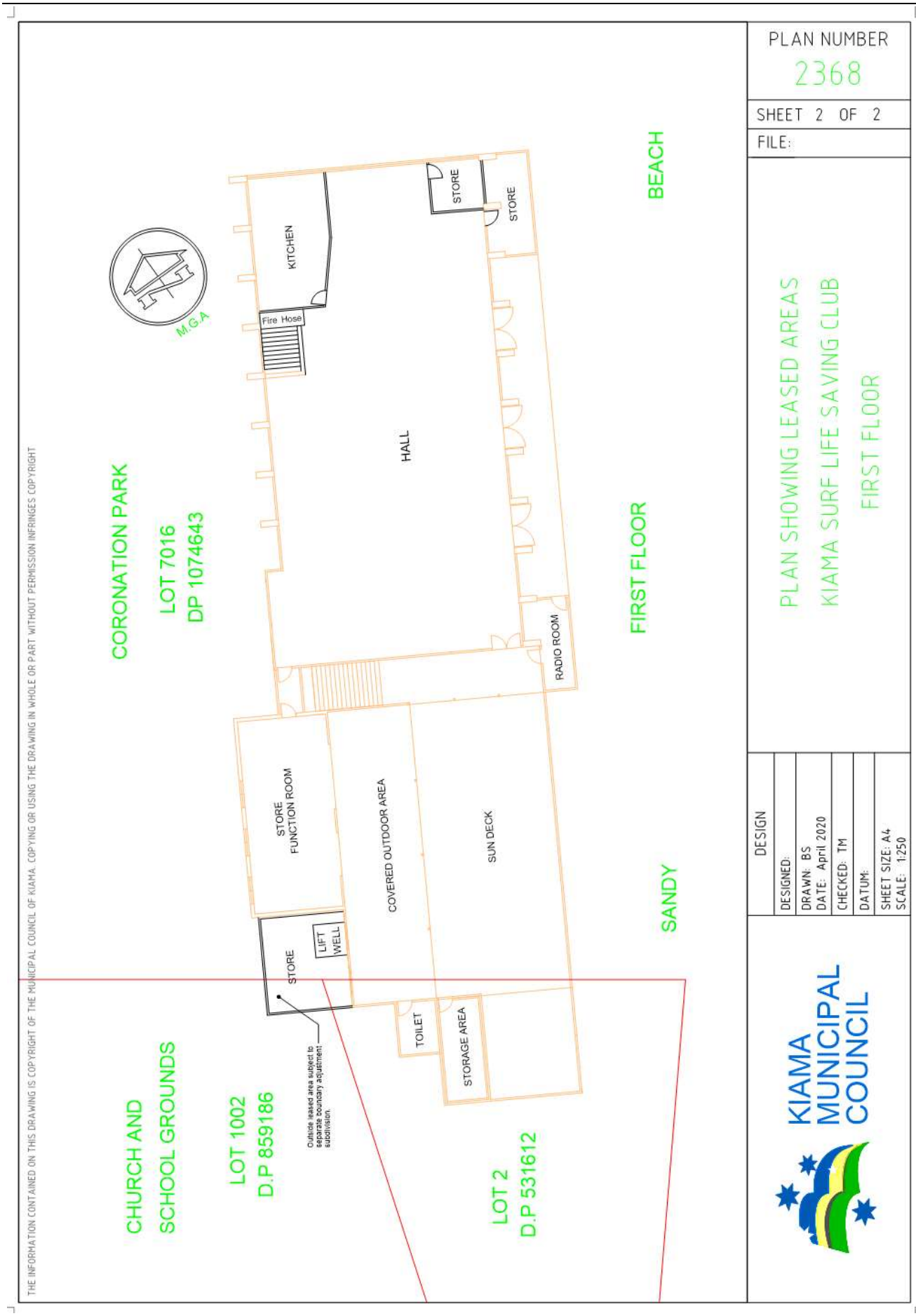
The Kiama Surf Life Saving Club Inc. has occupied the current location for the provision of surf club related activities and services under lease agreement for over 25 years with a surf lifesaving history dating back to 1908. The club has requested formalisation of a new lease which is permissible under the *Crown Land Management Act*. This report recommends approval of a new 10-year lease term to the club for continued surf lifesaving services and activities from Surf Beach.

KIAMA MUNICIPAL COUNCIL
Lease Area - Kiama Surf Life Saving Club
MANNING
RESERVE
DP 859186



Attachment 2

Item 13.2



Item 13.2

Attachment 3

13.3 Question for future meeting: Chapman Point Reserve seasonal camping

CSP Objective: 3.0 A diverse, thriving economy

CSP Strategy: 3.3 Promote and support tourism in the local area

Delivery Program: 3.3.1 Management of Kiama Coast Holiday Parks as viable business entities

Summary

At the Council Meeting 9 February 2021, Councillor Sloan requested a report outlining income generated from the use of Chapman Reserve for camping during the 2020/21 holiday period and the full costs of providing services for camping including the cost of remediating damage to the surface. This report provides a comprehensive review of seasonal camping on the reserve as well as options for the future consideration of camping at Chapman Point.

Finance

Income generated from seasonal camping at Chapman Point Reserve is part of the overall income received at Surf Beach Holiday park under the management contract with Council. A percentage of seasonal camping income is paid to the holiday park manager and the remainder is retained by Council less costs.

Policy

Crown Land Management Act 2016

Crown Land Regulations 2018

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings Regulations) 2005

Local Government Act 1993

Consultation (Internal)

Holiday Parks team

Parks and Gardens Coordinator

Director Corporate and Commercial Services

Communication/Community Engagement

Kiama Sports Association

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council support the ongoing seasonal camping at Chapman Point Reserve over the Christmas/New Year and January school holiday period only.

BACKGROUND

Seasonal camping at Chapman Point Reserve is enabled by the Surf Beach Holiday Park management contract. Management of the camping ground is undertaken by the adjoining holiday park contract manager. Seasonal camping takes place twice over the year, the Easter weekend and the Christmas school holiday period. Seasonal camping has taken place continuously on Chapman Point Reserve for over 20 years over successive holiday park management contract periods. In recent time, Easter camping has not taken place – in 2019 immediately prior to the Surf Beach Holiday Park redevelopment and in 2020 due to COVID-19. In early March a decision was made by the Acting General Manager to cancel 2021 Easter camping due to the wet weather and assessment of the condition of Chapman Point Reserve.

Operationally, seasonal camping on Chapman Point Reserve relies on the existing facilities within Surf Beach Holiday Park to service guests such as showers, toilets and laundry provision. Seasonal campers have full access to the holiday park otherwise including the pool and camp kitchen. In order for the camping to comply with the Local Government Regulations, additional portable toilets are required to be installed on the reserve. At the present time the camping approval allows for 56 sites on the reserve.

The 2020/21 Christmas school holiday seasonal camping took place from 18 December until 26 January (39 days). The income generated from camping in this period was $84,656. This season, the first two weeks of the camping period were wet and this may have had an impact on camping site occupancy. However, the first three weeks of Christmas holiday camping on Chapman Point Reserve is the peak occupancy period and there may not have been a significant impact on gross income as a result relative to previous years. The average occupancy rate for the six-week camping period is around 55%.

Associated Costs

Analysis has been undertaken of the costs associated with seasonal camping establishment, operations and decommissioning. For the period, the costs were approximately $63,500. These costs comprised:

1. Council staff wages for annual camping approval, site set-up and set-down
2. Contractor engagement for temporary supply and disconnection of water, power and fire hose reels (for legislative compliance with the annual camping ground approval)
3. portable toilets
4. night security patrols
5. ground rehabilitation.
6. Park manager’s commission

Due to the wet weather over the first two weeks of the 2020/21 seasonal camping, approximately $10,000 ground rehabilitation works were required (topsoil and turf). There was significant damage to the ground surface. In a drier holiday period, damage to the ground surface and cost to rehabilitate is not as significant. However, a contingency must always be considered in the event of wet weather/general damage to enable effective rehabilitation for scheduled sport and general public recreational usage to recommence on the reserve as soon as possible.

It also needs to be noted that the 2020/21 seasonal camping required additional set-up expenditure associated with new camping compliance requirements (water supply to camp sites). This one-off cost was in the order of $9,000.

Therefore, 2020/21 seasonal camping over the Christmas school holidays resulted in a net retention for Council in the order of $21,259. It can be reasonably expected that future Christmas camping on the reserve would result in a net retention to Council in the order of $30,000 based on current camping site fees, occupancy patterns and manager commission structure. If the reserve does not require extensive rehabilitation such as what occurred in February this year, the return to Council could be in the order of approximately $35,000.

Over the Easter weekend, camping is permitted over five nights. The camping does not extend through the school holiday period, should it align. Seasonal camping over Easter operates the same as the Christmas period with regard to camp site fees, manager's commission and other costs. The most recent Easter camping on Chapman Point Reserve was in 2018 and gross income was $13,140. Maximum income that could be expected for the Easter period, assuming 100% occupancy, would be between $16,000 - $17,000.

A large proportion of costs incurred in enabling seasonal camping are fixed. After park manager commission and the other fixed costs are deducted, net retention to Council with Easter camping was minimal for 2018 (< $2,000). This excludes ground rehabilitation which has to be factored in as contingency. Easter camping would have run at a cost to Council if ground rehabilitation costs exceeded $2,000. However, if extensive ground rehabilitation is required which is what occurred in February 2021, Easter camping will operate under deficit and have to be subsidised by holiday park general operations.

Chapman Point Reserve is crown reserve and Council is the crown land manager. The reserve was gazetted for public recreation on 10 February 1978. Camping is a permitted activity under the *Crown Land Management Act* 2016 and *Regulations* (2018). A camping permit is granted annually under s68 the *Local Government Act* 1993.

The reserve is principally used for general public passive recreation and some active recreation. The Kiama District Sports Association (KDSA) advise that the reserve is used by three sporting groups – softball (winter), AFL (winter) and cricket irregularly (summer). In recent discussions with the KDSA, information was provided regarding the commencement of junior AFL at Chapman Point Reserve during or after the Easter school holiday period. This has to be taken into consideration with Easter camping on the basis that the sportsfield needs to be in a condition to ensure player safety as well as suitable for the sport being played. If the ground surface requires rehabilitation

after camping, it needs to be done in readiness for sporting club usage. The most recent ground rehabilitation undertaken by Council following the Christmas/January camping has taken in the order of four to six weeks to re-establish and provide suitable surface conditions for resumption of organised sport and recreation activity.

Council's Parks and Reserves team are committed to ensuring Chapman Point Reserve is rehabilitated after each seasonal camping period. There is no issue with undertaking works to repair the reserve, including turf replacement, providing there is budget contingency for it to occur. The main concern is the lack of reasonable time to appropriately repair the ground surface for the resumption of sports as well as for the general enjoyment by the public.

In consideration of all the relevant issues, there are three options regarding seasonal camping on Chapman Point Reserve into the future:

Option 1: cease all camping on the reserve

Option 2: continue seasonal camping over both holiday periods as currently occurs (status quo)

Option 3: discontinue seasonal camping at Easter

In Conclusion this report recommends Option 3 on the basis that seasonal camping over Easter presents financial risk to Council. In addition, it is not considered reasonable or practical to risk damage to the reserve taking into account the priorities attached to use of the reserve for public recreation purposes. Seasonal camping at Christmas has a demonstrated financial return to Council and has a minimal impact on the recreational uses after the camping season.

It is important to consider seasonal camping at Chapman Point Reserve in light of the impending new management contracts across the holiday parks generally. Council has accepted seasonal camping on Chapman Point Reserve for many years and has been contractually bound to facilitate it. Review of seasonal camping arrangements at this time will enable the new holiday park management contracts to be prepared accordingly.

Council also allows seasonal camping at Chittick Oval/Kiama Showground every Christmas school holiday period. Presently, the camping ground approval allows for 68 camp sites. This camping is also part of a holiday park management contract, managed by one of the other contracted park managers (Kiama Harbour Cabins). At Chittick/Showground, seasonal camping is expressed in the relevant Plan of Management for the Showground and has been occurring there for what is believed to be a period extending back to the 1930's. This camping provision also extends to the Kiama Show event in the second half of January. This report does not contain any recommendations associated with seasonal camping at Chittick Oval/Kiama Showground.

13.4 Question for future meeting: Markets Strategy

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

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.4 Manage other assets and infrastructure through the Other Asset and Infrastructure Asset Management Plan

Summary

At the Council Meeting on 15 December 2020, Councillor Reilly requested a report on Council's policy on markets. In addition, Councillor Brown requested a report on the licence for the Kiama and District Chamber of Commerce markets at Black Beach at the 16 March 2021 Meeting. This report includes information regarding the approved markets currently operating in the Kiama LGA, recent resolutions of Council regarding markets and the future management of markets with impending Plans of Management.

Finance

Council's Fees and Charges specifies a rental for market operations based on a rate of $10 per individual stall. At the conclusion of each market, operators provide a report to Council indicating the number of stalls. Collectively, the approved markets generate in the order of $40,000 per annum (excluding the COVID-19 interrupted period of FY2020 and 2021).

Policy

Local Government Act 1993

Crown Land Management Act 2016

Public Land Management Guidelines

Consultation (Internal)

Directors

Property team

Communication/Community Engagement

Not applicable

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

1. That Council acknowledge the previously endorsed Markets Strategy and;

2. Extend all approved markets under short term licence provisions to a common licence expiration date of 30 June 2022, except where an expression of interest process has been conducted (whether following adoption of Council managed crown land plans of management or otherwise) and a new licence to operate markets is in place before this date.

Background

In the Kiama LGA a total of five approved markets operate. These include markets at Jamberoo, Gerringong, the Farmer's Market at Coronation Park as well as the Seaside Markets and the Makers & Growers Market respectively on Black Beach/School Flat, Kiama.

The markets are all approved by individual development applications and occupy public land under licence agreements. The details of individual development approval and licence expiration is provided below:

Market	DA approval	Current Licence expiration
Gerringong Sunrise Rotary	2007.223	15/12/2020
Jamberoo Australian Red Cross	2018.56	15/7/2021
Farmer's	2018.267	24/6/2021
Seaside	2010.198	9/8/2021
Makers & Growers	2008.378	14/5/2021

Markets are no longer required to obtain development consent to operate following amendment to Kiama LEP 2011. The management of markets ongoing will be through individual licence agreements.

Markets Strategy (2019)

On 22 October 2019, Council adopted a new Markets Strategy. The strategy was prepared to "inform the future direction of markets taking place on public land" on the basis they "have never been considered from a strategic perspective, establishing ad-hoc over time driven by individual market operators and their requests to establish market operations on public land". The main aspects of the strategy included:

1. allowing one market to operate from the nominated reserves (Black Beach Reserve Kiama, Coronation Park Kiama, Reid Park Jamberoo and Old School Park Gerringong) under licence and through an expression of interest (EOI) process,
2. allowing markets to occur only on a single day of any public holiday weekend,
3. create consistent licence conditions such as licence term, number of days markets can operate, etc
4. foster points of difference between the different markets.

A survey was undertaken in mid-2019 to assist with the development of the strategy and generated 540 responses. Markets generally have strong support and there were positive responses for a combination of mid-week and weekend markets in Kiama.

Points of difference between the markets were considered relevant. Concerns with markets included car parking availability and potential impact on established retail shops when operating.

The major changes to current market operations following adoption of the strategy were:

1. one market operator at Black Beach Reserve/School Flat under licence,
2. limit of one market over public holiday weekends on each reserve,
3. market operators to be determined by EOI process for each licence term.

With regard to 1 and 2 above, the current approvals allow a total of 33 markets to be held on Black Beach Reserve every year. Both markets are allowed one market per month with an additional allowance of four (Makers and Growers) and three (Seaside) respectively. In consideration of the future number of market days to be conducted on this reserve, Council needs to take into consideration the associated traffic, car parking and infrastructure impacts. The sentiment of the community needs to be understood with regard to the number of individual markets that are held across all four designated reserves, as part of the future consideration of a markets policy and prior to the issue of new individual licences to operate markets following an EOI process.

It needs to be noted that the Farmer's Markets on Coronation Park originally operated from Black Beach Reserve, relocating on an interim basis following storm damage to the reserve during 2016. It was decided to leave the Farmer's Markets on Coronation Park ongoing as it was considered there was merit in facilitating markets at separate locations and to alleviate congestion and associated impacts (traffic, car parking) and also to manage perceived impacts in the town caused by the Black Beach location.

The Markets Strategy was created to inform the impending crown land draft Plans of Management process. An additional motivation for the strategy was to acknowledge and address the expiration date of licences for markets and ensure that no long term licences were granted beyond 30 June 2021, being the date the new crown land Plans of Management were to come into effect. The Act specifically made no provision for the renewal or issue of new licences on Council managed crown land for land uses such as markets. Ensuring that no long term licences for markets are issued prior to the adoption of POM's coming into effect has been managed effectively with three of the five markets being issued new short term licence/s since 1 July 2018 and actions currently progressing with regard to a further market operator being able to continue to operate under short term licence. Only one market operator (Seaside Markets) has been operating through this period with the benefit of a longer term licence, however, the imminent expiration of this particular licence will similarly be managed by the issue of a new short term licence.

These practices will continue as reflected in recommendation 2 of this report and is permitted under the relevant Acts and Council's Public Land Management Guidelines.

Markets Policy

In response to Councillor Reilly's request for a report on 15 December 2020, there is no current policy associated with markets. With the introduction of the new *Crown Land Management Act* in 2018, it is necessary to create Plans of Management for Council managed crown land. Towards the end of the current POM process, a draft markets policy will be developed, exhibited for comment and reported to Council. Creating a policy for markets, particularly in light of the EOI process that will be undertaken for markets to operate under future licence terms, is a scheduled project in association with the POM process.

Licence for Kiama Seaside Markets

With regard to Councillor Brown's request for a report on the licence to the Kiama and District Chamber of Commerce operating the Seaside Markets at the 16 March 2021 Council meeting, the following information is provided:

1. the market operation was approved by Council in 2010 and development consent issued,
2. a 10-year licence was granted 10 August 2010,
3. the licence expires 9 August 2021,
4. the markets operate from Black Beach Reserve Kiama (crown reserve R87397) every third Sunday of the month with an additional entitlement to operate markets on three additional days during the year.

Conclusion

With the commencement of the *Crown Land Management Act* in 2018, actions commenced with regard to the use of public land by market operators under licence. This has been necessary because of the requirement to introduce Plans of Management by 30 June 2021. The actions have included a Markets Strategy and managing individual markets on-going by only issuing short term licences (12-months maximum) whenever licence expiration occurs. The adoption of Plans of Management followed by individual EOI processes will enable the consideration for new licences under longer licence terms. All current market operators will have the same opportunity to apply for a licence to operate in the future, in accordance with the future Plan of Management and final Markets Policy to be adopted by Council.

14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

14.1 Question for future meeting: Akuna Street Carpark Geotechnical testing

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

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

Delivery Program: 2.1.1 Develop and implement appropriate land use plans

Summary

This report covers the request for geotechnical soil testing of the Council owned land in Akuna Street, Kiama.

Finance

No allocation is included in the current 2020/21 budget to undertake investigations on this property.

Policy

N/A

Attachments

1 Akuna Street Geotechnical Testing - Confidential Attachment

Enclosures

Nil

RECOMMENDATION

That Council allocate funding in the 2021/22 budget to undertake geotechnical and soil contamination investigation and testing of the south Akuna Street carpark.

Background

At the 23 February 2021 Council meeting, Councillor Steel requested a report on budgeting and timing of geotechnical testing at the Akuna Street site. The matter was referred to the Director Engineering and Works for investigation and report.

As part of the Development Application proposal for the multi-story commercial and residential development including underground carparking on 55-61 Shoalhaven Street, Kiama (north Akuna Street carpark), a comprehensive geotechnical investigation of the site was carried out by SMEC Australia P/L. While this investigation was specific for this development, it does provide sufficient geotechnical information that could be utilized for alternate development proposals in future

For the Council owned carpark on the southern side of Akuna Street (Lots 4, 5 & 6 DP 229319), Council staff have sought quotations for the completion of geotechnical and contamination testing of this site also. This work will entail drilling a number of boreholes across the site to extract soil samples, measure water tables and rock levels

and undertake laboratory testing for soil classification and contamination analysis in accordance with the relevant standards.

Quotations were received from three local geotechnical specialists, Douglas Partners P/L, SLR Consulting P/L and SMEC Australia P/L, with the cost of investigation and reporting ranging from approximately $25,000 - $30,000 including GST. A full listing of the quotations pricing is attached in the Confidential section of the council report. The indicative timing for the completion of this investigation and reporting is up to three months.

However as there is no budget allocation for this work within the current financial year, appointment of a consultant to commence the investigation works has not proceeded.

It is recommended that should this work be agreed upon to proceed, that Council resolve to allocate funding in the 2021/22 budget to undertake this work.

14.2 Question for future meeting: soil testing - James Oates Reserve, Minnamurra

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

Background

At the 15 December 2021 Council meeting, Councillor Way requested soil testing be undertaken on the southern side of James Oates Reserve parking area for possible contamination. The matter was subsequently referred to the Director Engineering and Works for investigation and report.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council note the outcome of the visual inspection of the soil mound at James Oates Reserve and not undertake further investigation.

REPORT

On the southern side the James Oates reserve carpark exists a landscaped soil mound approximately 1 metre high for the length of the carpark. The soil mound was originally placed to dispose of excess soil from previous works in the carpark and as a means of separating vehicles from parking on the reserve.

In 2020 Council staff undertook the extension of the carpark to the north to formalise and increase the number of parking spaces available. During the public consultation phase, claims were made that the existing southern mound was contaminated with asbestos and needed to be removed. Prior to the commencement of the carpark works, Council staff excavated a number of test pits along the mound and undertook a visual inspection of the underlying soil which appeared to be all clean fill material with no evidence of asbestos observed.

Should a more detailed contamination investigation and testing be required a geotechnical consultant will need to be engaged and from recent quotation information received, the cost of this testing is expected to range from $10,000 - $15,000 to complete, of which there is no budget allocation in the current financial year.

Based on the lack of evidence from the preliminary investigation, it is not considered that further contamination testing is warranted at this location.

15 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

16 REPORTS FOR INFORMATION

16.1 2021-2022 Destination Kiama Visitor Guide Launched

Responsible Director: Corporate and Commercial Services

The 2021-22 Kiama Visitors Guide was launched at the 30 March, Destination Kiama, Tourism After Hours Event. The Guide is the most comprehensive publication to date showcasing the Kiama area through destination imagery and useful information.

The 68 page, A4 size guide provides inspiration to visit and explore the region and is a practical resource for trip planning – highlighting places to stay, things to do, annual events, and dining options, as well as information on the area's history and heritage, natural assets, and a suite of maps. The guide encompasses the localities of Gerringong, Gerroa, Jamberoo, Minnamurra & Bombo.

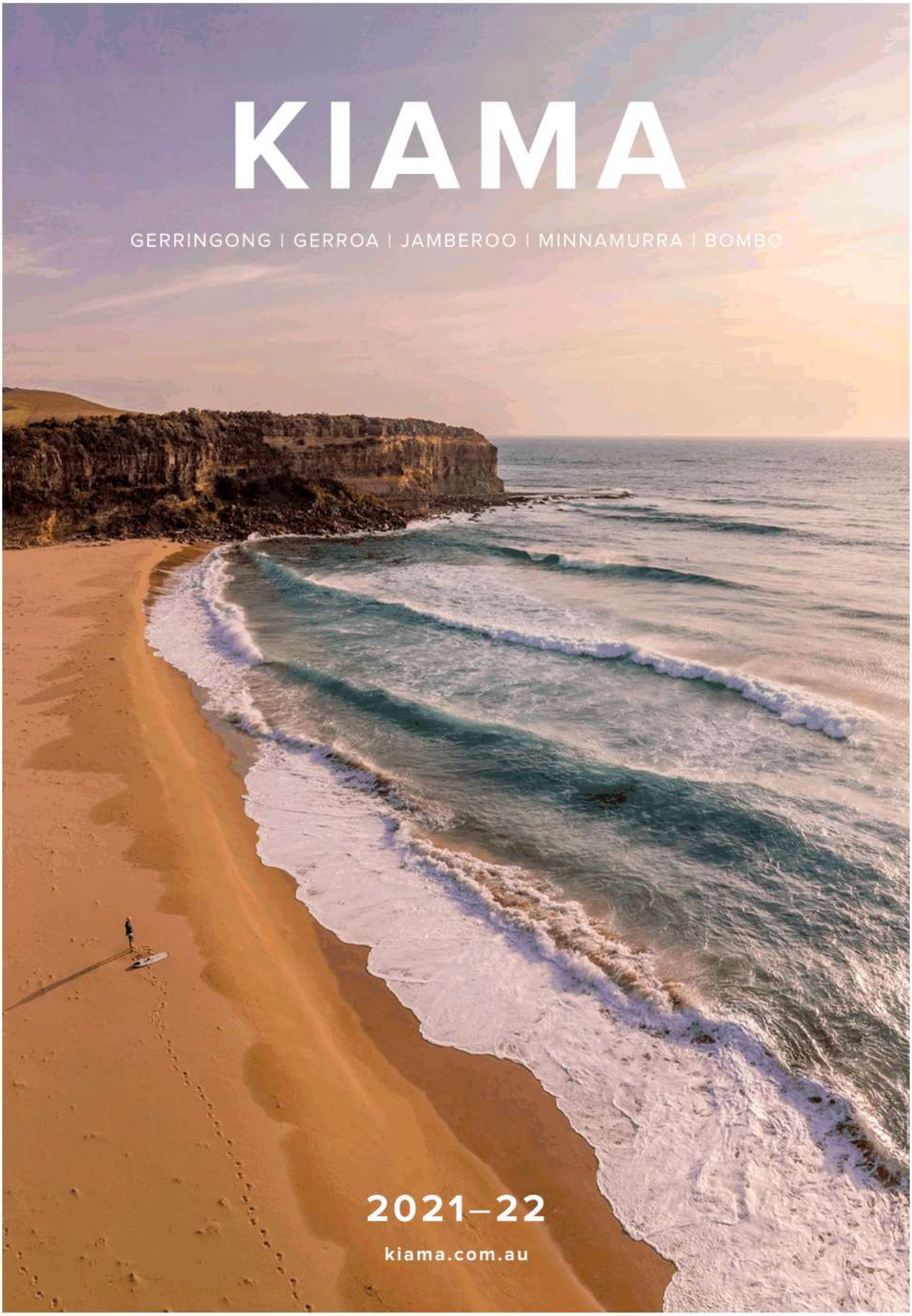
Available to potential visitors before they arrive via Destination Kiama's distribution network that includes east coast Visitor Information Centres, attractions, and accommodation outlets, while also serving as an on-the-ground reference for those already staying with us, via the Kiama Visitor Information Centre and Destination Kiama's local business partners.

The new, updated content includes suggested itineraries, a beaches quick reference table and the introduction of QR codes linking back to key pages on kiama.com.au as well as to digital versions of the Dining and Walking guides, and showcasing stunning imagery by local photographers, for which the guide has become famous.

The Kiama Visitor Guide is available now from the Visitor Information Centre at Blowhole Point, as well as online at kiama.com.au and through Destination Kiama business partners and outlets.

Attachments

1 2021-2022 Kiama Visitor Guide⇩


KIAMA
GERRINGONG | GERROA | JAMBEROO | MINNAMURRA | BOMBO
2021–22
kiama.com.au

WELCOME

Our region has always been a favourite destination for people seeking the classic coastal getaway; unwinding on one of our unspoilt beaches, exploring waterfalls and rainforests, motoring along country lanes or simply enjoying a coffee while people watching in one of our historic towns and villages.

In fact, unwinding and reconnecting may well be the themes for 2021. Relaxing away from the hustle and bustle of everyday life. Reconnecting with the real world and real people, after the isolation of 2020.

Fortunately, we have just what the doctor ordered, in your favourite flavour – whether it's gourmet local food, a good surf break, breathtaking coastal views, zip-lining down the escarpment or maybe just a comfy chair, a good book and some peace and quiet.

Kiama, Gerringong, Gerroa, Jamberoo, Bombo and Minnamurra have all this and more. Just take your time and enjoy.

Mayor Mark Honey
Kiama Municipal Council

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SHARE YOUR STAY

@kiamansw

#kiama #gerringong #gerroa #jamberoo #minnamurra #bombo

AREA: 259km2
POPULATION: approx 23,400
AVG ANNUAL RAINFALL: 1400mm
AVG DAILY TEMPS: 17°C (winter), 24°C (summer)

GETTING HERE

DRIVE: Sydney: 90mins Canberra: 2hrs 45mins
TRAIN: Sydney to Kiama 2hrs 15min. See transportnsw.info
FLY: Sydney Airport: 90mins drive or 2hrs train. Shellharbour Airport: 20mins drive – with services to/from Melbourne and Brisbane.

A SUSTAINABLE DESTINATION

Look for the **green footprints** throughout this guide for tips on a more sustainable visit.

QR codes are included throughout this guide to provide you with further information. Simply scan the code with your phone's camera and follow the link that appears.

Get your visit off to the best possible start with help from the knowledgeable and friendly team at the **Kiama Visitor Information Centre**.
Open 9am - 4.45pm daily (except Christmas Day).

A Blowhole Pt Road, Kiama
P 1300 654 262
W kiama.com.au
E tourism@kiama.com.au

ACKNOWLEDGEMENT OF COUNTRY

We are honoured to be on the ancestral lands of the Dharawal and Wodi Wodi people. We would like to acknowledge the First Nations as the traditional custodians of the continent, whose cultures are among the oldest living cultures in human history.

We pay respect to Elders past, present and emerging.

AUTUMN

MARCH
- Kiama Jazz & Blues Festival
- Wind and Waves Festival
- L'Etape Australia by Tour de France
- Kiama Blowhole Big Fish Classic
- Ocean and Earth South Coast Junior Regional Titles
- KISS Arts Festival

APRIL
- Winter Wine at Crooked River Wines
- Youth Week Festival

MAY
- SurfLife Gerringong Surf and Music Festival
- The Werri Slash
- Kiama I Do

We've done our best to ensure accuracy, but check details by scanning here for an up-to-date **what's on guide**.

SPRING

SEPTEMBER
- Romans Hot Rod Run
- Folk by the Sea
- South Coast 7s Tournament

OCTOBER
- National Rose Championships
- Australian Open of Surfing – Kiama Open
- Day on the Hill at Crooked River Wines

NOVEMBER
- Wings Over Illawarra
- Surfer Grom Comp
- Australian Boardriders Battle

WINTER

JUNE
- Winter Wine Festival
- Kiama Red Cross Fun Run
- Kiama Coastal Classic Running Festival
- Kiama Winter Festival

JULY
- Kiama Skatefest
- Jamberoo Music Festival
- Kiama Readers Festival

AUGUST
- Kiama Art Society Annual Exhibition

SUMMER

DECEMBER
- L'Etape Australia by Tour de France
- Christmas in the Vines
- Christmas Carols and Street Parades
- New Year's Eve Sky Show

JANUARY
- Captain Christie Ocean Swim

FEBRUARY
- Johnny Warren Memorial Cup
- Stomping of the Grapes Festival
- Kiama Sevens

BRING YOUR OWN EVENT TO LIFE
Get in touch with us today on **1300 654 262** or to view our Business Events Guide scan the code.

FREQUENTLY ASKED QUESTIONS

We love a curious mind! And we'll do our best to answer any queries you have about our piece of paradise...

Q: Um, how should I pronounce "Kiama"?
A: A very common question! Think of how you would say "I AM A" and it rhymes with that. So, "I AM A visitor to KIAMA".

Q: What hours is the blowhole open?
A: It's a natural attraction, and is open every day. Contrary to popular belief, they (yes, there are two) are not affected by times or tides, but sea swell and wind direction. For more, see page 12.

Q: Can I see any other blowholes during my stay?
A: Well, if you're here from May to November, you may be lucky enough to see the blowholes of migrating whales. Learn more on page 19.

Q: Any good walks/hikes in the area?
A: Oh, you're in for a treat! Check out the Kiama Coast Walk on page 14, plus other great walks on page 20.

Q: Other ways to explore the region?
A: Absolutely. Throughout this guide, keep an eye out for driving, cycling and walking routes, plus other suggestions to ensure you don't miss the good bits. For public transport timetables see transportnsw.info

Q: Where are the good surf spots and can I hire boards?
A: For beach/surf info including patrol times, check out page 16. Board hire is available at surf shops in Kiama and Gerringong. Also consider kayaking or SUPing on Minnamurra River, Kiama Harbour or Seven Mile Beach.

Q: Is Minnamurra Rainforest in Minnamurra?
A: No, you'll find it inland, west of Jamberoo (easily signposted from there) at the start of the Minnamurra River, just 15 minutes from Kiama. See more information on page 20.

Q: Where do I start the Kiama Coast Walk?
A: You can start anywhere along the 20km route, however the official 'start/end points' are Minnamurra Headland in the north and Werri Beach in the south.

Q: Does Kiama have a railway station?
A: It does – located on the aptly named Railway Parade, two minutes from the main street and 10 minutes from the lighthouse/blowhole. Trains come from Minnamurra and Bombo stations in the north and continue south to Bomaderry (Nowra) via Gerringong and Berry.

Q: Are you a dog friendly area?
A: Arf arf arf! (Yes!) And you'll find more info about four-legged family members (including pooch-friendly beaches and reserves) in our Kiama for Families section on page 36.

Q: Why are they called the Cathedral Rocks?
A: Because the rocks are shaped like a burrito. Okay, just kidding, it's obviously because they resemble the spires of a cathedral (albeit a soggy one). Bring your camera.

Q: Is Kiama a good place for fishing?
A: Put it this way – we give fishing enthusiasts the same advice that we give broken-hearted visitors – "there are plenty more fish in the sea!". Check out page 64 for some fishing spots and advice. (Personally, we consider Kiama quite the catch.)

Q: Is Jamberoo famous for Jam or Roos?
A: Neither. Although live musicians regularly jam at the famous pub and during their annual music festival.

Q: Where can I park my van for the night?
A: While there are currently no freebie spots, you're spoilt for choice with sites in our holiday parks at Surf, Kendalls and Easts Beach, as well as Werri Beach in Gerringong and alongside Crooked River at Gerroa. Top notch, all either on or very near the ocean and 100% human-friendly. See page 59 of our directory for details.

Q: Any other accommodation options?
A: Take your pick – from motels, hotels and resorts through to BnBs and self-contained holiday homes. Just scan the code!

Q: It's raining. What can I do?
A: First, high-five Mother Nature, because rain is celebrated round these parts. And check out our favourite rainy day activities on page 8.

Q: When are the markets held?
A: Craft and produce markets are held on the 3rd Sunday and 4th Saturday in Kiama. Every Wednesday afternoon is the Kiama Farmers' Market. Gerringong markets are the 3rd Saturday and Jamberoo the last Sunday of the month.

Q: If I dug a hole directly through the Earth from Kiama, where would I come out?
A: First up, congrats on those digging skills. But pack your swimsuit, because you'd emerge in the ocean off the coast of Portugal.

Q: Where can I have lunch with a water view?
A: Cafes with water views can be found on Shoalhaven Street overlooking the Harbour, at Blowhole Point, on Manning Street at Surf Beach, on Fern Street in Gerringong and Riverleigh Avenue, Gerroa. Many of these also serve up a good seafood dish or two. See page 61 for dining options.

Q: Should I tell all my friends how great the Kiama area is?
A: Um, did you not live through 2020? Of course you should! After all, they deserve happiness too. And share the love with us by tagging @kiamansw and #kiama (or #gerringong, #gerroa, #jamberoo, #minnamurra, #bombo) in all your photos. You can even use Kiama as a backdrop in your TikTok dances.

Q: Where can I find free maps, local info and super friendly staff?
A: We thought you'd never ask! At the Visitor Information Centre of course – Blowhole Point, Kiama – open daily (except Christmas Day) 9am - 4.45pm.

Want more useful info?
Check out THE ESSENTIALS guide on **page 64.**

EXPLORE OUR REGION

Whether it's your first time here or you're a long time fan, our mix of natural wonders, modern sophistication and relaxed village vibes promise an escape for everyone...

TOWNS & VILLAGES

KIAMA:

HUB OF THE REGION

Sandy beaches, a bustling harbour, a selection of brilliant cafes, restaurants, galleries and shops, iconic Norfolk Island Pines and the train lazily rolling into town. If you had any doubt that you were in Kiama, the lighthouse and famous "whoosh" of Australia's biggest blowhole would confirm it!

Kiama is the largest town in the region, with its centre laid out between four beaches and everything within easy walking distance. **A classic coastal destination where you'll feel just as comfortable dressed up or barefoot.** Blessed with undeniable natural beauty and offering all the conveniences and finer things in life that you can expect from a larger destination, **it's an enduring and favourite escape.**

If you need information or advice, you'll find it with the friendly folk at the Visitor Information Centre, on Blowhole Point near the Lighthouse. (If you end up in the ocean, you've gone too far!)

JAMBEROO:

CHOOSE YOUR ADVENTURE

Flying through lush ancient rainforest on Australia's highest zipline, it's hard to believe that you're just a short drive from Kiama's golden sands.

That's what makes Jamberoo so special – **with a mix of different experiences tucked into the foothills and mountaintops of our area's western border.** At one end of the spectrum, you'll find the gentle pace of dairy farming life – where cyclists and cattle are the only traffic you're likely to meet. But then, along comes NSW's favourite water theme park (open September to April) as well as the breathtaking waterfalls, treetop walks, hidden pools, panoramic views... and don't forget that zipline.

Nature lovers and walking enthusiasts will also love the many tracks and native flora and fauna on offer here – including towering gums, cedars, tree ferns, wildflowers, lyrebirds, threatened bird species, echidnas, wombats and many more (see page 18). Your next adventure awaits!

GERRINGONG & GERROA:

A BREATH OF FRESH AIR

A short, winding stretch of highway separates Kiama from its twin neighbours to the south. Gerringong deals exclusively in **chilled out vibes all year round** – where a sunrise surf or dip in the ocean pools remains one of the best ways to welcome a new day.

Meanwhile, nearby Gerroa overlooks the long horizon-kissing curve of Seven Mile Beach National Park. This is a playground for windsurfers and swimmers, as well as being one of Australia's best surfing classrooms thanks to the vast expanse of friendly waves and a gentle sloping sea floor.

The sky just feels bigger down this way; the air cleaner – a place to exhale life's worries. Yet, mixed in with the "laid back feels" there's a vibrant buzz that proudly celebrates its art, surf culture and chillaxing creativity. A timeless holiday spot in a modern world.

MINNAMURRA & BOMBO:

WHERE TIME AND TIDE COMBINE

Kiama's coastline is a wonderland of geological delights, and nowhere is that more evident than along the scenic stretch from Minnamurra to Bombo.

The Minnamurra River marks the northern border – a safe swimming spot and home to kayakers, paddle boarders and anglers alike, all enjoying its sandy shores and tidal personality.

This point also marks the beginning of the spectacular Kiama Coast Walk, immediately offering expansive views that will define the journey south.

Along the way, you'll **discover historic indigenous sites, whale watching opportunities, popular surf spots** and the famously photogenic Cathedral Rocks and Bombo Headland – where a mix of ocean forces and quarrying have resulted in memorable natural monoliths.

ITINERARIES TO MAXIMISE YOUR STAY...

SADDLEBACK SCENIC LOOP

(DRIVING; 30-60 MINS)

From Blowhole Point, follow Manning Street up past the Service Station and right onto Saddleback Mountain Road.

The road will steadily rise up above Kiama township to a junction with Old Saddleback Road. Turn left and continue about 4km to the **Saddleback Lookouts**. Great views north from the first lookout and south from another lookout further up. This is also the start point for **Hoddles Track**, a steep walk accessible via firetrail (see page 20).

Return via Fountaindale Road and into **Jamberoo Valley**.

GERRINGONG WITH THE WIND

(WALKING; 1-2 HOURS)

Start at the north end of **Werri Beach** and take the path or the sand all the way south. This is a popular surf spot when the swell is sending it – also offering a rockpool and fascinating rock shelf patterns to explore.

Grab a coffee nearby and enjoy stunning views as you climb **Gerringong Headland** alongside Tasman Drive. At the top, the cemetery is a dead giveaway – surely one of the country's most picturesque resting places. Wander (respectfully) down the hill to steps that lead you to **Boat Harbour**, where you'll find a picnic area and second rockpool.

The walk into town from here is up via Jupiter Street and north onto Fern Street – back just in time for **gallery browsing, boutique shopping** and a spot of lunch.

RAIN SUPREME

(DRIVING; TAKE YOUR PICK!)

There's no reason why rain should dampen your spirits during your stay. For starters, all the outdoor attractions are usually at their best in splashtastic weather – including **Minnamurra Rainforest**, the **blowholes** and many of Kiama's surf spots.

Back indoors, get cosy with a warm cuppa or tasty treat in one of our many quality **cafes**. Or trade coffee for quaffing with a paddle sampler or tasting sesh at our local **microbrewery** or **winery**.

Wet weather is also great for soothing or pampering – and you can find your bliss with a relaxing massage, floatation session or day spa experience.

Kiama Library offers modern surrounds and a range of books, games and magazines. Meanwhile, in Kiama and Gerringong you can enjoy an eclectic mix of boutique and homewares stores as well as **art galleries** that feature renowned artists – all promising savvy browsers with brilliant buying in any weather!

Finally, enjoy a heated swim, spa, sauna, gym, court hire and more at the **Kiama Leisure Centre**, or head north to experience a jumbo-sized Qantas 747 tour and aviation history at HARS Museum in Albion Park.

Up this way, your rainy day is also saved with indoor ten-pin bowling, trampolining, go kart and laser tag fun, plus the greater region's main cinema complex.

GRAND PACIFIC DRIVE

(DRIVING: 50 MINS APPROX TO SEACLIFF BRIDGE)

Grand Pacific Drive spans from Royal National Park to the Shoalhaven. Along the way, it passes through the northern beaches of Wollongong and on to the beautiful coastal towns of Shellharbour, Kiama and the rolling green hills and wineries around Gerringong.

To find out more, including walking the scenic Seacliff Bridge (pictured), scan the QR code.

COASTING THROUGH LIFE

(WALKING: 2.5 HOURS)

Catch the train to Minnamurra Station or drive nearby to the start of the **Kiama Coast Walk** alongside the mouth of the **Minnamurra River**. From here, the path rises quickly to reveal panoramic views of the ocean, river and surrounds.

Continue south to Kiama Downs and one street back from the colourful surf club mural, pick up a coffee, seafood, burger or picnic supplies from the local eateries. At the southern end of **Jones Beach,** explore **Cathedral Rocks** before stopping at the secluded **Boneyard** to get your toes wet.

Further on, **Bombo Headland** offers amazing rock formations due to a combination of nature and quarrying, while nearby North Bombo beach reveals a popular surf break, with Kiama lighthouse visible in the distance. **Bombo Station** is Australia's closest to the ocean – allowing you to catch the train back to where you started.

CHASING WATERFALLS

(DRIVING: 2-4 HOURS)

Following the signs for "Tourist Drive 9", head west from Kiama, meandering through rolling dairy country and picking up a coffee, picnic items or a pub lunch in **Jamberoo village**.

Continue on and turn off to **Minnamurra Rainforest Centre** – with its excellent accessible-friendly loop track, longer waterfall walk and visitor centre. From here, wind your way up Jamberoo Mountain Road, emerging atop the escarpment with stops at the **Jamberoo Lookout, Illawarra Fly Treetop Adventure, Carrington Falls** and **Nellies Glen.**

On to Robertson (affectionately known as the 'green heart of the highlands') and from here you can choose to return via Macquarie Pass or continue on an extended loop taking in the magnificent Fitzroy Falls, quaint Kangaroo Valley, grabbing a donut from Berry on the way back to the coast.

EXPLORE OUR HISTORY

Beyond the holiday nostalgia, the Kiama region has a rich past – with stories around every corner, just waiting to be told...

The Dreaming Poles – created by Stephen Russell and Phyllis Stewart.

"The carvings on the poles depict our traditional foods like fish, abalone, pipis, oysters and kangaroo along with berries and medicines ... the blue represents the salt water people, the black represents the Aboriginal people and the white is out of respect for our ancestors ... the brown represents the earth." – Local Elder Aunty Joyce Donovan

Seven Mile Beach Club

Kiama Station 1893

Dry stone walls

TREES & TRAILS

The Dharawal people were the first to inhabit the Kiama area. The cabbage tree palms, a totem of the nomadic **Wodi Wodi** and a remnant of the rainforest which once stretched all the way to the coast, endured beyond the cedar cutting of the 19th century. Early tribes passed through the region, following trails on their way to and from Bass Point (Shellharbour) and La Perouse (Botany Bay). One of their traditional camps was near modern-day Jamberoo – which means "track".

ADDING BASS TO MAKE A NOISE

During his journey along the South Coast, **George Bass** was the first European to set eyes on Kiama, sailing his whaleboat near the now-famous Blowhole in December 1797. He anchored in Black Beach and described a "tremendous noise" nearby. The region's name actually translates from "Kiarama" – an indigenous translation of "where the sea makes a noise".

TREE FELLERS WALK INTO A BAR

In the early days of Sydney, the Kiama region provided timber from its vast Red Cedar forests, which densely blanketed the area. The original cedar cutters arrived in 1812, but it would be 25 years before Kiama's first pub, **"The Gum Tree Inn"** opened. That's a lot of thirsty work that went unquenched!

EXPLORE MORE STORIES
Scan the code to discover one of our favourite local dreamtime stories.

THE GREAT WALL(S) OF KIAMA

Reminiscent of those found in Britain, there are approximately 400 stone walls lining country roads across the Kiama area – most of them built by a ploughman named **Thomas Newing** between the 1860s and 1920s. "Stones are like people," he is reported to have said. "Some are good to work with, they fit in anywhere, but others are cranky, you've got to humour 'em."

ON THE RAILS

Kiama's boom period of growth took place in the late 1800s – and this included the **arrival of rail** from Sydney in 1887. For five years, Kiama's station was located at what is now Bombo Station (Australia's closest station to the ocean) before pushing on through tunnels to the current Kiama station, Gerringong, Berry and Nowra in 1893.

YOU'LL LOVE:

- Exploring early architecture on the **Kiama Historic Walk**. Pick up a map from the Visitor Information Centre.
- Learning more about **Kiama's lighthouse** (built 1886) and nearby **Pilot's Cottage Museum**, both on Blowhole Point.
- Retracing the steps of early **indigenous tribes** – with middens still found at the mouth of Minnamurra River and Dreaming Poles on the Kiama Coast Walk.
- Researching local history at **Gerringong Museum** and **Kiama Family History Centre**.

THE BLOWHOLES

Every so often, nature likes to show off...

For many first-time visitors, Kiama is synonymous with "blowhole". But how much do you actually know about our famous noisy landmark?

The first thing is that there are in fact TWO, not just one. The larger **Kiama Blowhole** is located next to the lighthouse. It has a 2.5m wide opening and has been recorded at heights of more than 30 metres (that's similar to an 8-storey building), often drenching unwary visitors! Meanwhile, about 2km south, the **Little Blowhole** is arguably more consistent. Small in stature but mighty in nature, you can often hear this section of the coastline before you can see it. You can reach it via the Kiama Coast Walk or drive to Tingira Crescent.

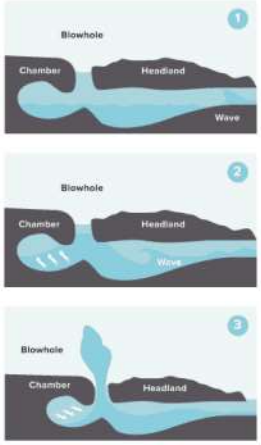
HISTORY LESSON

Just how old are our blowholes? Let's put it this way — they stopped getting excited about birthdays a LONG time ago! Around **260 million years ago** (that's 100 million years before the dinosaurs), basalt lava flowed into the sea to form these coastal rock formations. Over time, ocean erosion of softer rock inside sea caves created the holes we see today (see diagram).

The blowholes were discovered by local indigenous tribes, who called the large one *Khanterinte*, while one of the translations of the name Kiama is "where the sea makes a noise". They were first written about in 1797, when George Bass sailed past – the first European to visit the area.

VIEWING THE BLOWHOLES

If your friend told you to bring coins to operate the Blowholes, they were joking. This is strictly nature's show and she can be a fickle mistress. The Blowholes aren't affected by tides — it's all about **sea swell and wind direction**. At the big one, you get the best, 'whooshiest' results in a **SE wind**, while the little one likes to show off in the more common **NE wind**.



Over time, a long sea cave is hollowed out from a 'dyke' (intrusion) in igneous rock known as latite, allowing waves to enter.

Under the right conditions, big waves force their way into the cave, compressing the air inside the rear chamber.

This compressed air acts like a drill, powering the incoming wave vertically – initially forming the blowhole and thereafter forcing water up through it.

Both viewing locations have parking and are paved with access for wheelchairs, strollers, etc. to get up close. Have your camera ready to go — it's always a great view, regardless of whether nature puts on a show.

Near the Little Blowhole, explore an area of **bush regeneration** carried out in collaboration with local Aboriginal People. The work here expresses the respect for Aboriginal Dreaming, and the connections between plants, animals, people and their relationship to land.

KIAMA COAST WALK

Ocean views, unspoilt beaches and delightful detours. One of Australia's most scenic coastlines is yours to explore...

The Kiama Coast Walk is an unbroken ribbon stretching some 20 kilometres from north to south along our stunning coast. Choose one section or complete it all – it's up to you!

MINNAMURRA RIVER TO KIAMA BLOWHOLE

8.5km • 3 hours • Grade 3 (Medium)

- Panoramic views from Minnamurra headland.
- The photogenic rock formations at Cathedral Rocks and Bombo.
- The secluded picnic-friendly Boneyard.
- Kiama's scenic harbour and ocean pools.

KIAMA BLOWHOLE TO LOVES BAY

5km • 1.5 hours • Grade 3 (Medium)

- The history of Kiama Lighthouse and Pilot's Cottage.
- The views and unique feel of each new beach and headland.
- A side trip to Bonaira Native Gardens near Kendalls.
- Getting right up close to the Little Blowhole.

LOVES BAY TO GERRINGONG

6km • 1.5 hours • Grade 4 (Hard)

- The big ocean views and whale watching opportunities.
- Waving to tunnel-hopping trains alongside the track.
- Exploring rock shelves and rainforest remains.
- The cultural story behind the Dreaming Poles.

TRAVEL SMART

- Always carry water, mobile phone and wear sun protection.
- Some parts of the walk are along unprotected cliff tops, so please do not leave children unattended.
- Werri Lagoon (Gerringong) is sometimes open to the ocean. Check via the Visitor information Centre on 1300 654 262.

NAVIGATE YOUR WALK
Follow along with our **online map** by scanning the code.

Help protect our pristine coastline by taking all rubbish with you or using bins provided.

KEY LEGEND
- Kiama Coast Walk
- Train Station
- Toilets
- Parking
- Ocean Pool

Minnamurra
Kiama Downs
Jones Beach
Bombo
Bombo Beach
Kiama Harbour
Kiama
Blowhole Point
Surf Beach
Kendalls Beach
Easts Beach
Kiama Heights
Loves Bay
Gerringong
Werri Beach
Boat Harbour

SWIMMING & SURFING

With world-class waves and distinct personalities, our beaches make a splash all year round for lovers of surfing, swimming and sandcastles...

	Surf	Snorkelling	Patrolled* Weekends & Public Holidays (Oct-April)	Patrolled* 7 Days Summer Holidays	Toilets	Parking	Pet Friendly**	Playground	Kiosk/ Café	Picnic Area	BBQs
Minnamurra River		✓			✓	✓		✓		✓	✓
Jones Beach	✓		▬	▬			✓	✓			
Boneyard	✓	✓									
Bombo Beach Nth	✓	✓		▬	✓	✓				✓	
Bombo Beach Sth	✓						✓				
Black Beach					✓			✓	✓	✓	
Continental Ocean Pool					✓				✓		
Blowhole Point Ocean Pool					✓	✓			✓	✓	✓
Surf Beach	✓		▬	▬	✓	✓		✓	✓	✓	✓
Kendalls Beach				▬		✓		✓		✓	✓
Easts Beach		✓		▬	✓						
Werri Beach	✓		▬	▬	✓	✓	✓	✓	✓	✓	✓
South Werri Ocean Pool		✓			✓	✓		✓	✓	✓	
Boat Harbour Ocean Pool		✓			✓	✓				✓	✓
Seven Mile Beach	✓	✓		▬		✓			✓	✓	✓
Crooked River, Gerroa		✓		▬		✓		✓	✓	✓	

*Lifeguards are only on duty when the red and yellow flags are in place.
**Check onsite signage for restrictions regarding dogs.

Help keep our coastline unspoilt by joining us to **"take 3 for the sea"** – leaving only footprints and taking 3 pieces of rubbish that you find.

NATURE ON DISPLAY

Enjoy our unique flora & fauna, in all its bountiful beauty...

Eastern Spinebill

Echidna

Cabbage Tree Palm

Humpback Whale

With such a botanically-blessed backdrop as the one we have in Kiama, it's little wonder that humans aren't the only living things that enjoy this happy habitat. Across the region, you'll find animals inhabiting the land, sea and air, framed by many distinctive native species of plants and trees.

Bird watchers and nature "frothers" will revel in the region's abundance. And even the casual observer will find something unique in our diverse landscape's dramatic coastline, rolling hills, thriving wetlands and towering rainforests. Kiama is a true garden of delights!

LET'S GO ON A KIAMA SAFARI...

- **CABBAGE TREE PALMS:** Leftovers of the rainforest that once stretched from the mountains to the sea.
- **EASTERN SPINEBILLS:** A species of honeyeater found darting quickly around in woodland areas.
- **WHALES:** May to November, spot Humpback and Southern Right whales migrating along the coast.
- **WILDFLOWERS:** Spring colour in places like Bonaira Gardens, Barren Grounds and the Kiama Coast Walk.
- **ECHIDNAS:** These cute native animals are just one of two mammals in the world that lays eggs.
- **WHITE BELLIED SEA EAGLES:** Birds of prey, with distinctive crisp-white and ash-grey plumage.
- **DOLPHINS:** Often seen in groups and smiling playfully at beach breaks around the Kiama area.
- **PELICANS:** An iconic and regular sight around Kiama and Gerringong harbours.
- **EASTERN WATER DRAGONS:** Found in waterways, this reptile species is more than 20 million years old.
- **EASTERN GROUND PARROTS:** Endangered, shy and strikingly beautiful birds found in Barren Grounds.
- **STINGRAYS:** These graceful marine creatures can often be seen 'flying' near Kiama Harbour's jetty.
- **LYREBIRDS:** Unique birds with elaborate tails and the ability to mimic other birdsongs and man-made sounds.

Stingray, Kiama Point

Visit the pelican statue at Kiama boat ramp to learn how plastic affects our **marine life**.

NATURE WALKS

Discover how great the great outdoors can be...

MINNAMURRA RAINFOREST
(BUDDEROO NATIONAL PARK)

A multi-award winning attraction where visitors can experience the splendour and beauty of a rare remnant of subtropical and warm temperate rainforest, which is representative of the once extensive rainforests of the Illawarra region. Discover waterdragons on the river banks, bowerbirds, lyrebirds, ancient fig trees, rock orchids, elk horns and lush ferns.

Open daily, except Christmas Day, from 9am; gates close at 5pm.

NOTE: $12.00 park entry fee per vehicle per day.

RAINFOREST LOOP WALK

Time: 45mins **Distance:** 1.6km **Grade:** 3 - Medium

Explore the diverse range of plant and wildlife species. The first 500m is suitable for assisted wheelchairs. Last entry 4pm.

THE FALLS WALK

Time: 2hrs **Distance:** 4.2km circuit **Grade:** 3/4 - Medium/Hard

A continuation on from the 'Loop Walk', the 2.6 km (return) 'Falls Walk' will lead you safely along the canyon cliff edge to the breathtaking upper Minnamurra Falls. This walk is slightly more challenging than the Rainforest Loop.

Total distance for both walks is 4.2km with the last entry 3pm.

SADDLEBACK MOUNTAIN & HODDLES TRACK

Time: 3hrs return **Distance:** 8km return **Grade:** 4 - Hard

Park your car at Saddleback Mountain lookout (6km southwest of Kiama) and follow the signs to Lookout B (the western lookout). Take the fire trail next to the platform, following it down to where the walk starts. From here, the track is marked clearly with green posts up into the escarpment to Mt Noorinan. This track was originally used to transport produce to Kiama for shipping in the 1800s and at one point stretched all the way west to Bowral. Bird watchers should keep an eye out for Crimson Rosellas, Eastern Bristlebirds and the Golden Whistler.

NOTE: The track is steep in places and can become slippery. Wear sensible shoes.

BOMBO HEADLAND

Time/Distance: 1hr return **Grade:** Medium

A short walk to another world, or at least that's what it feels like as you walk amongst the clusters of hexagonal basalt columns, a legacy of blue metal quarrying in the 1880s and 1900s.

Start out from the carpark at the north end of Bombo Beach and follow the path hugging the coast. This southern side of the headland has been extensively quarried and provides for a very interesting walk. Views to the north include Cathedral Rocks, Minnamurra Headland and Jones Beach. Look south and you can see an impressive view of Kiama and the iconic lighthouse.

SAND TRACK WALK (NORTH & SOUTH)

SEVEN MILE BEACH NATIONAL PARK

Time: 2-3hrs **Distance:** 4km/6km return **Grade:** 3 - Medium

Otherwise known as the Waterline Track, the Sand Track (north) starts at the Beach Road picnic area and heads north towards the smaller Gerroa picnic area through dune blackbutt and bangalay forests. Return the same way or via Seven Mile Beach.

The Sand Track (south), or Linksand Track begins from the opposite end of the Beach Road picnic area and runs parallel to the beach, after about 2kms, the track emerges onto a secluded stretch of Seven Mile Beach. From here, retrace your steps or continue the circuit back to the picnic area via the beach. NOTE: Beach Road Picnic Area is open from 6am-6pm 7 days and until 8pm in Summer.

BARREN GROUNDS NATURE RESERVE
(BUDDEROO NATIONAL PARK)

Stretching from Kiama to Robertson along the top of the escarpment, this plateau reserve is a favourite for walkers and birdwatchers. Barren Grounds offers many walks taking in views of the coastline and surrounding countryside.

ILLAWARRA LOOKOUT WALK

Time: 30min-1hr **Distance:** 2km return
Grade: 2 - Easy, flat

Taking you to views of the coastline along the eastern escarpment of the Illawarra Plateau.

FLYING FOX PASS WALK

Time: 1hr **Distance:** 5km **Grade:** Medium

A scenic track winding through heather and ending at an old flying fox from the 1940s, once used as a pulley system for transporting timber from the valley up to a sawmill.

GRIFFITHS TRAIL

Time: 2-3hrs **Dist:** 7.4km loop
Grade: 3 - Medium

The main walk in the reserve, with a couple of tributaries. Meander through a range of vegetation communities from low heathland to a eucalypt forest with an amazing display of ferns. Take in the Saddleback Trig and a natural stone bridge before returning back to the picnic area.

CARRINGTON FALLS: LOOP WALK
(BUDDEROO NATIONAL PARK)

Discover cascades, waterholes and rockpools in this piece of paradise just 45 minutes from Kiama township. Not only is this a lovely place to picnic and cool off in the heat of summer, it also has some short walks signposted from Thomas Place picnic area.

Time: 30-45mins **Distance:** 600m loop **Grade:** 3 - Medium

This track loops around the edge of the escarpment, passing several lookouts. You'll have ever-changing views of Carrington Falls waterfall, which cascades 90 metres down to Kangaroo River.

WARRIS CHAIR (depart from Nellies Glen)

Time: 30mins **Distance:** 1km return
Grade: Easy

MISSINGHAM LOOKOUT

Time: 1hr 30mins **Distance:** 3.8km return
Grade: Easy

THE KIAMA WALKING GUIDE
Check out our Kiama Walking Guide for more walks and information.

Seafood with sea views, paddock-to-plate produce, ginormous gourmet burgers, authentic world cuisine or the classic coastal fish and chips – no matter what you're after, you'll be sure to find it here.

One of the benefits of being a great place to visit is that top foodies and chefs end up living here – and the result is an ever growing collection of renowned culinary talent and award-winning menus. Tasting the region is as easy as choosing our sumptuous selection of local cheeses, gelato, baked goods, fresh meats, fruits, vegetables and seafood. All washed down with a freshly squeezed juice, smoothie or a drop from a local microbrewery or winery.

We can't wait to share our world of flavours with you. Step up to the plate!

HUNGRY FOR MORE?
Check out our Local Dining Guide for serving suggestions and venues to suit all tastes.

YOU'LL LOVE:

- **DISCOVERING LOCAL PRODUCE:** If you happen to be in town mid-week, be sure to stop by the Kiama Farmers' Market to experience the village vibes and fresh produce first hand. You'll also find a generous handful of other local spots to gather fresh breads, pastries, spices, preserves, oils and staples for your next feast.
- **COASTAL BITES:** There's no escaping that big blue just to the east - you'll have plenty of opportunities to savour the views and the menus with many establishments just a stone's throw from the shoreline. From coffee and cake to eggs benny, burgers, seafood, mexican, pasta and plenty more – we're putting the "oh!" in oceanside dining.
- **SAMPLING A LOCAL DROP:** Wake yourself up with locally ground coffee supplied to many of the region's best cafes or while away the afternoon sampling beers and wines atop Gerringong's volcanic soils.
- **TRYING SOMETHING NEW:** Remember those sea-change foodies and chefs we told you about? Well, some of them can't wait to take you on a farm tour, welcome you to a cooking class or provide the perfect picnic platter. Bon appetit!

Help reduce single use coffee cups by bringing your own or join local app Green Caffeen's "swap 'n' go" system – just look for the logo!

Attachment 1

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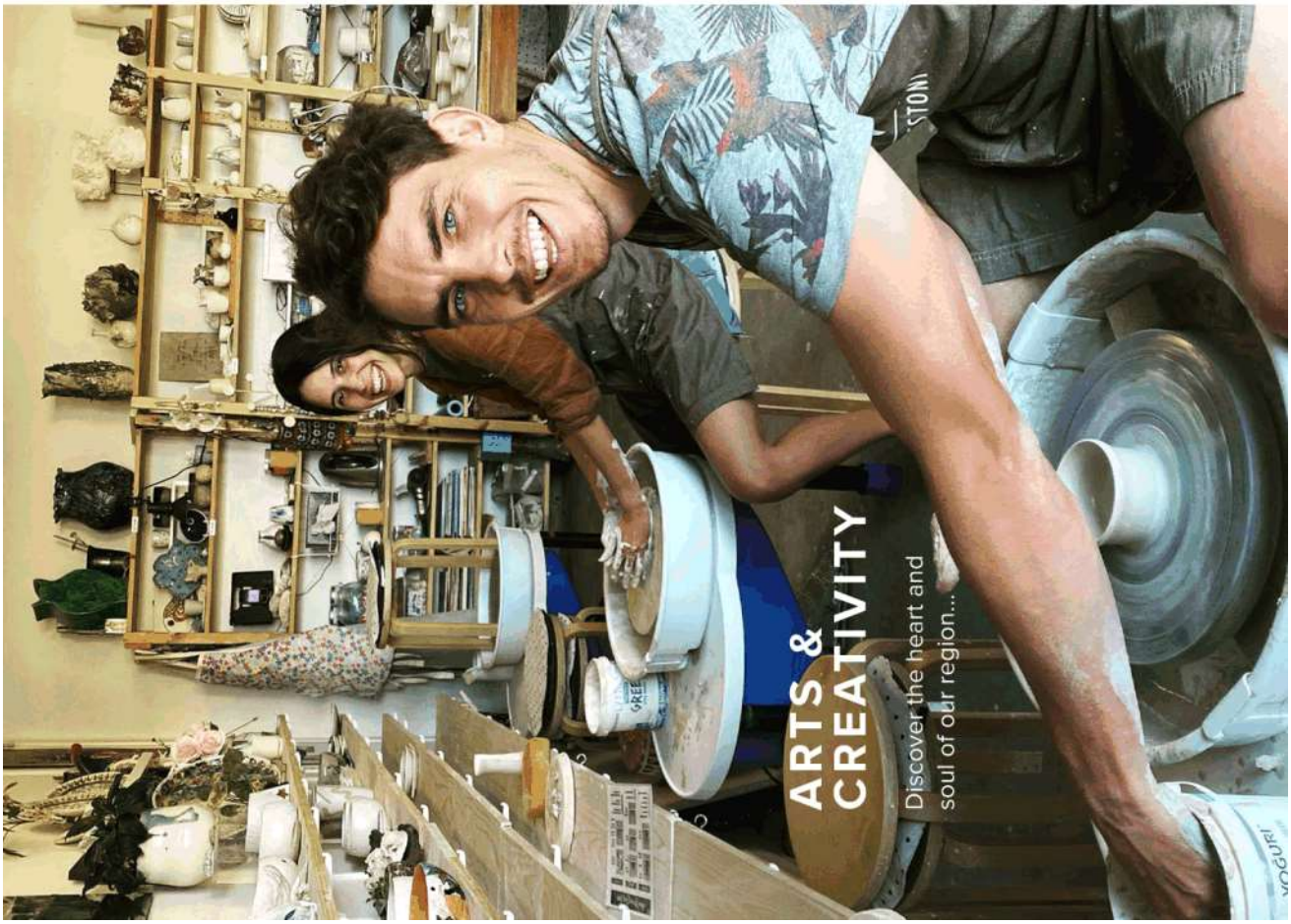


There's something about our combination of natural beauty and timeless locations that inspires local artists and visitors alike – producing a wonderful collection of colours, sounds, shapes and textures atop centuries of rich colonial history and indigenous culture.

You don't need to go far to witness the strong beating heart of Kiama's thriving art scene. Around these parts, we wear our art on our sleeve – on full display throughout the year thanks to a packed calendar of live music, street art, exhibitions, festivals, trails, workshops and more.

During your stay, try your hand at a local workshop in candle making, beading, pottery, drawing & painting, weaving, jewellery making, ceramics and photography. Also be sure to keep an eye out for sculptures on display in the streets (bonus points if you spot Daisy the Cow). We invite you to experience it all!

"ART AND ABOUT" – YOUR VISUAL ARTS ITINERARY

If you are looking to immerse yourself in a full day of arts and culture, why not follow along.

Starting in the south, make an appointment to visit the stunning **Cedar Ridge Studio** in Foxground before heading to Gerringong and the award-winning **Fern Street Gallery.**

Next stop Kiama – and no art enthusiast should miss **Terra Art Gallery**, where you'll find a colourful collection of paintings, sculpture, ceramics and jewellery from a variety of local creators. You'll also find a revolving door of weekly exhibitions at the **Old Fire Station** en route to Phil Winterton's landscape **photography gallery** in Manning Street.

Two Gulls Gallery is a studio gallery in Kiama where you can discover works by Ken and Lea Tucker and the ever vibrant **Sharon Blair's studio** you can also visit by appointment.

Lunch is at **Minnamurra Cafe**, where the walls are donned with local art. While here, call through to **Kiama Art Gallery** to make your next appointment close by. Finally, see out the afternoon over a glass of wine at **Art Bar Kiama** – If you're lucky, you'll catch some live music here too!

IMMERSE YOURSELF IN LIVE MUSIC
Part of Kiama's charm is its nighttime personality. Scan the code to find out more.

Attachment 1

Item 16.1

MARKETS & SHOPPING

Say hello to a good buy...

With an abundance of locally produced and quality-sourced products on offer, we're a region that's always bursting to showcase our wares to the world. It could be a gift for a loved one, a tasty treat for your picnic later or a surprising keepsake that will endure for decades – you never know what you'll find!

If market mooching is one of your favourite ways to spend a midweek arvo or lazy weekend morning, you'll be giddy with the local choices on offer in our beautiful locations – check out the timetable below to plan your visits.

Don't let those bucolic backdrops fool you, there's also a browse-worthy bonanza of boutique stores just waiting to show off their range of homewares, jewellery, fashion and more. Because while you'll always return home with wonderful memories, nothing beats finding the perfect souvenir from your stay...

MARKET TIMES

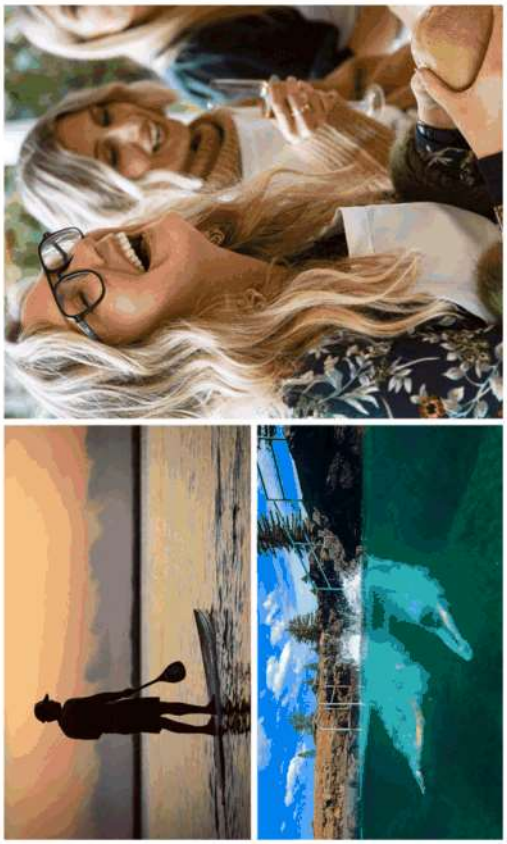
- **KIAMA SEASIDE MARKETS**
  Black Beach, 9am-3pm, every 3rd Sunday.
- **KIAMA MAKERS AND GROWERS MARKET**
  Black Beach, 9am-2pm, every 4th Saturday (10-3pm during winter).
- **KIAMA FARMERS' MARKET**
  Coronation Park, Surf Beach, 3-6pm (2-5pm during winter), each Wednesday.
- **JAMBEROO VILLAGE MARKETS**
  Reid Park, 8am-2pm, last Sunday of the month (excl Dec).
- **GERRINGONG ROTARY MARKETS**
  Old School Park & Town Hall, 8:30am-1:30pm, every 3rd Saturday.

BROWSING & BUYING ITINERARY

Kick things off in Kiama's main **Terralong Street**, where you'll find jewellery, boutique bookstores and galleries (not to mention enough double-shot lattes to keep you fully charged). At the Memorial Arch, take a side trip along the historic **Terrace Houses** on Collins Street for more quirky browsing in these historic shops and a timely bite to eat.

On **Manning Street**, you'll find homewares, photography, florals and fashion as you head towards the Farmers' Markets at **Surf Beach** on a Wednesday afternoon. Further south in **Gerringong**, you'll easily spend an arvo among the coastal homewares, award-winning art, retro surf chic and antiques. Finish with a well-deserved cocktail overlooking the ocean.

The **"bring your own bag"** movement is strong in Kiama – helping cut down on disposable plastic shopping bags. Locally made Boomerang Bags are available or bring your own!



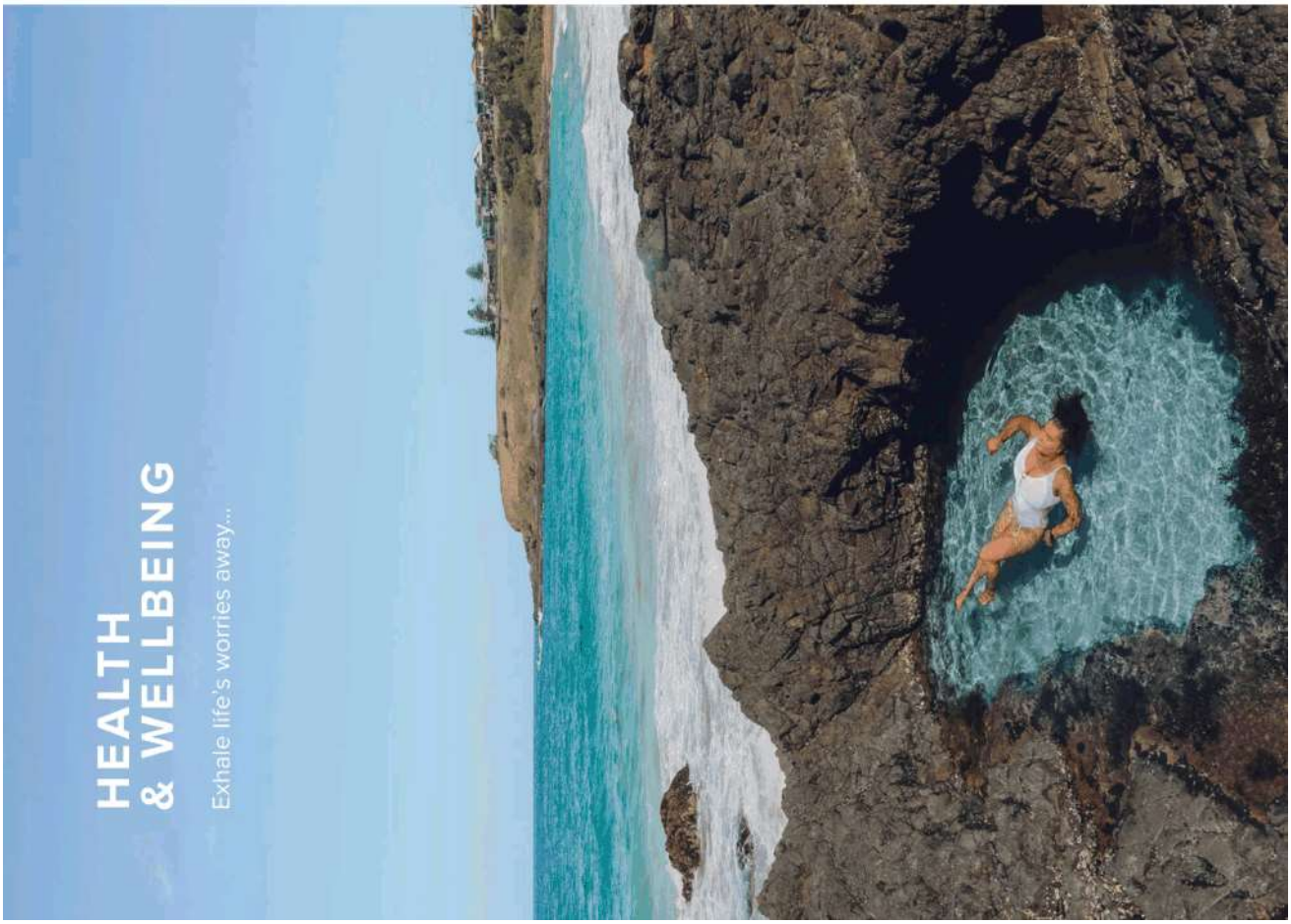
Think happy thoughts... think Kiama. It's the kind of destination that doesn't just recharge your batteries, it also rekindles your soul and reconnects you with the things you forgot were important. Simply being here is a great start.

Some call it the "Kiama effect" – that collective sigh and disappearing weight off your shoulders as you leave all your worries a million miles behind you. Others simply call it "getting away from it all" – and we're okay with that one too. So whether your passion is jogging, yoga, writing, fishing, golf, photography or lying in a hammock, we're delighted to play host to your "happy place".

Mixing physical and mental health, **The Man Walk** initiative started life in Kiama. For this and other mental health initiatives, scan the code.

YOU'LL LOVE:

- **WATCHING YOUR WORRIES FLOAT AWAY:** Those worries will quite literally float away in flotation therapy. Or sit back and let nothing tamper with your pamper at one of our day spas, hair and beauty salons or massage therapists.
- **FLEXING YOUR STYLE:** Practice Yoga or Pilates by the sea or in one of the local studios. The Kiama Visitor Information Centre has more details.
- **WORKING IT OUT:** Work up a sweat and summon happy endorphins at our outdoor fitness machines, jogging paths, gym classes and ocean pools.
- **HITTING BALLS:** Keen to relax with a sporty form of recreation? Check out the Essentials on page 64 for details of golf, lawn bowls and tennis venues.
- **TAKING TO THE WATER:** If it's a surfboard, check page 16. For paddleboarders, Minnamurra River is perfect. Fishing? There's more details on page 64.
- **GETTING BACK IN TOUCH WITH NATURE:** Whether it's one of our amazing walks (page 20-21) or on two wheels (page 34-35), we'll show you why our outdoors are great.
- **WATCHING THE SUNRISE:** There's nothing quite like seeing the sun come up above the ocean. Kiama's Blowhole Point and Gerringong's South Werri ocean pool are great spots to enjoy this magical morning moment.
- **DOING ABSOLUTELY NOTHING:** Enjoy, with our compliments.



MAP POINTS OF INTEREST

1 KIAMA VISITOR INFORMATION CENTRE

Discover friendly, knowledgeable, local staff who can help make your stay as enjoyable as possible. Cafe, free parking and toilets onsite. Open 9am-4.45pm daily (except Christmas Day).

2 KIAMA BLOWHOLE

Spouting plumes of water high into the air with a great 'whoosh'. Most impressive when winds blow from the south-east.

3 PILOT'S COTTAGE MUSEUM

Step into Kiama's past and discover the maritime and regional museum. Built in 1881.

4 OCEAN POOLS

Our region's four tidal rock/ocean pools are all unique, offering a safe and relaxing swimming experience away from the surf breaks.

5 KIAMA LIBRARY & FAMILY HISTORY CENTRE

Conveniently located in central Kiama near the town centre and Kiama Railway Station, the library provides residents and tourists with library resources, free wifi and local history information.

6 HISTORIC TERRACE HOUSES

Originally built as housing for the local quarry workers in 1886, these National Trust classified historic buildings now house a unique selection of boutiques and eateries.

7 KIAMA LEISURE CENTRE

The centre features two indoor heated pools, a gym, spa, sauna, aerobic area, personal training. Offering school holidays activities. Visitors welcome.

8 SPRING CREEK WETLANDS & BIRD HIDE

A short walking track around a lagoon and freshwater lake that enables a close up view of waterbirds and rare and endangered green and gold bell frog and flying foxes.

9 BONAIRA NATIVE GARDENS

Featuring established rainforest species. Explore this magical and peaceful oasis by foot or bike and pack a picnic.

10 LITTLE BLOWHOLE

See a vigorous spray of water emanating from a natural rocky cove and hear the almighty 'whoosh'. Works best when winds blow from the north east.

11 BOMBO HEADLAND

Blue metal quarrying over a century ago has left a legacy moonscape of basalt walls and columns. These are a regular back-drop to video clips and television advertisements.

12 BONEYARD

A sheltered pebbly beach located on the northern side of Bombo peninsula. Popular secluded spot for a picnic, snorkelling or standup paddleboarding.

13 CATHEDRAL ROCKS

This distinctive rock formation is part of our geologically fascinating coastline. Years of erosion have shaped these volcanic rocks into delightful sculptured forms.

14 MINNAMURRA RIVER & HEADLAND

Translating to 'plenty of fish' Minnamurra River is not only renowned for fishing but also a popular spot for swimming, snorkelling and kayaking.

15 GOLF CLUBS

Playing a round has never been more fun with three completely different courses. Choose from Jamberoo Golf Course with its rural charm; a challenging seaside course at Gerringong, or the shorter, flatter all weather course at Kiama Downs.

16 JAMBEROO PUB & JOHNNY WARREN MUSEUM

Not just your average pub. Family owned and operated, this 1857-built pub boasts not only Jamberoo history, but also the Johnny Warren room.

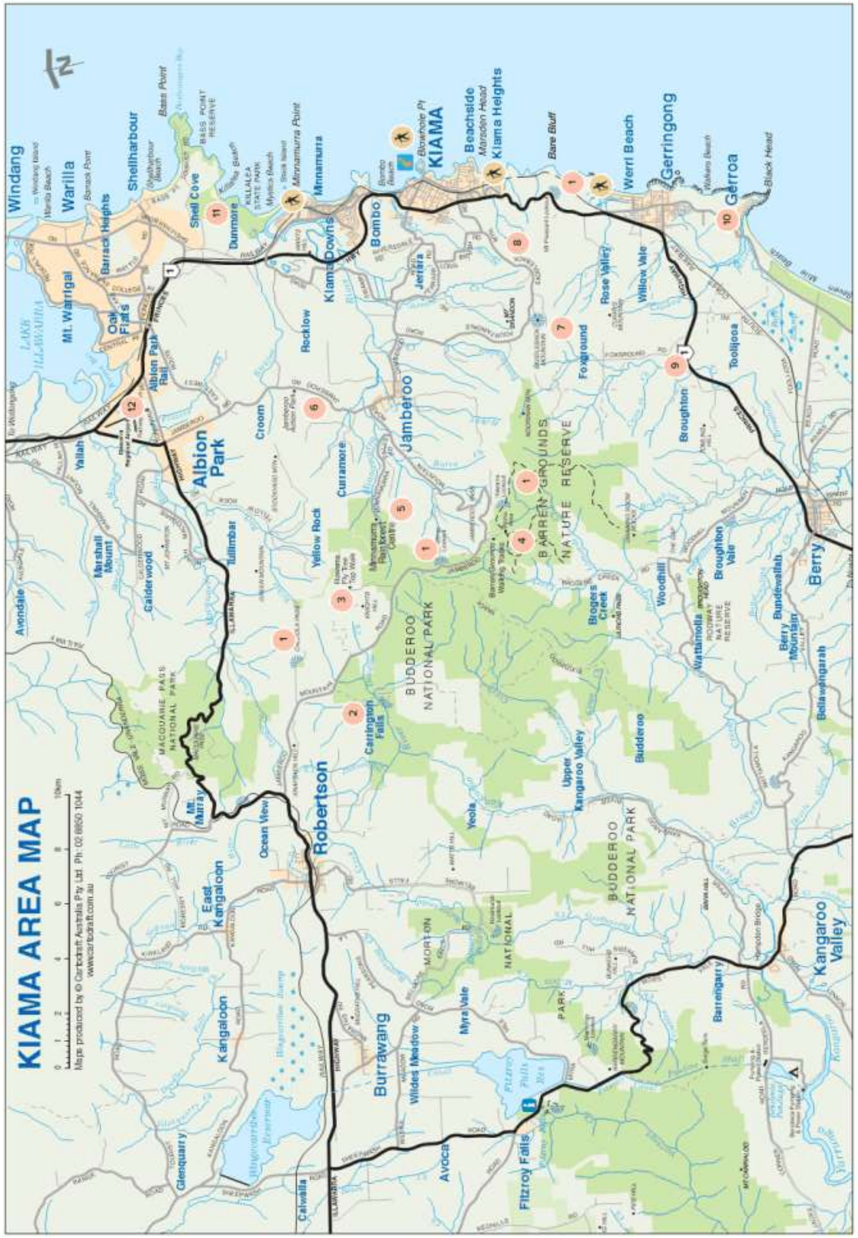
17 WINERIES

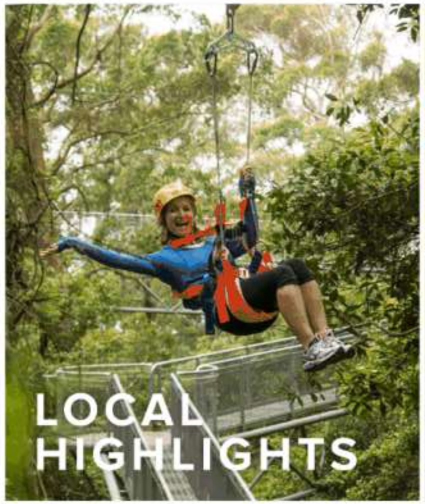
Crooked River Wines hosts year-round events and has a restaurant onsite; family-run Roselea Vineyard boasts spectacular views. Grab a Shoalhaven Coast Wineries brochure for extra options.

18 BREWERY

Gerringong's only micro-brewery, Stoic Brewing, is nestled in the Industrial Estate, easy walking distance from the train station or main street.

KIAMA AREA MAP





MAP POINTS OF INTEREST

1 LOOKOUTS

Along with Saddleback Mountain Lookout our region offers other vistas to awaken your senses. Be sure to visit Mount Pleasant Lookout at Gerringong, Illawarra and Cooks Nose on the Barren Grounds Plateau and Jamberoo Lookout in Budderoo National Park.

2 CARRINGTON FALLS

A spectacular waterfall, dropping 50 metres into Kangaroo Valley. Well developed walking tracks are easily accessible. Swimming holes, picnic tables and BBQs available.

3 ILLAWARRA FLY TREETOP ADVENTURES

A unique 1500 metre walk through temperate rainforest joins the springboard cantilevers suspended 25 metres above the forest floor. Or for the adrenaline seeker, enjoy Australia's highest eco zipline!

4 BARREN GROUNDS

The reserve offers a range of walks, and is loved by both walkers and birdwatchers, particularly in spring, when it is a mass of wildflowers.

5 MINNAMURRA RAINFOREST

See Lyrebirds, Whipbirds, Yellow Robins, Water Dragons and ancient figs as you take the Loop Walk (1.6km elevated walkway), or take on the Falls Walk (2.6kms). Featuring a visitor centre, retail shop and picnic/BBQ area.

6 JAMBEROO ACTION PARK

NSW's favourite water-based theme park, offers a full day of family fun and adventure. Open September through until April, from 10am to 5pm. Check website for opening days.

7 SADDLEBACK MOUNTAIN LOOKOUT

On a clear day, take in the view from Cronulla in the north to Milton in the South.

8 DRY STONE WALLS

Nearly 400 dry stone walls have been identified in the Municipality, most constructed over 100 years ago. The walls are attributed mainly to Thomas Newing who built walls for over 60 years.

9 GRANTIES MAZE

Granties Maze consists of 2,000 trees planted to create a network of paths designed as a puzzle. Discover archery, mini golf, bumper cars, paddle boats, skirmish and more at this unique fun park.

10 KINGSFORD SMITH LOOKOUT & SEVEN MILE BEACH

With panoramic views of Seven Mile Beach, this lookout commemorates the first commercial flight from Australia to New Zealand by Sir Charles Kingsford Smith in 1933 which took place on the long smooth beach below.

11 THE FARM, KILLALEA

Declared a National Surfing Reserve in 2009, Killalea offers two pristine surfing beaches "The Farm" and "Mystics". The Park features 250 hectares of pristine coastal reserve with walks, picnic areas and BBQs. Camping facilities and a kiosk are also available.

12 HARS AVIATION MUSEUM

A great day out for big kids and little kids – a 'working museum' where there's always something new to see. Open 7 days a week from 9.30am – 3.30pm.

KIAMA FOR CYCLISTS

The most fun you can have on two wheels...

There's just something about the serenity and wind-on-your-face purity of exploring somewhere by bike. It's the 'goldilocks' of paces – slower than a car (and taking you places where they simply cannot go) and faster than walking, allowing you to see more on your travels.

Whether you like your rides long and lycra-clad, bumpy and off road, or the more gentle 'bell and basket' kind, there's a little something for everyone across our region's roads, shared paths and hillsides. And it seems the rest of the world is slowly taking notice – with international quality events becoming a frequent sight (see page 3). Enjoy your ride!

RIDES YOU'LL LOVE:

KIAMA TO DUNMORE 11km/22km return
Follow the coastal path to Bombo, Jones Beach and Minnamurra before following Charles Ave north, over the river and path through the forest to Dunmore train station.

JONES BEACH TO JAMBEROO 12km/24km return
Follow Kiarama Ave to the rail tunnel and Gainsborough then the shared path from Henry Parkes Dr to Swamp Rd and on to Browns Ln and Jamberoo.

HARBOUR TO HEIGHTS 6km/12km return
From Kiama Harbour, follow the coastal path to Kendalls Beach, then through Bonaira Native Gardens and follow signs south to Kiama Heights and its scenic headlands.

WERRI TRAVELLER 7km loop
At South Werri follow the path north to the lagoon and back to Sandy Wha Rd, Fern St and Burnett Ave before Belinda St up to the town. Return via Tasman Dr for views.

GERRINGONG TO GERROA 4km/8km return
From Gerringong town, follow Fern St path south past the Golf Course and stunning Seven Mile Beach views. At Gerroa, turn left into Headland Dr and down to the river.

LONGER ROAD TRIPS
If you're keen to see more, try a loop from Gerringong to Berry via Seven Mile Beach/Beach Rd and back on old Broughton/Foxground Princes Highway. For serious hill climbers, the 54km loop from Jamberoo up the mountain to Robertson and back via Macquarie Pass and Albion Park is a classic. Or simply sign up for L'Etape Australia in December 2021!

MOUNTAIN BIKING
For good off-road options, explore Seven Mile beach to the south or Killalea State Park to the north. Further afield, check out Tongarra or Blackbutt Forest.

Looking for more rides and inspiration? Scan here to check out the Kiama Bicycle Users Group website.

Bike hire (including e-bikes) is available at Kiama Cycles. Always wear a helmet and be respectful of other road/path users.

Attachment 1

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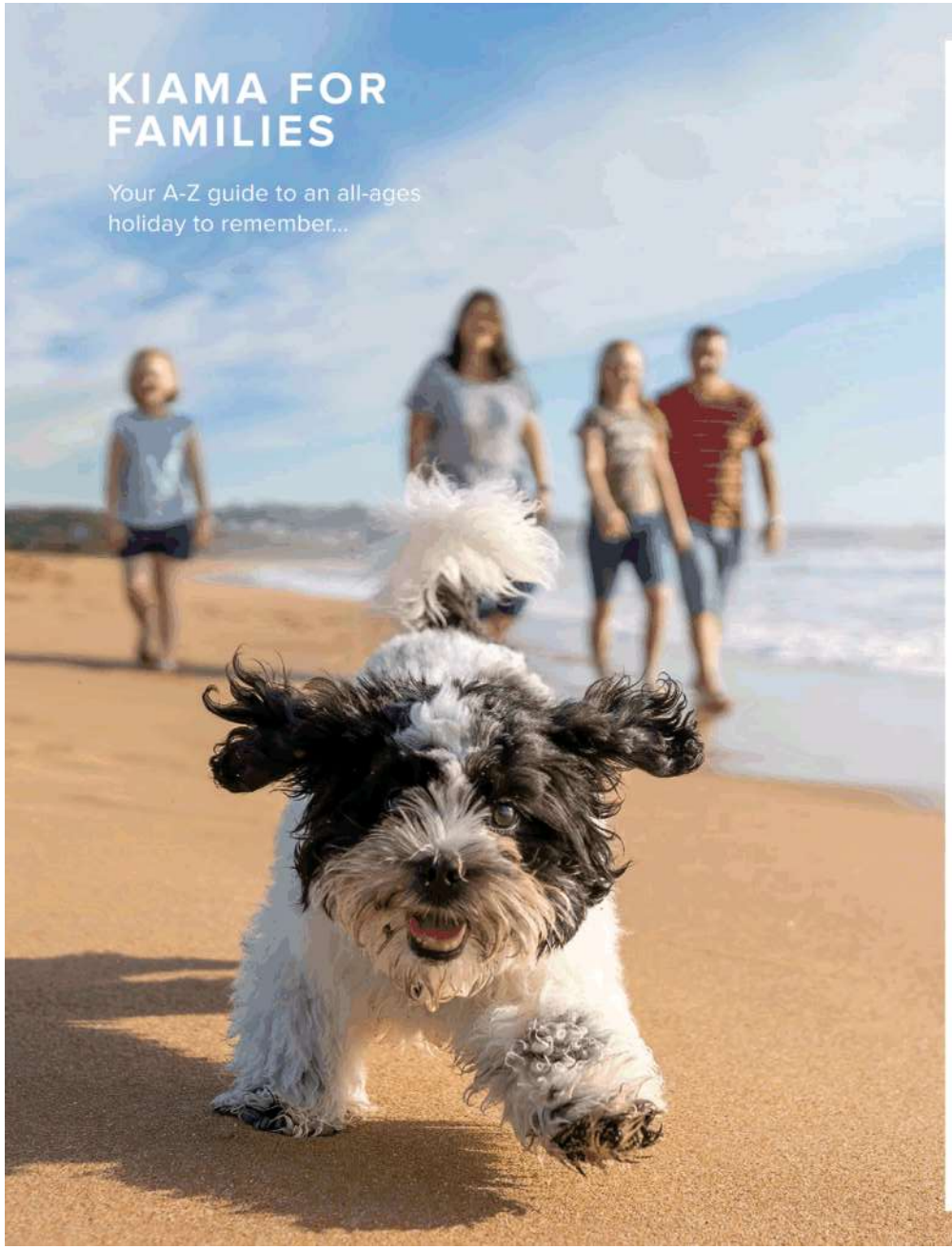


KIAMA FOR FAMILIES

Your A-Z guide to an all-ages holiday to remember...

A **is for Adrenaline** – produced when you ride Australia's highest zipline at Illawarra Fly!

B **is for Bombo** – an awesome headland to explore with rocks that have been used as backdrops in TV ads and music videos!

C **is for Cathedral Rocks** – check the tides and this is an easy walk from the south end of Jones Beach. Can you find the cave?

D **is for Dogs** – if they're part of your family then they're part of ours! Bring them with you and enjoy the off-leash areas listed below.

E **is for Easts Beach** – a great beach for swimming that isn't just for people staying at the holiday park. Easiest access paths (and steps) are via Marsden Street or Tingira Crescent.

F **is for Foot Golf** – A fun kid-friendly mix of soccer and golf (with large holes) available at Jamberoo Golf Club on weekends and public holidays – enquire directly to the club.

G **is for Geocaching** – an online treasure hunt where you locate hidden "caches" or containers all over the world. The Kiama area has dozens waiting to be found – download the app and get started!

H **is for Highest in Australia** – that's the adrenaline-fuelled zipline you'll find as part of the Illawarra Fly.

I **is for Illawarra Shorthorn cows** – famous for walking across the road around Jamberoo and causing traffic jams in the middle of nowhere!

J **is for Jamberoo Action Park,** open September to April and home to NSW's favourite water slides and rides for all ages – just 15 minutes from Kiama.

K **is Kangaroos** – just some of the wildlife you might spot in the wild, along with echidnas, lyrebirds, pygmy possums and flying foxes.

L **is for Library** – a great any-weather spot and home to games, toys, magazines, computers and oh yes, it has books too.

M **is for Maze** – you'll find one at Foxground, along with a host of other fun family activities including archery and giant chess.

N **is for Nellies Glen** – a refreshing and scenic water-hole atop the escarpment.

O **is for Ocean Pools** – there are four to choose from (two in Kiama, two in Gerringong) and they're great for safe salt-water swimming.

P **is for Playgrounds** – we have lots to choose from, many with BBQs so you can have a slider with your slide or chicken wings with your swings...

Q **is for Qantas 747** – you can tour it at HARS Aviation Museum just 15 minutes north.

R **is for Rays** – stingrays, that is. They like swimming near the jetty in Kiama Harbour. Can you spot them?

S **is for Stargazing** – the stars just seem brighter at night, right? So, who can spot the space station? The Southern Cross? Venus? Elon Musk's Tesla?

T **is for Traffic Lights** – We have just one set of these in the region. And no traffic jams either (apart from the ones those cows from "I" caused...)

U **is for Unplugged** – Kiama is one of the last places where you can actually entertain this notion and get back to nature.

V **is for Velodrome** – something you won't need when you explore the Kiama region by bike. Bikes (including e-bikes) are available at Kiama Cycles. See page 35 for rides.

W **is for Whoooosh** – the unmistakable sound of the blowholes! If the big one isn't cooperating, head to the Little Blowhole on Tingira Crescent.

X **is for X marks the spot** – the perfect spot between the flags where you have decided all the towels will be placed. Right, now it's time for a swim! (See page 16 for the list of beaches.)

Y **is for Yewwwwww** – the sound made when successfully standing up on your board at one of Seven Mile Beach's surf schools. See page 60.

Z **is for Zzzzz** – Hopefully the sound after a full day's worth of family fun!

FOUR-LEGGED FAMILY MEMBERS

Arf! Arf! We love welcoming dogs to the Kiama region and have even selected some cool spots to allow you to enjoy off-leash time with them. Naturally, please respect other humans and dogs at all times.

WE PROVIDE THE FOLLOWING OFF-LEASH AREAS:

- Minnamurra Headland
- Bombo Headland
- Kaleula Reserve, Kiama
- Marsden Headland, Kiama
- Gerringong Headland
- Black Head, Gerroa
- Jones Beach (southern end) - Swimming Area
- Bombo Beach - where signposted - Sunrise to Sunset
- Werri Beach - where signposted - Sunrise to Sunset

LOOKING FOR MORE FAMILY FUN?
Scan here to check out other suggestions for activities to suit all ages and interests.

- **Recycle bottles/cans** in NSW for a 10c refund – with machines in Kiama and Gerringong.
- **Say no to a plastic straw**, or choose paper/ stainless steel instead. Visit **strawnomore.org**

KIAMA FOR COUPLES

Whisking a loved one away and wanting to indulge? Then look no further...

Kiama has long been a popular destination for families, but its mix of blissful nature and creature comforts has in recent years made it the perfect "getaway" destination for couples too.

Whether it's indulging in a massage at a local spa, bushwalking, fine dining, surfing, golfing, paddle boarding or simply picnicking in style, we have just the escape to match your interests.

Add to this a wide selection of quality cafes, restaurants and winery/breweries – as well as accommodation ranging from camp sites to boutique holiday rentals – and you have all the ingredients to create a stay that is truly special.

YOU'LL LOVE:

LETTING NATURE TAKE ITS COURSE:
If you love long walks on the beach, our beaches will not disappoint. Not to mention beautiful bushwalks, dramatic rainforests and more untamed beauty.

INDULGING A LITTLE:
Whether that means a sumptuous chef-prepared meal, long lazy brunch or a massage or spa treatment, this is a place to look after yourself and each other.

MAKING FRIENDS ENVIOUS:
Tag your sickeningly gorgeous photos with #kiama and show off your love (of our region) to the world!

SAY "I DO" IN KIAMA:

With plenty of **caterers, florists, hair and makeup experts, photographers, musicians, celebrants and more**, you don't need to bring an entourage with you to Kiama – leaving more time to relax and enjoy the beautiful setting with your loved ones.

Add in plenty of **accommodation options** and extra activities for family and friends, and the appeal is clear.

THE PERFECT MATCH
Scan here to find out more about why you and Kiama were meant to be together.

TERRALONG TERRACE APARTMENTS

Award winning self contained serviced apartments

- Spacious 1, 2 and 3 bedroom apartments
- Ideal central Kiama Location
- Free off-street undercover parking, Wi-Fi, DVD Hire
- Spa baths in most apartments
- Tranquil solar heated saltwater pool
- 100% smoke-free property

A **129 Terralong St, Kiama**
P **0499 000 993**
E **book@terralong.com.au**
W **terralong.com.au**

BIG4 EASTS BEACH HOLIDAY PARK

The perfect beach holiday destination

Family owned & operated for over 85 years, our family friendly Park has an array of accommodation to suit everyone's needs from our waterfront villas to our ensuite and powered sites.

- Sunny's Aquaventure Park - water park
- Absolute beach frontage
- Pool complex
- Jumping pillow with sun shade
- Children's playgrounds
- Cafe and mini-mart
- Camp kitchen
- Games room

A **30 Ocean St, Kiama**
P **02 4232 2124**
E **holidaysteastsbeach.com.au**
W **eastsbeach.com.au**

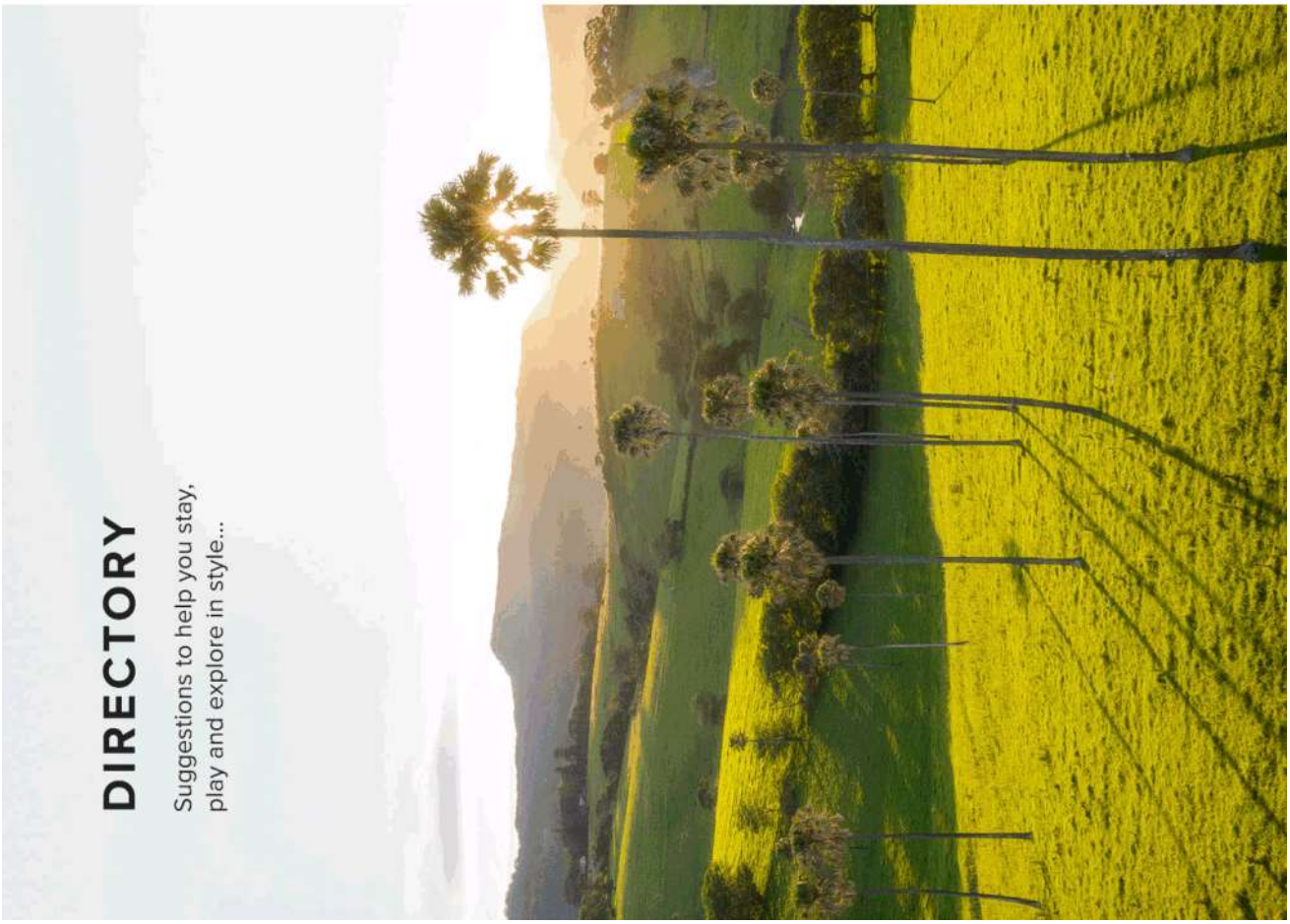
THE BELLEVUE KIAMA

Bellevue Accommodation (The Bellevue Kiama) offers six one-bedroom apartments in one of the most beautiful Heritage buildings in the heart of town. Fully self-contained, surrounded by an award-winning garden and refurbished with a touch of The Hamptons, these apartments cater for couples or small families. Book the entire house for small weddings, your bridal party or family occasions.

21 Minnamurra Street, Kiama - Ph: 02 4232 4000 Mob: 0459 708 610 - book@bellevueaccommodation.com.au

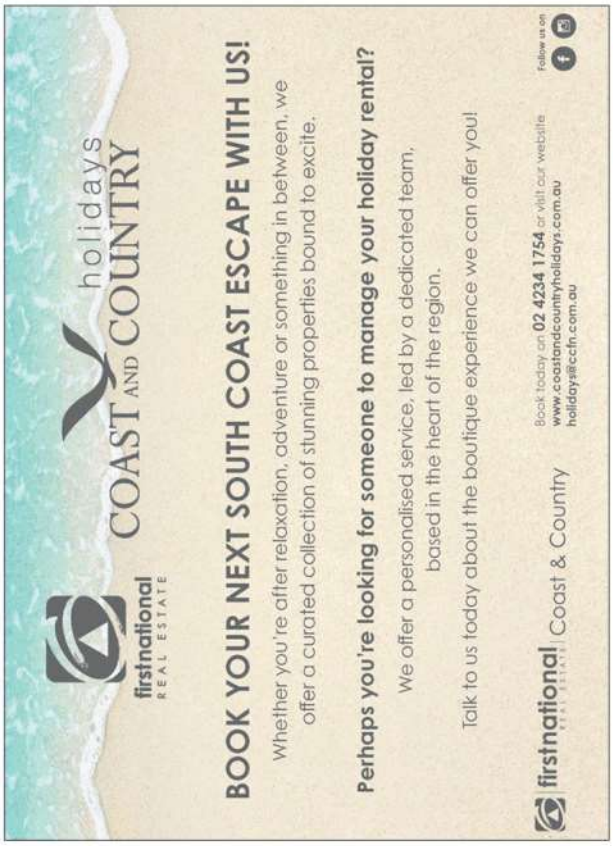
bellevueaccommodation.com.au

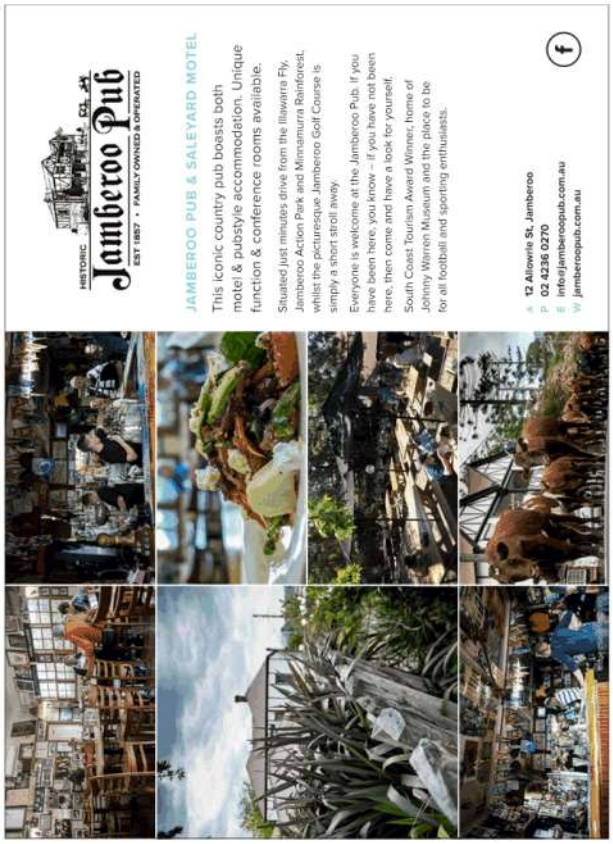
Photos: NSG Photography



DIRECTORY

Suggestions to help you stay, play and explore in style...





Attachment 1 **Item 16.1**

Nanny and Poppy's Beach House

With the most stunning views over Seven Mile Beach, take it all in whilst enjoying a heated spa on the large enclosed upstairs deck, or from the living room - complete with indoor open fireplace and high raked ceilings. The whole family will be entertained (including your pet) with direct access to the beach, kids play room and kayak and boards.

Sleeps 10 people across 4/5 bedrooms (two with ensuites) and four bathrooms.

- Pet Friendly with kennel
- Air-conditioned
- Large heated outdoor spa
- Off street parking
- Fully fenced
- Ceiling fans & wall heaters
- Kids kayaks & boards
- Wi-fi, Netflix, Foxtel
- Outdoor warm shower
- BBQ
- Linen provided
- Full kitchen & laundry
- 4pm Check out
- Sun/Public Holidays

Sleeps 10 people, across 4/5 bedrooms (two with ensuites) and four bathrooms in total.

A Headland Drive, Gerroa – **P** 02 4234 2065 – **E** bookings-schirholidayscollection.com.au – **W** southcoastholidays.com.au

MOTEL 617

- Short stroll to main surf beach
- Air Conditioned
- Tea, coffee and toast making facilities
- Microwave and fridge
- Free off-street parking
- Free Wifi
- 18 rooms, all with en-suite
- LCD TVs
- Iron and ironing board

Standard Room Queen
Comfortable Queen Bed rooms include fully equipped en-suite with toiletries and hairdryer.

Standard Room Twin
1 Queen bed and 1 single bed

Deluxe Rooms
All comprising of modern furnishings, comfy pillow top queen size bed, large LCD TV, en-suite equipped with luxury toiletries and hairdryer.

A 132 Manning St, Kiama **P** 02 4232 1333
E motel617@hotmail.com **W** motel617kiama.com.au

NOVA KIAMA

Kiama's Premier boutique hotel

Nova provides luxury boutique accommodation that caters for all. From families, large groups and couples looking for a boutique getaway with a relaxing and personal experience.

The Perfect place to relax by the pool or sit back and enjoy our beautifully styled courtyard with a glass of bubbles in hand.

Location, Location!

Situated in the heart of Kiama. Walking distance to our stunning beaches, cafes, restaurants, bars and transport. So much to experience in this beautiful seaside town.

A 31 Bong Bong St, Kiama
P 02 4203 3010
E reservations@novakiama.com.au
W novakiama.com.au

44 ACCOMMODATION

Mercure GERRINGONG RESORT

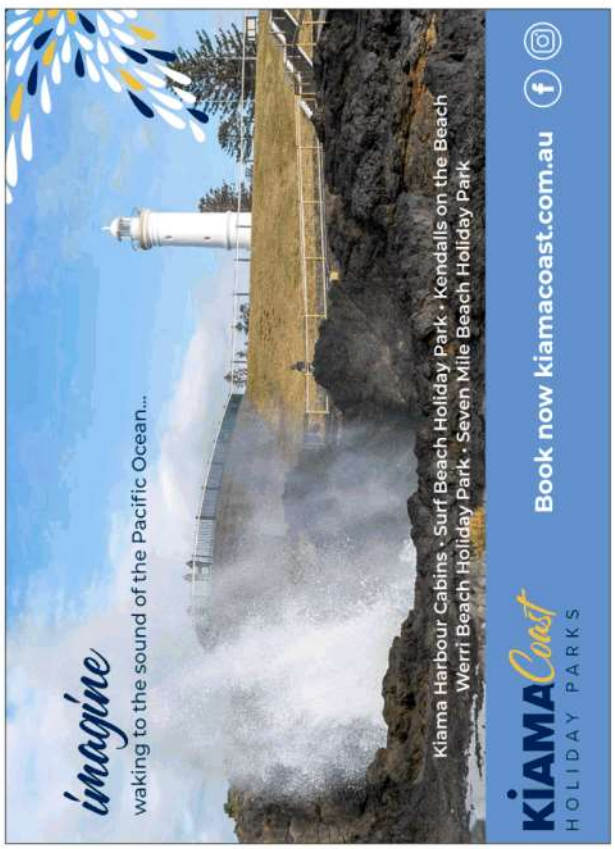
- Wedding
- Conference & Event
- Restaurant & Bar
- Day Spa

Award-winning Mercure Gerringong Resort is an inviting boutique hotel, just 5 minutes from Werri Beach. Stay in one of our 52 spacious rooms with the choice of our Standard or Balcony Rooms and Spa Suites.

Bella Char Restaurant & Wine Bar
Open for breakfast and dinner. Offers a truly memorable experience.

Bella Spa
Rejuvenate your mind, body and soul at our spa with a refreshing treatment, massage or facial.

91 Fern Street, Gerringong *02 4234 1359* *reservation@mercuregerringong.com.au* *events@mercuregerringong.com.au* *www.mercuregerringong.com.au*



imagine
waking to the sound of the Pacific Ocean...

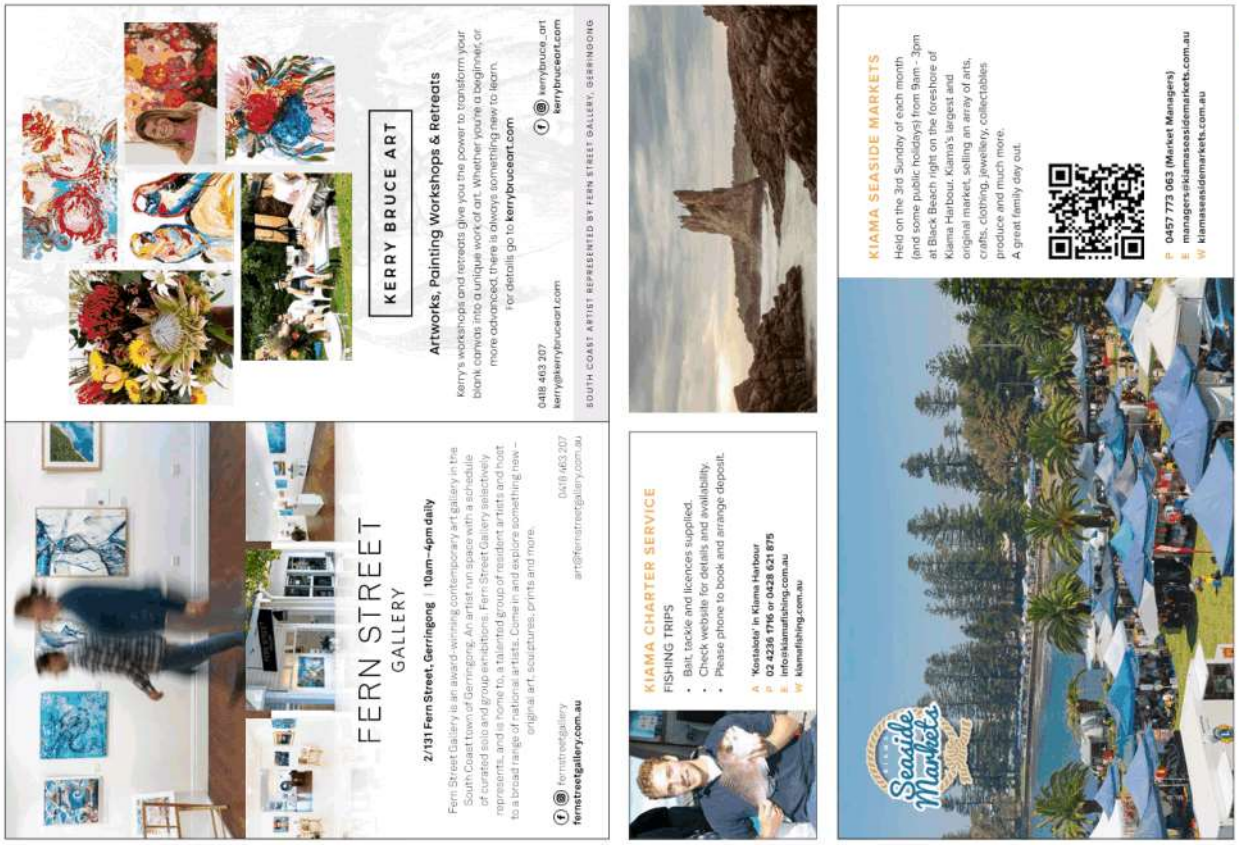
Kiama Harbour Cabins · Surf Beach Holiday Park · Kendalls on the Beach
Werri Beach Holiday Park · Seven Mile Beach Holiday Park

KIAMA Coast HOLIDAY PARKS

Book now kiamacoast.com.au

ACCOMMODATION 45

Attachment 1 Item 16.1



FERN STREET GALLERY

2/131 Fern Street, Gerringong | 10am–4pm daily

Fern Street Gallery is an award-winning contemporary art gallery in the South Coast town of Gerringong. An artist run space with a schedule of curated solo and group exhibitions. Fern Street Gallery selectively represents, and is home to, a talented group of resident artists and host to a broad range of national artists. Come in and explore something new – original art, sculptures, prints and more.

fernstreetgallery
fernstreetgallery.com.au
0418 463 207
art@fernstreetgallery.com.au

KERRY BRUCE ART

Artworks, Painting Workshops & Retreats

Kerry's workshops and retreats give you the power to transform your blank canvas into a unique work of art. Whether you're a beginner, or more advanced there is always something new to learn.
for details go to **kerrybruceart.com**

0418 403 207
kerry@kerrybruceart.com

kerrybruce_art
kerrybruceart.com

SOUTH COAST ARTIST REPRESENTED BY FERN STREET GALLERY, GERRINGONG

KIAMA CHARTER SERVICE

FISHING TRIPS

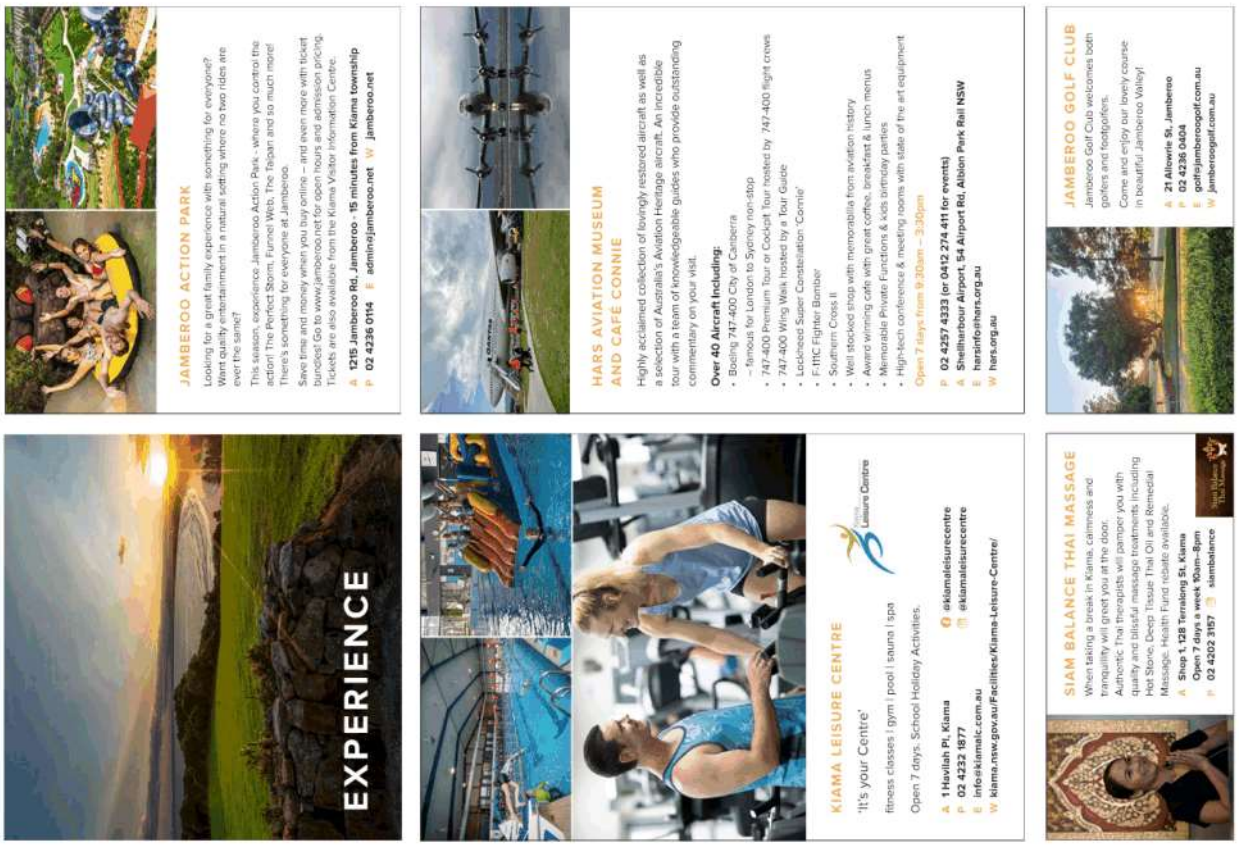
- Bait, tackle and licences supplied.
- Check website for details and availability.
- Please phone to book and arrange deposit.

A **'Kostalota' in Kiama Harbour**
P **02 4236 1715 or 0428 621 875**
E **info@kiamafishing.com.au**
W **kiamafishing.com.au**

KIAMA SEASIDE MARKETS

Held on the 3rd Sunday of each month (and some public holidays) from 9am - 3pm at Black Beach right on the foreshore of Kiama Harbour, Kiama's largest and original market, selling an array of arts, crafts, clothing, jewellery, collectables produce and much more.
A great family day out.

P **0457 773 063 (Market Managers)**
E **managers@kiamaseasidemarkets.com.au**
W **kiamaseasidemarkets.com.au**



EXPERIENCE

JAMBEROO ACTION PARK

Looking for a great family experience with something for everyone? Want quality entertainment in a natural setting where no two rides are ever the same?

This season, experience Jamberoo Action Park - where you control the action! The Perfect Storm, Funnel Web, The Taipan and so much more! There's something for everyone at Jamberoo.

Save time and money when you buy online – and even more with ticket bundles! Go to www.jamberoo.net for open hours and admission pricing. Tickets are also available from the Kiama Visitor Information Centre.

A **1215 Jamberoo Rd, Jamberoo - 15 minutes from Kiama township**
P **02 4236 0114** E **admin@jamberoo.net** W **jamberoo.net**

HARS AVIATION MUSEUM AND CAFE CONNIE

Highly acclaimed collection of lovingly restored aircraft as well as a selection of Australia's Aviation Heritage aircraft. An incredible tour with a team of knowledgeable guides who provide outstanding commentary on your visit.

Over 40 Aircraft Including:

- Boeing 747-400 City of Canberra – famous for London to Sydney non-stop
- 747-400 Premium Tour or Cockpit Tour hosted by 747-400 flight crews
- 747-400 Wing Walk hosted by a Tour Guide
- Lockheed Super Constellation 'Connie'
- F-111C Fighter Bomber
- Southern Cross II
- Well stocked shop with memorabilia from aviation history
- Award winning cafe with great coffee, breakfast & lunch menus
- Memorable Private Functions & kids birthday parties
- High-tech conference & meeting rooms with state of the art equipment

Open 7 days from 9:30am – 3:30pm

P **02 4257 4333 (or 0412 274 411 for events)**
A **Shellharbour Airport, 54 Airport Rd, Albion Park Rail NSW**
E **harsinfo@hars.org.au**
W **hars.org.au**

JAMBEROO GOLF CLUB

Jamberoo Golf Club welcomes both golfers and footpotters.
Come and enjoy our lovely course in beautiful Jamberoo Valley!

A **21 Allowrie St, Jamberoo**
P **02 4236 0404**
E **golf@jamberoogolf.com.au**
W **jamberoogolf.com.au**

KIAMA LEISURE CENTRE

'It's your Centre'

fitness classes | gym | pool | sauna | spa

Open 7 days. School Holiday Activities.

A **1 Havilah Pl, Kiama**
P **02 4232 1877**
E **info@kiamalic.com.au**
W **kiama.nsw.gov.au/Facilities/Kiama-Leisure-Centre/**

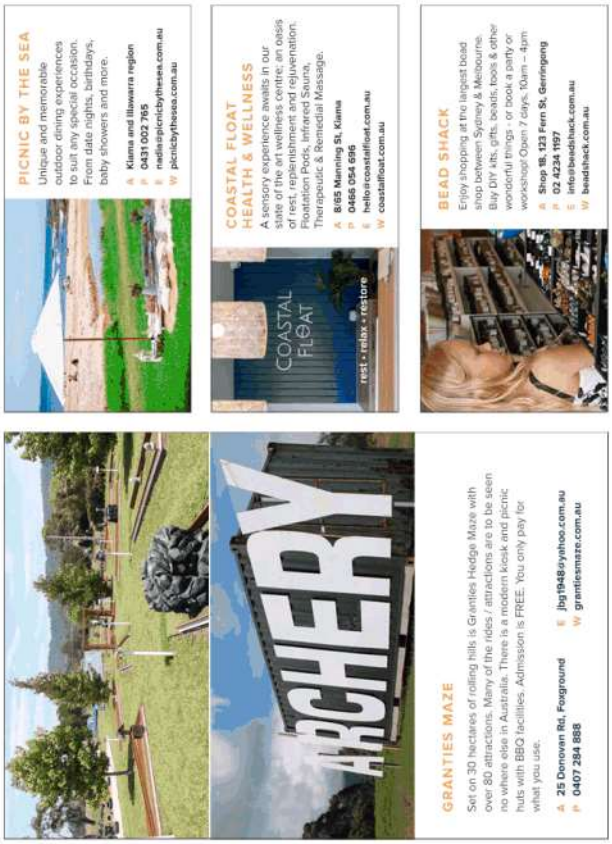
@kiamaleisurecentre
@kiamaleisurecentre

SIAM BALANCE THAI MASSAGE

When taking a break in Kiama, calmness and tranquility will greet you at the door. Authentic Thai therapists will pamper you with quality and blissful massage treatments including Hot Stone, Deep Tissue Thai Oil and Remedial Massage. Health Fund rebate available.

A **Shop 1, 128 Terralong St, Kiama**
Open 7 days a week 10am–8pm
P **02 4202 3157** **siambalance**

Attachment 1 **Item 16.1**



PICNIC BY THE SEA

Unique and memorable outdoor dining experiences to suit any special occasion. From date nights, birthdays, baby showers and more.

A Kiama and Illawarra region
P 0431 002 765
E nell@picnicbythesea.com.au
W picnicbythesea.com.au

COASTAL FLOAT HEALTH & WELLNESS

A sensory experience awaits in our state of the art wellness centre; an oasis of rest, replenishment and rejuvenation. Floatation Pods, Infrared Sauna, Therapeutic & Remedial Massage.

A 8/65 Manning St, Kiama
P 0466 054 696
E hello@coastalfloat.com.au
W coastalfloat.com.au

BEAD SHACK

Enjoy shopping at the largest bead shop between Sydney & Melbourne. Big DIY kits, gifts, beads, tools & other wonderful things - or book a party or workshop! Open 7 days, 10am – 4pm

A Shop 18, 123 Fern St, Gerringong
P 02 4234 1197
E info@beadshack.com.au
W beadshack.com.au

GRANTIES MAZE

Set on 30 hectares of rolling hills is Granties Hedge Maze with over 80 attractions. Many of the rides / attractions are to be seen no where else in Australia. There is a modern kiosk and picnic huds with BBQ facilities. Admission is FREE. You only pay for what you use.

A 25 Donovan Rd, Foxground
P 0407 284 888
E jbg1948@yahoo.com.au
W grantiesmaze.com.au

Monday
Bingo from 10:30am
Kids eat free from 5:30pm

Tuesday
Cash trivia from 6:30pm
$17 steak night from 5:30pm

Wednesday
Members cash prices from 5:30pm
$10 wings and tacos from 5:30pm

Thursday
Bingo from 10:30am
$12 chicken schnitzel from 5:30pm

Friday
Poker from 6:00pm
Voucher raffle from 5:30pm
$12 burger and beer from 5:30pm

Saturday
Live entertainment from 9pm

Sunday
Meat and more raffle from 5:30pm
$10 pizza night from 5:30pm

See you at the Leaguesy!

Kiama Leagues Club
109 Terralong Street, Kiama
02 4232 1777 | open from 10:00am everyday

BODY IN LINE PILATES STUDIO

Enrich your holiday with a private Pilates session. For individuals or groups in our Gerringong Studio or your holiday home. Bookings essential.

A Gerringong Surf and Lifesaving Club, 71 Pacific Ave, Gerringong
P 0402 278 257
E info@bodyinline.com.au
W bodyinline.com.au

BODY IN LINE

SURF CAMP AUSTRALIA / GERROA SURF SCHOOL

Surf Camps

- Fully inclusive overnight surf camps
- Purpose built accommodation
- Groups, families and singles
- All meals provided

Surf School

- Private or Group lessons
- All equipment supplied
- Bookings essential

surfcamp.com.au

7 Mile Beach, Gerroa

A 107 Crooked River Rd, Gerroa
P 1800 888 732
E info@surfcamp.com.au
W surfcamp.com.au

SURF CAMP

ONLY A SURFER KNOWS THE FEELING

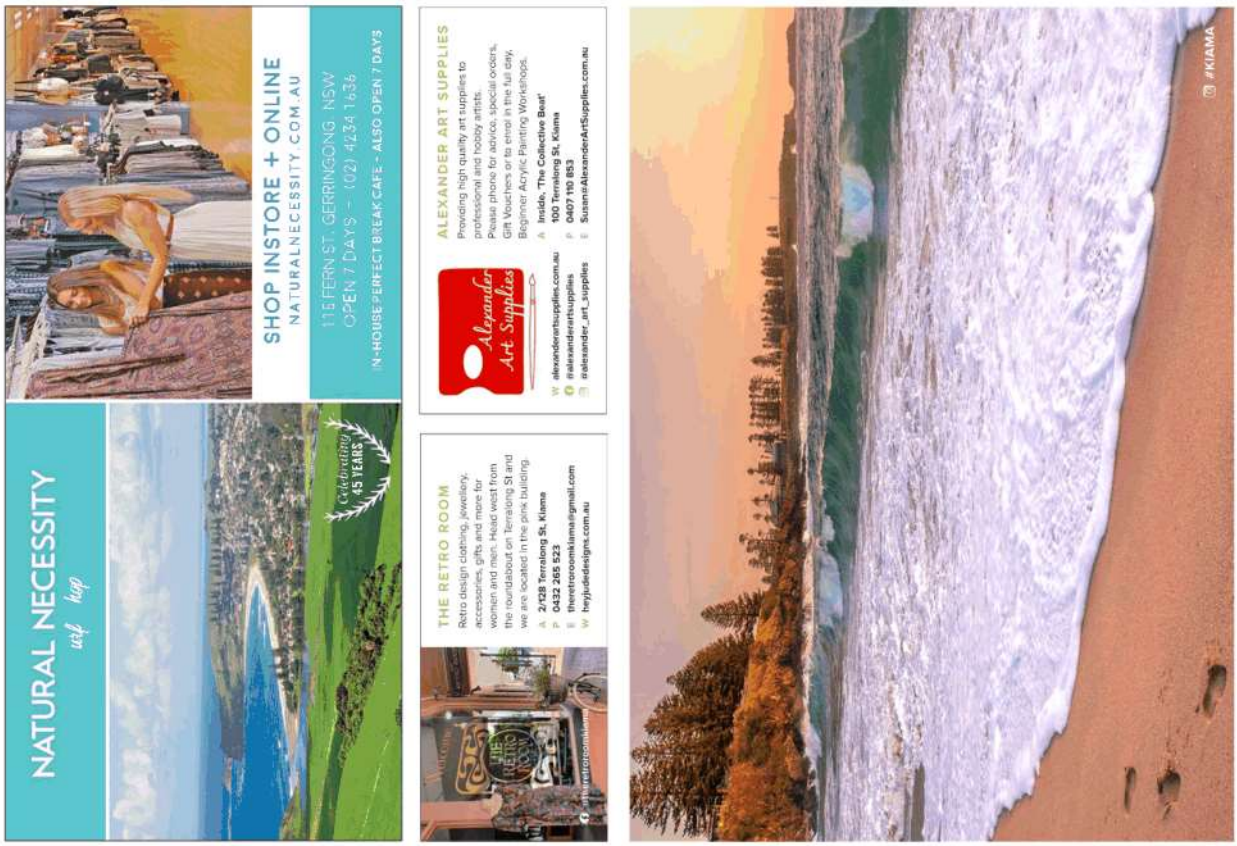
endota spa

Discover your escape with endota spa Kiama

Our spa packages combine treatments to engage all of your senses. Invigorate and rejuvenate your mind, body and spirit.

Visit endotaspa.com.au/kiama to incorporate facials, massages and beauty treatments into your perfect spa experience with a friend, a group or some well-deserved me-time.

endota spa Kiama Shop 1/124 Terralong St, Kiama, NSW 2533
t. (02) 4233 1501 **e.** kiama@endotaspa.com.au **w.** endotaspa.com.au/kiama



NATURAL NECESSITY
uli kap

Celebrating 45 YEARS

SHOP INSTORE + ONLINE
NATURALNECESSITY.COM.AU

115 FERN ST, GERRINGONG NSW
OPEN 7 DAYS – (02) 4234 1636
IN-HOUSE PERFECT BREAK CAFE - ALSO OPEN 7 DAYS

THE RETRO ROOM

Retro design clothing, jewellery, accessories, gifts and more for women and men. Head west from the roundabout on Terralong St and we are located in the pink building.

A 2/128 Terralong St, Kiama
P 0432 265 523
E theretroroomkiama@gmail.com
W heyjudedesigns.com.au

@theretroroomkiama

ALEXANDER ART SUPPLIES

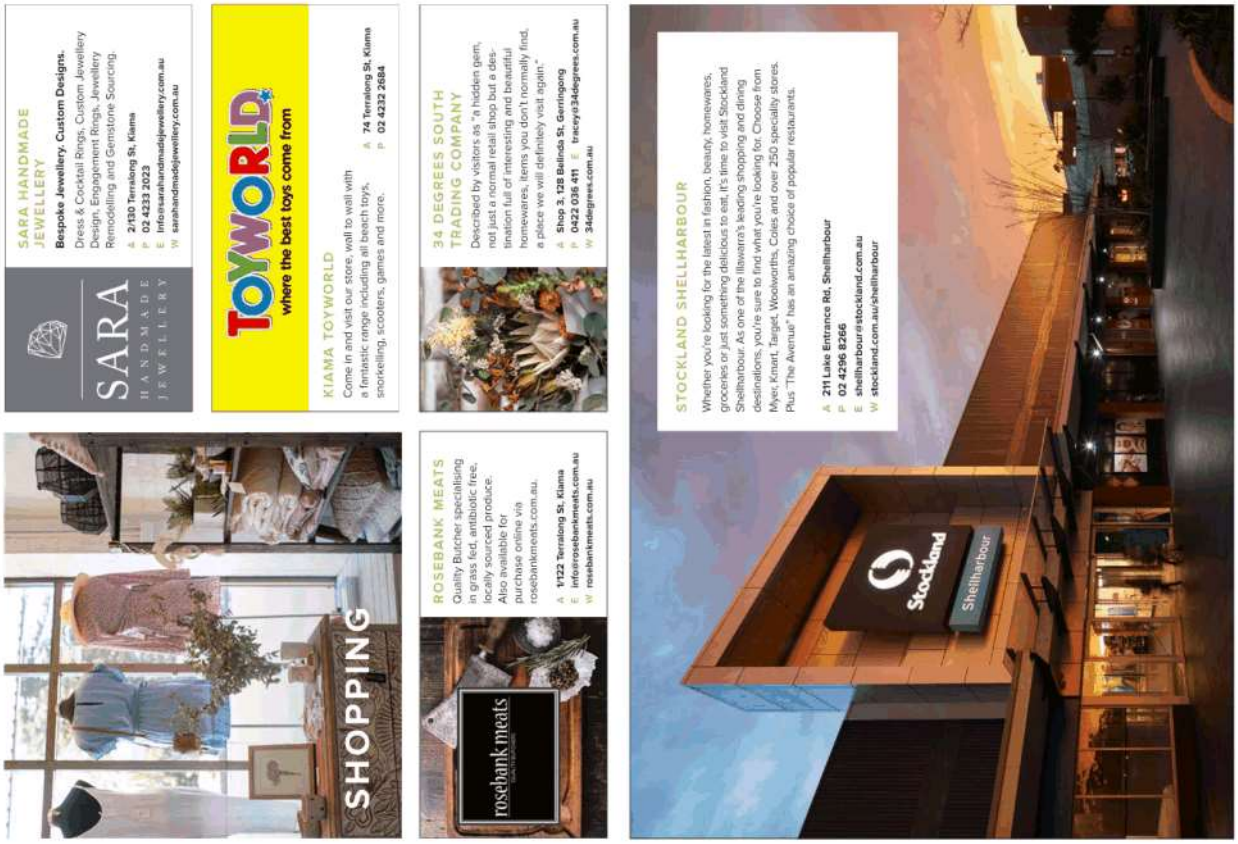
Providing high quality art supplies to professional and hobby artists. Please phone for advice, special orders, Gift Vouchers or to enrol in the full day, Beginner Acrylic Painting Workshops.

A Inside, 'The Collective Beat'
100 Terralong St, Kiama
P 0407 110 853
E Susan@AlexanderArtSupplies.com.au

W alexanderartsupplies.com.au
@alexanderartsupplies
@alexander_art_supplies

Alexander Art Supplies

#KIAMA



SHOPPING

SARA HANDMADE JEWELLERY

Bespoke Jewellery. Custom Designs.
Dress & Cocktail Rings, Custom Jewellery Design, Engagement Rings, Jewellery Remodelling and Gemstone Sourcing.

A 2/130 Terralong St, Kiama
P 02 4233 3023
E info@sarahandmadejewellery.com.au
W sarahandmadejewellery.com.au

SARA HANDMADE JEWELLERY

TOYWORLD
where the best toys come from

KIAMA TOYWORLD

Come in and visit our store, wall to wall with a fantastic range including all beach toys, snorkelling, scooters, games and more.

A 74 Terralong St, Kiama
P 02 4232 2684

ROSEBANK MEATS

Quality Butcher specialising in grass fed, antibiotic free, locally sourced produce. Also available for purchase online via rosebankmeats.com.au.

A 1/122 Terralong St, Kiama
E info@rosebankmeats.com.au
W rosebankmeats.com.au

rosebank meats

34 DEGREES SOUTH TRADING COMPANY

Described by visitors as "a hidden gem, not just a normal retail shop but a destination full of interesting and beautiful homewares, items you don't normally find, a place we will definitely visit again."

A Shop 3, 128 Belinda St, Gerringong
P 0422 036 411 E tracey@34degrees.com.au
W 34degrees.com.au

STOCKLAND SHELLHARBOUR

Whether you're looking for the latest in fashion, beauty, homewares, groceries or just something delicious to eat, it's time to visit Stockland Shellharbour. As one of the Illawarra's leading shopping and dining destinations, you're sure to find what you're looking for. Choose from Myer, Kmart, Target, Woolworths, Coles and over 250 speciality stores. Plus 'The Avenue' has an amazing choice of popular restaurants.

A 211 Lake Entrance Rd, Shellharbour
P 02 4296 8266
E shellharbour@stockland.com.au
W stockland.com.au/shellharbour

Stockland
Shellharbour

Attachment 1 Item 16.1

DINE

ART BAR KIAMA

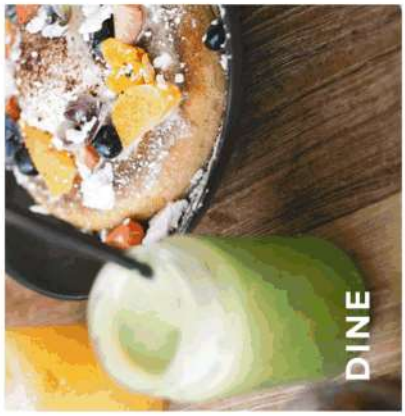
The Art Bar is a contemporary art gallery, tapas restaurant and bar located near the Little Blowhole in Kiama. On the crest of a hill, on the south side of Kiama, the Art Bar has great ocean and countryside views, live music every Sunday and delicious local beer, food, wine and cocktails. It's very popular - so book ahead!

A 6/4 Tingira Cres, Kiama P 02 4232 4990
E artbarkiama@gmail.com W artbarkiama.com

SALTWATER

Welcome to the best seafood in Kiama. Saltwater Specialises in fresh fish & chips, burgers, schnitzels, salads and great coffee.
Gluten Free Options Available.

A 104 Terralong St, Kiama
P 02 4232 1104
E Nexmove19@gmail.com
@saltwaterkiama



JJ'S INDIAN

JJ's Indian Restaurant offers a unique dining experience, serving innovative Indian cuisine in an elegant and stylish setting, situated in the heart of Kiama.

A 2/127 Terralong St, Kiama
P 02 4232 4565
E jjs_restaurant@hotmail.com
W jjsindian.com.au

DIGGIES KIAMA

Coastal vibes and a sea breeze mixed with fresh food and epic cocktails at Diggies Kiama. Drink in stunning seaside views with your morning coffee, freshly squeezed juice and all day brunch menu. Then cool down in the afternoon with a scoop of ice cream or a cocktail from our licensed bar.

Friday and Saturday join us for sundowners and bar snacks, and then kick on for a delicious dinner menu.

Book your table online, or just walk in and our friendly team will look after you.

Open 7 days.

Dine in or take away.

diggies

A 1 Blowhole Point Rd, Kiama
P 0436 353 370
E kiama@diggies.com.au
W diggies.com.au

EAT IN OR TAKEAWAY

Barroul House is the original historic homestead on the site of the old Kiama Hospital, beautifully restored as a charming cafe. Visit us and try our delicious coffee, cakes, burgers and blackboard specials

BARROUL HOUSE CAFÉ

Follow us @barroulhouse

GREAT FOOD, GREAT COFFEE. TUES-SAT 7.30AM-2.30PM | 14A BONAIRA STEET KIAMA

THAI@KIAMA

Traditional Thai cuisine using fresh ingredients. Dine in, take away, delivery available. Lunch special $10.50, 12-2:30pm daily.

A 155 Collins St, Kiama
P 02 4232 1190
W thaiatkiama.com.au

KIAMA VISITOR INFORMATION CENTRE

Our Visitor Information Centre is located on Blowhole Point Rd, Kiama. We are open 9am - 4.45pm daily (except Christmas Day), offering you:

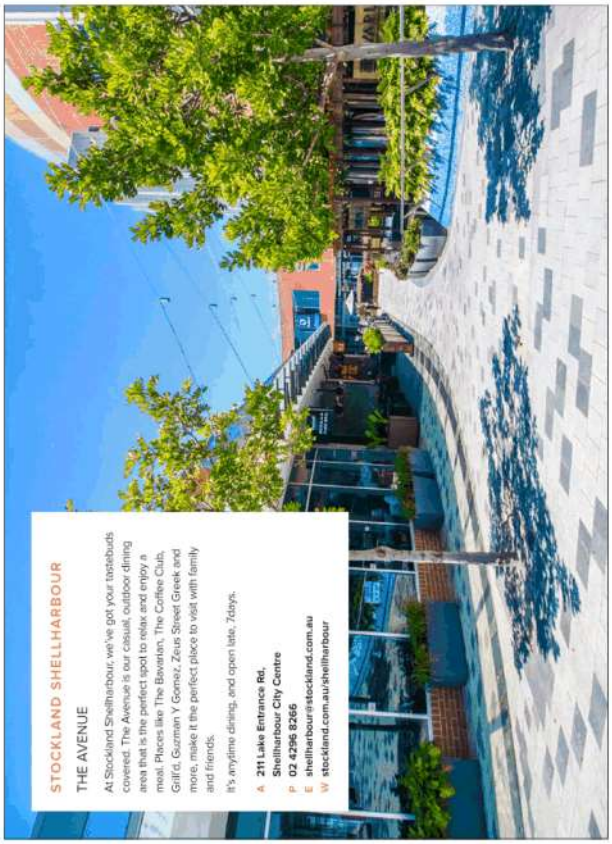
- Insider knowledge from locals
- Free maps and brochures
- Accommodation booking service
- Café, free parking and public toilets
- Local art, gifts and souvenirs

... will take you there!

A Blowhole Point Rd, Kiama P 1300 654 262 E tourism@kiama.com.au W kiama.com.au

DESTINATION Kiama SOUTH COAST N.S.W. AUSTRALIA

Attachment 1 Item 16.1



STOCKLAND SHELLHARBOUR

THE AVENUE

At Stockland Shellharbour, we've got your tastebuds covered. The Avenue is our casual, outdoor dining area that is the perfect spot to relax and enjoy a meal. Places like The Bavarian, The Coffee Club, Grilla, Guzman Y Gomez, Zeus Street Greek and more, make it the perfect place to visit with family and friends.

It's anytime dining, and open late, 7days.

A **211 Lake Entrance Rd, Shellharbour City Centre**
P **02 4296 8266**
E **shellharbour@stockland.com.au**
W **stockland.com.au/shellharbour**

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GRAND HOTEL KIAMA

Established in 1891 the Grand Hotel is steeped in history and old school charm. Come on down and enjoy a drink or a bite to eat from the recently renovated bistro, our kitchen offers pub bistro classics with a modern twist featuring seasonal produce form the paddock to the plate- see you at the G !

A **Grand Hotel, 49 Manning St, Kiama**
P **02 4232 1037**
E **mail@grandhotelkiama.com.au**

ZIA'S CAFE

Authentic Italian Cuisine, specialising in homemade pizza and pasta in a relaxing family friendly atmosphere! 'Dine-In 'Take-away 'Delivery

A **34 Manning St, Kiama**
P **02 4264 0302**
W **ziaskiama.com**

HANOI ON MANNING

Vietnamese Restaurant, fully licensed, open 6 days a week (closed Tuesday) for lunch and dinner.

A **10 Manning St, Kiama**
P **02 4232 3315**
W **hanoionmanning.com.au**

THE HILL BAR AND KITCHEN

The Hill offers breathtaking views of Werri Beach and surrounding farmlands with a modern and relaxed atmosphere.

Come and enjoy our extensive range of beer, wine and cocktails with a modern Australian menu focusing on locally sourced and sustainable ingredients. Open 7 days from midday for lunch and dinner.

A **98 Fern St, Gerringong**
P **0402 345 348**
W **thehillbarandkitchengerringong.com**

THE HILL

SHORES CAFE | RESTAURANT

Serving Coffee, Tea, Juice & Smoothies, Cakes & Slices.

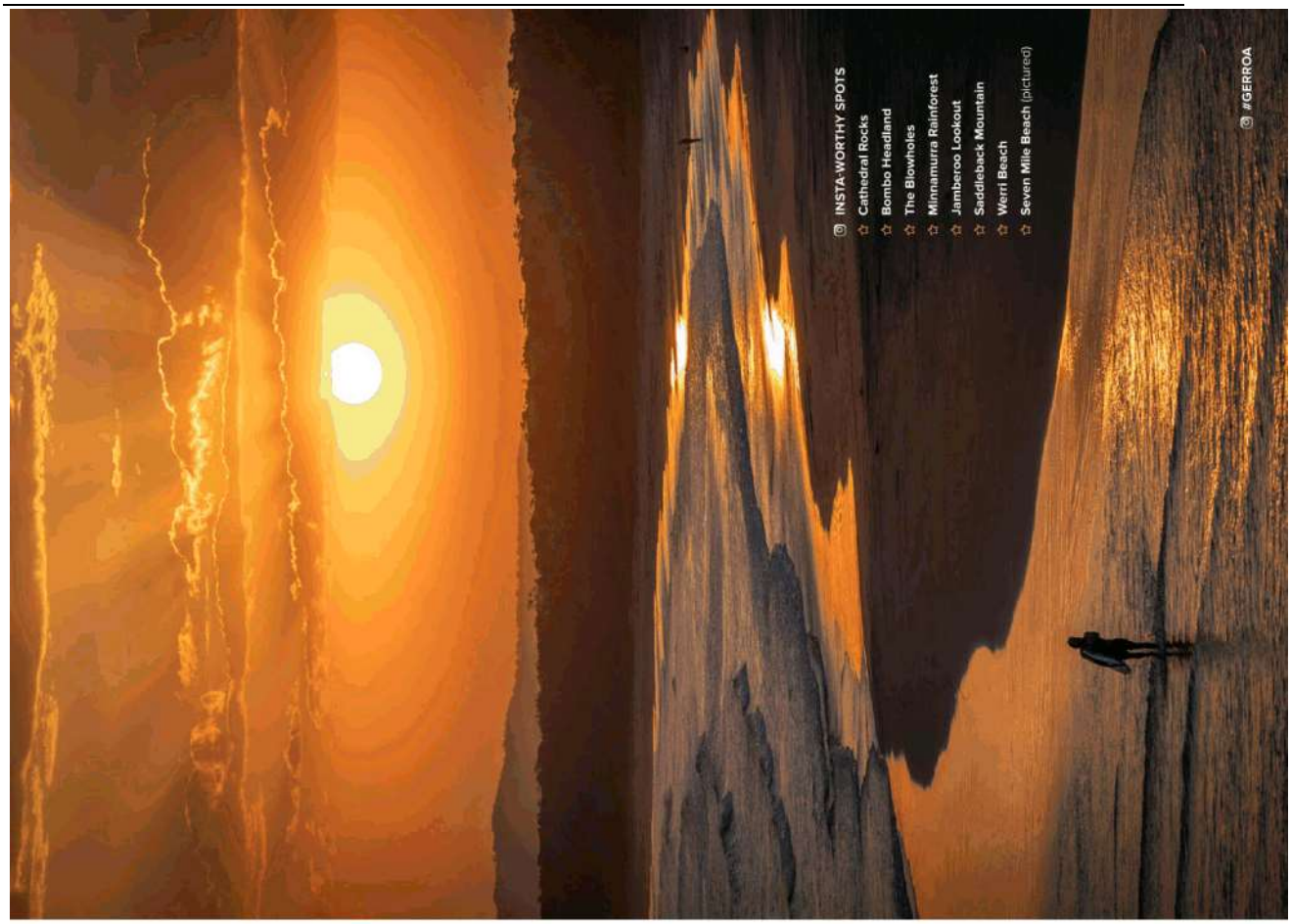
Our breakfast & lunch menu has been hand crafted using local produce, delivering modern fare for breakfast lunch and dinner.

Whether for pleasure or business we hope you enjoy our warm hospitality.

SHORES

A **45-51 Collins St, Kiama**
P **02 4232 1270**
W **shores-restaurant.com.au**

Attachment 1 **Item 16.1**



KIAMA I DO

Wedding Expo – Sunday 23 May 2021

An exciting wedding showcase of venues and suppliers from the Kiama area. Each venue is dressed for a wedding ceremony & reception along with hand-picked suppliers that are an essential part of making your day perfect. A wonderful opportunity to speak to venues and suppliers in a fun engaging atmosphere.

For more details and to register, visit: kiamaido.com.au

SOUTH COAST NANNIES

Whether you require Babysitting Services, care at your Wedding or Event, we provide tailored Child Care services to suit your individual needs.

BABYSITTING SERVICES
WEDDING AND EVENTS
CORPORATE EVENTS
IN HOME CARE

DELIVERING PEACE OF MIND

A **Servicing Kiama and surrounds**
P **02 4422 8808**
E **office@southcoastnannies.com.au**
W **southcoastnannies.com.au**

THE PAVILION KIAMA

The Pavilion Kiama is a modern, versatile seaside events space that brings businesses, families and community together. Choosing The Pavilion Kiama also brings peace of mind. Our friendly and professional team are here to ensure that your event is delivered just as you imagined.

Nestled in the heart of one of Australia's most picturesque coastal towns (just 90 minutes from Sydney), The Pavilion Kiama is the home of concerts to conferences; formals to weddings; retreats to exhibitions.

OPEN 7 DAYS
BOOKINGS REQUIRED
SEATS: 10-400
ACCESS FRIENDLY
FREE PARKING

THE PAVILION KIAMA

A **2 Bong Bong St, Kiama**
P **02 4232 1419**
E **info@thepavilionkiama.com.au**
W **thepavilionkiama.com.au**

OSCAR COLMAN WEDDINGS

- Weddings, Portraiture
- Evocative Images
- Intimate details to cinematic compositions
- Life Journey Photography
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ACCOMMODATION

Business Name	Phone	Webpage	Address
ACCOMMODATION BOOKING SPECIALISTS			
Coast & Country Holidays	02 4234 1754	coastandcountryholidays.com.au	119 Fern Street, Gerringong
HAUS	0412 214 598	facebook.com/hausmanage	72 Bong Bong Street, Kiama
Holiday Rental Specialists	02 4862 5200	holidayrentalspecialists.com.au	3/130 Terralong Street, Kiama
Kiama Visitor Information Centre	1300 654 262	kiama.com.au	Blowhole Point Road, Kiama
BED & BREAKFAST			
Terragong 1858 Country House Bed & Breakfast	02 4236 1836	terragong.com	467 Jamberoo Road, Jamberoo
CAMPING & HOLIDAY PARKS			
BIG4 Easts Beach Holiday Park	02 4232 2124	eastsbeach.com.au	30 Ocean Street, Kiama
Discovery Parks Gerroa	02 4234 1233	discoveryholidayparks.com.au	107 Crooked River Road, Gerroa
Kendalls on the Beach Holiday Park	02 4232 1790	kiamacoast.com.au	33 Bonaira Street, Kiama
Kiama Harbour Cabins	02 4232 2707	kiamacoast.com.au	Blowhole Point Road, Kiama
Seven Mile Beach Holiday Park	02 4234 1340	kiamacoast.com.au	200 Crooked River Road, Gerroa
Surf Beach Holiday Park	02 4232 1791	kiamacoast.com.au	20 Bourroul Street, Kiama
Werri Beach Holiday Park	02 4234 1285	kiamacoast.com.au	1A Bridges Road, Gerringong
CARAVAN & TENT RENTAL			
Coastal Glamping	0405 509 716	coastalglamping.com.au	Mobile Service
Perfect Break Caravans	0413 996 516	perfectbreakcaravans.com	Mobile Service
FARMSTAYS			
Schottlanders Wagyu Farmstay	0408 245 212	schottlanderswagyu.com.au	96 Rose Valley Road, Gerringong
HOLIDAY HOMES & COTTAGES			
Absolute Ocean Front Cottage	0434 916 497	oceanfrontcottage.com.au	16 Elanora Road, Kiama Heights
Allwood Harbour Cottage	0423 023 012	kiama.com.au	4 Fitzroy Street, Kiama
Amaroo Kiama	0414 866 895	homeaway.com.au/holiday-rental/p41938327	Kiama
Ataahua - Gerringong	0404 280 253	ataahuagerringong.com	27 Tasman Drive, Gerringong
Ben Ricketts Environmental Preserve	0491 718 963	benricketts.org.au	774 Jamberoo Mountain Road, Jamberoo
Casa Mar Azul	0407 665 036	kiamabeachhouse.com.au	North Kiama Drive, Kiama Downs
Dovecote	02 4208 0109	dovecote.com.au	27 Princes Highway, Gerringong
Driftwood Beach House	0412 214 598	driftwoodkiama.com.au	1 Bong Bong Street, Kiama
Dunoon Farmhouse	0499 696 191	dunoonfarmhouse.com.au	105 Princes Highway, Gerringong
Hindmarsh Park Holiday Cottage	0414 366 734	staykiama.com.au	10 Collins Lane, Kiama
Infinity on Willowvale	0431 531 812	airbnb.com.au	Willowvale Road, Gerringong
Kelly Cottage	0458 093 853	kiama.com.au	74 Long Brush Road, Jerrara
Lions Cottage	0403 121 988	lionscottage.com.au	105 Shoalhaven Street, Kiama
Nanny & Poppy's Beach House	02 4411 7000	holidayscollection.com.au	17 Headland Drive, Gerroa
Nirvana Seaside Cottages	0424 509 229	nirvanaseasidecottages.com.au	148 Renfrew Road, Gerringong
Saddleback Grove Holiday Accommodation	02 4411 7000	holidayscollection.com.au	271 Saddleback Mountain Road, Kiama
Sundara Beach House	N/A	sundarabeachhouse.com	42 Pacific Avenue, Werri Beach
The PAUSE	0433 017 105	thepause.com.au	2A Coal Street, Gerringong
The Shed, Gerroa.	02 4411 7000	theshedgerroa.com	36 Crooked River Road, Gerroa
HOTEL, MOTELS & RESORTS			
Ananda Wellness Retreat	02 4236 0269	anandawellnessretreat.com.au	406 Jamberoo Mountain Road, Jamberoo
Gerringong Hotel	02 4234 1451	kiama.com.au	29 Belinda Street, Gerringong
Grand Hotel	02 4232 1037	grandhotelkiama.com.au	49 Manning Street, Kiama
Jamberoo Pub & Saleyard Motel	02 4236 0270	jamberoopub.com	12 Allowrie Street, Jamberoo
Kiama Shores	02 4233 1100	kiamashores.com.au	45-51 Collins Street, Kiama
Mercure Gerringong Resort	02 4234 1359	mercuregerringong.com.au	1 Fern Street, Gerringong
Motel 617	02 4232 1333	motel617kiama.com.au	132 Manning Street, Kiama
Nova Kiama	02 4203 3010	novakiama.com.au	31 Bong Bong Street, Kiama
Park Ridge Retreat	02 4234 1000	parkridgeretreat.com.au	139 Belinda Street, Gerringong
The Sebel Harbourside Kiama	02 4230 7500	sebelharboursidekiama.com.au	2 Minnamurra Street, Kiama
PET ACCOMMODATION SERVICE			
Gerringong Pet Accommodation	0405 636 316	gerringongpetaccommodation.com	1 Belinda Street, Gerringong
SELF CONTAINED APARTMENTS			
Bikini, Surf Beach Kiama	0407 110 853	facebook.com/bstkiama	Charles Court, 1/118 Manning Street, Kiama
Bombo Hideeway	0413 676 705	kiama.com.au	24 Hothersal Street, Kiama
Flipside Kiama	1300 654 262	kiama.com.au	39A Minnamurra Street, Kiama
Harbour Lights Kiama	0419 271 554	kiama.com.au	5 Gura Street, Kiama
Kallaroo: Self-Contained Studio	02 4263 9949	bit.ly/CoastalStudioKallaroo	Railway Avenue, Minnamurra
Kiama Executive	0417 939 196	styleaccommodation.com.au	7/9 Bong Bong Street, Kiama
Oceanview Kiama	0420 900 664	oceanviewkiama.com.au	1/9 Bong Bong Street, Kiama

ACCOMMODATION

Business Name	Phone	Webpage	Address
Summer Breeze	0411 379 210	kiama.com.au	7 Taylor Street, Kiama
Surf Beach Dreams	02 4411 7000	holidayscollection.com.au	11/89 Manning Street, Kiama
Swell Kiama	0412 277 072	swellkiama.com.au	Little Blowhole, Kiama
The Bellevue Kiama	0459 708 610	bellevueaccommodation.com.au	21 Minnamurra Street, Kiama
The Fern	0411 454 720	airbnb.com/h/thefernuptown	135 Fern Street, Gerringong
SERVICED APARTMENTS			
Terralong Terrace Apartments	0499 000 993	terralong.com.au	129 Terralong Street, Kiama

EXPERIENCE

Business Name	Phone	Webpage	Address
BIKE HIRE			
Kiama Cycles & Sports	02 4232 3005	kiamacycles.com.au	27 Collins Street, Kiama
EVENTS & ENTERTAINMENT			
Folk By the Sea	1300 887 034	folkbythesea.com.au	Kiama Showground, Bong Bong Street, Kiama
Kiama Sevens	0439 640 896	kiamarugby.com	Kiama Showground, Bong Bong Street, Kiama
Kiama Show	0431 366 944	kiamashow.com.au	Kiama Showground, Bong Bong Street, Kiama
Laughter House	0422 914 713	laughterhouseentertainment.com	Various Events, Kiama Area
LP Entertainment	0431 992 142	lpentertainment.com.au	Mobile Service
R & R Production Services	0421 467 313	randrproduction.com.au	Mobile Service
South Coast Experiences	0411 614 486	southcoastexperiences.com.au	Mobile Service
FAMILY FUN			
Bead Shack	02 4234 1197	beadshack.com.au	18/123-125 Fern Street, Gerringong
Bigfoot Adventures	0428 244 229	bishopsadventures.com.au	1335 Bolong Road, Shoalhaven Heads
Granties Maze	0407 284 888	grantiesmaze.com.au	25 Donovan Road, Foxground
Jamberoo Action Park	02 4236 0114	jamberoo.net	1215 Jamberoo Road, Jamberoo
Kimberley Park Stud	02 4234 1134	kimberleypark.com.au	31 McClelland Road, Broughton Village (near Gerringong)
FISHING			
Kiama Game Fishing Club	0427 377 865	kiamagfc.com.au	Kiama Harbour
Kiama Charter Service	02 4236 1716	kiamafishing.com.au	"Kostalota" Kiama Harbour, Kiama
FITNESS			
Kiama Leisure Centre	02 4232 1877	kiama.nsw.gov.au/Facilities/Kiama-Leisure-Centre	1 Havilah Place, Kiama
Kiama Tennis Club	02 4232 2431	kiamatennis.org.au	50 Noorinan Street, Kiama
GALLERIES & STUDIOS			
Fern Street Gallery	0418 463 207	fernstreetgallery.com.au	2/131 Fern Street, Gerringong
Kiama Art Gallery	0402 841 638	kiamaartgallery.com.au	8 Cullen Drive, Kiama Downs
Kiama Arts Trail	0417 781 490	kiamaartstrail.com	Various Venues
Robyn Sharp at Cedar Ridge Studio	0431 561 179	robynrichsharp.com	287 Free Selectors Road, Foxground
Terra Art Gallery	0414 084 228	terraartgallery.com	15/106 Terralong Street, Kiama
Two Gulls Art Studio/Gallery	0403 183 128	artistkentucker.com.au	11 Gray Street, Kiama Downs
SURF SCHOOL			
Gerringong Surf School	0414 245 216	gerringongsurfschool.com.au	52 Wingeewah Road, Gerringong
Surf Camp Australia/Gerroa Surf School	1800 888 732	gerroasurfschool.com and surfcamp.com.au	107 Crooked River Road, Gerroa
MUSEUM			
HARS Aviation Museum - Historical Aircraft Restoration Society	02 4257 4333	hars.org.au	54 Airport Road, Albion Park Rail
Pilot's Cottage Museum	02 4232 2492	ekiama.com/museum/index.htm	Blowhole Point Road, Kiama
The Australian Motorlife Museum	02 4261 4900	australianmotorlifemuseum.com	Integral Energy Recreation Park, 94 Darkes Road, Kembla Grange
NATURE & ADVENTURE ACTIVITIES			
Coastal Explorer	02 4234 3278	coastalexplorer.landsedge.com.au	Mobile Service
Illawarra Fly Treetop Adventures	02 4885 1010	illawarrafly.com	182 Knights Hill Road, Knights Hill
Minnamurra Rainforest Centre	02 4236 0469	nationalparks.nsw.gov.au	345 Minnamurra Falls Road, Jamberoo
Stand Up Paddle Boarding Shellharbour	0427 667 938	supshellharbour.com	Mobile Service
POTTERY & CERAMICS			
Pottery at Old Toolijoaa School	0467 341 431	potteryatoldtoolijoaaschool.com	233 Princes Highway, Gerringong
Zeynep Testoni Ceramics	0405 465 301	zeyneptestoni.com.au	133 Headland Drive, Gerroa
TOURS			
Buena Vista Farm	0414 703 958	buenavistafarm.com.au	250 Fern Street, Gerringong
Dolphin Watch Cruises	02 4441 6311	dolphinwatch.com.au	50 Owen Street, Huskisson
Foodscape Tours	1300 502 100	foodscapetours.com.au	4/113 Queen Street, Berry
Jervis Bay Wild	02 4441 7002	jervisbaywild.com.au	58 Owen Street, Huskisson

EXPERIENCE

Business Name	Phone	Webpage	Address
WORKSHOPS			
barefootfivetribe	0435 158 689	barefootfivetribe.com.au	South Coast
Creative Workshops with Stacy Burgess	0424 460 951	stacyburgesscreates.com	Kiama Area
Gitte Backhausen Art	0410 200 120	gittebackhausen.art	Gerringong
Kerry Bruce Art	0418 463 207	kerybruceart.com	Fern Street Gallery, Gerringong
Kiama Art Workshops	0438 359 595	kiamaartworkshops.com.au	Kiama Scout Hall, 1 Blowhole Point Road, Kiama
Kiama Ceramic Art Studio	0403 139 416	ceramic-art-studio.com	6 Akuna Street, Kiama
Sharon Blair Art & Design	0439 956 579	sharonblair.com.au	Studio sales by appointment, Kiama
Willowvale Road	0413 132 461	willowvaleroad.com.au	Gerringong

SHOPPING & MARKETS

Business Name	Phone	Webpage	Address
ANTIQUES			
Terrace Collectables	0409 898 474	kiama.com.au	24A Collins Street, Kiama
ART SUPPLIES			
Alexander Art Supplies	0407 110 853	alexanderartsupplies.com.au	The Collective Kiama, 100 Terralong Street, Kiama
BOOKSTORE			
The Bookshop Kiama	02 4232 4966	kiama.com.au	64 Terralong Street, Kiama
Bouquiniste	0475 270 339	bouquiniste.com.au	1/106 Terralong Street, Kiama
BOUTIQUES, FASHION & HOMEWARES			
34 Degrees South Trading Company	0422 036 411	34degrees.com.au	3/128 Belinda Street, Gerringong
Bombo Clothing Co	02 4232 2422	bomboclothing.com	1/44 Manning Street, Kiama
Ivy Lane Boutique	0433 436 493	ivylaneboutique.com.au	3-5/90 Terralong Street, Kiama
Natural Necessity Surf Shop	02 4234 1636	naturalnecessity.com.au	115 Fern Street, Gerringong
The Retro Room	0432 265 523	facebook.com/theretroroomkiama	2/128 Terralong Street, Kiama
BUTCHER			
Rosebank Meats	02 4232 1952	rosebankmeats.com.au	1/122 Terralong Street, Kiama
JEWELLERY			
Sara Handmade Jewellery	02 4233 2023	sarahandmadejewellery.com.au	2/130 Terralong Street, Kiama
FLORIST			
The Wildflower Studio	02 4232 4589	thewildflowerstudio.com.au	2/31 Bong Bong Street, Kiama
GROCERY & SPECIALTY			
Kiama Village	02 9972 9020	kiamavillage.com.au	143 Terralong Street, Kiama
MARKETS			
Kiama Makers & Growers Market	0415 900 913	hivzevents.com.au	Black Beach, Kiama
Kiama Farmers' Market	0431 823 078	kiamafarmersmarket.com.au	Coronation Park, Surf Beach, Kiama
Kiama Seaside Markets	0457 773 063	kiamaseasidemarkets.com.au	Black Beach, Kiama
NEWSAGENCY			
Jamberoo Newsagency	02 4236 0100	kiama.com.au	2-3/18 Allowrie Street, Jamberoo
TOY SHOP			
Kiama Toyworld	02 4232 2684	toyworld.com.au	74 Terralong Street, Kiama

DINING

Business Name	Phone	Webpage	Address
CAFÉ & RESTAURANT			
Akira Sushi Kiama	0404 515 076	kiama.com.au	7/143 Terralong Street, Kiama
Amaki Café	02 4232 1214	amakicafe.com	42 Collins Street, Kiama
Art Bar Kiama	02 4232 4990	artbarkiama.com	6/4 Tingira Crescent, Kiama
Cafe Kiama & Scoops Ice Creamery	02 4232 3100	cafekiama.com	60 Terralong Street, Kiama
Diggies Kiama	0436 353 370	diggies.com.au/kiama	Blowhole Point Road, Kiama
Dragon Garden Restaurant	02 4233 1799	dragongardenkiama.com.au	113-115 Terralong Street, Kiama
El Corazon Cocina de Mexico	02 4232 4847	elcorazon.net.au	6 Terralong Street, Kiama
Encore Wine Bar and Grill	02 4293 1884	encorekiama.com.au	68 Manning Street, Kiama
Fish Tribe Project	02 4293 1723	fishtribe.com.au	13 Johnson Street, Kiama Downs
Flour Water Salt	02 4233 0887	flourwatersalt.com.au	49 Shoalhaven Street, Kiama
Gather. By The Hill	0417 064 305	thehillbarandkitchengerringong.com	1/17 Noble Street, Gerringong
Hanoi on Manning	02 4232 3315	hanoionmanning.com.au	10 Manning Street, Kiama
Jack's Grill By Smith St. Foods	02 4293 1157	smithstreetfoods.com.au	29 Belinda Street, Gerringong
JJ's Indian Restaurant	02 4232 4565	jjsindian.com.au	2/127 Terralong Street, Kiama

DINING

Business Name	Phone	Webpage	Address
Little Earth Café	0416 529 121	kiama.com.au	10 Tingira Crescent, Kiama
Minnamurra General Store	0428 102 977	facebook.com/minnamurra.cafe	1A Rangoon Road, Minnamurra
Olive & Vine	02 4232 1268	oliveandvinekiama.com	87 Manning Street, Kiama
Otis Deli	02 4232 1135	otisdeli.com	13/106 Terralong Street, Kiama
Parfait Patisserie	02 4232 9030	parfaitpatisserie.com	38 Manning Street, Kiama
Penny Whistlers	02 4233 2770	pennywhistlers.com.au	5/31 Shoalhaven Street, Kiama
Retreat Restaurant Gerringong	02 4234 1000	parkridgeretreat.com.au	First Floor, 139 Belinda Street, Gerringong
Saltwater	02 4232 1104	@saltwaterkiama	104 Terralong Street, Kiama
Silica Restaurant and Bar	02 4233 0572	silicakiama.com.au	72 Manning Street, Kiama
Stacks Burger House	0422 307 755	stacksburgerhouse.com	21 Johnson Street, Kiama Downs
Thai@Kiama	02 4232 1190	thaiatkiama.com.au	1/55 Collins Street, Kiama
The Blue Swimmer at Seahaven	02 4234 3796	theblueswimmer.com.au	19 Riverleigh Avenue, Gerroa
The Brooding Italian	0406 401 213	thebroodingitalian.com.au	2/160 Manning Street, Kiama
The Hill Bar and Kitchen	0402 345 348	thehillbarandkitchengerringong.com	98 Fern Street, Gerringong
The Hungry Monkey Gourmet Burgers	0403 397 353	thehungrymonkey.com.au	5/32 Collins Street, Kiama
The Perfect Break Cafe	02 4234 1211	naturalnecessity.com.au/pages/perfect-break-cafe	115 Fern Street, Gerringong
Wild Patch Café	0477 340 312	wildpatchcafe.com	14 Manning Street, Kiama
Zia's Caffe	02 4264 0302	ziaskiama.com	34 Manning Street, Kiama
Zoobs Woodfired Pizza Restaurant	02 4234 0241	zoobswoodfired.com	1/11 Blackwood Street, Gerringong
CATERING & CUSTOM FOOD SERVICES			
Culinarious Catering and Fine Foods/Weddings at The Pavilion Kiama	0421 692 901	culinarius.com.au	The Pavilion, 2 Bong Bong Street, Kiama
Dandelion and Mallow Wholefood Kitchen	0411 439 602	dandelionandmallow.com.au	Mobile Service
Ola Chola	0413 747 527	kiama.com.au	Mobile Service
Picnic by the Sea	0431 002 765	picnicbythesea.com.au	Mobile Service
LOCAL PRODUCE			
The Treat Factory & The Dairy Bar	02 4464 1112	treatfactory.com.au	6 Old Creamery Lane, Berry
PUBS & HOTELS			
Grand Hotel	02 4232 9037	grandhotelkiama.com.au	49 Manning Street, Kiama
Kiama Inn Hotel	02 4232 1166	kiamainnhotel.com.au	50 Terralong Street, Kiama
WINERIES			
Coolangatta Estate	02 4448 7131	coolangattaestate.com.au	1335 Bolong Road, Shoalhaven Heads
Crooked River Wines	02 4234 0975	crookedriverwines.com	11 Willowvale Road, Gerringong

WEDDINGS & EVENTS

Business Name	Phone	Webpage	Address
BRIDAL & PROFESSIONAL MAKEUP			
Making Faces Makeup Studio	02 4232 2248	makingfacesmakeup.com.au	7 Hothersall Street, Kiama
CELEBRANT			
Jeanette Eadon Civil Marriage Celebrant	0400 026 203	celebrantjeanette.com	Mobile Service
NANNY AGENCY			
South Coast Nannies	02 4422 8808	southcoastnannies.com.au	Servicing Kiama and Surrounds, Kiama
VENUE			
The Pavilion Kiama	02 4232 1419	thepavilionkiama.com.au	2 Bong Bong Street, Kiama
Bush Bank Weddings	0408 364 321	bushbank.com.au	59 Princes Highway, Kiama
Seacliff House	1800 442 388	seaclifffhouse.com.au	139 Princes Highway, Gerringong
WEDDING SERVICES			
Grace & Stone Collections	0407 750 873	graceandstone.com.au	By Appointment, Kiama

HEALTH & WELLNESS

Business Name	Phone	Webpage	Address
BEAUTY & DAY SPA			
Synergy Beauty Therapy	02 4233 1950	synergybeauty.com.au	2/64 Manning Street, Kiama
endota spa Kiama	02 4233 1501	endotaspa.com.au/kiama	1/124 Terralong Street, Kiama
HEALTH & WELLNESS			
Coastal Float Health & Wellness	0466 054 696	coastalfloat.com.au	8/65 Manning Street, Kiama
MASSAGE			
Body Resort Chinese Massage	0481 567 389	facebook.com/GerringongChineseMassage	1/102 Fern Street, Gerringong
Koh Samui Thai Massage	0424 826 605	kohsamuithaimassage.com.au	35 Manning Street, Kiama
Siam Balance Thai Massage	02 4202 3157	thaimassagekiama.com.au	1/128 Terralong Street, Kiama

HEALTH & WELLNESS

Business Name	Phone	Webpage	Address
NATUROPATH/HERBAL DISPENSARY			
The Apothecary Kiama	0431 959 119	theapothecarykiama.com.au	1/142 Terralong Street, Kiama
YOGA & PILATES			
Body In Line Pilates Studio	0402 278 257	bodyinline.com.au	Gerringong Surf And Lifesaving Club, Pacific Avenue, Gerringong
Emergence Yoga Kiama	1300 053 435	emergenceyogakiama.com	42 Terralong Street, Kiama

SERVICE & SPORTING CLUBS

Business Name	Phone	Webpage	Address
BOWLING CLUB			
Gerringong Bowling & Recreation Club	02 4234 1414	gerringongbowls.com.au	Pacific Avenue, Gerringong
Kiama Bowling & Recreation Club	02 4232 1176	kiamabowling.com.au	100 Shoalhaven Street, Kiama
SERVICE CLUBS			
Kiama Leagues Club	02 4232 1777	kiamaleagues.com	109 Terralong Street, Kiama
Kiama Masonic Centre	0409 668 231	masonic.org.au	46 Collins Street, Kiama
GOLF CLUB			
Gerringong Golf Club	02 4234 3333	gerringonggolf.com.au	14 Crooked River Road, Gerringong
Jamberoo Golf Club	02 4236 0404	jamberoogolf.com.au	21 Allowrie Street, Jamberoo
Kiama Golf Club	02 4237 7300	kiamagolfclub.com.au	79 Oxley Avenue, Kiama Downs

SERVICES

Business Name	Phone	Webpage	Address
LAUNDROMAT			
Kiama Laundry Services	02 4232 1432	laundryservicewollongong.com.au	3/140 Terralong Street, Kiama
Wash & Spin Laundromat Gerringong	0414 935 974	wslaundromat.com.au	4/45 Rowlins Road, Gerringong
BARBER			
AFH Premier Barbers	02 4233 2709	afhpremierbarbers.com.au	1/130 Terralong Street, Kiama
BUSINESS CHAMBER			
Kiama and District Business Chamber	0457 773 064	kiamachamber.com.au	1/88-90 Terralong Street, Kiama
BUSINESS SERVICES			
WorkLife	0413 202 425	worklife.org.au	2/124 Terralong St, Kiama
CHURCHES			
Kiama Anglican Churches	02 4232 2066	kiamaanglican.org.au	2 Terralong Street, Kiama
FINANCIAL MANAGEMENT			
Cloudbreak Wealth Pty Ltd	0429 336 616	cloudbreakwealth.com.au	29 Collins Street, Kiama
GRAPHICS, WEB & DIGITAL			
Digital Place Solutions	0412 339 489	digitalplacesolutions.com	Kiama
JM Consulting	0447 773 575	janelleinetilia.consulting.com.au	Kiama Area
King Street Press	0412 144 964	kingstreetpress.com.au	Kiama
PHARMACY			
Kiama Downs Guardian Pharmacy	02 4237 7732	guardianpharmacies.com.au	23 Johnson Street, Kiama Downs
PHOTOGRAPHY			
Jon Harris Photography	0405 767 001	jonharris.photography	Mobile Service
Kyle Coffee Photography	0407 971 901	kylecoffeephotography.net	Mobile Service
Peter Izzard Photography	0431 776 036	peterizzardphotography.com.au	Mobile Service
RADIO & MEDIA			
The Bugle	0412 415 101	thebugleonline.com	Kiama Area
Wave FM	02 4275 2965	wavefm.com.au	Top Floor, 73 King Street, Warrawong
REAL ESTATE & PROPERTY			
Elders Real Estate Jamberoo	0402 101 343	eldersjamberoo.com.au	20 Allowrie Street, Jamberoo
Ridgewaters Kiama Luxury Apartments	1300 081 202	sthinity.com.au	5 George Street, North Strathfield
SOLICITORS			
Carter Ferguson Solicitors	02 4208 3299	cflegal.com.au	66 Collins Street, Kiama
RMB Lawyers	02 4232 1188	rmblawyers.com.au	6/65 Manning Street, Kiama
TRANSPORT			
Kiama Mini Coach Charters	0414 377 505	kiamaitransport.com.au	Mobile Service
Kiama Car Hire & Private Tours	0410 466 726	kiama.com.au	Mobile Service

THE ESSENTIALS

DRIVING TIMES

- **To Sydney**: 90mins
- **To Wollongong**: 35mins
- **To Kangaroo Valley**: 40mins
- **To Jervis Bay**: 1hr
- **To Canberra**: 2hrs 45mins
- **To Batemans Bay**: 2hrs
- **To Melbourne** (Hume Hwy): 8hrs 20mins
- **To Melbourne** (Princes Hwy): 11hrs

TRAIN STATIONS

- **Minnamurra** (North St)
- **Bombo** (Princes Hwy)
- **Kiama** (Railway Pde)
- **Gerringong** (Grey St)

HOSPITALS

- **Shellharbour Hospital:** 17 Madigan Boulevard, Mount Warrigal. 02 4295 2500
- **Shoalhaven District Memorial Hospital:** Scenic Drive, Nowra. 02 4421 3111

GROCERIES

- **Woolworths**, 143 Terralong St Kiama, 730am-9pm
- **IGA**, 17 Johnson St Kiama Downs, 7am-8pm
- **IGA**, 3 Allowrie St Jamberoo, 7am-8pm
- **IGA**, 11-13 Blackwood St Gerringong, 730am-8pm
- **Foodworks**, 41 Meehan Dr, Kiama Downs 630am-7pm

FUEL

- **Caltex Kiama**, 150 Manning St, 24hrs
- **Enhance Kiama**, 35 Collins St, 5am-10pm
- **Caltex Gerringong**, 2 Belinda St, 6am-10pm
- **Enhance Gerringong**, 140 Fern St, 6am-10pm

CHURCHES

- **Anglican:** 2 Terralong St Kiama; 17 Railway Pde, Minnamurra; 103 Fern St, Gerringong; 45 Churchill St, Jamberoo
- **Catholic:** 94 Manning St, Kiama; 166 Fern St, Gerringong; 22 Chapel Ln, Jamberoo
- **Uniting:** 19 Bong Bong St, Kiama; 25 Fern Street, Gerringong; 11 Wyalla Rd, Jamberoo
- **Presbyterian:** 40 Shoalhaven St, Kiama
- **Baptist:** 1/3 Brown St, Kiama

PUBLIC TOILETS

Visit **toiletmap.gov.au**

MOTORHOME DUMP POINTS

- **Kevin Walsh Oval**, Jamberoo (Public)
- **Holiday parks** in Gerroa, Gerringong and Kiama

RECYCLING CENTRE

Minnamurra, 446 Riverside Dr

FISHING SPOTS

- **Crooked River** (Prawns, Bream, Flathead)
- **Minnamurra River** (Whiting, Bream, Flathead, Blackfish)
- **Kiama Harbour** (Bream, Blackfish)
- **Blowhole Point/Black Head, Gerroa** (Kingfish, Snapper, Trevally, Salmon, Groper)
- **Werri Beach** (Snapper, Whiting)
- **Seven Mile Beach** (Whiting, Bream, Tailor, Salmon, Flathead, Mulloway)
- **In a boat!** (take your pick)
- **6 boat ramps:** Minnamurra River (3), Kiama Harbour, Gerringong Boat Harbour, Seven Mile Beach

Fishing Licences are available online from ServiceNSW. Bait from Caltex/Enhance or bait machine at Kiama Harbour.

RANGER & WIRES

- **For domestic animal, parking or pollution issues** 0409 917 092
- **For issues with native animals, birds or reptiles** WIRES 1300 094 737

TENNIS COURTS

- **Minnamurra** - 2 courts (lights). 02 4231 4307
- **Kiama** - 7 courts (Noorinan St/lights) and 2 courts (Blowhole Pt). 02 4232 2431
- **Gerringong** - 5 courts (lights). 0437 430 731
- **Jamberoo** - 4 courts (lights). 0429 838 942
- **Black Beach, Kiama** - Kiama & Gerringong - Outdoor table tennis

KAYAKING/PADDLING

- **Minnamurra River**, Minnamurra
- **Crooked River**, Gerroa
- **Werri Lagoon**, Gerringong

GOLF COURSES

- **Gerringong** - Coastal links, scenic, par 72
- **Kiama** - Treelined fairways, par 66
- **Jamberoo** - Rural, water hazards, par 67 *(Jamberoo Golf Club also offers foot golf)*

BOWLING GREENS

- **Kiama**, 100 Shoalhaven St
- **Gerringong**: Pacific Ave, Werri Beach
- **Jamberoo:** 11 Allowrie St

EMERGENCIES

Police, fire, ambulance emergencies occuring now, call triple zero (000) immediately.

For all other **non-urgent police assistance** and general enquiries, please call 131 444.

PARKS & RESERVES

Playgrounds | BBQs

- **James Oates Reserve**, Minnamurra
- **Jones Beach**, Kiama Downs
- **Chase Reserve**, Gainsborough
- **Robert East Reserve**, Bombo
- **Black Beach**, Kiama
- **Storm Bay**, Kiama
- **Hindmarsh Park**, Kiama
- **Coronation Park**, Kiama
- **Surf Beach**, Kiama
- **Peace Park**, Kiama
- **Kendalls Beach**, Kiama
- **Bonaira Native Gardens**, Kiama
- **Bonaira Oval**, Kiama
- **Attunga Reserve**, Kiama
- **Old School Ground Park**, Gerringong
- **Werri Beach Surf Club**, Werri Beach
- **Boat Harbour**, Gerringong
- **Emery Reserve**, Gerroa
- **Jerrara Dam**, Jerrara
- **Reid Park**, Jamberoo
- **Minnamurra Rainforest**, Jamberoo

SKATE PARKS

- **Gainsborough** - Meehan Dr
- **Kiama** - Leisure Centre, Havilah Pl
- **Gerringong** - South Werri Beach
- **Jamberoo** - Kevin Walsh Oval

OCEAN POOLS

- **Blowhole Point**, Kiama
- **Continental Pool**, Kiama
- **South Werri**, Gerringong
- **Boat Harbour**, Gerringong

INFORMATION OUTLETS

- **Kiama Visitor Information Centre**, Blowhole Point Road, Kiama
- **34 Degrees South**, Gerringong
- **Jamberoo Newsagency**, Jamberoo

For other enquiries, contact Kiama Visitor Information Centre:
P: 1300 654 262
W: kiama.com.au

THE SEBEL
HARBOURSIDE KIAMA

YOUR SOUTH COAST ESCAPE ON THE HARBOUR

The Sebel Harbourside Kiama overlooks the stunning Kiama Harbour and out to the Pacific Ocean.

The Sebel reflects both the modern and the historic aspects of Kiama, combining an 1871 heritage listed conference centre with a modern boutique resort and renowned bar and bistro Yves.

Yves is a bar and bistro with chic decor and stunning views over Kiama Harbour and the Pacific Ocean delivering a modern coastal atmosphere.

The perfect year round holiday and corporate getaway.

W: sebelharboursidekiama.com.au | **P:** (02) 4230 7500

Kiama
facebook.com/kiamansw
@kiamansw

16.2 Clause 4.6 Variations to LEP Development Standards - 1 January to 31 March 2021

Responsible Director: Office of the General Manager

Below are the Clause 4.6 variations for the period 1 January to 31 March 2021.

Development Application No 10.2020.164.1 – 24 Michael Crescent, Kiama Downs

- Alterations and additions
- Zone: R2 Low Residential.
- Standard to be Varied: Clause 4.1E – Minimum site areas for dual occupancies and multi dwelling housing in Zone R2
- Extent of Variation: 4.85%
- Approved by Council on 15/12/2020

Development Application No 10.2020.216.1 – 14 Elanora Road, Kiama Heights

- Alterations and additions
- Zone: R2 – Low Density Residential
- Standard to be Varied: Clause 4.3 – Height of buildings
- Extent of Variation: 5%
- Approved by Council on 28/1/2021

Communication/Community Engagement

N/A

16.3 Grant Application - Shark Observation Grants Program 2020/21

Responsible Director: Corporate and Commercial Services

The NSW Department of Primary Industries has advised Council of a successful grant application for equipment under the Shark Observation Program (SOPG) 2020/21. Council has received $5,500 (Including GST) for enhanced public address system with alarm capability across several patrolled beaches in Kiama.

The Shark Observation Program Grants enables councils to implement shark surveillance technologies including drones, observations towers and emergency evacuation and communications systems. These initiatives will provide science backed safety strategies that work well for swimmers and wildlife.

The funding complements previous grant funding received by Council under this program, with which we have successfully installed observation towers at Kendalls and Seven Mile beaches.

16.4 Minutes: Kiama District Sports Association - 1 February 2021

Responsible Director: Office of the General Manager

Attached for Councillors' information are the minutes of the Kiama District Sports Association General Meeting held on 1 February 2021.

Communication/Community Engagement

Councillor Way and the Director Engineering and Works are the Council delegates to this committee and attend Association meetings.

Attachments

1 Minutes: Kiama District Sports Association - 01/02/2021⇩

KIAMA DISTRICT SPORTS ASSOCIATION
30 Hughes Crescent, KIAMA DOWNS NSW 2533

GENERAL MEETING MINUTES

Date: 1st February 2021

Venue: Kiama Leagues Club

Present:	Col Rathbone	President
	Gail Gaynor	Treasurer
	Leesa Mak	Kiama Junior Rugby League
	Jodie Egan	Gerringong Junior Rugby League
	Tim Alchin	Gerringong Junior Rugby League
	Mark Corkin	Kiama Rugby Union
	Anton Schippers	Gerringong Football
	Paul Atkins	Kiama Senior Rugby League
	Greg Walsh	Jamberoo Combined Sports
	Glenn Shepherd	Kiama Community Radio
	Steve Hudson	Gerringong Senior Rugby League
	Adam Vaughan	Kiama Municipal Council
	Paul Berry	Gerringong Cricket
	Pam Gehrmann	Kiama Softball
	Ross Thomas	Kiama OzTag
	Craig Scott	Trust Fund Convenor & Kiama Little Athletics
Apologies:	John Dawson	Secretary
	Paul Condon	Vice President, Gerringong All Sports & Gerringong Touch
	Maria Luke	Kiama Netball
	Shane Douglas	Kiama Junior Football
	Daryl Mowbray	Kiama Junior Football

Meeting opened at 7:10pm

Col introduced –

Glenn Shepherd from Kiama Community Radio
The KCR are introducing a once-a-week sports programme – 10 minutes in duration. Glad to let all sports promote themselves on this programme that would be promoted during the preceding week. Happy to give weekly results and have a chat to assist all sports by featuring specific a sport on Mondays of each week.

Glenn's contacts are – glennshepherd@bigpond.com, kiamacommunityradio.org, kiamacommunityradio (Facebook)

Previous Minutes:

Moved Pam Gehrmann, seconded Paul Berry that the minutes of the meeting held 30th November be adopted. Carried

Business Arising:

South Coast Sevens Football Carnival – Adam Vaughan raised concerns over the use of Athol Noble when Gerringong Breakers FC had been requested not to use the field due to the wet weather leading up to the carnival.

It was pointed out to the meeting that clubs who misuse the very generous Wet Weather Policy that is in operation in KMC may jeopardise the club from receiving assistance grants from KDSA. **It was thought that this is already in the KDSA Wet Weather Policy, but there is no mention of loss of assistance grants in the policy, only that clubs may lose the right to make decision on the weekend and could be held responsible for the cost of repairs.**

Discussion continued with Anton Schippers responding on behalf of Gerringong FC and Adam expressing his frustration at the amount of damage to the field, especially as Dorothy Bailey and Michael Cronin ovals were offered to minimise the use of Athol Noble.

It was decided that such breaches needed to be reported, each breach assessed and suitable penalties applied, such as loss of weekend assessment decision being lost and/or payment for the cost of repairs. A "3 strikes" policy was mentioned as was the loss of ground usage, but unfortunately loss of ground usage would be difficult due to the shortage of replacement fields and this would penalise many more than the ones that made the initial decision.

It was further decided that the KDSA Secretary send a "stern" **letter to Gerringong Breakers FC** expressing the association's disappointment and asking them to explain their side of the story.

Plaques – some have already been installed by Council and others should be installed by the next meeting.

Correspondence in and out:

Date	What/Action					Who	Topic
1st December 2020	In	OUT				Kristie Laird & Carl Middleton (Kiama JRL)	Fire Hydrant and Container at Chittick
1st December	IN					Liz Hall (Kiama Council)	Update of Grant payments
1st December	IN				C	Fiona Phillips (Member for Gilmore)	Local Update
1st December	IN					Ryan Micallef (KCC) & Chris Geer (SCDCA)	T20 Cricket game at Complex Fri 15th Jan
1st December	IN					Nick McInerney (JTouch) & Danny Glades	Update on Grants payment
1st December	IN				C	Paul Condon & Karen Lang (Kiama Radio)	Kiama Community Radio and Survey
2nd December	IN	OUT				Kiama Senior FC	Affiliation fee payment
3rd December	IN	OUT				Brad Speering (Gerringong CC)	Summer Affiliation fees Invoice
3rd December	IN				C	Fiona Phillips (Member for Gilmore)	December Grants Update
4th December		OUT				Alyson Hodgekiss (Kiama Council)	Complex booking
4th December	IN	OUT				Steve Whitworth (Jamberoo FC)	Kevin Walsh Oval booking for pre-season
7th December	IN					Kiama Senior FC	Update of executive etc
10th December	IN	OUT				Wayne Blackall (Kiama Council)	Showground lights upgrade
10th December	IN				C	Affiliates and others	LaTape Cycling Event in March 2021
10th December	IN					Carl Middleton (Kiama JRL)	Motel building next to Chittick Oval
10th December		OUT				Jackson Surman (Kiama CC)	Training bookings request
11th December	IN	OUT				Brad Speering (Gerringong CC)	Lights at Athol Noble Oval
11th December	IN	OUT				S. Whitworth & G. Walsh (Jamberoo)	Keith Irvine Oval update
11th December	IN	OUT				Mark Way (Kiama Council)	KDSA Matters to Council
11th December	IN	OUT				Pete Laughton (Kiama CC)	Procedure to invoice KMC for grant
13th December	IN	OUT				Cathy Law (The Bugle)	Community listing on The Bugle App
14th December		OUT			C	Affiliates	Encouragement to upload the Bugle App.
14th December	IN	OUT				Wayne Blackall (Kiama Council)	Lights at Keith Irvine Oval

14th December	IN	OUT				Kim Williams (Kiama Senior AFL)	Introduction as new President
14th December	IN	OUT				R. Beedles (KNA) & A. Hodgekiss (KMC)	La Tape and Netball on 20th March
17th December	IN	OUT				Stuart Richards (Jamberoo Combined Sp.)	Jamberoo FC goalpost sleeves
17th December	IN	OUT				Greg Walsh (Jamberoo Combined Sports)	Notice of AGM
22nd December	IN					Ron Horner (Gerrongong Historical Soc.)	Enquiry re plaques at sporting grounds
23rd December	IN	OUT				Chris Hudson (Kiama Junior FC)	Sporting Complex ground bookings
4th January 2021		OUT				Various affiliates and others	Notice of Complex Redevelopment mtg.
6th January	IN	OUT				Alyson Hodgekiss (Kiama Council)	Complex Redevelopment meeting
7th January	IN	OUT				Aluson Hodgekiss (KMC) & Affiliates	Grounds closed due to wet weather
7th January		OUT				Steve Emmett (Kiama Last Man Stands)	Ground usage check by CR
7th January		OUT				Kim Williams (Kiama Senior AFL)	Ground booking confirmation
8th January	IN				C	Fiona Phillips (Member for Gilmore)	January Grants Bulletin
12th January	IN					Shane Douglas (Kiama Junior FC)	Ideas re Complex redevelopment meeting
14th January		OUT				Various	Minutes of Complex redevelopment mtg
14th January	IN					Emma Timbs (Kiama Senior RL)	Condition of the Showground BBQ etc
14th January	IN	OUT				Brad Speering (Gerringong CC)	Invoice for the Gerry Emery awning
15th January		OUT				Various	Request for Letters of Support for project
15th January	IN					Fiona Phillips (Member for Gilmore)	Stronger Communities Program Round 6
16th January	IN	OUT				Various from Col	Condition of Chapman after campers
18th January	IN	OUT				Steve Emmett (Last Man Stands)	Ground bookings and fees to be paid
18th January		OUT				Mark Way (Kiama Council)	Projects at Kiama Sports Complex
20th January		OUT				Various	Invite to special meeting re Complex
21st January		OUT				Kiama Council	Proposed plans to redevelop the Complex
IN = Correspondence IN OUT = Correspondence OUT RE = Replied to email F = Forwarded C = Circulated to affiliates							

Business Arising from Correspondence

Nil – as the Secretary was stranded on Norfolk Island

Treasurer's Report

Gail Gaynor presented her Treasurer's Report along with the latest bank statement.

Balance as of 1st February 2021 is $48 764.50

Moved Gail Gaynor, seconded Steve Hudson that the Treasurers report be accepted. Carried.

Trust Fund Report

I'm sure Craig Scott presented his Trust Fund Report, but I have no details to report. It is probably as per the last meeting unless some clubs have made donations since then.

Balance as of 30th November 2020 is $80 747.32

General Business

La Tape (Cycling Event)

Col gave a report on the plans for this event (set-up from Monday 15th March with the main event on Saturday 20th). There will be extensive road closures and it has been suggested no sport take place in Kiama on Saturday 20th as access into the town and parking will be very difficult. At the moment, the main parking will be at the Kiama Sporting Complex (Quarry fields No 3 and 4), not on field 1 and not on the Netball courts.

Kiama Rugby Union

Mark Corkin reported that the Kiama Sevens would be holding its 49th competition on Saturday 27th February with an extensive COVID Plan in place.

Kiama RU are looking at holding Beach Rugby in early November as a weekend tournament and that they are hoping to celebrate their 60th Anniversary in 2021 after it was cancelled last year.

Kiama Senior Rugby League
Paul Atkins mentioned that there were issues with the lighting at the Showground last season and wondered if anything could be done before the new season starts. Col reported that the lights were due to be upgraded or replaced by Council during 2022.

Col then took the opportunity to remind all sports, especially Winter sports, to advise him of any lights that need replacing so that he can advise Council accordingly.

Paul further expressed concern over the fencing surrounding Showground that is falling down in many places. It is a Council asset and hence their responsibility to repair and/or replace. There was then discussion as to the best alternative with which to replace it.

Gerringong FC
Anton Schippers reported that the club was looking forward to the new season after the success of last season. They are hoping to acquire funding to improve the drainage on Athol Noble and lighting for Gerry Emery.

Again, it was mentioned for the need for all clubs to work together to raise much needed funds for ground improvements, especially when applying for grants. Clubs need to pool resources, demonstrate a united front and the widespread need for improvements across a variety of sports.

Col also mentioned that he hopes, when he has some spare time, to call a meeting of all clubs to develop a "Wish List" of planned improvements and then go to Council so they can develop a Strategic Plan for Sport within Kiama Municipality.

Kiama OZ Tag
Ross Thomas reported that there were State Championships, both Junior and Senior, coming up soon in Coffs Harbour. He would report their successes at the next meeting.

Jamberoo Combined Sports
Greg Walsh reported that there is lots happening in Jamberoo and they have received a progressive report on the new lights at Keith Irvine Oval.

Adam Vaughan reported that council are slowly building up the area around the re-aligned cricket wicket and Col reported that the AFL purchased their wicket cover from Maddocks Sports in Victoria. It is a much better way to cover Cricket wickets without the build-up of soil around the wicket when the wicket is uncovered.

Gerringong Cricket
Paul Berry circulated pictures of the new awning erected, with the assistance of a grant from KDSA, on the clubhouse at Gerry Emery Oval. It looks fantastic and has made a massive difference to the usability of this space by both Cricketers and Footballers.

There was discussion about the costs involved in the planning process and Council DA fees. Paul is going to get back with exact details before a letter will be sent to KMC asking that any DA fees be "donated" back to Gerringong CC and/or KDSA.

Gerringong Junior Rugby League
Tim Alchin said the Gerringong Junior RL was happy to work with Anton and the Breakers regarding funding etc to improve both Athol Noble and Gerry Emery.

Jodie Egan reinforced what had been mentioned a number of times during the meeting, a desperate need for more grounds in Gerringong and the LGA as a whole due to ever increasing numbers. They had 19 team last season and expect to have 20 teams this season. She also mentioned the need for better lighting also on Cronin Oval to hold games, especially on Friday nights and for training. Looking at applying for funding especially with more females playing.

Col suggested having a talk with Darrel Hobbs, the Gerringong guru for funding, especially in regards with where to start.

Kiama Junior Rugby League
Leesa Mak reported that the club has been in consultation with the developer who is in the process of demolishing the old Pines Motel site and will be building a replacement establishment over the new few months. The consultations are in regards to the position of the site office and other infrastructure that could impact on holding games at Chittick Oval. It was suggested that if they are not happy with the developer's response then contact the relevant department at council.

The club is holding a "Come and Try" day at Black Beach tomorrow at 4.30pm and they will possibly be holding an Under 8 girl's competition on Friday nights if times work for all involved.

Girl's teams are going well with Under 14 and Under 16s. Possibly 28 teams across the whole club again this season.

Kiama Council Groundsman
Adam Vaughan is "madly mowing" at the moment and has started remediation work on Chapman Oval today after there was a lot of damage caused by the Christmas campers. Alan Piper, KMC Parks and Gardens Manager, is going to send a bill for the cost of repairs to the Surf Beach Holiday Park Management.

Chapman will be "closed" for quite a while, due to the damage. This will mean some Cricket games will need to be relocated, AFL will not be able to use it for pre-season training and the start to their comp in late March may be disrupted. Softball, that starts in May, should be OK to start on time.

It was pointed out by Pam Gehrmann, Kiama Softball, that it is a sports field NOT a camp ground and by Adam that the use of mulch, to absorb the moisture, is not a good idea as it retains the moisture and is very difficult to remove and hence repair the area affected.

It was resolved that **letter be sent to KMC, the mayor and to Councillors**, expressing the KDSA disappointment at the state in which the ground has been left after the use by the campers and ask what can be done to ensure such damage does not occur at Easter or in the future.

Craig Scott, again, asked if there was any news on the Parramatta grass at the complex ? Adam answered, again, not really and he suggested contacting Kiama Golf Club as he thought they had eradicated it from the course. **In fact, they have only eradicated it in certain places and that has only been after extensive "digging out" of the grass. I would suggest contacting Stuart Miller at KGC for some advice.**

Kiama Softball
Pam Gehrmann reported that their AGM would be late February and the competition starts after Easter.

She then led a discussion about Masters Sports in general.

Little Athletics
Good numbers as the season draws to a close, especially from visitors over Christmas.

Craig Scott brought up the issue of ground availability into the future, especially as all clubs are growing. This then developed into a general discussion on "How to manage the existing grounds and how to solve the shortage of grounds into the future."

Ross Thomas suggested that there needs to be an analysis of which grounds are being underutilised at the moment, for example, Gainsborough Chase and Bombo Hill. He suggested that Bombo Hill could be better utilised if the existing 3 damaged and badly aligned cricket wickets were dug up and replaced by one better aligned full sized wicket. This would allow both Cricket and OzTag to make better use of the ground and also allow other sports, such as Football and Rugby League to use the ground for training.

It was suggested that a **letter be sent to KMC, the mayor and to Councillors** requesting an assessment of Bombo Hill Reserve be made and that the replacement of the cricket wickets and the building of an amenities block be investigated and considered.

There was also discussion about the need for more grounds with lights to cater for the increased need by Winter sports for training grounds when daylight hours reduce.

Motion: That Council be approached to discuss the usage of fields within the municipality as outlined above and develop a plan for the future. Moved Steve Hudson, seconded Pam Gehrmann. Carried.

Gerringong Senior Rugby League
Steve Hudson reported that there have been problems with booking grounds for training in Gerringong due to clashes of times and dates between RL and Football. It was suggested that since there was a good representation from the affected clubs at this meeting that a short meeting could be held after the general meeting to try to resolve the situation.

There being no further business the meeting closed at 8.25pm

Many thanks to Gail Gaynor for taking the above minutes while the Secretary was stranded on Norfolk Island. I hope I typed them accurately.

The meet meeting of the KDSC will be at 7pm on Monday 29th March 2021 at the Kiama Leagues Club.

16.5 Minutes: Kiama Liquor Accord Meeting - 24 March 2021

Responsible Director: Engineering and Works

The Minutes of the Kiama Liquor Accord Meeting held on 24 March 2021 are attached for Councillors' information.

Attachments

1 Kiama Liquor Accord Meeting Minutes - 24 March 2021 - PDF⇩

LIQUOR ACCORDS
LOCAL IDEAS. REAL SOLUTIONS.

KIAMA LIQUOR ACCORD
Minutes of meeting Wednesday 24 March 2021

Date & time	Wednesday 24 March 2021, 10.10 am	
Location	Kiama Golf Club, 79-81 Oxley Ave, Kiama Downs NSW 2533.	
1.Present (indicate name & venue/ organisation)	David Rootham Jamie Warren Jesse O'Brien Joe Auld Jamie Warren Luke Richards Nathan Laurence Lionel Boekenstein Brad Hodgekiss Peter Grogan Janelle Burns SGT Gary Keevers Mark Schmidt Luke O'Donohoe Craig Hardy	Kiama Golf Club Jamberoo Pub Kiama Leagues Club BWS Kiama Jamberoo Pub Gerringong Bowling Club Gerringong Bowling Club Kiama Inn Hotel Gerroa Boat Fishermans Club Gerroa Boat Fishermans Club Kiama Municipal Council Lake Illawarra Police Lake Illawarra Police Grand Hotel Sebel/Yves
Apologies	Clr Don Watson, Kiama Municipal Council Melissa Matters,The Hill Bar and Kitchen Clr Matt Brown, Kiama Municipal Council Connie Graf, Drug and Alcohol Services	

Agenda

2. Minutes of last meeting

- Wednesday 25 November 2020 Adopted without change

Unanimously carried unopposed

3. Matters Arising from the Minutes

Nil

4. Correspondence

Correspondence was received from the Australian Tax Office, Accord members were advised that they were not required to lodge a tax return.

5. Treasurers Report

Tabled $4,656.00

The Kiama Liquor Accord wishes to advise all members that invoicing for 2021 will commence as of 01 April 2021

6. OLGR

Update for Liquor Accords– March 2021

COVID Restrictions

Due to the changing nature of COVID restrictions, we advise that you refer to the NSW Government website for the latest updates.
For questions relating to the interpretation of health orders and restrictions you can contact your local licensing Police for guidance or can contact the Accords Team.
Please refer to the NSW Government website for the latest updates:
https://www.nsw.gov.au/covid-19
There are translated materials for your business available online:
https://www.nsw.gov.au/covid-19/resources-other-languages

QR Codes

Hospitality venues must use electronic methods such as QR codes to record and keep contact details.
For customers entering venues without a mobile phone, venues are asked to record their details and time of entry on another device. Businesses must provide an alternative form of electronic check-in for patrons without smartphones.
Venues must manually collect contact details in instances where electronic forms cannot be accessed, for example during power or internet outages. These records need to be legible and must be made digital.
More information about QR codes is available at: https://www.nsw.gov.au/covid-19/covid-safe/qr-codes

Penalties for Non-compliance

Penalties for ongoing serious non-compliance include the closure of businesses.

A zero-tolerance approach will now be taken by the State authorities.

This includes new penalties for venues including:
First offence: $5000 fine or relevant penalty for breach of the Public Health Order.
Second offence: Business will be closed for up to one week.
Third offence (repeated and wilful non-compliance): Shutdown for up to one month.

Members of the public are being encouraged to report COVID breaches online.
Authorised officers from across the Better Regulation Division will continue to carry out inspections.

7. continued

New Liquor and Gaming Signage 2021

Changes have been made to liquor and gaming signage to increase flexibility, reduce costs and waiting times for Licensees, and better assist to minimise harm. The changes came into effect from 18 January 2021.

New engaging signage designs

A new suite of liquor and gaming signs have been designed which meet Australian Standards in relation to colour and pictograms, are visually appealing, and easy to understand. The new gaming signage has been developed based on research and has more targeted messaging and design for greater impact.
The new signage stock will be available from 18 January 2021. Licensed premises will have until 19 July 2021 to transition to the new signage.
For more information visit: https://www.liquorandgaming.nsw.gov.au/news-and-media/new-liquor-and-gaming-signageage

New flexible printing options

Licensees will be able to download and print their own signage. This change allows businesses to print signs in-house or work with their own professional printers to comply with regulatory signage requirements.
Print-ready design files for all regulatory signage, including 'difficult to print' items, can be downloaded from the Liquor & Gaming website from 18 January 2021.

New online shop

The new Liquor & Gaming online shop offers more reliable ordering and reduced wait times. All regulatory signage will continue to be available from the shop, which can be used as an optional print supplier from 18 January 2021.

Financial assistance will be provided to small and regional venues for 'hard to print' gaming collateral ordered through the new Liquor & Gaming online shop.

Visit the L&GNSW shop: https://www.bspg.com.au/ive-liquorandgamingnsw

6. continued

24 Hour Night Time Economy

As part of the effort to encourage a vibrant and safe 24-hour economy, there are a suite of changes coming into effect this year.
Changes starting on 30 April 2021:

- Replacement of the Sydney CBD and Kings Cross licence freeze
- Streamlining timeframes for standard small bars to begin trading
- Small bars applying to trade after 2am need a Community Impact Statement
- Councils have more options to encourage live music and performance
- Live music and performance considerations in liquor licensing decision-making

Changes coming into effect from 1 July 2021:

• New offences related to supply to minors (deliveries)

• New laws for same day alcohol delivery

Read more about the changes: https://www.liquorandgaming.nsw.gov.au/news-and-media/24-hour-economy-liquor-reforms-whats-changing

6. continued

Outdoor Dining

The NSW Government has made changes to liquor regulation and planning requirements to allow councils across NSW to streamline their approval processes and join the alfresco dining trial. The 12-month trial makes it easier for approved food and beverage venues to expand their existing dining activities to outdoor areas adjacent to their venue.
Over 100 venues are currently included in the trial in key areas of the Sydney CBD, Parramatta, Eastern Suburbs and Northern Beaches. Initial feedback from businesses has been very positive with the reduction in waiting times for approval processes. The trial has also contributed significantly to helping businesses operate within COVID restrictions through increasing turnover, utilising unused spaces and improving the amenity of local areas.
If you have any questions about outdoor dining or how your business can apply, please contact your local council for details of their requirements.
Visit the website for more information: https://www.nsw.gov.au/projects/outdoor-dining.

Online Information Sessions

In order to better connect with Accords from across the State and in a more consistent manner, we are looking at trialing bi-monthly online information sessions for Accords.
We have identified a few topics that may be of interest, including:

- Compliance update
- Latest Liquor Accord resources
- How to use LiveData
- Festive season tips (Dec)
- Evaluation of Accord projects

We are seeking suggestions for other topics, please feel free to email us your suggestions for online sessions:
liquor.accords@liquorandgaming.nsw.gov.au

8. continued

Membership Drives

The new year is a great time to encourage new members to join your Accord. Last year demonstrated to many venues the benefit of being included in a local group with access to up to date information and support.
We can support with membership drives by providing lists of licensed venues.
Other resources are also available on our website:
https://www.liquorandgaming.nsw.gov.au/operating-a-business/running-your-business/liquor-accords/liquor-accord-resources
You can also access Live Data https://livedata.liquorandgaming.nsw.gov.au/ to see all the licensed venues in your local area as well as key statistics about alcohol related harm.

Update Your Details

A reminder to let us know when your contact details change to ensure that you can be kept up to date with all the relevant information.
Please let us know if any of the following change:
• Name and email address listed on our website-
https://www.liquorandgaming.nsw.gov.au/operating-a-business/running-your-business/liquor-accords/join-and-find-a-liquor-accord
• Executive members names, positions, email or phone contact details
• List of suburbs included in the Accord boundary
• Any major changes to the constitution e.g. BFOBFA policy adopted
• New campaigns or initiatives
Please email liquor.accords@liquorandgaming.nsw.gov.au and we can update your details.

L&GNSW Liquor Accords Team
If you have any questions or would like any further information, please contact us:
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P: 02 9995 0312
M: 0437 845 476

6. Same day alcohol Delivery

A new regulatory framework will lift regulatory standards for the same day alcohol delivery market to:

help manage the risk of minors or intoxicated people using same day alcohol delivery providers
Make regulatory obligations similar to takeaway alcohol businesses such as bottle shops.

The framework will apply to same day alcohol delivery providers including:

licensed takeaway alcohol businesses offering online sales and delivery to customers in NSW food delivery businesses and platforms that deliver alcohol with or without food
individuals offering same day alcohol delivery on task matching platforms
Any other businesses that deliver alcohol to the public.

Some exceptions apply. ~

From 1 July 2021, same day delivery providers need to ensure:

written instructions are supplied by the licensee to the delivery person detailing the adult who has been specified or nominated to receive the delivery
employees or delivery agents aren't financially penalised for not completing a delivery because they think the recipient is under 18-years-old, is intoxicated or the recipient's details don't match the written delivery instructions
records of refused deliveries are kept for one year
customers can self-exclude from the alcohol delivery provider
orders from someone who has self-excluded are rejected systems are in place for delivery people to check identity and age when they make the delivery sales and delivery data is collected for reporting to Liquor & Gaming NSW.

By 1 December 2021:

Approved responsible supply training and knowledge test has been successfully completed by all people engaged to make same day deliveries.

From 1 June 2022: A customer's age is verified when an online order is made.

9. Police Report –

Discussions were held on:

- **COVID Restrictions**
- **COVID Safety Plans**
- **Alcohol Management Plans**
- **Same Day Alcohol Delivery requirements from 1 July 2021**
- **QR Codes**
- **Penalties for Non-compliance24 Hour Night Time Economy**
- **Police presence in venues will be increased at Easter and Anzac Day 2021**

10. General Business

NIL

11. Next Meeting

Wednesday 23 June 2021, 10.00am at Kiama Leagues Club, Terralong Street Kiama

16.6 Minutes: Minnamurra Progress Association - 6 April 2021

Responsible Director: Office of the General Manager

Attached for Councillors' information are the minutes of the Minnamurra Progress Association meeting held on 6 April 2021.

Communication/Community Engagement

Councillors and staff regularly attend and address Precinct and resident association meetings.

Meeting dates for these groups are published on Council's website.

Attachments

1 Minutes: Minnamurra Progress Association - 06/04/2021⇩

Minnamurra Progress Association Inc.
Minutes–6th April 2021 Meeting

Acknowledgement of Traditional Owners:

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

Attendees: C Mason, V Steele, Aiden Skorulis, G Collinson-Smith, D Stadus, P Williams, N Sinclair, P Phelan, D Draxl, R Smith, R Armstrong, J Williams, M Steele
Visitors – Councillor M. Way and John Bunce, Imogen Draisma

Apologies: J Martens, A Skorulis, I Scott, P Talbot, R McClymont, Bob Sinclair, D Emmett

Minutes of last meeting: 2nd March 2021 – previously distributed and approved.
M: D. Stadus **S:** G. Collinson-Smith **AIF:** Y **C:** Y

Business Arising:

1 Report from FOMR (Friends of Minnamurra River) Land & Environment Court challenge to Boral's expansion: (referred to the article in April issue of the Bugle) Cliff spoke of his conversation with Richard Maitland stating FOMR executive would be responsible for costs to Boral if they lost the appeal therefore, they decided to launch a NSW public advertising campaign to protest this project. Del raised concerns about the Go Fund Me donations (from her Sydney friends) expressing disappointment that their website has not been updated. How are they accounting for the money raised?

2 Promoting MPA through the Minnamurra P&C. Iain Scott still to report back to committee.

Correspondence:

1) Letter from acting GM Jessica Rippon responding to long delays with processing DA's noting each DA varies. Some members said they had had more satisfactory results when dealing with council planning officers recently.

2) Email from Denise Emmett - three items requiring council's attention: the dangerous exposed metal grid in river behind 32 Charles Ave was quickly fixed.

3) Response from Mike Dowd, Kiama Council indicated the other items in James Oates and Holt Reserves and riverbank erosion issues to be addressed in time. (follow up letter to be sent)

4) Invitation to attend Killalea development project briefing sessions. Reflections are a Crown Lands Mgmt organisation managing 37 reserves in NSW. Vicki's report on the Zoom meeting outcomes. Infrastructure NSW grant (2016) for 15 eco cabins, 53 campsites, upgrading services, roads and walking tracks. Traffic concerns and a second access roadway for caravans. (allocated funding for investigation only) and Multifunction Centre. Future amendments to DA a concern. This meeting was disappointing because plans and modelling were not available. Hopefully displayed at the proposed meeting for April 20. (We need a volunteer to attend on MPA's behalf) **A public protest is planned at Killalea on May 1st**

5) A letter sent to KMC Traffic Committee noting safety concerns at Federal St and Charles Ave intersection for pedestrians. Councillor Way attended TC meeting on our behalf. It was a general feeling (a quick fix) would be unsatisfactory and safer options should be

investigated. He was asked if an MPA representative could attend a TC meeting for a resident's perspective on these local decisions. (Not possible) A formal request is required from MPA for these matters. Imogen confirmed this request was required.

6) **The speed hump design in Federal Street remain a common complaint with members and residents.**

Treasurer's Report: 59 Members, 2/3/21 Raffle Raised $22.00, $10 cash
$1,146.34 term deposit, $1475.62 cheque a/c, **Total Funds $2631.96**
(Hall rent and public liability Insurance due soon)
M: Pat Phelan **SEC:** M Steele **AIF:** Y **C:** Y

General Business:

- St Johns Ambulance representative – defibrillator enquiry for future speaker at MPA meeting.
- John B noted dangerous parking on the grass verge at the entrance to James Oates Reserve during busy days. What can be done?
- Councillor Way gave brief update on Bike Skills Track. Finishing touches to be completed, and consultant to sign off on construction.
- The new blue pump track in JO reserve is very popular with kids of all ages.
- John A – noted dangerous situations in JO car park when few car spaces occupied. Drivers veer around speed humps placing pedestrians and visiting pump track kids at risk.
- Comment by Noelene regarding the unsafe condition of the playground in JO Reserve.
- Ray asked C Way for Council transparency on behalf of ratepayers regarding recent GM situation. Mark said 50 applications for GM position shortlisted to 10. He would like a local who lives in Kiama appointed to the role.
- Southern Region Planning Committee meeting 13 April - Fig Hill Lane ECO Tourist DA – At the October 2020 meeting it was moved that we oppose this development. VS and CM recently met with developer and inspected the property with the neighbour. The condition of the building and the frustration caused to nearby landowners with vandalism and trespass is a big problem. Cliff briefed our meeting with the questions we raised with the developer who described the site as an Eco Tourism Complex built on the existing footprint (demolition of structure but slab and footings to remain) double story architecturally sensitive designed building to compliment the landscape. Consisting of 31 rooms and a restaurant to seat 45 people. He anticipates it will employ at least 50 staff with only 20 staff onsite at one time. A turning lane will be constructed on Riverside Drive access next to the Dunmore House entrance. An environmental sewerage treatment plant will recycle waste for garden watering requirements. Damaged bush area to be regenerated and restore road to a walking track with Aboriginal Heritage guidance. 95% of the 100acre site will be protected environment in perpetuity.
  Cliff asked the meeting if he should still oppose this Development and the majority said that he vary MPA's position subject to appropriate certification for "contaminated fill clearance" Potential traffic problems are addressed and there is NO access to River for boating, swimming.
- No supper will be served at next few meetings.
- We now have a NSW Gov. Covid Safe check in App for our meetings

Raffle: Minnamurra Munchies Cookbook won by Ray Smith, he kindly donated it back to MPA for next meeting's raffle.
Meeting closed 8.45pm
Next meeting Tuesday 4th May (Minute recorder required)

16.7 Quarterly Dwelling Approvals

Responsible Director: Environmental Services

At its Ordinary meeting held on 16 May 2017, Council considered a report regarding ways to improve public access to Development Application information and to provide quarterly updates on the number of dwellings approved and how these numbers track against the Illawarra-Shoalhaven Regional Plan housing projections.

In accordance with Council's request, the attached table shows the total number of dwellings which were approved between 1 January and 31 March 2021 in the Kiama Municipality. The attached table also shows the location of the approved dwellings as well as the type of approved dwellings, including the number of dwellings that were approved to be demolished.

A total of 6 new abodes were approved within the Municipality between 1 January and 31 March 2021. This brings the total up to 150 new abodes have been, to date, approved within the Municipality in 2020/21 financial year.

It is noted that not all consents translate to actual dwelling completions. Sydney Water connection data is the most reliable source of completion figures. Up to date Sydney Water's connection data has not been available for the past quarterly dwelling approval updates.

The Sydney Water's data has now been updated and the connection data for the 2018, 2019 and 2020 calendar years are provided below.

	Dwellings Completed in 2018				
	January to March	**April to June**	**July to September**	**October to December**	
Detached	47	20	19	21	
Multi-unit	11	24	29	81	
Total	58	44	48	102	**252**

Table 1: Kiama LGA housing completions 2018 (source: Data.NSW)

	Dwellings Completed in 2019				
	January to March	**April to June**	**July to September**	**October to December**	
Detached	27	18	14	8	
Multi-unit	0	6	0	5	
Total	27	24	14	13	**78**

Table 2: Kiama LGA housing completions 2019 (source: Data.NSW)

	Dwellings Completed in 2020			
	January to March	**April to June**	**July to September**	**October to December**

Detached	13	18	25	12	
Multi-unit	24	2	6	16	
Total	37	20	31	28	**116**

Table 3: Kiama LGA housing completions 2022 (source: Data.NSW)

Given the timeframes between approvals being issued and construction schedules for development, completion numbers usually reflect approvals issued in previous quarters or years.

The Illawarra-Shoalhaven Regional Plan projects that 2,850 additional houses are needed in Kiama between 2016 and 2036 to cater for demand. On average 143 new dwellings are required each year. It should be stressed that the State's Population Projections are a scenario based on available evidence. They are **not** a target or a representation of Government intent.

The draft Illawarra-Shoalhaven Regional Plan 2041 projects that the region will need at least an additional 58,000 homes by 2041. As part of the draft Plan, the NSW Department of Planning, Industry and Environment have committed to work with Council on the development of our Local Housing Strategy.

Communication/Community Engagement

Details of dwelling approvals have been placed Council's website in similar fashion to how Council currently reports on the variations to LEP standards.

The data associated with the Illawarra Urban Development Programs can also be viewed on the Department of Planning, Industry & Environment's website.

Attachments

1 Dwelling Approvals - January-March 2021⇩

KIAMA MUNICIPAL COUNCIL

New Dwellings
FROM 1/01/2021 To 31/03/2021

Printed 9/04/2021

BOMBO

Demolition

Application	Description	Work done	Received	Determined	Num
2020.113.1	staged development - stage 1 demolition of existing dwelling and	Demolition of existing structure(s)	23/07/2020	16/03/2021	-1
				Total Processed Demolition	**-1**

Dual Occupancy/Secondary Dwelling

Application	Description	Work done	Received	Determined	Num
2020.113.1	staged development - stage 1 demolition of existing dwelling and	New	23/07/2020	16/03/2021	2
				Total Processed Dual Occupancy/Secondary Dwelling	**2**
				Total Processed BOMBO	**1**

GERRINGONG

Demolition

Application	Description	Work done	Received	Determined	Num
2020.211.1	demolition of existing dwelling and detached shed	Demolition of existing structure(s)	12/11/2020	04/01/2021	-1
				Total Processed Demolition	**-1**
				Total Processed GERRINGONG	**-1**

JERRARA

Demolition

Application	Description	Work done	Received	Determined	Num
2020.171.1	Demolition of existing dwelling house and shed, tree removal,	Demolition of existing structure(s)	06/10/2020	20/01/2021	-1
				Total Processed Demolition	**-1**

Dwelling

Application	Description	Work done	Received	Determined	Num
2020.171.1	Demolition of existing dwelling house and shed, tree removal,	New	06/10/2020	20/01/2021	1
				Total Processed Dwelling	**1**
				Total Processed JERRARA	**0**

KIAMA DOWNS

Dual Occupancy/Secondary Dwelling

Application	Description	Work done	Received	Determined	Num
2020.164.1	construction of an attached second dwelling to create a dual occupancy	New	09/10/2020	22/03/2021	1
				Total Processed Dual Occupancy/Secondary Dwelling	**1**
				Total Processed KIAMA DOWNS	**1**

KIAMA HEIGHTS

Demolition

Application	Description	Work done	Received	Determined	Num
2020.165.1	demolition of existing residence and construction	Demolition of existing structure(s)	30/09/2020	15/01/2021	-1

KIAMA MUNICIPAL COUNCIL

New Dwellings
FROM 1/01/2021 To 31/03/2021

Printed 9/04/2021

KIAMA HEIGHTS					
2020.233.1	demolition of cottage and construct new split level dwelling	Demolition of existing structure(s)	09/12/2020	12/02/2021	0
				Total Processed Demolition	**-1**
Dual Occupancy/Secondary Dwelling					
Application	*Description*	*Work done*	*Received*	*Determined*	*Num*
2020.161.1	construction of machinery shed for storage of farm machinery and	New	25/09/2020	24/02/2021	1
				Total Processed Dual Occupancy/Secondary Dwelling	**1**
Dwelling					
Application	*Description*	*Work done*	*Received*	*Determined*	*Num*
2020.165.1	demolition of existing residence and construction	New	30/09/2020	15/01/2021	1
2020.233.1	demolition of cottage and construct new split level dwelling	New	09/12/2020	12/02/2021	1
				Total Processed Dwelling	**2**
				Total Processed KIAMA HEIGHTS	**2**
MINNAMURRA					
Additions & Alterations					
Application	*Description*	*Work done*	*Received*	*Determined*	*Num*
2020.163.1	demolition of existing outbuildings, construction	Addition to	30/09/2020	23/03/2021	1
				Total Processed Additions & Alterations	**1**
Dwelling					
Application	*Description*	*Work done*	*Received*	*Determined*	*Num*
2020.163.1	demolition of existing outbuildings, construction	New	30/09/2020	23/03/2021	1
				Total Processed Dwelling	**1**
				Total Processed MINNAMURRA	**2**
ROSE VALLEY					
Demolition					
Application	*Description*	*Work done*	*Received*	*Determined*	*Num*
2020.176.1	remove six liquid amber trees and build farm shed with mezzanine	Demolition of existing structure(s)	07/10/2020	09/03/2021	-1
				Total Processed Demolition	**-1**
Dual Occupancy/Secondary Dwelling					
Application	*Description*	*Work done*	*Received*	*Determined*	*Num*
2020.176.1	remove six liquid amber trees and build farm shed with mezzanine	New	07/10/2020	09/03/2021	2
				Total Processed Dual Occupancy/Secondary Dwelling	**2**
				Total Processed ROSE VALLEY	**1**

KIAMA MUNICIPAL COUNCIL

New Dwellings
FROM 1/01/2021 To 31/03/2021

Printed 9/04/2021

	BOMBO	GERRINGONG	JERRARA	KIAMA DOWNS	KIAMA HEIGHTS	MINNAMURRA	ROSE VALLEY	Total
Additions & Alterations	0	0	0	0	0	1	0	1
Demolition	-1	-1	-1	0	-1	0	-1	-5
Dual Occupancy/ Secondary Dwelling	2	0	0	1	1	0	2	6
Dwelling	0	0	1	0	2	1	0	4
Total	1	-1	0	1	2	2	1	6

16.8 Question for future meeting: Council managed crown land leases and licences

Responsible Director: Corporate and Commercial Services

At the Council Meeting on 16 March 2021, Councillor Reilly requested a report to assist Councillors in their deliberations on Plans of Management for Council managed crown lands (CMCL) and that a copy of each lease and licence currently in force over Council managed crown land be provided.

Currently there are 20 individual leases/licences as described on the attachment to this report. The list excludes short term licence agreements (less than 12-month tenure).

Due to privacy requirements, it is not possible to attach individual copies of the leases and licences to this report on the basis that they are considered to be legal contracts, the details of which are confidential.

There is no requirement under the *Government Information (Public Access) Act 2009* to publicly provide full details of individual lease and licence agreements. Although none of the lease and licences on Council management crown land qualify for inclusion on a contracts register, the attachment to this report provides information equivalent to most of the reporting content associated with the contracts register.

Attachments

1 Current leases and licences - Council managed crown land⇩

Leases and Licences on Council Managed Crown Land

(excludes short term licences and events and Holiday Park management contracts)

Reserve Number	Lot & DP	Tenure	Approved Activity
R131	Lot 7016 DP 1074643	Kiama Surf Life Saving Club	Surf Lifesaving Clubhouse
R131	Lot 7018 DP 1074642	Kiama Women's Softball Association	Storage Shed for Softball Equipment
R131	Lot 7016 DP 1074643	Kiama Farmers Markets	Markets
R87397	Lot 7022 DP 1054018 Lot 7009 DP1074322	South Kiosk Pty Limited	Café
R87397	Lot 7022 DP 1054018 Lot 7009 DP1074322	South Kiosk Pty Limited	Coffee Van
R87397	Lot 7003 DP 1061039 Lot 7007 DP 1074746 Lot 7008 DP 1074746	Laurie's Amusements	Carnival/Amusement Rides
R87397	Lot 7022 DP 1054018	Kiama & District Historical Society	Museum
R87397	Lot 7009 DP 1074322	Kiama Tennis Club	Tennis Courts and Clubhouse
R87397	Lot 7003 DP 1061039 Lot 7007 DP 1074746 Lot 7008 DP 1074746	Kiama District Business Chamber of Commerce	Markets
R87397	Lot 7003 DP 1061039 Lot 7007 DP 1074746 Lot 7008 DP 1074746	Kiama Makers & Growers Markets	Markets
R83972	Part Lot 4 DP 1068566	Erika Farrell and Ian Field	Café/Kiosk
R83972	Beach R83972	Seeking Fisheries Pty Limited	Beach Haul Fishing
R83972	Beach R83972	Lands Edge Foundation	Surf School
R83972	Beach R83972	Surf Camp Australia Pty Limited	Surf School
R83972	Beach R83972	Gerringong Surf School	Surf School
R95574	Lot 1-2 DP 234762	Saddleback Telecommunications Facility - Various Agreements	Telecommunications Licences
R1010050	Lot 7032 DP 1058003	Greg Walsh	Agistment
R87397	Lot 7007 DP1074746	Lake Illawarra PCYC	Mental Health Group
R87397	Lot 7008 DP1074746	Lands Edge Foundation	Paddlecraft hire
R131	Lot 7016 DP1074643 Lot 7018 DP 1074642	Kerry Philp	Commercial fitness training

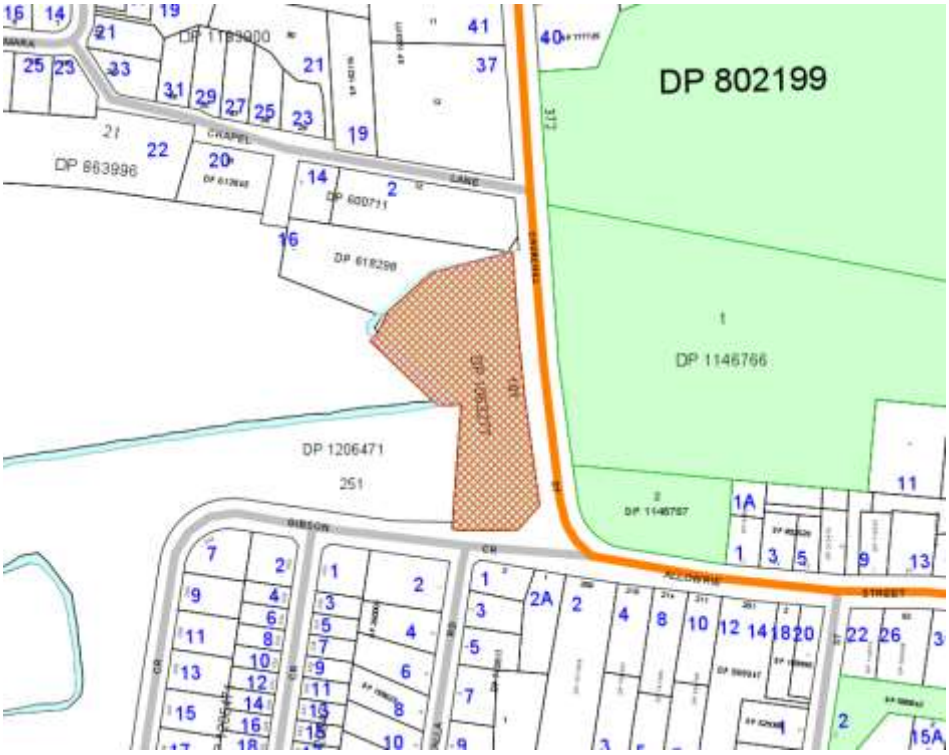
16.9 Question for future meeting: Location for Jamberoo Dog Off Leash Area

Responsible Director: Environmental Services

At its meeting held on 16 March 2021, Councillor Reilly requested a report on accurate costings and a suggested location of a dog off leash area in Jamberoo.

The need for a dog off leash area within Jamberoo has been the subject of previous discussions held at the Companion Animals Meeting and was the subject of previous community engagement. A number of sites had been suggested including sites adjoining Kevin Walsh Oval and the golf course. At this time it was found that there were concerns with the safety of some of these locations given proximity to sport and to the golf course.

An alternative proposal has recently been put forward for consideration and investigation. This is the Council reserve on the corner of Churchill Street and Gibson Crescent - Lot 101 DP 1063277 (see map below).



This location currently comprises of a riparian area and grassed reserve. It is utilised extensively during sporting events for overflow car parking. The proposal, which still needs detailed investigation and community consultation is to utlise a component of this reserve for dog off leash, formalize car parking and establish further protection of the riparian area.

At this stage Council is unable to obtain accurate costings for the proposed dog off leash area as there are currently rehabilitation works underway for the riparian corridor in Hyams Creek. Weeds are being removed and appropriate planting will accompany the rehabilitation works. This planting will provide bank stabilisation and will encroach further on the green space of the reserve. These works are not expected to be completed until June 2021. A clear understanding of available space for a dog off leash

area is therefore currently unknown, however some estimation has been done which suggests that there could be capacity and the appropriate features for such a facility to be located within this space.

Further consultation needs to occur with the community and with sporting groups to determine the impacts of this proposal. There also needs to be plans created to outline what such a facility may include and then a determination of ways in which this could be funded. Once the rehabilitation works are complete staff will seek costings for both the construction of fencing and ongoing maintenance of the fenced area which will also assist in progressing this project.

There is currently no allocated budget for this project in the next financial year and if the project is to progress consideration of budget will need to be undertaken.

16.10 Question for future meeting: Section 7.11 and 7.12 Contributions - Status

Responsible Director: Environmental Services

At its meeting held on 16 March 2021, Councillor Sloan requested a report outlining the current status and review process of the Section 7.11 and 7.12 Development Contribution Plan.

Background

The review of Council's existing Development Contribution Plans is on Council's 'strategic planning works program'. Council had previously resolved to prepare a singular indirect development contribution plan. More recently Council subsequently resolved, in 2018, to prepare both a direct and indirect contribution plan.

As part of adopting the Kiama Local Strategic Planning Statement (LSPS) 2020, Council has committed to completing this work by the end of the 2021/22 Financial Year.

Development Contribution Plans

New development places additional demands on Council's infrastructure (i.e. roads, libraries, community services etc.). Where infrastructure (i.e. work) is required to service the needs of an individual development only, then it should be required as a condition of development consent using the power available under s4.17(1)(f) of the *Environmental Planning and Assessment Act 1979* (EPA Act). For example:

- local roads servicing the lots in a new subdivision
- new footpaths fronting lots in a new subdivision
- onsite stormwater detention facilities.

Where there is broader, shared demand for the infrastructure – such as for a higher order road (e.g. collector), park, sports field or precinct-wide trunk drainage or stormwater quality system - then Council can require contributions towards the costs of these works through the implementation of a nexus-based contributions plan.

Some new development (i.e. additional housing, tourist accommodation, new subdivisions etc.) will place a direct demand on this infrastructure, while other new development will only place an indirect demand. Sections 7.11 and 7.12 (formerly sections 94 and 94A) of the EPA Act enable Councils to levy developments in order to contribute towards the provisions and maintenance of their infrastructure.

<u>Section 7.11 Development Contribution Plans</u>

A nexus-based contributions plan is prepared under section 7.11 of the EP&A Act. Council's existing Plans No 1-3 have utilised this approach.

These are contributions of land free of cost and / or money levied by a consent authority (including planning panels, councils and accredited certifiers) as a condition on the development consent.

The contributions that are imposed must be strictly in accordance with the terms of a contributions plan adopted by the relevant council. The contributions condition can be settled by dedication of land free of cost, payment of money, or the carrying out of works / 'material public benefits', or any combination of these.

A s7.11 contribution must reflect the net increase in demand for local infrastructure brought about by the individual development (i.e. the nexus) – and no more than that. The Land and Environment Court may decide on appeal that a s7.11 condition of consent is 'unreasonable in the particular circumstances of the case'. That is the reason why s7.11 contributions plans must be based on needs assessments that show that the contribution rates fairly reflect the increase in demand for infrastructure brought about by different types of development.

Under current State Government policy, these contributions are capped to $20,000 (infill areas) and $30,000 (greenfield areas) per residential dwelling, by a Ministerial Direction. Where Councils wish to levy higher contributions than the relevant cap, the plan must be submitted to IPART for review.

Section 7.12 Development Contribution Plans

Fixed-rate contribution plans are prepared under section 7.12 of the EP&A Act. This is the approach used in Council's current Indirect Contributions Plan

This is a flat levy imposed as a condition of consent by a consent authority (including planning panels, councils and accredited certifiers), strictly in accordance with the terms of a contributions plan adopted by the relevant council.

Unlike s7.11 contributions:

- no nexus needs to be demonstrated in order to impose a s7.12 levy on development,
- there is no right of appeal allowed to the Court on the reasonableness of a s7.12 condition of consent, and
- there is no IPART review of plans.

The maximum levy rates applicable to development in the Kiama LGA are:

- 0.5% levy for development cost between $100,001 and $200,000.
- 1% levy for development cost greater than $200,000.

Section 7.12 levies are an alternative to section 7.11. A consent cannot contain both a s7.11 and a s7.12 condition on a development. However, this does not prevent a council adopting a plan that applies s7.11 and s7.12 contributions to the same land area and specifying that different types of development in that area are subject to either s7.11 or s7.12. For example, residential development may be subject to s7.11 and non-residential development s7.12.

The standard maximum 1% levy generally yields much less income for infrastructure upgrades than if the same developments were subject to s7.11 contributions.

Program Update

Council's Strategic Plan team has commenced the review program by repealing three (3) of Council's Section 94 Contribution Plans. The three (3) Plans repealed related to carparking contributions in Kiama, Gerringong and Jamberoo.

GLN Planning were engaged, in 2019, to provide general advice on the preparation of a new contributions plan framework, specifically:

- A typical work plan outlining the processes and requirements to prepare a new contributions plan.
- Specialist advice on works schedules, infrastructure studies, demand and apportionment.
- The administration of a combined section 7.11/7.12 plan.

This advice has been prepared and received.

Preparation of new Development Contribution Plans

The key steps, which build on the minimum requirements of the EP&A Act and EP&A Regulation, for the preparation of new Development Contribution Plans are shown below (see Figure 1) and include:

- establishing the works program based on the infrastructure needs assessment and development yield projections
- establishing the contribution rates
- testing the rates for their ability to deliver the infrastructure works program, and
- preparing the plan in consultation with stakeholders and the community.

Council's Strategic Planning team, in collaboration with Council's Engineering and Works Department and Finance team, are currently deriving a works schedule and calculating draft contributions rates.

Figure 1: Steps in making contribution plans

As part of this work, Council needs to forecast the likely increases in demand on its infrastructure. Two major pieces of work will contribute to this analysis; the Kiama Traffic and Parking Study and the Kiama Housing Strategy.

As part of the adopting the Kiama Town Centre Study as a guiding document, Council has commissioned a Traffic and Parking Study for the Kiama Town Centre. As part of this Study the current carparking demand etc. is being analysed. By using the data collected by this Study and applying forecasted population growth patterns and forecasted visitation patterns Council will be able to determine the likely future carparking demand. This study is soon to be finalized.

As part of adopting the Kiama LSPS, Council has endorsed the preparation and adoption of a Housing Strategy. This Strategy will be prepared in accordance with the NSW Department of Planning, Industry & Environment's Guidelines and will show where and how new homes are best to be developed in the Municipality. The LSPS commits to the adoption of a Kiama Housing Strategy by the end of the 2021/22 Financial Year. As the Housing Strategy will identify where and how new homes will be built in the Municipality it will show where and what type of new infrastructure will be required. This information is fundamental to the preparation of new development contribution plans.

Timeframes

Due to the timing of the upcoming local elections draft contribution plans will not be endorsed by the current Council. It is anticipated that draft plans will go on public exhibition early in the 2022 calendar year.

Communication/Community Engagement

The community have been actively engaged as part of the preparation of the Kiama Town Centre Study and the Kiama Local Strategic Planning Statement 2020.

Under the provisions of the EPA Act and the Kiama Community Participation Plan CPP 2019 draft contribution plans and housing strategies are to be publicly exhibited for a minimum of 28 days.

16.11 Question for future meeting: SENTRAL Youth Centre closure

Responsible Director: Environmental Services

At its meeting held on 16 March, Councillor Steel requested a report on "why the Youth Centre is closed, especially of an evening and whether staff from other areas of Council could be redeployed to the Youth Centre (eg Leisure Centre staff) to increase the number of staff on duty and assist with any safety concerns".

Background

Since the Youth Centre reopened in July 2020, after the COVID shut-down period, the service experienced a 70% increase of young people accessing the service compared with the same period in 2020. A number of factors have attributed to this increase including:

- The need for social connection coming out of COVID
- Increased mental health needs stemming from social isolation, family dynamics, financial, work and school disruption caused by COVID
- A cluster of Youth Suicides bringing young people together to mourn with SENTRAL providing a safe place to do this
- Increased knowledge and visibility of SENTRAL due to community awareness brought about by Youth Mental Health crisis
- COVID keeping face to face mental health support services to young people either closed or via phone appointments only which led to disengagement from young people
- Increased waiting lists for mental health services leading to increased use of informal supports like SENTRAL.

SENTRAL responded to the increase by outreaching to Gerringong for a period during the suicide spike and increasing staff numbers during drop-in times. The service expected the need for increased staffing to dissipate over time but this did not happen and in fact numbers continued to increase. This trend has been evident across youth-specific services as reported by other members of youth peak organisations.

With the increase in the use of the drop-in service, SENTRAL began to attract young people with very high needs for support and staff responded by assisting with crisis management around issues like homelessness, mental health, drug use and youth justice. These additional support needs impacted other areas of service provision and placed emotional burden on staff.

Staff have attempted to engage other targeted services to assist but there is little to no capacity for these services to outreach directly to Kiama. Services require young people to travel to Shellharbour, Nowra or Wollongong to access their services which is a barrier for many young people. Staff note that Headspace Wollongong is funded to service Kiama LGA, but the services only has capacity to do this from their Wollongong office. Southern Youth and Family Services has a number of services including youth accommodation that are only accessible in person in Wollongong and Shellharbour.

Drop In closure

On 23 February 2021 management made the decision to temporarily suspend the Drop-in program only, with all other programs continuing to operate.

The decision was made to allow for the following work to occur:

- To address anti-social behaviour from a small number of young people that was causing risk to the safety of staff and other service users
- To address and implement new safety measures including an investigation into CCTV cameras and a review of behaviour management strategies
- To carry out building repairs and upgrades including the grant-funded music recording studio
- To manage staff burnout caused by increased crisis-support and behavior management.

Communication/Community Engagement

Internally:

- Acting General Manager.
- Acting Director Environmental Services.

16.12 Questions for Future Meetings Register as at 14 April 2021

Responsible Director: Office of the General Manager

Attached for Councillors' information is the Questions for Future Meetings Register as at 14 April 2021.

Communication/Community Engagement

N/A

Attachments

1 Questions for Future Meetings Register as at 14 April 2021⇩

Questions for Future Meetings Register

16/73192

No	Details	Actions
15 December 2020		
19.1	**Markets Policy** Councillor Reilly requested a report on Council's policy on markets. The matter was referred to the Director Corporate and Commercial Services for investigation and report.	Reported to the April 2021 Council meeting
19.6	**Including Traditional Place names on correspondence** Councillor Watson requested a report on the inclusion of Traditional Place names on all official correspondence, eg: Rachael McPhail Wiradjuri Country 70 Example Street COOLAMON NSW 2071 and for this to be instigated by the end of the financial year. The matter was referred to the Director Environmental Services for investigation and report.	To be reported to the May 2021 Council Meeting
19.7	**Soil testing – James Oates Reserve** Councillor Way requested soil testing be undertaken on the southern side of James Oates Reserve parking area for possible contamination. The matter was referred to the Director Engineering and Works for investigation and report.	Reported to the April 2021 Council Meeting
9 February 2021		
19.1	**Chapman Reserve – camping** Councillor Sloan requested a report outlining income generated from the use of Chapman Reserve for camping during the 2020/2021 holiday period, and the full costs of providing services for camping including the cost of remediating damage to the surface. The matter was referred to the Acting Director Corporate and Commercial Services for investigation and report.	Reported to the April 2021 Council meeting
19.2	**85 Attunga Avenue – response** Councillor Reilly requested a response is provided to the emails of the Central Precinct and residents of Attunga Avenue, addressing their concerns regarding the future (and some of the past) of 85 Attunga Avenue. The matter was referred to the Acting Director Environmental Services for action.	Reported to the April 2021 Extraordinary Council meeting

No	Details	Actions
19.3	**Akuna Street – geotechnical testing** Councillor Steel requested a report on budgeting and timing of geotechnical testing at the Akuna Street site. The matter was referred to the Director Engineering and Works for investigation and report	Reported to the April 2021 Council meeting
19.4	**Blowhole Point – paid parking** Councillor Steel requested a report on the possibility of introducing paid parking for visitors to Blow Hole Point, Kiama. The matter was referred to the Director Engineering and Works for investigation and report.	To be reported to the May 2021 Council meeting
19.5	**Community and Tourism grants / donations / sponsorship** Councillor Rice requested a report on the available budget, criteria, repeatability and selection processes for community and tourism grants, donations and sponsorship. The matter was referred to the Acting General Manager for investigation and report.	To be reported to the May 2021 Council meeting
19.6	**Minnamurra congestion** Councillor Way requested a report on addressing the problems at Minnamurra created by additional tourists over school holidays and long weekends where the area particularly around James Oates Reserve and Charles Avenue are over populated causing concerns associated with overcrowding that include, camping, traffic, dog control, parking etc. as per advice from the Minnamurra Progress Association. This report should include short and long term strategies to remedy this situation. The matter was referred to the Director Engineering and Works for investigation and report.	To be reported to the May 2021 Council meeting
16 March 2021		
19.1	**Seaside Markets – lease/licence** Councillor Brown requested a report on the lease / licence of the Kiama and District Business Chambers markets at Black Beach (Seaside Markets). The matter was referred to the Director Corporate and Commercial Services for investigation and report.	Reported to the April 2021 Council meeting
19.2	**Section 711 and 7.12 Contributions – status** Councillor Sloan requested a report outlining the current status and review progress of the Section 7.11 and 7.12 Developer Contribution Plan. The matter was referred to the Director Environmental Services for investigation and report.	Reported to the April 2021 Council meeting

No	Details	Actions
19.3	**Bendigo Bank, Gerringong** Councillor Reilly requested a report on expediting Council's efforts in establishing the proposed physical Gerringong branch of the Bendigo Bank. The matter was referred to the Director Environmental Services for investigation and report	To be reported to the May 2021 Council meeting
19.4	**Council Managed Crown Lands – leases and licences** Councillor Reilly requested a report, to assist Councillors in their deliberations on Plans of Management for Council Managed Crown Lands (CMCL), that provides a copy of each lease and licence currently in force over CMCL. The matter was referred to the Director Corporate and Commercial Services for investigation and report.	Reported to the April 2021 Council meeting
19.5	**Location for Jamberoo dog off leash area** Councillor Reilly requested a report on accurate costings and a suggested location for a dog off leash area in Jamberoo. The matter was referred to the Director Environmental Services for investigation and report.	Reported to the April 2021 Council meeting
19.6	**Kiama Harbour boat owners** Councillor Steel requested a report in response to the following questions: 1. How much do boat owners pay monthly for their rent of their Kiama Harbour boat space and rented sheds at the harbour 2. Where are the two boat spaces positioned for visitors to rent on a daily basis? 3. Who do visitors contact to be able to rent these boat spaces? The matter was referred to the Director Engineering and Works for investigation and report	To be reported to the May 2021 Council meeting
19.7	**SENTRAL – Youth Centre closure** Councillor Steel requested a report on why the Youth Centre is closed, especially of an evening and whether staff from other areas of Council could be redeployed to the Youth Centre (eg Leisure Centre staff) to increase the number of staff on duty and assist with any safety concerns. The matter was referred to the Director Environmental Services for investigation and report.	Reported to the April 2021 Council meeting
19.8	**Tree removal notification** Councillor Rice requested a report on the most efficient way that Council can notify the community of approved and expected tree removal activity across the Municipality. The matter was referred to the Director Engineering and Works for investigation and report.	To be reported to the May 2021 Council meeting

16.13 Submission on State planning amendments for agriculture

Responsible Director: Environmental Services

Background

As part of a range of forecasted reforms to the NSW Planning System, the NSW State Government is proposing a number changes to the planning process and approval pathways for those who wish to do small business activities, such as agritourism, and low-impact agricultural development on NSW farms.

The Government has published the attached Explanation of Intended Effect – Agritourism and small-scale agriculture development (EIE). The Government as seeking feedback on this EIE by 19 April 2021.

Proposed Amendments

The Government has outlined that the proposed amendments are informed by the NSW Government's Making Business Easier Program and a wider agritourism project led by the NSW Small Business Commission and Service NSW.

The proposed amendments are grouped into the following categories:

1. farm stay accommodation;
2. agritourism, including farm events and farm gate activities;
3. agricultural infrastructure, including small-scale processing plants and farm dams;
4. natural disaster recovery, including rebuilding of farm infrastructure and stock containment areas;
5. Biosecurity for poultry farms and pig farms and setbacks for rural dwellings; and
6. recreational beekeeping.

1. Farm Stay Accommodation

Currently the Standard Instrument LEP contains the following definition for *farm stay accommodation:*

> ***farm stay accommodation*** *means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.*

The EIE outlines that it is proposed to amend this definition, however no alternative definition has been provided. The EIE outlines that the amended definition will recognise that farming activities may fluctuate seasonally (particularly during periods of drought) and to broaden the use to include camping.

<u>Exempt Development</u>

The EIE outlines that *Farm Stay Accommodation* is exempt development (i.e. no approval required) in the following circumstances:

- When occurring in existing dwellings or part of a dwelling/s when the occupancy is limited to 2 persons aged over 12 per bedroom, or

- When occurring tents, caravans, campervans or other similar portable light weight temporary shelters on rural land if:
  - No more than 20 people per tent etc;
  - Tenancy limited to 14 days per tenant;
  - Unoccupied tents etc. to be removed within 24hrs;
  - Cannot occur on bush fire prone land.

Complying Development

The EIE outlines that *Farm Stay Accommodation* can be carried out as complying development (i.e. fast-track approvals issued by Council or Private Certifiers). This includes:

- change of use of existing building for *Farm Stay Accommodation* when:
  - Maximum of 1 dwelling per 15 hectares to a maximum of 6 dwellings per landholding to be used for *farm stay accommodation.*
  - Maximum floor area of development must be 60m^2.
- Erection, alteration or addition to a building for a *Farm Stay Accommodation* when:
  - New building must be within 300m of existing dwelling on site;
  - Maximum height of new building must not exceed height of 6m;
  - Maximum of 1 dwelling per 15 hectares to a maximum of 6 dwellings per landholding to be used for *farm stay accommodation;*
  - Maximum floor area of development must be 60m^2.

Development Applications

The EIE outlines that Council can introduce the following standards for *Farm Stay Accommodation* into our LEP, to be considered as part of a DA:

- Allow the number of people accommodated to be three times the number of bedrooms permitted by our LEP (for Kiama this is 5 bedrooms);
- Allow the number of persons in any tent etc. to be 20 at any one time for up to 14 days; and
- Prescribe the maximum floor area, must be greater than 75m^2.

Staff Comments/Concerns

The lack of new definition is a concern. Councillors would recall that during the Tang Court Hearing the Commissioner ruled that a working farm was not required to be in place before the commencement of the farm stay accommodation. The wording of the EIE alludes to the need for a working farm to be further reduced. The concern is that the ‘agri’ will be lost to accommodate the ‘tourism’.

It is also concerning that, for all intended purposes, someone could create a caravan park on a rural property without the need for development consent from Council. The exempt requirements for *farm stay accommodation* to occur in tents, caravans etc.

does not limit the number of tents, caravans etc. While the tenancy period is limited to 14 days, the EIE does not include any requirements to limit the cumulative numbers of days per year.

It would appear that the intent of these amendments are to allow temporary, small, ad hoc, campsites to occur, presumably in conjunction with *farm events* (i.e. weddings etc.). However, the proposed amendments do create a loophole for caravan parks to occur.

The EIE makes no reference to the need to obtain approval under the *Local Government Act 1993* to operate a caravan park or campsite. Section 68 of the *Local Government Act 1993* prescribes that 'approval' from Council is required to operate a caravan park or campsite. In many instances, when an activity is defined as exempt development for the purposes of the *Environmental Planning and Assessment Act 1979 (the Act)* specific reference is made to reinforce that approval under different legislation is required. A good example of this is the exemption for approval under the Act for footpath dinning. The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* outlines that while a DA is not required approval under the provisions of the *Roads Act 1993* is still required.

This potential loophole needs to be clarified.

2. Agritourism

The EIE outlines that the Standard Instrument LEP will be amended to include *agritourism* as a new type of *agriculture.* Two types of *agritourism* will be introduced into the Standard Instrument: *Farm Gate Activities* and *Farm Events.*

a. <u>Farm Gate Activities</u>

The EIE includes the following definition for *Farm Gate Activities:*

> ***Farm gate activities*** *include:*
>
> *a. the processing, packaging and sale of agricultural produce, or*
>
> *b. a restaurant or café, or*
>
> *c. facilities for the holding of tastings, workshops or providing information or education to visitors*
>
> *for agricultural produce grown on the farm or predominantly grown in the surrounding area.*
>
> ***Roadside stalls*** *and* ***Cellar door premises*** *are a type of* ***Farm Gate Activities.***

<u>*Exempt Development*</u>

The EIE outlines that certain *farm gate activities* can be carried out as exempt development (i.e. no approval required). This includes the erection of small roadside stalls (maximum of 8m^2) and the change of use of existing structures to roadside stalls.

<u>*Complying Development*</u>

The EIE outlines that certain *farm gate activities* can be carried out as complying development (i.e. fast-track approvals issued by Council or Private Certifiers). This includes:

- change of use of existing building to *farm gate activity* when:

- each structure used has a maximum footprint of 200 square metres and a combined total of 500m^2
- maximum number of patrons is 50 peoples

- Erection, alteration or addition to a building for a *farm gate activity* when:
  - each structure used has a maximum footprint of 200m2 and a combined total of 500m^2
  - maximum height of each structure is to be:
    - 7 metres for properties between 4000m^2 and 10 hectares
    - 10m for properties greater than 10 hectares
  - maximum number of patrons is 50 peoples

Development Applications

The EIE outlines that Council can introduce the following standards for *farm gate activities* into our LEP, to be considered as part of a DA:

- gross floor area, must be greater than 200m^2
- patrons, must be greater than 50
- size of roadside stall, must be greater than 8m^2

Staff Comments/Concerns

This new definition could allow for restaurants and cafes to be approved by Private Certifiers throughout our rural areas. As the majority of our rural properties are larger than 10 hectares these buildings could be 10 metres tall (potentially 3 storeys) and up to 200m^2 each.

This is fairly significant development within our rural areas which are renowned for their scenic qualities. It will also be extremely difficult to monitor/police the requirement for *farm gate activities* to 'predominantly' sell produce grown on the farm or in the 'surrounding area'.

It is suggested that the definition should be amended to ensure that restaurant/café can only occur if the processing etc. is also occurring. This approach was taken when the State introduced *artisan food and drink industries* into the Standard Instrument.

> ***artisan food and drink industry*** *means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following —*
>
> *(a) a retail area for the sale of the products,*
>
> *(b) a restaurant or cafe,*
>
> *(c) facilities for holding tastings, tours or workshops.*

While a restaurant or café can also occur under this definition it has to be done so in conjunction with the manufacturing of food or drink.

Alternatively, the Complying Development option list above should not proceed. This will ensure that Council retains some level of control over the erection of large commercial/tourist structures in our rural landscapes.

The EIE outlines that when amending the Standard Instrument that both *farm gate activities* and *farm events* will automatically become permissible wherever *agriculture* is permissible. When preparing the 2011 LEP Council elected to only make some of the sub-types of agriculture permissible and not the parent definition. This means that when the amendment occurs to the Standard Instrument these new types of *agriculture* will be prohibited within the Kiama Municipality.

3. Farm Events

The EIE does not include a definition for *Farm Events.* The EIE outlines that this new use will allow events, tours, functions and conferences on land used for which the principal use of the land is the production of agricultural goods for commercial purposes.

Exempt Development

The EIE outlines that a property can be used for *Farm Events* as exempt development (i.e. no approval required) when:

- Events occur during the following times:
  - 7:30am-11pm Monday-Thursday;
  - 7:30am-Midnight Friday-Saturday;
  - 8am-8pm Sunday.
- Maximum patrons and event days per year:
  - 52 event days per year and up to 30 guests per event, or
  - 10 event days per year up to 50 guests.

The event holder is required to notify neighbours at least 1 week before the event.

Complying Development

The EIE outlines that certain *farm events* can be carried out as complying development (i.e. fast-track approvals issued by Council or Private Certifiers). This includes:

- change of use of existing building for *farm events* when:
  - Events occur during following times:
    - 7:30am-11pm Monday-Thursday;
    - 7:30am-Midnight Friday-Saturday;
    - 8am-8pm Sunday.
  - Maximum patrons and event days per year:
    - 52 event days per year and up to 30 guests per event, or
    - 10 event days per year up to 50 guests.
  - each structure used has a maximum footprint of 200m^2 and a combined total of 500m^2.
- Erection, alteration or addition to a building for a *farm event* when:
  - Events occur during following times:

        - 7:30am-11pm Monday-Thursday
        - 7:30am-Midnight Friday-Saturday
        - 8am-8pm Sunday
    - Maximum patrons and event days per year:
        - 52 event days per year and up to 30 guests per event, or
        - 10 event days per year up to 50 guests
    - each structure used has a maximum footprint of 200m^2 and a combined total of 500m^2.
    - maximum height of each structure is to be:
        - 7m for properties between 4000m^2 and 10 hectares
        - 10m for properties greater than 10 hectares

Development Applications

The EIE does not suggest any specific standards for Council to introduce for *farm events* into our LEP.

Staff Comments/Concerns

While the hours of operation and number of events/guests are reasonable, for exempt and complying development, this new definition will again allow for large/tall buildings to be approved on rural properties by Private Certifiers.

4. Agricultural Facilities

a. Small-scale Processing Facilities

The EIE outlines that *livestock processing facilities (*abattoirs and dairies only) can be carried out as complying development (i.e. fast-track approvals issued by Council or Private Certifiers) under the following circumstances:

- Maximum processing capacity per annum of:
    - 3 million litres for dairy
    - 4,000 pork carcasses
    - 1,000 lamb carcasses
    - 100 beef carcasses
    - 4,000 poultry carcasses
    - 1,000 carcasses for other animals such as deer, kangaroo etc.
- Must be setback a minimum of:
    - 100m from natural waterbody/watercourse
    - 500m from nearest dwelling not located on property
    - 5km from a residential zone
- No more than 1 per property

- Hours of operation between 6am-7pm Monday-Saturday and 8am-5pm Sunday.

Staff Comments/Concerns:

The planning proposal for the 'Rose Valley Abattoir' limits the number of cattle processed to 120 per annum. While the Rose Valley property is within 5km of Gerringong/Werri Beach it is interesting to note that there are locations on this property further than 500m from adjoining dwellings.

This proposal is generally supported. The proposed setbacks align with the thresholds for designated development.

Clarification is required regarding the size of any structures that could be erected under this proposal.

b. Farm Dams

The EIE outlines that the terminology around dams will be clarified to be provide a consistent approval pathway.

Staff Comments/Concerns

No clarification is given by the EIE. The EIE asks how the planning provisions could be simplified for farm dams.

Under the Kiama LEP Farm Dams are a type of *water storage facility.*

> ***water storage facility*** *means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.*

Farm dams, or *water storage facilities,* are only permissible with consent with our RU1 Primary Production and RU2 Rural Landscape zones. Providing a sub-definition for farm dams, as opposed to larger dams, could be appropriate.

Some Councils have provided provisions in their LEPs to make farm dams exempt development if they have a maximum capacity of 1 mega litre and a maximum wall height of 1m.

5. Natural Disaster Recovery

a. Rebuilding of farm infrastructure

The EIE outlines that the rebuilding of farm infrastructure destroyed or significantly damaged in a natural disaster is exempt development in the following circumstances:

- Original structures must have been lawfully constructed
- The new structure is located on the same footprint
- The new structure has the same height as the original

Staff Comments/Concerns

No concerns raised. Currently a DA is not required to rebuild structures that have been destroyed by natural disasters, only a Construction Certificate is required. This change removes the requirement for a Construction Certificate.

b. Stock Containment Areas

The EIE outlines that temporary stock containment areas to assist during and immediately after natural disasters are exempt development in the following circumstances:

- Carried out on rural land
- Not within 100m of natural watercourse
- Not within 500m of residential zone or adjoining dwellings

Staff Comments/Concerns

No concerns raised.

6. Biosecurity

The EIE proposes the following amendments to provide greater biosecurity between agricultural and residential landuses. These proposed amendments include:

- Amend Standard Instrument LEP so that poultry farms are exempt development for farms with less than 10,00 birds if they are not within:
    - 1,000m of other poultry farms, or
    - 5,000m of poultry farms used for the breeding of poultry and vice versa.

  Development consent is required in all other circumstances.
- Pig Farms are exempt development for farms with fewer than 20 breeding sows, or fewer than 200 pigs but only if they're not within 3,000m of another pig farm.

  Development consent is required in all other circumstances.
- Increasing the setback requirements for rural dwellings, approved as complying development, from 250m to:
    - 1,000m for existing or proposed pig farm, feedlot or poultry farm
    - 500m from any existing or proposed other livestock agriculture development

Staff Comments/Concerns

No concerns raised.

7. Recreational Beekeeping

The EIE outlines that recreational beekeeping is exempt development (i.e. no approval required) in the following circumstances:

- Must not be for a commercial purpose
- Must not consist of more than:
    - 2 hives for lots up to 300m^2
    - 4 hives for lots to 300m^2 – 1000m^2
    - 8 hives for lots above 1000m^2
    - No limits for lots in rural zones

- Hives must not be located within 1m of any lot boundary, or 3m of any boundary adjoining a public reserve, childcare centre, health services facility, educational establishment or community facility
- Can only occur in rural, residential or environmental zones

Staff Comments/Concerns

No concerns raised.

Exhibition Period & Council Submission

The Government has published the attached Explanation of Intended Effect – Agritourism and small-scale agriculture development (EIE) and are seeking feedback on the proposed amendments by 19 April 2021.

As submissions were due prior to Council's Ordinary April meeting the attached submission has been prepared and submitted prior to the meeting.

The comments/concerns raised above have been included in Council's submission.

The State Government are asking councils to consider whether to adopt the new optional clauses for *farm stay accommodation* and *farm gate activities* and identify the zones in which they wish to allow the new farm events and farm gate activities land uses. As part of adopting the Kiama Local Strategic Planning Statement (LSPS) 2020 Council has committed to reviewing the rural zonings, and associated permissibility's, contained within the *Kiama Local Environmental Plan (LEP) 2011*. This review is scheduled to occur following the State Government's completion of the regionally important Agricultural Lands Mapping project. It would seem appropriate to consider the inclusion of these new land uses once their definitions have been finalised and once the rural zoning review has been completed.

Communication/Community Engagement

The EIE has been prepared by the NSW State Government and was made available for public comment on the NSW Department of Planning, Industry and Environment's DPIE website at the beginning of March 2021.

This engagement process is being run by DPIE and as such Council has not actively engaged with the community regarding these proposed changes.

Attachments

1 Explanation of Intended Effects - Agritourism and small-scale agricultural development⇩

2 Council's Submission⇩

EXPLANATION OF INTENDED EFFECT

Agritourism and small-scale agriculture development

Proposed amendments to support farm businesses and regional economies

March 2021

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About this explanation of intended effect

This explanation of intended effect (EIE) has been prepared for the purposes of section 3.30 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

It is presented in four parts:

- Part 1 – Executive summary
- Part 2 – Context
- Part 3 – Proposed amendments
- Part 4 – Have your say

Part 1 – Executive summary

1.1 This document

This explanation of intended effect (EIE) proposes amendments to the NSW planning system to better enable 'agritourism' and small-scale agricultural development to be approved. It also seeks to respond to natural disasters such as droughts and bushfires, and to simplify planning approvals for development or activities that have no or low environmental impact.

This document outlines the intended effect of proposed amendments to:

- the *Standard Instrument (Local Environmental Plans) Order 2006* (**Standard Instrument LEP Order**),
- the *State Environmental Planning Policy (Primary Production and Rural Development) 2019* (**PPRD SEPP**), and
- the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (**Codes SEPP**).

1.2 Background

In recent years, NSW farmers and farming communities have faced many challenges including prolonged drought, land fragmentation and declining terms of trade. This year alone, farming communities have had to deal with unprecedented bushfires and economic impacts arising from COVID-19 including travel and trade restrictions, cancellation of regional events, and temporary closure of local businesses.

The NSW Government is committed to supporting the recovery and resilience of our regional communities and farming by growing emerging industries that are supplementary to, or based on, agriculture. One such industry is agritourism, which will help to strengthen rural communities as travel restrictions ease across NSW.

Agritourism is a tourism-related experience or product that connects agricultural products, people or places with visitors on a farm or rural land for enjoyment, education, or to participate in activities and events. Agritourism activities enable farmers to diversify their income from farming businesses while maintaining primary production on the land as the principal use.

The NSW Government is seeking comment on proposals recommended by stakeholders to:

- broaden the types of agritourism activities that can be undertaken and provide approval pathways tailored to the scale and types of activities,
- support farmers during times of hardship or following natural disaster events,
- reduce land use conflict by providing clearer rules and better managing environmental and social impacts, and
- clarify current planning controls and expand approval pathways for certain agricultural activities.

The proposed amendments are underpinned by the principle of no or low environmental impact.

1.3 What is proposed

Informed by the NSW Government's *Making Business Easier Program* and a wider agritourism project led by the NSW Small Business Commission and Service NSW, the following amendments are proposed to the NSW planning system to facilitate agritourism:

- **farm stay accommodation** – to support more farm stay accommodation amendments are proposed to the existing definition of 'farm stay accommodation'
- **farm events** – to remove existing barriers and support farm events amendments are proposed to introduce a new definition for 'farm events'
- **farm gate activities** – to enable farm gate businesses to be established amendments are proposed to introduce a new definition for 'farm gate activities'

Fast track approval pathways, known as exempt and complying development, will also be established for these types of agritourism.

Comment is also sought on the following proposals to facilitate or improve approval pathways for low-impact agricultural activities:

- **small-scale processing plants** – allow establishment of these plants as complying development for meat, dairy and honey where certain development standards are met
- **rebuilding of farm infrastructure** – allow reconstruction of farm buildings and other structures as exempt development following natural disaster, where constructed to same size and contemporary building standards
- **stock containment areas** – update and rationalise existing planning controls to reflect current practice, and ensure stock containment areas used temporarily, such as during drought, do not impact negatively on surrounding uses
- **farm dams** – clarify terminology used in the planning system and provide a consistent approval process across the state
- **biosecurity for poultry farms and pig farms** – update development standards to align with separation distances required under biosecurity standards
- **setbacks for rural dwellings** - review controls that allow dwellings on rural lots as complying development to ensure there is sufficient separation from adjacent primary production enterprises
- **recreational beekeeping** – providing an exempt development pathway for recreational beekeeping to improve certainty.

Part 2 – Context

2.1 Background

With changes in markets, diminishing wholesale returns from traditional agricultural production and the seasonal nature of many agricultural industries, some traditional farms can no longer remain viable by simply producing food or fibre for wholesale markets. The planning system seeks to protect agricultural land and secure it as a resource for food production for future generations. There is scope for the planning framework to better support farmers' ability to innovate and diversify from purely primary production to other forms of value adding or complementary agribusiness.

Agritourism involves visiting a farm or food related business for enjoyment and education or to participate in activities and events. Agritourism is a growing sector of both the Australian and NSW economies, worth more than $2 billion in NSW in 2014–15[1] and is expected to be worth $18.6 billion in Australia by 2030, up from $10.8 billion in 2018.[2] In 2019, Australians took 4.7 million trips to a farmgate, winery, brewery or distillery in a regional destination.[3]

Farmers are increasingly seeking options to diversify their income stream or value-add to their core agricultural business to make it more resilient, profitable and attractive to a new generation of farmers. The current regulatory and land use planning framework for these options can be complicated, costly and challenging for farmers to navigate.

Certainty, confidence and consistency in the planning framework will support investment in agritourism. A robust and flexible land use planning framework can provide strategic direction and a streamlined and efficient process for facilitating land uses that supplement agricultural industries.

In addition to agritourism, the department has identified other changes that could be made to reduce red tape and make it easier to use for farmers, particularly those running small-scale operations.

The NSW Government is committed to supporting economic development and job creation for NSW farms through a range of initiatives including simplifying land use definitions and development approval processes.

The proposed changes outlined below recognise the significance of agricultural industries and seek to:

- support investment in farms seeking supplementary incomes through other uses on the land
- facilitate a simple and streamlined approach to gaining approval for uses supplementary to primary production
- support farmers during times of hardship and following disaster events
- reduce land use conflict.

[1] NSW Department of Primary Industries, *NSW Agribusiness Positioned for prosperity*, Deloitte Access Economics report for the NSW Department of Primary Industries, July 2019, https://www.dpi.nsw.gov.au/__data/assets/pdf_file/0009/691191/Positioned-for-prosperity_final.pdf.

[2] CSIRO, *Growth opportunities for Australian food and agribusiness: Economic analysis and market sizing*, 2019, https://www.csiro.au/en/Do-business/Futures/Reports/Ag-and-Food/Opportunities-for-Food-and-Agribusiness.

[3] Tourism Research Australia, *Wineries, Breweries, Distilleries, Farmgates,* Headline Stats for 2019.

2.2 Consultation and collaboration

2.2.1 Making Business Easier

The NSW Small Business Commission in collaboration with Service NSW has undertaken a program to help farmers diversify as part of the NSW Government's *Making Business Easier* program. Diversification is especially important in times of drought where land typically reserved for productive use is unable to generate enough income through its primary activities. It also supports the continued sustainability of agriculture in rural areas.

The department has worked with the commission to identify simplified pathways to establish low impact agritourism businesses on farms, including farm stay accommodation, farm tours, roadside stalls, farm events and retail on farms. This work aligns with the department's commitment to reduce red tape and make the planning system easy to use.

What is 'agritourism'?

'Agritourism' is a tourism-related experience or product that connects agricultural products, people or places with visitors on a farm or rural land for enjoyment, education, or to participate in activities and events.

Agritourism activities include direct shopfront outlets with produce tastings, regional markets, farm and winery tours, cooking classes, food and wine festivals, farm stays, restaurants sourcing local produce, self-picking experiences and farm gate sales. The term also covers farm-stay, camping and other on-farm accommodation, farm tours and activities, and events based on farms for their scenic quality, such as weddings.

More broadly, agritourism allows regional economies to showcase what's special about the region, its unique growing conditions and natural resources and provides a visitor draw card from which other regional tourism businesses and experiences can benefit.

Service NSW has conducted research that identified challenges in the current planning regime for aspirational agri-entrepreneurs.[4] Many regional businesses have experienced difficulties in setting up agritourism businesses as:

- there is a lack of guidance to understand the planning approvals required
- it can be costly and time consuming to obtain approval
- some requirements have not kept up with contemporary practices
- some existing land use definitions and standards are inappropriate for the proposed use.

There is also variability in how the planning system is applied across NSW. This variation often relates to historical land use planning approaches and is not necessarily justified by regional differences or reflective of modern agricultural businesses.

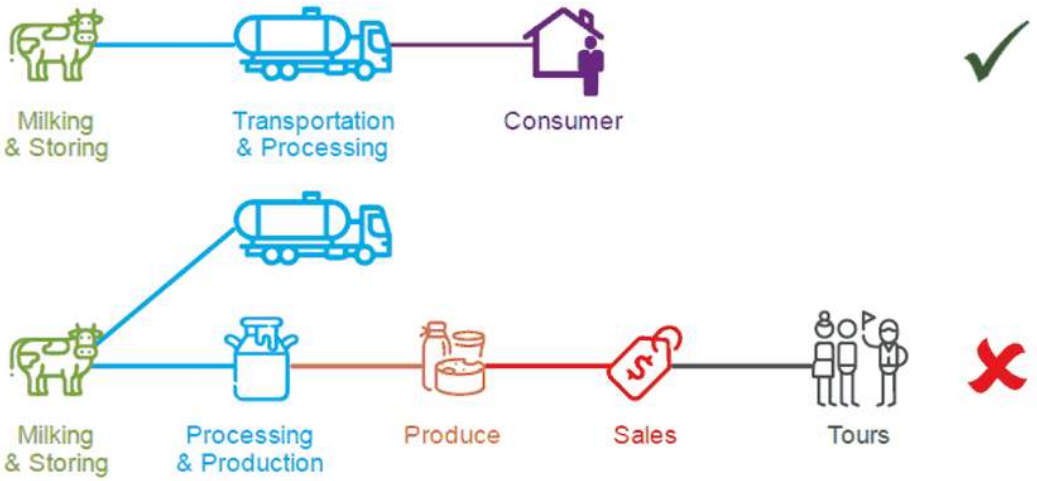
Figure 1 illustrates the variation between the permissibility of a traditional supply chain compared with agritourism activities, approval for which may vary for land with the same zoning in adjoining local government areas.

For example, two farmers can have cows, milk the cows and send the milk off site for processing, as intensive livestock agriculture is permitted. However, if they want to turn some milk into cheese, sell it on the property and provide tours, there may be different local environmental planning controls in place, which mean different rules apply to each farmer. On one side of the fence the farmer may be able to undertake the additional activities, but these may not be permitted on the other side because of local regulations. The activities could also be categorised, in planning terms,

[4] Service NSW and NSW Small Business Commissioner, *Starting and running an agritourism business: Farmers' experiences and needs*, December 2019.

as covering a range of different uses including retail, artisan food and drink, light industry, eco-tourism, and information and education premises.

Figure 1 - Traditional supply chain compared with agritourism activities



Part 3 – Proposed amendments

3.1 Overview

The department is proposing amendments to existing controls within the planning system to facilitate more agritourism and small-scale agricultural developments, while balancing the need for individual councils to respond to different environmental and development settings.

The proposed changes include:

1. **Farm stay accommodation:** amending the existing definition for farm stay accommodation in the Standard Instrument LEP Order
2. **New land use terms**: introducing two new land use terms for farm gate activities and farm events in the Standard Instrument LEP Order. Including the new term in the Standard Instrument LEP Order will automatically introduce the term into all Standard Instrument LEPs
3. **New optional LEP clauses** - introducing new optional clauses for farm stay accommodation and farm gate activities that councils can apply where a development application is required
4. **New approval pathways** - providing exempt and complying development approval pathways in the Codes SEPP for agritourism activities where certain development standards are met
5. **Small-scale processing plants** - allowing the establishment of small-scale processing plants as complying development for meat, dairy and honey where certain development standards are met
6. **Rebuilding of farm infrastructure** - allowing the reconstruction of farm buildings and other structures as exempt development following natural disaster, where constructed to the same size and contemporary building standards including the Building Code of Australia and relevant Australian Standards.
7. **Stock containment lots** - updating and rationalising existing controls for stock containment lots to reflect current practice, and ensuring stock containment areas used temporarily, such as during drought, do not impact negatively on surrounding uses.
8. **Farm dams -** clarify terminology used in the planning system and provide a consistent approval process across the state
9. **Biosecurity** - updating development standards for poultry farms and pig farms to align with separation distances required under biosecurity standards
10. **Rural dwelling setbacks** - updating controls that allow dwellings on rural lots as complying development to ensure enough separation from adjacent primary production enterprises.
11. **Recreational beekeeping** – providing exempt development pathway for recreational beekeeping to improve certainty

These changes will allow small-scale agritourism development and other small-scale agricultural activities to occur on land where the primary use of the land is agriculture. Recognising the seasonal nature of some agricultural uses of land and the variability of the Australian climate, the proposals will also allow agritourism activities on farms that are not currently producing for reasons outside the landowner's control such as prolonged drought. The changes are not intended to enable hobby farmers or other recreational farmers to establish agritourism businesses.

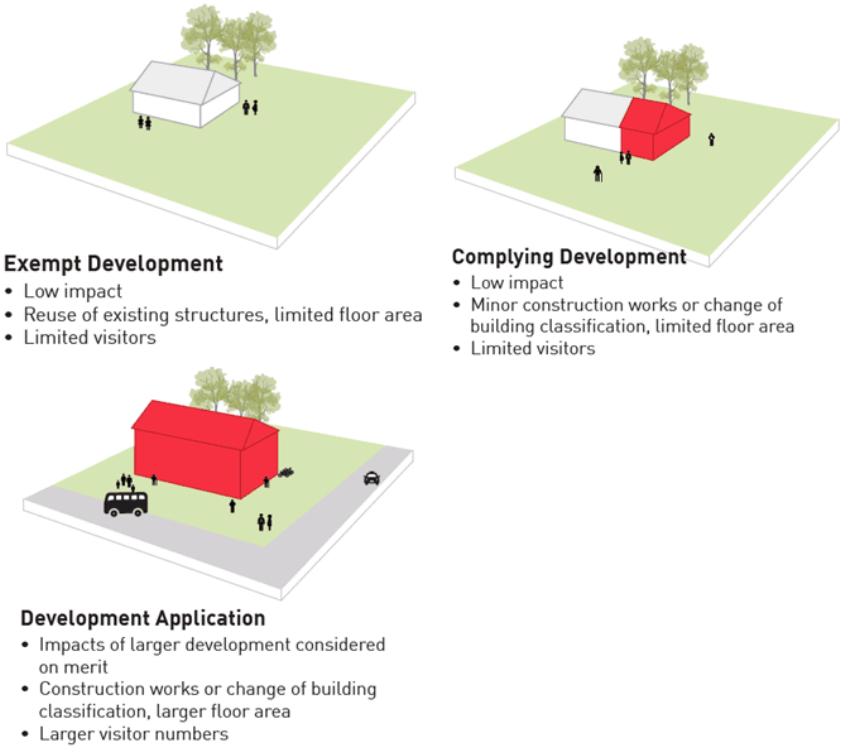
3.1.1 Simplified planning pathways

As illustrated in Figure 2 below, exempt development is minor, low impact development that can be undertaken without the need for planning or building approval if the work complies with specified development standards. Complying development is a combined planning and construction

approval for straightforward development that can be determined through a fast track assessment by a local council or a registered certifier. Complying development must also meet specified development standards.

Some councils have already simplified their planning requirements at a local level. The new exempt and complying development will allow more activities and development of low environmental impact on farms to gain planning approval quickly across NSW. Proposed new development standards will ensure development is at a scale appropriate for the agritourism or agricultural activity with minimal impacts on the surrounding land and amenity. Where these standards cannot be met, a landowner can lodge a development application with the local council.

Figure 2 - Illustration of development approval pathway thresholds (indicative only)



3.2 Farm stay accommodation

A key aspect of an agritourism business is the provision of on farm accommodation. It is also critical to the tourism industry in some regions. On farm accommodation:

- encourages tourism to locations that cannot be reached by day trip from major centres
- encourages longer stays
- can utilise existing assets – such as farm workers' accommodation or large homesteads
- can provide ancillary income for a business – particularly where the business is seasonal or affected by weather conditions
- allows visitors to understand and engage with the area in greater depth than can be offered by day visits. It is often coupled with activities within the property
- facilitates recreation, entertainment and/or educational experiences to visitors
- supports increased awareness of agriculture and an improved connection between food

production and consumption.

Current Definition (Standard Instrument LEP)
'*farm stay accommodation*' means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

3.2.1 Proposed amendments

The changes propose to amend the existing definition of farm stay accommodation to recognise that farming activities may fluctuate seasonally (particularly during periods of drought) and to broaden the use to include camping.

To ensure farm stay accommodation remains a low impact use, an optional clause is proposed that councils can choose to adopt, with development standards councils can tailor to suit local conditions.

Exempt and complying development pathways have been developed to allow some building works, the change of use of existing buildings to farm stay accommodation and some camping opportunities without the need for a development application as long as the development standards are met.

3.2.1.1 Proposed definition

It is proposed to amend the existing definition of farm stay accommodation in the Standard Instrument LEP Order to:

- remove the references to working farm and secondary business as these requirements are restrictive for farms that operate on a seasonal basis and are not typically planning considerations
- replace these references with a requirement that the existing principal use of the land must be the production of agricultural/primary production goods for commercial purposes to ensure a farm stay supplements an existing commercial farming business
- enable farm stay accommodation on a farm that is currently not producing goods because of drought or similar events outside the landowner's control
- include accommodation in a building and camping (camping is currently not included under farm stay accommodation). It is proposed to amend the definitions of camping ground and caravan park to exclude tents, campervans and caravans erected on land for the purposes of farm stay accommodation. This is intended to facilitate small-scale camping being undertaken on a farm as exempt development (described below).

Amending the definitions in the Standard Instrument LEP Order will amend the definitions in all Standard Instrument LEPs.

3.2.1.2 Permissibility

Farm stay accommodation will continue to be permissible with consent wherever councils currently identify it as permissible with consent in their LEPs.

3.2.1.3 Approval Pathways

The proposed approval pathways for farm stay accommodation are exempt development, complying development and lodging a development application. The approval pathway will depend on the type of development proposed, as shown in Table 1.

Table 1 - Summary of proposed approval pathways for farm stay accommodation

Approval pathway	Proposed development	Approval required
Exempt development	• Change of use of an existing dwelling or part of a dwelling • Use of land for farm stay accommodation in tents, caravans or similar	No planning or building approval required if specified development standards are met
Complying development	• Change of use of an existing building or manufactured home • Erection, alteration or addition to a building or manufactured home	A fast-tracked approval can be issued by the local council or a registered certifier if specified development standards are met
Development application	• Any proposal that does not satisfy the requirements for exempt and complying development	The local council will undertake a merit assessment of the proposal and issue a development consent if approved

Further details about these proposed approval pathways and the proposed development standards for each pathway are explained below.

Exempt development

Change of use of an existing dwelling or part of a dwelling

It is proposed to allow the change of use of an existing dwelling or part of a dwelling (including rural workers dwelling and secondary dwellings) on rural zoned land as exempt development for the purpose of farm stay accommodation where it has been lawfully constructed and introduce the following development standards:

Maximum guests

- allow up to two persons aged over 12 per bedroom

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Use of land for farm stay accommodation

It is proposed to allow the use of land for farm stay accommodation as exempt development where visitors reside in tents, caravans, campervans or other similar portable and light weight temporary shelters on rural zoned land and introduce the following development standards:

Operational requirements

- the use must be permissible with consent under council's local environmental plan
- allow up to 20 persons in any tents, caravans, campervans or other similar portable and light weight temporary shelters at any one time on the landholding for up to 14 days
- unoccupied caravans, campervans and tents are not to remain on the land after 24 hours

Location and size

- a tent must not be installed closer than 6 metres to any building, caravan, annexe or campervan or closer than 3 metres to any other tent
- the development cannot occur on land that is significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*
- the development cannot occur on land that is bush fire prone land

Setbacks

- the minimum following setbacks from any adjoining established or proposed:
  - pig farm, feedlot or poultry farm – 1,000 metres
  - other intensive livestock agriculture – 500 metres
  - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

  or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm accommodation may have the same setback
- a setback of 100 metres from any waterway

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed
- if human waste storage devices are proposed, these devices must not be emptied on sites without reticulated sewerage.

Complying development

Change of use of an existing building or manufactured home

It is proposed to enable a change of use of an existing building or manufactured home to farm stay accommodation on rural zoned land as complying development under the Codes SEPP. The following development standards are proposed:

Use, number of buildings and size

- the current use must be a lawful use
- maximum one dwelling per 15 hectares, to a maximum of six dwellings on a landholding
- the new use must not be carried out at premises that are a moveable dwelling or associated structure (except for a manufactured home), temporary structure, or tent
- maximum floor area of the development must be 60 square metres

Bush fire prone land and flood control lots

- the development must comply with the flood control lots requirements in the Codes SEPP (clause 3D.7) if the building is on this type of land
- the development must not be a type that requires a bush fire safety authority under section 100B of the *Rural Fires Act 1997* because it is on bushfire prone land.

Setbacks

- the minimum setbacks from any adjoining established or proposed:
  - pig farm, feedlot or poultry farm – 1,000 metres

- other intensive livestock agriculture – 500 metres
- intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

or 250 metres from the boundary with the other use, whichever is greater

- if an existing dwelling has a setback from another use that is less than these setbacks or is less than 250 metres from the boundary, the farm stay accommodation may have the same setback

Services

- if water supply or sewerage services (or both) is to be provided by a water utility, the applicant must obtain written advice that specifies the works or other requirements to be completed from the relevant water utility

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Note: Farm stay accommodation is a type of 'tourist and visitor accommodation' under the SI LEP Order. Under the *Rural Fires Act 1997*, development for the purpose of tourist accommodation cannot be undertaken as complying development on bush fire prone land.

Erection, alteration or addition to a building or manufactured home

It is proposed to enable the **erection, alteration or addition to a building or manufactured home** as complying development on rural zoned land to be used for farm stay accommodation. The following development standards are proposed:

Use, location and size

- any structure constructed or converted for the purpose of farm stay accommodation cannot be used as a dwelling without consent
- the erection of a new building or manufactured home for farm stay accommodation must be within 300 metres of the existing dwelling
- maximum height of 6 metres
- for a new building or manufactured home, a maximum floor area that is the greater of the standard in the relevant LEP or 60 square metres
- maximum one dwelling per 15 hectares, to a maximum of six dwellings on a landholding
- the development cannot occur on land that is significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*

Setbacks

- side setback of the existing dwelling on the land or 200 metres, whichever is less
- the minimum following setbacks from any adjoining established or proposed:
  - pig farm, feedlot or poultry farm – 1,000 metres
  - other intensive livestock agriculture – 500 metres
  - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

or 250 metres from the boundary with the other use, whichever is greater

- if an existing dwelling has a setback from the other use that is less than these setbacks or is less than 250 metres from the boundary, the farm stay accommodation may have the same setback

Services

- the development cannot occur on unsewered land to which *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250 square metres or in any other drinking water catchment identified in any other environmental planning instrument

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Development application

Where a proposal for farm stay accommodation does not satisfy the requirements for exempt or complying development, a development application can be lodged with the local council. To appropriately consider the impact of farm stay accommodation where development consent is required, an optional clause is proposed that councils can choose to include in their LEPs which:

- includes objectives to:
  - allow for small scale tourism and commercial uses that complement the agricultural use of the land
  - balance the impacts of tourism and commercial uses on the environment, infrastructure and adjoining land uses
- provides the following requirements for farm stay accommodation:
  - allow the number of people accommodated in any buildings/manufactured homes to be three times the number of bedrooms permitted under clause 5.4(5) of the council's LEP, or the number the council specifies in its LEP
  - allow the number of persons in any tents, caravans, campervans or other similar portable and light weight temporary shelters on the landholding to be 20 at any one time for up to 14 days
  - require the maximum floor area of any new building to be 75 square metres or the number the council specifies in its LEP (which must be not more than 75 square metres).

It is also proposed to amend clause 2.6 of the Standard Instrument LEP Order to prevent the creation of a dwelling entitlement in relation to farm stay accommodation. This is intended to preclude the fragmentation of prime agricultural land.

3.2.2 Farm stay accommodation - consultation questions

1. Are the proposed setbacks to pig farms, other intensive livestock, forestry and mines for exempt and complying development appropriate?
2. Where a development application is required, should farm stay accommodation be permitted only on land that benefits from a dwelling entitlement?
3. For complying development, should there be a requirement that a new building or manufactured home for farm stay accommodation be within 300 metres (or some other distance) from the existing dwelling house to enable clustering together of sensitive land uses?

4. Should there be different development standards for farm stay accommodation based on land size or location (such as whether the land is inland or east of Great Dividing Range)? If yes, please provide your suggestions and reasons.

Photo courtesy of Smith and Tzannes Architecture and Urban Planning

3.3 Farm gate activities

Farm gate is a common term used where value is added to a farm's produce and there is an interaction with the farm by the purchaser of the goods. Farm gate activities may include appropriate infrastructure to enable on-farm dining or entertainment.

Farm gate activities are in keeping with the surrounding agricultural landscape, community and region. These activities can also protect farming from encroachment by non-agricultural or conflicting uses by strengthening the value of the agricultural activity itself.

Landholders are generally unable to process and sell retail products produced on a farm under existing planning requirements.

The proposed changes will make it easier for farmers to gain approval and establish businesses associated with their agricultural production activity. Farm gate activities vary significantly, from selling apple pie on a farm where the apples are grown on the property, to developing a cidery on a farm which uses ingredients predominantly grown in the surrounding area.

It is proposed to introduce a new land use term 'farm gate activities' into the Standard Instrument LEP Order to provide greater opportunities for landowners to showcase the agricultural produce from their land or the surrounding area through retail sales, a small restaurant or café, or tastings and workshops.

To ensure farm gate activities remain low intensity uses, an optional clause is proposed that councils can choose to adopt and tailor to suit local conditions.

Exempt and complying development pathways have also been developed to allow streamlined approval pathways for farm gate activities on certain land. This will allow some building works as complying development, changing the use of existing buildings to farm gate activities and erecting a roadside stall as exempt development.

3.3.1 Proposed amendments

3.3.1.1 Proposed definition

It is proposed to introduce a new land use term in the Standard Instrument LEP Order for farm gate activities which includes:

a. the processing, packaging and sale of agricultural produce, or
b. a restaurant or café, or
c. facilities for the holding of tastings, workshops or providing information or education to visitors

for agricultural produce grown on the farm or predominantly grown in the surrounding area.

The proposed definition will make it clear that the principal use of the land must be the production of agricultural goods for commercial purposes. The proposed new term will also enable farm gate activities where the farm is currently not producing goods because of drought or similar events outside the landowner's control.

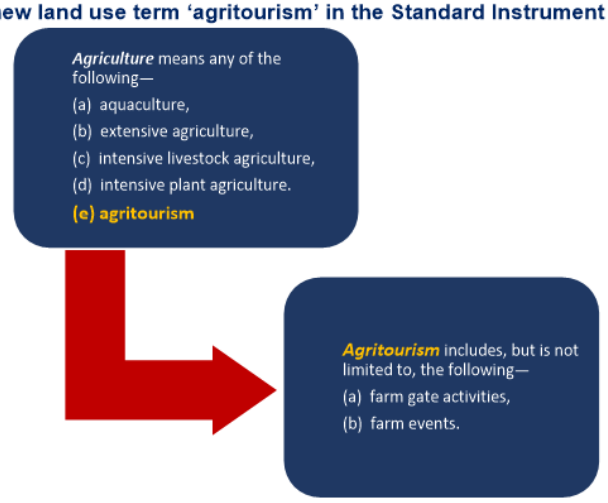
3.3.1.2 Permissibility

It is proposed to create a new land use term 'agritourism' in the Standard Instrument LEP Order and farm gate activities will be a subset of this new term. It is further proposed that 'agritourism' will be a subset of the existing land use term 'agriculture'.

Additional proposals include existing terms in the Standards Instrument LEP Order, 'roadside stall' and 'cellar door premises', to become subsets of the new 'farm gate activities' term.

These changes mean that farm gate activities will initially be permissible in all LEPs wherever 'agriculture' is currently permissible. Councils can then permit farm gate activities in additional zones, such as zones in which existing land uses, e.g. roadside stalls, are currently permitted. Roadside stalls and cellar door premises will continue to be permissible where they are currently permitted, as well as being permitted wherever 'agriculture' is permissible.

Figure 3 - Proposed new land use term 'agritourism' in the Standard Instrument LEP Order



Note: This is indicative only and subject to change in response to feedback received during exhibition

3.3.1.3 Approval pathways

The proposed approval pathways for farm gate activities are exempt development, complying development and lodging a development application. The approval pathway will depend on the type of development proposed, as shown in Table 2.

Table 2 - Summary of proposed approval pathways for farm gate activities

Approval pathway	Proposed development	Approval required
Exempt development	• Use of land for farm gate activities • Change of use to a roadside stall • Erection of a roadside stall	No planning or building approval required if specified development standards are met
Complying development	• Change of use of an existing building • Erection, alteration or addition to a building for a farm gate activity	A fast-tracked approval can be issued by the local council or a registered certifier if specified development standards are met
Development application	• Any proposal that does not satisfy the requirements for exempt and complying development	The local council will undertake a merit assessment of the proposal and issue a development consent if approved

Further detail about these proposed approval pathways and the proposed development standards for each pathway are explained below.

Exempt development

Use of land for farm gate activities

It is proposed to allow the use of land for farm gate activities on rural zoned land as exempt development and introduce the following development standards:

Operational requirements

- the development must not involve a change of building use
- standard hours of operation to apply – 7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday

Setbacks

- the minimum setbacks from any neighbouring established or proposed:
  - pig farm, feedlot or poultry farm – 1,000 metres
  - other intensive livestock agriculture – 500 metres
  - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

  or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm gate activity may have the same setback

Site location and access

- where development utilises an existing access point to a road, that access point is to have a clear sight distance of 250 metres to an approaching vehicle along the major road or comply with the sight distance requirements of Austroads Guide to Road Design Part 3, Table 5.5
- the development cannot be carried out on land in bush fire attack level-40 or the flame zone

Maximum guests

- maximum number of guests is 50 at any one time

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Change of use to a roadside stall

It is proposed to allow a change of use to a roadside stall on rural-zoned land as exempt development subject to the existing development standards in clause 2.20B of the Codes SEPP (roadside stalls are currently excluded from these provisions), which include preventing an increase in gross floor area of the building, compliance with existing conditions of development consent relating to hours of operation, noise, car parking, waste management, etc.

Erection of a roadside stall

It is proposed to allow the erection of a roadside stall on rural zoned land as exempt development and introduce the following development standards:

Building use, location and size

- the use must be permissible with consent under council's local environmental plan
- maximum footprint 8 square metres
- the development must be located on private property
- the development must not be located adjacent to a classified road

Site access and parking

- development must use an existing access point to a road and this access is to have a clear sight distance of 250 metres to an approaching vehicle along the road or comply with the sight distance requirements of Austroads Part 3, Table 5.5.
- any parking accommodated on the verge:
  - must be at least 3 metres from any carriageway
  - the verge must be graded
- if parking is not provided on the verge, it must be provided within the boundary of the property and cars must be able to access and leave the property in a forward direction
- maximum one roadside stall per land holding

Waste Management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Note: Approval from the roads authority is required for any new access driveway.

Complying development

Change of use of an existing building

It is proposed to allow the **change of use of an existing building** to a farm gate activity premises on rural zoned land as complying development and introduce the following development standards:

Use, location and size

- the current use must be a lawful use
- the new use must not be carried out at premises that are a manufactured home, moveable dwelling or associated structure, temporary structure, tent
- maximum 200 square metre footprint for each building and 500 square metre footprint for all buildings used for farm gate activities and farm events

Maximum guests

- maximum number of guests is 50 at any one time

Setbacks

- the minimum following setbacks from any adjoining established or proposed:
  - pig farm, feedlot or poultry farm – 1,000 metres
  - other intensive livestock agriculture – 500 metres
  - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

  or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm gate activity may have the same setback
- setback at least 50 metres from any other fence or otherwise marked property boundary

Services

- if water supply or sewerage services (or both) is to be provided by a water utility, the applicant must obtain written advice that specifies the works or other requirements to be completed from the relevant water utility

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Erection, alteration or addition to a building for a farm gate activity

It is proposed to allow the **erection, alteration or addition to a building for a farm gate activity** on rural zoned land as complying development and introduce the following development standards:

Building location and size

- maximum 200 square metres for each building and 500 square metre footprint for all buildings used for farm gate activities and farm events provide that a road setback is not required for structures with a floor area less than 12 square metres and height up to 3.5 metres and which are for the sale of goods or produce (roadside stalls)
- maximum height:
  - 7 metres for landholding 4000 square meters to 10 hectares
  - 10 metres for landholding greater than 10 hectares
- the development cannot occur on land that is significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*

Maximum guests

- maximum number of guests is 50 at any one time

Setbacks

- the minimum following setbacks from any neighbouring established or proposed:
  - pig farm, feedlot or poultry farm – 1,000 metres
  - other intensive livestock agriculture – 500 metres
  - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

or 250 metres from the boundary with the other use, whichever is greater

- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm gate activity may have the same setback
- setback at least 50 metres from any other fence or otherwise marked property boundary

Services

- the development cannot occur on unsewered land in the Sydney drinking water catchment if it will cause a site disturbance area of more than 250 square metres, or in any other drinking water catchment identified in an environmental planning instrument

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Development application

Where a proposal for farm stay accommodation does not satisfy the requirements for exempt or complying development, a development application can be lodged with the local council. To appropriately consider the impact of farm gate activities where development consent is required, an optional clause that councils can adopt in their LEPs is proposed which will:

- introduce objectives:
  - to allow for small scale tourism and commercial uses that complement the agricultural use of the land
  - to balance the impacts of tourism and commercial uses on the environment, infrastructure and adjoining land uses
- introduce the following standards:
  a. the gross floor area must not exceed 200 square metres or the number the council specifies in its LEP (which must be not less than 200 square metres)
  b. the maximum number of people is not to exceed 50 at any one time or the number the council specifies in its LEP (which must be not less than 50)
  c. despite a., if a structure is a roadside stall, the maximum floor area must not exceed 8 square metres or the number the council specifies in its LEP (which must be not less than 8 square metres).

3.3.2 Farm gate activities - consultation questions

5. How far do you think a roadside stall should be setback from the road?
6. What additional standards should be included for the exempt and complying development pathways for farm gate activities, if any?

Photo courtesy of Smith and Tzannes Architecture and Urban Planning

3.4 Farm events

The ability to hold rural events can allow farmers to diversify and value add to their agricultural business. In addition to the direct benefits to agricultural business, rural events can have a far-reaching supply chain benefit to the surrounding economy. For example, if a farm can host a wedding, beyond just the hiring of a venue on a farm, the event can result in hiring of local accommodation services, engagement of event services (such as photographers, stylists and transport), food and drink services, supporting services (gift shops, child minding) and facilities services (party hire, mobile toilet hire etc).

There are limited land use terms in the planning system that enable rural events. Applicants can rely on the definition in the Standard Instrument LEP Order for 'function centre' or use the temporary use of land clause in the Standard Instrument LEP Order (clause 2.8) to seek development consent. Including a definition for events on farms will provide greater certainty around where such development can take place.

It is proposed to introduce a new land use term 'farm events' into the Standard Instrument LEP Order to allow events, tours, functions and conferences on land used for agriculture.

The proposed definition will also enable farm events on a commercial farm that is currently not producing goods because of drought or similar events outside the landowner's control.

Exempt and complying development pathways have been developed to allow streamlined approvals for low scale, low impact farm events. The exempt development pathway will only be available for a limited number and scale of events per year and certain development standards must be met. Complying development pathways will allow some building works and a change of use of existing buildings for farm events.

3.4.1 Proposed amendments

3.4.1.1 Proposed definition

It is proposed to introduce a new land use term in the Standard Instrument LEP Order to permit events, tours, functions, conferences, fruit picking, horse riding and other similar experiences on land for which the principal use of the land is the production of agricultural goods for commercial purposes. The definition will also enable farm events on a commercial farm that is currently not producing goods because of drought or similar events outside the landowner's control.

3.4.1.2 Permissibility

It is proposed to create a new land use term 'agritourism' in the Standard Instrument LEP Order and farm events will be a subset of this new term. It is further proposed that 'agritourism' will be a subset of the existing land use term 'agriculture' – see diagram at section 3.3.1.2 Permissibility.

These changes mean that initially, farm events will be permissible in all local environmental plans wherever 'agriculture' is currently permissible. Councils can then permit farm events in any additional zones.

3.4.1.3 Approval pathways

The proposed approval pathways for farm events are exempt development, complying development and lodging a development application. The approval pathway will depend on the type of development proposed, as shown in Table 3.

Table 3 - Summary of proposed approval pathways for farm events

Approval pathway	Proposed development	Approval required
Exempt development	• Use of rural zoned land for farm events	No planning or building approval required if specified development standards are met
Complying development	• Change of use of an existing building to farm event premises • Erection, alteration or addition to a farm event building	A fast-tracked approval can be issued by the local council or a registered certifier if specified development standards are met
Development application	• Any proposal that does not satisfy the requirements for exempt and complying development	The local council will undertake a merit assessment of the proposal and issue a development consent if approved

Further detail about these proposed approval pathways and the proposed development standards for each pathway are explained below.

Exempt development

Use of rural zoned land

It is proposed to allow the use of rural zoned land for a farm event that does not involve manufacturing food or drink as exempt development and introduce the following development standards:

Operational requirements

- the development must not involve a change of building use
- events must only take place during the following times:

- 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday
- 7.30 am to 12.00 am on Friday or Saturday
- 8.00 am to 8.00 pm on Sunday

- maximum number of guests and event days per year:
  - 52 event days per year and up to 30 guests per event, or
  - 10 event days per year and up to 50 guests per event
- the event holder is to notify neighbours of an event at least one week before holding the event

Setbacks

- the minimum setbacks from any neighbouring established or proposed:
  - pig farm, feedlot or poultry farm – 1,000 metres
  - other intensive livestock agriculture – 500 metres
  - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

  or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm accommodation gate activity may have the same setback
- setback at least 50m from any other fence or otherwise marked property boundary
- events that have amplified music or voices, must be located at least 1,000 metres from the nearest existing dwelling house and any building which houses animals including stables, stock yards and poultry sheds, on an adjoining property

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Complying development

Change of use of an existing building to farm event premises

It is proposed to allow a change of use of an existing building to farm event premises on rural zoned land as complying development and introduce the following development standards:

Operational requirements

- the current use must be a lawful use
- the new use must not be carried out at premises that are a manufactured home, moveable dwelling or associated structure, temporary structure, tent
- events must only take place during the following times:
  - 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday
  - 7.30 am to 12.00 am on Friday or Saturday
  - 8.00 am to 8.00 pm on Sunday
- maximum number of guests and event days per year:
  - 52 event days per year and up to 30 guests per event, or
  - 10 event days per year and up to 50 guests per event

Use, location and size

- maximum 200 square metres for each building and 500 square metre footprint for all buildings used for farm gate activities and farm events

Setbacks

- the minimum setbacks from any neighbouring established or proposed:
  - pig farm, feedlot or poultry farm – 1,000 metres
  - other intensive livestock agriculture – 500 metres
  - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

  or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm event may have the same setback
- setback at least 50 metres from any other fence or otherwise marked property boundary

Services

- if water supply or sewerage services (or both) is to be provided by a water utility, the applicant must obtain written advice that specifies the works or other requirements to be completed from the relevant water utility

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed

Erection, alteration or addition to a farm event building

It is proposed to allow the erection, alteration or addition to a building that is to be used for a farm event on rural zoned land as complying development and introduce the following development standards:

Operational requirements

- maximum number of guests and event days per year:
  - 52 event days per year and up to 30 guests per event, or
  - 10 event days per year and up to 50 guests per event
- events must only take place during the following times:
  - 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday
  - 7.30 am to 12.00 am on Friday or Saturday
  - 8.00 am to 8.00 pm on Sunday
- the event holder is to notify neighbours of an event at least one week before holding the event

Building location and size

- maximum footprint of 200 square metres for each building and 500 square metres for all buildings used for farm gate activities and farm events
- maximum height:
  - 7 metres for landholding 4000 square metres to 10 hectares
  - 10 metres for landholding greater than 10 hectares

- the development cannot occur on land that is significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*

Setbacks

- the minimum following setbacks from any neighbouring established or proposed:
  - pig farm, feedlot or poultry farm – 1,000 metres
  - other intensive livestock agriculture – 500 metres
  - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

  or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm event may have the same setback
- setback at least 50 metres from any other fence or otherwise marked property boundary

Services

- the development cannot occur on unsewered land in the Sydney water catchment if it will cause a site disturbance area of more than 250 square metres, or in any other drinking water catchment identified in an environmental planning instrument

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

3.4.2 Farm events - consultation questions

7. The proposed maximum number of people and events per day for exempt and complying development are:
   a) 52 event days per year and up to 30 guests per event, or
   b) 10 event days per year and up to 50 guests per event

   Are these appropriate?
8. What events, if any, do you think should be excluded from the definition of farm events?
9. Should changes be made to the planning system to facilitate destination weddings under a development application? If so, in which zones should destination weddings be permitted? Please provide reasons for your selection.
   a) RU1
   b) RU2
   c) RU4 zones
   d) Other zones (please specify)
10. Should the department prepare a model clause for destination weddings which councils can choose to adopt?
11. Is there any rural land or areas in which agritourism activities should not be permitted? If yes, why?

3.5 Additional proposed changes relating to agritourism

The following additional changes are proposed to apply existing standards to the agritourism activities and amend existing exempt development standards to better facilitate these activities.

3.5.1 Proposed amendments

Bush fire prone land: Apply existing complying development standards in the Codes SEPP for bush fire prone land to buildings used for farm activities or farm events as complying development.

Business identification signs: Amend clause 2.83 exempt development provisions of the Codes SEPP to allow business identification signs for farm stay accommodation, farm gate activities and farm events, limited to 4 per landholding and one sign every 2 kilometres.

Free standing signs: Amend the Codes SEPP to allow the construction of business identification signs as exempt development that are displayed on a free-standing structure, fixed to the fence adjacent the entry gate or the entry gate. Introduce the following development standards:

a) the development must not result in more than 3 business identification signs of this type per property
b) the development must be associated with a farm gate activity use, farm stay accommodation, or farm events use on the land
c) the development must not be more than 2 metres above ground level (existing)
d) each sign must not have an area greater than 2 square metres
e) the development must be constructed and installed in accordance with Australian Standards:
    i. AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles
    ii. AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions
f) only one sign may be illuminated and if illuminated must:
    i. not be animated, flashing or moving
    ii. comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting
g) if the hours of operation of the business identified on the sign have been approved, operate during those hours, or if the hours of operation of the business identified on the sign have not been approved, operate between 7.00 am and 10.00 pm on any day

h) a sign on rural zoned land advertising a roadside stall may only be located on the same landholding as the roadside stall.

Verandahs: Amend clause 2.12 of the Codes SEPP to allow decks, patios, pergolas, terraces and verandahs on the front of buildings in rural zones as exempt development if they are setback 50 metres from the road. This will allow farm gate businesses to provide an area for tastings.

3.6 Small-scale processing plants

Amendments to the Codes SEPP are proposed to allow small-scale processing plants associated with agricultural produce industries that process meat, honey and dairy as complying development. The provisions would use the definitions of livestock processing industries and agricultural produce industries contained in the Standard Instrument LEP.

3.6.1 Proposed development standards

Small-scale processing plants would be complying development with the following development standards:

- maximum throughput per annum of:
  - 3 million litres for dairy
  - 4,000 carcasses for pork
  - 1,000 lamb carcasses
  - 100 beef carcasses
  - 4,000 carcasses for poultry
  - 1,000 carcasses for other animals such as deer, kangaroo
- not be used for the processing of skins or wool of animals, or as knackeries, tanneries, woolscours or rendering plants
- must be setback a minimum of:
  - 100 metres from a natural waterbody or wetland
  - 500 metres from the nearest existing dwelling house other than the house located on the property
  - 5 kilometres from a residential zone

- no more than one per property.
- hours of operation 6am to 7pm Monday to Saturday, 8am to 5pm Sunday
- must be a minimum of 500 metres from another existing or proposed poultry or pig production facility.

Note: There are provisions in the EP&A Regulation (Schedule 3) that classify livestock processing industries and agricultural produce industries as designated development by certain locational criteria. Designated development cannot be complying development.

3.6.2 Small scale processing plants - consultation questions

12. Should any other agricultural produce industries be complying development? What standards should apply?
13. Is a maximum throughput of 1,000 carcases per annum for other animals such as deer or kangaroo appropriate?
14. Should any additional standards be included?
15. Should the locational criteria that classify livestock processing industries as designated development be reviewed for small-scale processing plants to determine whether these plants could be approved:
    a) as complying development?
    b) through the standard DA process?

3.7 Rebuilding of farm infrastructure

This year, farming communities were impacted by unprecedented bushfires. A range of amendments were made to planning controls in January and February 2020 to help people affected by the bushfires such as allowing certain activities without planning approval including temporary accommodation, temporary portable offices, temporary storage, and demolition and repair of damaged buildings.

To further assist in efficient recovery following future events, amendments to the Codes SEPP are proposed to allow farm buildings that have been damaged or destroyed by a natural disaster event to be rebuilt as exempt development, if built to a contemporary standard and in the same location. This will benefit farmers that are unable to use the existing exempt development provisions to rebuild farm buildings because of requirements such as minimum setbacks from boundaries.

3.7.1 Proposed development standards

Reconstruction of farm buildings is exempt development with the following development standards:

- The structure must have been destroyed or significantly damaged in a natural disaster.
- The structure must be of the same building class under the BCA.
- The structure must have been a lawful structure.
- The structure must be built to current BCA standards.
- The new structure is to be located on the same building footprint as the former structure.
- The height of the new structure must not be greater than the structure that was lost due to a natural disaster.
- The new structure must comply with standards identified under the following provisions except for provisions relating to height and footprint. If it is:
    - a farm building (other than stock holding yards, grain silos, and grain bunkers) it must comply with clause 2.32 of the Codes SEPP
    - a stock holding yard it must comply with clause 2.32B of the Codes SEPP

- a grain silo or grain bunker it must comply with clause 2.32D, 2.32E, 2.32F of the Codes SEPP.

3.7.2 Rebuilding of farm infrastructure - consultation questions

16. Will these provisions sufficiently enable the rebuilding of buildings lost to natural disasters in the same location of the same size and form?
17. Should any additional standards be included?

3.8 Stock containment areas

These proposed amendments relate to the construction of stock containment areas to temporarily contain livestock to assist during and immediately after natural disasters, and for routine animal husbandry purposes:

- amendments to implement locational requirements for all stock containment areas in response to impacts some containment areas have had on waterways and the oyster industry
- amendments to simplify clauses 18(2) and (3) of the Primary Production and Rural Development SEPP and update them to reflect current practice
- currently the provisions for stock containment areas and feedlots are spread across the Primary Production and Rural Development SEPP and Standard Instrument LEP. To reduce complexity, options to locate these controls in one place are being explored.

Allow minor permanent infrastructure to be developed without consent for stock containment areas (to contain livestock temporarily, not permanently).

3.8.1 Proposed development standards

Development for the purpose of a stock containment area, or other feeding or housing arrangements, for any or a combination of the following purposes:

- to manage stock during or immediately following a drought, flood, fire or similar emergency
- for temporary agistment or housing; or
- for weaning, dipping, tagging, backgrounding or similar husbandry purposes may be carried out without development consent if:

a) development for the purpose of agriculture may be carried out with or without development consent on the land
b) there is currently an agriculture land use lawfully occurring on the land
c) it is not located in an environmentally sensitive area
d) it is not located within 100 metres of a natural watercourse
e) it is not located within 500 metres of a residential zone or an adjoining dwelling that is not associated with the development.

3.8.2 Stock containment areas - consultation questions

18. What type of permanent infrastructure should be permitted for stock containment areas?
19. What type of permanent infrastructure should not be permitted for stock containment areas?

3.9 Farm dams

Farm dams are minor development that is essential for agricultural purposes to provide water for stock, fire protection and irrigation. In areas of NSW (near the Murray River) small farm dams are permitted without consent while in other areas they are considered 'water storage facilities' that often need consent.

There is some inconsistency in terminology used around farm dams in the Standard Instrument LEP, the PPRD SEPP, and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Stakeholders have suggested the various planning terms and approval pathways that apply across the state could be consolidated to simplify the planning system.

3.9.1 Proposed amendments

Clarify terminology used in the SI LEP, PPRD SEPP and EP&A Regulation 2000 and consider providing a consistent approval process.

3.9.2 Farm dams - consultation questions

20. How could we simplify planning provisions for farm dams?

3.10 Biosecurity for poultry farms and pig farms

Currently, the standards for biosecurity for poultry farms and pig farms in the Standard Instrument LEP (clause 5.18) and PPRD SEPP are not in line with industry standards such as the Best Practice Management for Meat Chicken Production in NSW produced by the NSW Poultry Meat Industry Committee in conjunction with the Department of Primary Industries and other government agencies.

Amendments are proposed to better address biosecurity for poultry farms and pig farms. Biosecurity risks for poultry are negligible up to 10,000 birds, so it is proposed to raise the provisions allowing poultry farms to be developed without consent from 1,000 to 10,000 birds, subject to locational restrictions.

3.10.1 Proposed amendments

Clause 5.18 of the Standard Instrument LEP will be amended so that development consent is not required for poultry farms with less than 10,000 birds but only if they are not within:

- 1,000 metres of other poultry farms, or
- 5,000 metres of poultry farms used for the breeding of poultry
- If it is a poultry farm used for the breeding of poultry – 5,000 metres of a poultry farm.

Development consent is not required for pig farms with fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows) but only if they are not within 3,000 metres of another pig farm.

Other locational restrictions in clause 5.18 will remain. The PPRD SEPP will be amended to align with these changes.

3.10.2 Biosecurity for poultry and pig farms - consultation questions

21. Do the proposed provisions adequately provide for biosecurity between poultry farms and pig farms?
22. Should any additional standards be included?

3.11 Rural dwelling setbacks from intensive livestock agriculture

Currently, the Codes SEPP requires a setback of 250m for rural dwellings from a boundary with adjoining land being used for any of the following:

(i) forestry

(ii) intensive livestock agriculture

(iii) intensive plant agriculture

(iv) mines and extractive industries

(v) railway lines

(vi) rural industries.

There are concerns that these setbacks may not be large enough to minimise impacts from intensive livestock agriculture on new dwellings.

3.11.1 Proposed amendments

In addition to the existing setbacks from boundaries of properties being used for intensive livestock agriculture, the department proposes that rural dwellings have a setback of:

- 1,000 metres from any existing or proposed pig farm, feedlot or poultry farm
- 500 metres from any existing or proposed other intensive livestock agriculture development

The greater separation distance will apply. If these setbacks cannot be complied with, a development application will be required.

These changes to setbacks seek to reduce potential land use conflict without significantly reducing the ability for rural landowners to develop new houses as complying development.

3.11.2 Rural dwelling setbacks from intensive agriculture - consultation questions

23. Should the setbacks for rural dwellings be increased from its current requirement to be 250 metres from the boundary (when carried out as complying development)?
24. From which point should the setbacks be measured?
    a) From the proposed or existing intensive agricultural use
    b) From the property boundary shared with land used for intensive agriculture
    c) A combination of the above

3.12 Recreational Beekeeping

Recreational beekeeping has grown in popularity in recent years, including in urban and metropolitan areas. It can be an interesting and rewarding hobby with minor impacts if managed appropriately.

While commercial beekeeping is defined as a form of extensive agriculture in the Standard Instrument LEP, recreational beekeeping is not defined. This has led to some confusion regarding whether development approval is needed for the activity.

In NSW, beekeepers who own honey bees for more than 3 months during a 12 month period, are required to hold a biosecurity registration under the *Biosecurity Act 2015*. The biosecurity registration requires information on the location, contact person and number of hives on a property and ensures that the Department of Primary Industries can effectively manage any disease outbreaks.

The proposed amendments will clarify that recreational beekeeping is exempt development and does not need planning approval if it complies with certain standards. These standards are in line with the NSW Beekeeping Code of Practice and are designed to avoid inappropriate development and minimise impacts related to such development.

3.12.1 Proposed amendments

Amendments are proposed to the Codes SEPP to permit recreational beekeeping as exempt development if certain development standards are met. Where the development standards cannot be met a development application would be required.

The development:

- Must not be used for a commercial purpose.
- Must not consist of more than:
  - 2 hives for lots up to 300m2,
  - 4 hives for lots 300m2 to 1000m2,
  - 8 hives for lots above 1000m2,
  - no limit for lots in a rural zone.
- Must not contain any hive within 1m of any lot boundary, or within 3m of any boundary adjoining a public reserve, childcare centre, health services facility, educational establishment or community facility.
- Must be located in a rural, residential, or environmental zone.

- If it is in a residential zone, be located in the rear yard.
- If it is located on bush fire prone land, not be within 5m of a dwelling.

Note: Beekeepers must also comply with the requirements of the *Biosecurity Act 2015,* the Australian Honey Bee Industry Biosecurity Code of Practice and the Beekeeping Code of Practice for NSW.

3.12.2 Recreational Beekeeping – Consultation Questions

25. Are the proposed development standards appropriate and are any additional standards needed?

Part 4 – Have your say

This EIE outlines proposed changes to the NSW Planning System to better support farming businesses and rural and regional areas. The department welcomes your feedback during public exhibition.

Your feedback will help us better understand the views of the community, which will then inform the preparation of the proposed changes to the planning framework.

The department will publish all individual submissions and an assessment report on all submissions received, shortly after the exhibition period has ended.

To view the EIE and supporting documents, and to make a submission online, please follow the steps below:

www.planningportal.nsw.gov.au/exhibition

1) Read our privacy statement and decide whether to include your personal information in your submission.
2) Fill in the online submission form. Your submission can either be typed or uploaded as a PDF and should include:
   a. the name of the proposal (Agritourism and small-scale agriculture development: Proposed amendments to support farm businesses and regional economies)
   b. a brief statement on whether you support or object to the proposal
   c. the reason why you support or object to the proposal.
3) Ensure you disclose reportable political donations. Anyone lodging submissions must declare reportable political donations (including donations of $1,000 or more) made in the previous two years.
4) Agree to our online statement and lodge your submission.

You may also lodge your submission via post by sending it to:

Executive Director
Local Government and Economic Policy
Department of Planning, Industry and Environment
Locked Bag 5022, Parramatta NSW 2124

In your submission, you are encouraged to respond to the consultation questions at the end of each proposal. Alternatively, you can respond to these questions via a survey on the department's website www.planning.nsw.gov.au.

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission.

Call for expressions of interest from local councils

During exhibition of the EIE, councils are asked to consider whether they wish to adopt the new optional clauses for farm stay accommodation and farm gate activities and identify the zones in which they wish to allow the new farm events and farm gate activities. Councils who wish to make these changes to their LEPS are invited to provide an expression of interest and nominate a suitable contact(s) to liaise with the department about implementation.

Following exhibition, the department will work with councils that have submitted an expression of interest to facilitate amendments to their LEPs through an amending State environmental planning policy, saving the time and resources required to progress individual planning proposals.

To find out more, please visit www.planning.nsw.gov.au.

4.1 Consultation Questions

4.1.1 Farm stay accommodation

1. Are the proposed setbacks to pig farms, other intensive livestock, forestry and mines for exempt and complying development appropriate?
2. Where a development application is required, should farm stay accommodation be permitted only on land that benefits from a dwelling entitlement?
3. For complying development, should there be a requirement that a new building or manufactured home for farm stay accommodation be within 300 metres (or some other distance) from the existing dwelling house to enable clustering together of sensitive land uses?
4. Should there be different development standards for farm stay accommodation based on land size or location (such as whether the land is inland or east of Great Dividing Range)? If yes, please provide your suggestions and reasons.

4.1.2 Farm gate activities

5. How far do you think a roadside stall should be setback from the road?
6. What additional standards should be included for the exempt and complying development pathways for farm gate activities, if any?

4.1.3 Farm events

7. The proposed maximum number of people and events per day for exempt and complying development are:
   a) 52 event days per year and up to 30 guests per event, or
   b) 10 event days per year and up to 50 guests per event

   Are these appropriate?
8. What events, if any, do you think should be excluded from the definition of farm events?
9. Should changes be made to the planning system to facilitate destination weddings under a development application? If so, in which zones should destination weddings be permitted? Please provide reasons for your selection.
   a) RU1
   b) RU2
   c) RU4 zones
   d) Other zones (please specify)
10. Should the department prepare a model clause for destination weddings which councils can choose to adopt?
11. Is there any rural land or areas in which agritourism activities should not be permitted?

4.1.4 Small scale processing plants

12. Should any other agricultural produce industries be complying development? What standards should apply?
13. Is a maximum throughput of 1,000 carcases per annum for other animals such as deer or kangaroo appropriate?
14. Should any additional standards be included?

15. Should the locational criteria that classify livestock processing industries as designated development be reviewed for small-scale processing plants to determine whether these plants could be approved:
    a) as complying development?
    b) through the standard DA process?

4.1.5 Rebuilding of farm infrastructure

16. Will these provisions sufficiently enable the rebuilding of buildings lost to natural disasters in the same location of the same size and form?
17. Should any additional standards be included?

4.1.6 Stock containment areas

18. What type of permanent infrastructure should be permitted for stock containment areas?
19. What type of permanent infrastructure should not be permitted for stock containment areas?

4.1.7 Farm dams

20. How could we simplify planning provisions for farm dams?

4.1.8 Biosecurity for poultry and pig farms

21. Do the proposed provisions adequately provide for biosecurity between poultry farms and pig farms?
22. Should any additional standards be included?

4.1.9 Rural dwelling setbacks from intensive agriculture

23. Should the setbacks for rural dwellings be increased from its current requirement to be 250 metres from the boundary (when done as complying development)?
24. From which point should the setbacks be measured?
    a) From the proposed or existing intensive agricultural use
    b) From the property boundary shared with land used for intensive agriculture
    c) A combination of the above

4.1.10 Recreational Beekeeping

25. Are the proposed development standards appropriate and are any additional standards needed?

KIAMA MUNICIPAL COUNCIL
your council, your community

Agritourism and small scale agriculture development: Proposed amendments to support farm businesses and regional economies

Council's Submission

RESPECT INNOVATION INTEGRITY TEAMWORK EXCELLENCE

Date approved/adopted	Click to enter date adopted/approved.
Resolution No	Click to enter Minute No or N/A if an approved document.
Date effective	Click to enter date effective.
Date last reviewed	Click to enter a date last reviewed
Next review date	Click to enter next review date
Department	Click to enter custodian's department
Author	Click to enter author's position
TRIM reference	Click to enter TRIM reference.
Supporting documents	Click to enter links

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Agritourism and small scale agriculture development: Proposed amendments to support farm businesses and regional economies

Council's Response

1.0 Background

Over a third of the Kiama Municipality is zoned for Primary Production or Rural Landscape. The net value of agriculture exports from Kiama is $26M per annum.

Kiama has a strong history in agriculture, however recent industry adjustments have changed the viability of traditional farming businesses. New farm based enterprises have the potential to grow the local economy however any reform in this sector needs to ensure the long term protection of agricultural land as a resource for food and fibre production.

The agriculture sector is susceptible to a relatively high level of risk rising from:

- economic factors such as global markets, trade, inflation and transportation disruptions,
- production factors such as access to resources, changes in energy and water prices, production costs, profits, production process failures and labour disruptions,
- environmental factors such as resource depletion, pollution and natural/man-made disasters,
- governance issues such as regulatory environment and sovereign risk, and
- to a lesser extent, societal challenges such as community attitudes towards development, pressure groups and public liability claims.

2.0 Kiama Local Strategic Planning Statement 2020

Last year, Council adopted its Local Strategic Planning Statement 2020 to set a 20-year plan, integrating land use, transport and infrastructure planning. The Kiama LSPS 2020 aligns with the Directions set out in the Illawarra-Shoalhaven Regional Plan and sets the land use framework for Kiama Municipality's economic, social and environmental land use needs over the next 20 years. It addresses the planning and development issues of strategic significance to the community through planning priorities and actions, spatial land use direction and guidance.

The LSPS is guided by five (5) themes:

Theme 1: Manage sustainable growth

Theme 2: Develop a diverse and resilient economy

Theme 3: Protect rural landscapes

Theme 4: Mitigate and adapt to climate change and protect our environment

Theme 5: Forster vibrant and accessible places

Theme 3 of the LSPS seeks to protect rural landscapes within the Municipality and contains two (2) Planning Priorities and seven (7) associated actions:

Planning Priority 8: Protect viable agriculture and agricultural lands

- Lobby State Government to finalise the Agricultural Lands Mapping project, as identified by the Illawarra-Shoalhaven Regional Plan, to ensure the earliest possible completion of this project, particularly for the Kiama Municipality.
- Following completion of the Agricultural Lands Mapping project, review rural zonings of the Kiama Local Environmental Plan (LEP) 2011 to ensure agricultural lands are appropriately zoned.
- Review land use tables of rural zonings in the Kiama LEP 2011 to ensure appropriate mix of uses permitted in rural zones, balancing environmental outcomes.
- Work with the Illawarra-Shoalhaven Joint Organisation and neighbouring Council to lobby State Government to make changes to Standard Industry LEP and other relevant environmental planning instruments to facilitate the protection of agricultural lands

- Continue to participate in the Sydney Per-Urban Network (SPUN) of Councils and/or other similar collaborations.
- Develop a contemporary Rural Landuse Strategy to foster and promote viable agriculture.

Planning Priority 9: Protect scenic rural landscapes.

- Investigate opportunities to introduce planning controls to protect scenic rural landscapes.

These planning priorities reflect the Municipality's aspirations for agriculture to be valued as a viable contributor to the Municipality's economy rather than just for its scenic qualities. This is a viable option due to our favourable climate and strategic connectivity to domestic and international markets.

We need to be very careful about the types and mix of agricultural and/or ancillary uses that are permitted in our rural zones. The introduction of uses that fundamentally shift the market value of important agricultural lands (such as rural residential and some tourism uses) should be avoided. As should introducing smaller rural lot sizes that have the potential to impact on production capacity, land values and business viability. Consideration of different land tenure arrangements may be appropriate to support new farming enterprises.

It is acknowledged that the agriculture sector is susceptible to a relatively high level of risk rising from:

- economic factors such as global markets, trade, inflation and transportation disruptions,
- production factors such as access to resources, changes in energy and water prices, production costs, profits, production process failures and labour disruptions,
- environmental factors such as resource depletion, pollution and natural/man-made disasters,
- governance issues such as regulatory environment and sovereign risk, and
- to a lesser extent, societal challenges such as community attitudes towards development, pressure groups and public liability claims.

3.0 Exhibited Explanation of Intended Effects

The general intent of the proposed changes, to support agritourism and small-scale agricultural development, aligns with Kiama Municipal Council's desire to see economic opportunities from farm diversification and value-adding of agricultural products.

It is important that farmers are supported in the development of local agri-business that supplies the local food economy, encourages agritourism and facilitates a closer connection between producers and consumers of food.

However, Council believes the State's new draft provisions have gone too far and will result in outcomes incompatible with the desired future of agriculture and the use of rural land in the Kiama Municipality.

Use of a one-size fits all planning solution to problems faced by agriculture in other parts of the state will not develop outcomes reflective of the unique features that make the Kiama Municipality such a desirable place to work and live.

What appears as support for farmers will only incentivise non-agricultural use of rural land. The planning system must find ways to accommodate the different pressures that coastal NSW communities face compared with western councils. It is therefore recommended that the Government clearly define what is meant by the term 'farm' and consider ensuring that any amendments apply to those properties only where certified primary production is occurring. For example, the landowner or tenant may be required to hold 'primary production' status from the ATO.

Larger properties in central and western NSW may comfortably accommodate these proposed changes without adverse impacts but they will be counterproductive in the more intensively developed coastal fringe.

Whilst additional land use definitions and development standards may benefit agriculture in other areas of the state, the reality for coastal areas is quite the opposite. Rural Tweed consists of over 6316 allotments in the RU1 Primary Production and RU2 Rural Landscape zones. Approximately 68% of rural lots are less than 10ha, and only 15% of RU2 allotments are above the minimum lot size of 40ha. This means there is potential for this kind of land use to dominate already fragmented and rural areas, increasing land use conflict, diminishing opportunities for primary production and creating negative environmental and scenic impacts.

The planning system intends to protect agricultural land and secure it as a resource for food production. Enabling farm stay accommodation, farm gate activities and farm events as mostly exempt or complying development, has the potential incentivise accommodation in a landscape where property sizes are significantly less than the Minimum Lot Size.

Likewise, events as the principal use of rural land could subjugate agriculture to an ancillary use. This is particularly the case in the Kiama Municipality where high land values, housing shortages and a strong demand for tourist accommodation will only encourage landholders to invest to these land use activities to the detriment of agriculture.

No clear direction has been provided as to how an assessment will be made that the existing principle use of the land is for production of agricultural/primary production goods for commercial purposes.

The current requirement for farm stay accommodation to only occur on a working farm helps prevent this land use being used to develop dwellings on rural land for non-agricultural purposes. Clear guidelines designed to protect the predominantly agricultural use of land will be essential if this amendment is continued with.

As property statistics show, 50% of rural properties are less than 3 hectares, and very few are Farmland rated, meaning that the majority of properties are utilised for lifestyle purposes, not to undertake legitimate agricultural activities. Guidelines must ensure that any additional accommodation must be related to the agricultural use of land, and limited to properties not less than 10 hectares.

The Department of Primary Industries (DPI) website states that these changes are not intended to enable hobby farmers or other recreational farmers to establish agritourism businesses; however, the proposed changes will actually provide these development opportunities for rural landholders irrespective of current land use.

Whilst the proposed changes could benefit some legitimate agricultural producers, the weakening of the standard definition for 'farm stay accommodation' and the minimal or non-existence requirements for agriculture to be associated with the other uses means that 'hobby farmers' and other rural landholders not actually farming will be able to carry out these developments with little scrutiny.

The proposed changes will also generate further land use conflicts in rural areas given the large number or rural lots in the Kiama Municipality and the proposed setback exemptions that would enable agritourism development to take place in close proximity to intensive agriculture. This is because existing dwellings are often already in close proximity to such developments as a result of the small property sizes in the LGA.

Allowing up to 52 farm event days a year; allowing a 500 square metre footprint for all buildings used for farm gate activities and farm events; accommodating up to 6 x 60m2 dwellings for agritourism as complying development and 14 day camping stays as exempt development is excessive and will drive up the price of rural land, diminish its productive capacity and create a substantial compliance burden for councils.

4.0 Farm Stay Accommodation

The lack of new definition is a concern. Councillors would recall that during the Tang Court Hearing the Commissioner ruled that a working farm was not required to be in place before the commencement of the farm stay accommodation. The wording of the EIE alludes to the

need for a working farm to be further reduced. The concern is that the 'agri' will be lost to accommodate the 'tourism'.

It is also concerning that, for all intended purposes, someone could create a caravan park on a rural property without the need for development consent from Council. The exempt requirements for *farm stay accommodation* to occur in tents, caravans etc. does not limit the number of tents, caravans etc. While the tenancy period is limited to 14 days, the EIE does not include any requirements to limit the cumulative numbers of days per year.

It would appear that the intent of these amendments are to allow temporary, small, ad hoc, campsites to occur, presumably in conjunction with *farm events* (i.e. weddings etc.). However, the proposed amendments do create a loophole for caravan parks to occur.

The EIE makes no reference to the need to obtain approval under the *Local Government Act 1993* to operate a caravan park or campsite. Section 68 of the *Local Government Act 1993* prescribes that 'approval' from Council is required to operate a caravan park or campsite. In many instances, when an activity is defined as exempt development for the purposes of the *Environmental Planning and Assessment Act 1979 (the Act)* specific reference is made to reinforce that approval under different legislation is required. A good example of this is the exemption for approval under the Act for footpath dinning. The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* outlines that while a DA is not required approval under the provisions of the *Roads Act 1993* is still required.

This potential loophole needs to be clarified.

The EIE asks the following questions in regards to the proposed farm stay accommodation amendments:

1. *Are the proposed setbacks to pig farms, other intensive livestock, forestry and mines for exempt and complying development appropriate?*

Council Response: No comments.

2. *Where a development application is required, should farm stay accommodation be permitted only on land that benefits from a dwelling entitlement?*

Council Response: Farm stay accommodation should only be permissible in conjunction with a rural dwelling.

3. *For complying development, should there be a requirement that a new building or manufactured home for farm stay accommodation be within 300 metres (or some other distance) from the existing dwelling house to enable clustering together of sensitive land uses?*

Council Response: The Kiama Development Control Plan (DCP) 2020 requires farm stay accommodation to be clustered within 100m of existing dwellings on site. Farm stay accommodation, approved as complying development, should not have a more relaxed clustering requirement, 300m is to0 generous.

4. *Should there be different development standards for farm stay accommodation based on land size or location (such as whether the land is inland or east of Great Dividing Range)? If yes, please provide your suggestions and reasons.*

Council Response: The current Standard Instrument definition limits farm stay accommodation to a building or place, with the total number of rooms to be limited by the operation of clause 5.4. If the definition is to be expanded to allow for numerous buildings or places to be used for farm stay accommodation that councils should have to ability to limit the number of buildings per hectare etc.

5.0 Farm Gate Activities

The proposed definition could allow for restaurants and cafes to be approved by Private Certifiers throughout our rural areas. As the majority of our rural properties are larger than 10 hectares these buildings could be 10 metres tall (potentially 3 storeys) and up to 200 square metres each.

This is fairly significant development within our rural areas which are renowned for their scenic qualities. It will also be extremely difficult to monitor/police the requirement for *farm gate activities* to 'predominantly' sell produce grown on the farm or in the 'surrounding area'.

It is suggested that the definition should be amended to ensure that restaurant/café can only occur if the processing etc. is also occurring. This approach was taken when the State introduced *artisan food and drink industries* into the Standard Instrument.

> ***artisan food and drink industry*** *means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—*
>
> *(a) a retail area for the sale of the products,*
>
> *(b) a restaurant or cafe,*
>
> *(c) facilities for holding tastings, tours or workshops.*

While a restaurant or café can also occur under this definition it has to be done so in conjunction with the manufacturing of food or drink.

Alternatively, the Complying Development option list above should not proceed. This will ensure that Council retains some level of control over the erection of large commercial/tourist structures in our rural landscapes.

The EIE outlines that when amending the Standard Instrument that both *farm gate activities* and *farm events* will automatically become permissible wherever *agriculture* is permissible.

It is noted that the Department are asking councils to consider whether to adopt the new optional clauses for farm stay accommodation and farm gate activities and identify the zones in which they wish to allow the new farm events and farm gate activities land uses.

Council considers the 'Opt In' methodology to be an efficient way of bringing any proposed amendments into local environmental plans.

When preparing the 2011 LEP Council elected to only make some of the sub-types of agriculture permissible and not the parent definition. This means that when the amendment occurs to the Standard Instrument that the new *agritourism* definition, and associated sub-definitions, will be prohibited within the Kiama Municipality. It is not expressly stated by the EIE how the new *agritourism* definition, and associated sub-definitions, will be introduced into the exempt and complying development pathways. It is assumed that amendments will be made to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (CODE SEPP)*. If this is the case *agritourism* will not be permitted as complying development within the Kiama Municipality, due to the provisions of clause 1.18 of the CODE SEPP. It is assumed that the specific Exempt Development Codes, under Part 2 of the CODE SEPP, will ensure that a development needs to be permissible under the provisions of the relevant EPI to be considered exempt development.

Kiama Municipal Council is likely to 'Opt In'. However, as the new uses will not be immediately permissible within the Municipality we are keen to ensure that any amendments reflect the current strategic land use policies already adopted by Council. This will likely occur following the preparation and adoption of the contemporary Rural Landuse Strategy, identified by the Kiama LSPS 2020.

The EIE asks the following questions in regards to the proposed farm gate activities amendments:

5. *How far do you think a roadside stall should be setback from the road?*

Council response: The question being asked should be: "how close to the road should roadside stalls be"? When does a roadside stall stop being on the roadside? The current definition for roadside makes no reference for the need for the stall to be on the roadside. Rather than imposing a minimum setback requirement, a maximum setback should be imposed.

6. *What additional standards should be included for the exempt and complying development pathways for farm gate activities, if any?*

Council response: As outlined above, Council considers it inappropriate to include new/altered etc. farm gate activity buildings in the complying development pathway.

6.0 Farm Events

While the hours of operation and number of events/guests are reasonable, for exempt and complying development, this new definition will again allow for large/tall buildings to be approved on rural properties by Private Certifiers.

The EIE asks the following questions in regards to the proposed farm events amendments:

7. *The proposed maximum number of people and events per day for exempt and complying development are:*
    a. *52 event days per year and up to 30 guests per event, or*
    b. *10 event days per year and up to 50 guests per event Are these appropriate?*

Council Response: These limits are considered appropriate but should be an upper limit. Any intensification on these limits would lead to increased amenity issues and should be addressed through the Development assessment pathway.

8. *What events, if any, do you think should be excluded from the definition of farm events?*

Council Response: The development standards contained in the EIE will ensure that farm events are of a minor and temporary nature. The size of these events will safeguard the amenity of the neighbouring properties and the agricultural viability of the land. No specific events need to be excluded.

9. *Should changes be made to the planning system to facilitate destination weddings under a development application? If so, in which zones should destination weddings be permitted? Please provide reasons for your selection.*
    a. *RU1*
    b. *RU2*
    c. *RU4 zones*
    d. *Other zones (please specify)*

Council Response: For the purposes of the planning system, define 'destination weddings'. Weddings are a type of event and therefore either fall under the proposed farm event definition or are an event listed under the current *function centre* definition

10. *Should the department prepare a model clause for destination weddings which councils can choose to adopt?*

Council Response: Council agrees with the proposal of establishing a model clause and offering individual Council's to 'opt in'. Individual LGAs that have significant rural land face common rural amenity issues. However, they can also face a considerable amount of variability in the community's opinions and sentiment in setting local land use planning

policy. A standardised framework across NSW may become too simplified and too easy to circumvent for compliance.

11. Is there any rural land or areas in which agritourism activities should not be permitted? If yes, why?

Council Response: As outlined above, Council will consider were to permit agritourism activities following the completion of its Rural Landuse Strategy and following a review of the implications of these new activities once full definitions etc. have been furnished.

7.0 Small-scale Processing Facilities

This proposal is generally supported. The proposed setbacks align with the thresholds for designated development.

Clarification is needed regarding the size of any structures that could be erected under this proposal.

The EIE asks the following questions in regards to the proposed small-scale processing facilities amendments:

12. Should any other agricultural produce industries be complying development? What standards should apply?

Council Response: No

13. Is a maximum throughput of 1,000 carcases per annum for other animals such as deer or kangaroo appropriate?

Council Response: Council has no position on this matter.

14. Should any additional standards be included?

Council Response: Council has no position on this matter.

15. Should the locational criteria that classify livestock processing industries as designated development be reviewed for small-scale processing plants to determine whether these plants could be approved:

a. as complying development?
b. through the standard DA process?

Council Response: Council has no position on this matter.

8.0 Rebuilding of farm infrastructure

The EIE asks the following questions in regards to the proposed rebuilding of farm infrastructure amendments:

16. Will these provisions sufficiently enable the rebuilding of buildings lost to natural disasters in the same location of the same size and form?

Council Response: Rebuilding rural infrastructure in the same location that is subject to flooding or that results in a treat to dwellings (i.e. rebuilding existing combustible class 10 structures within 10m of dwellings in bushfire prone areas) would not seem wise.

17. Should any additional standards be included?

Council Response: No

9.0 Stock Containment Areas

The EIE asks the following questions in regards to the proposed stock containment areas amendments:

18. *What type of permanent infrastructure should be permitted for stock containment areas?*

Council Response: No concerns raised.

19. *What type of permanent infrastructure should not be permitted for stock containment areas?*

Council Response: No concerns raised.

10.0 Farm Dams

The EIE asks the following questions in regards to the farm dam amendments:

20. *How could we simplify planning provisions for farm dams?*

Council Response: Under the Kiama LEP Farm Dams are a type of *water storage facility.*

> ***water storage facility*** *means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.*

Farm dams, or *water storage facilities,* are only permissible with consent with our RU1 Primary Production and RU2 Rural Landscape zones. Providing a sub-definition for farm dams, as opposed to larger dams, could be appropriate.

Some Councils have provided provisions in their LEPs to make farm dams exempt development if they have a maximum capacity of 1 mega litre and a maximum wall height of 1m (refer to Schedule 2 of *Cooma-Monaro Local Environmental Plan 2013)*.

11.0 Biosecurity

The EIE asks the following questions in regards to the proposed biosecurity amendments:

21. *Do the proposed provisions adequately provide for biosecurity between poultry farms and pig farms?*
22. *Should any additional standards be included?*

Council Response: No concerns raised.

12.0 Rural Dwelling Setbacks from intensive agriculture

The EIE asks the following questions in regards to the proposed rural dwelling setbacks from intensive agriculture amendments:

23. *Should the setbacks for rural dwellings be increased from its current requirement to be 250 metres from the boundary (when carried out as complying development)?*
24. *From which point should the setbacks be measured?*
    a. *From the proposed or existing intensive agricultural use*
    b. *From the property boundary shared with land used for intensive agriculture*
    c. *A combination of the above*

Council Response: No concerns raised.

13.0 Recreational Beekeeping

The EIE asks the following questions in regards to the proposed recreational beekeeping amendments:

25. *Are the proposed development standards appropriate and are any additional standards needed?*

Council Response: No concerns raised.

How to contact Council

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Monday to Friday (excluding public holidays)

KIAMA MUNICIPAL COUNCIL
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17 ADDENDUM TO REPORTS

18 NOTICE OF MOTION

18.1 Notice of Motion: Concept design for a community recreation park at South Werri Reserve

Councillor Sloan has submitted the following Notice of Motion for Council's consideration:

MOTION

That council:

1. Note that a submission has been received from the community requesting a significant upgrade to community recreation facilities at South Werri Reserve, including the following potential elements:
   a) A Pump Track to be constructed at South Werri Reserve as a permanent recreation asset. The contours of areas of the reserve would suit the construction of the track.
   b) A Children's Bike Track for beginners to be constructed at South Werri Reserve as a permanent recreation asset on the available flat ground.
   c) An expansion of the Skate Track with feedback from our young people for their input on the improvements.
   d) An enclosed Toddler's playground constructed to complement the existing children's playground.
   e) Construction of a bird life pond within the existing low level rain water catchment area and featuring a raised walking and wheel chair accessible nature track circuiting the bird life ponding area.
   f) Construction of landscaped recreation/picnic facilities for community to picnic, to enjoy and to observe the activities of this precinct and for protection from the harsh UV rays.
   g) Upgrading of the public toilets attached to the Surf Club.
2. Provide a report on the process of preparing a Concept Design and Business Case for a significant upgrade to community recreational facilities at South Werri Reserve including the elements above,
3. That the report suggest a detailed consultation process (including with project proponents and neighbours) and options to source funding for the design and construction phases with the assistance of the local State and Federal Members.

Signed Councillor Andrew Sloan

General Manager's response

The Notice of Motion as written would commit allocation of Council resources that are not immediately available. Preliminary investigation work or concept design and consultation work could be commenced in the new 2021/22 financial year and this could be catered for if resolved to be included in the Draft Operations plan and budget for next year.

Noting that this site is not on any current plans or identified priorities for parks and playgrounds, I remind Councillors of their February 2021 resolution (21/020OC) that Council includes within the priority actions of the new Delivery Program the development of a sporting and recreation facilities strategy for the Municipality.

Consideration of the proposed action at South Werri Reserve and the site's relative priority within the broader Municipality context would be considered as part of the planning and consultation process undertaken in developing the Sporting and Recreation Facilities Strategy.

19 QUESTIONS FOR FUTURE MEETINGS

20 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 20 April 2021

PROCEDURE

- Recommendation to go into Closed Committee.
- Mayoral call for Public Representations.
- Consideration of Representations and issues to be removed from Closed Committee.
- Recommendation to exclude Press and Public if required.
- Closed Committee discussions if required.

20.1 Exclusion Of Press And Public:

RECOMMENDATION

That in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public on the grounds detailed under the report headings as detailed below.

21.1 TENDER FOR BOMBO ECO WALK STAIR CONSTRUCTION

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

21.2 TENDER FOR KEITH IRVINE OVAL AMENITIES BUILDING CONSTRUCTION

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act.

21.3 TENDER FOR KIAMA DEPOT ROOF REPLACEMENT

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

21 CONFIDENTIAL REPORTS

21.1 Tender for Bombo Eco Walk Stair Construction

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

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.4 Manage other assets and infrastructure through the Other Asset and Infrastructure Asset Management Plan

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

21.2 Tender for Keith Irvine Oval Amenities building construction

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

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.3 Manage community buildings through the Community Building Asset Management Plan

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a competitor of the council.

21.3 Tender for Kiama Depot Roof Replacement

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

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.3 Manage community buildings through the Community Building Asset Management Plan

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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22 CLOSURE